

By Mr. TINCHER: A bill (H. R. 9375) granting a pension to William J. Bandhauer; to the Committee on Pensions.

By Mr. VAILE: A bill (H. R. 9376) for the relief of John L. Livingston; to the Committee on Naval Affairs.

By Mr. VOLSTEAD: A bill (H. R. 9377) granting a pension to Elizabeth House; to the Committee on Invalid Pensions.

By Mr. WATSON: A bill (H. R. 9378) granting a pension to Hannah White; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9379) granting a pension to Melvin B. Krause; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9380) granting a pension to Charles J. Bice; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3210. By Mr. BURDICK: Petition of thousands of citizens of the first congressional district of Rhode Island, urging recognition of republic of Ireland by United States; to the Committee on Foreign Affairs.

3211. By Mr. FENN: Petition of Commodore Jack Barry Council, American Association for the Recognition of the Irish Republic, of New Britain, Conn., asking that the representatives of this Republic at the Limitation of Arms Conference enter into no entanglement and stand for complete disarmament; to the Committee on Foreign Affairs.

3212. By Mr. FULMER: Petition of Association of Official Agricultural Chemists, urging Congress to continue adequate and beneficial legislation in behalf of the various chemical industries until they become firmly established; to the Committee on Ways and Means.

3213. By Mr. GALLIVAN: Petition from Joyce Kilmer Council, American Association for the Recognition of the Irish Republic, requesting favorable action on La Follette resolution for treaty between England and the Irish nation; also petition from John J. McDonald, commander department of Massachusetts Veterans of Foreign Wars, requesting favorable action on Senate joint resolution 131 and amendment thereto; to the Committee on Foreign Affairs.

3214. By Mr. KISSEL: Petition of Agnes Conlon, Bridget Conlon, Margaret Coughlin, Thomas Druan, Robert M. Larke, Annie Voltz, and Frank Voltz, of the third New York congressional district, for the recognition of the Irish republic; to the Committee on Foreign Affairs.

3215. By Mr. MAPES: Petition of Joseph H. Clark and 150 others, of Grand Rapids, Mich., for the recognition of the Irish republic; to the Committee on Foreign Affairs.

3216. By Mr. RAKER: Petition of the White House, of Dunsuir, Calif., protesting against the American valuation clause in the Fordney tariff bill; also petition of the Rice Association of California, affiliated with the San Francisco Chamber of Commerce, protesting against proposed extension of the emergency tariff act and Fordney tariff bill imposing a 60-cent increase in tariff on Cuban sugar; to the Committee on Ways and Means.

3217. Also, petition of the Commonwealth Club of California, of San Francisco, Calif., in regard to the Conference for the Limitation of Armament; to the Committee on Foreign Affairs.

3218. Also, petition of the California Teachers' Association (northern section), of Sacramento, Calif.; George A. Bunell, of Jackson; and Henry W. Lange, of Shingle, Calif., all indorsing and urging support of the Sterling-Towner bill providing for a department of education; to the Committee on Education.

3219. Also, petition of the Citizens' Medical Reference Bureau, of New York City, relative to legislation relating to public health; to the Committee on Interstate and Foreign Commerce.

3220. By Mr. RIDDICK: Petition of citizens of Miles City, Mont., urging defeat of so-called Penrose bill, and that the United States Government take immediate steps to collect from foreign Governments the moneys owing to it; to the Committee on Ways and Means.

3221. By Mr. SIEGEL: Petition of citizens of New York against House bill 4388; to the Committee on the District of Columbia.

3222. By Mr. STINESS: Memorial of some 14,000 citizens of the second congressional district of Rhode Island, urging the recognition of the Irish republic; to the Committee on Foreign Affairs.

3223. Also, memorial of Commodore John Barry Council, American Association for the Recognition of the Irish Republic, of Rhode Island, urging that a treaty of peace be signed between England and Ireland recognizing the Irish republic; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, December 7, 1921.

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

Our Father, truly this is one of Thy days and we would rejoice therein. We bless Thee for all the providences which enrich our daily lives. And this morning where shadows have gathered and where under the habiliments of mourning there are aching hearts, we bear before Thee the honored home stricken in the South and humbly ask Thee to comfort as one whom his mother comforts. Bless us each along the pathway and help us always to recognize the hand that leads. We ask in Jesus Christ's name. Amen.

The VICE PRESIDENT resumed the chair.

KEY PITTMAN, a Senator from the State of Nevada, and THOMAS STERLING, a Senator from the State of South Dakota, appeared in their seats to-day.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SUPPLEMENTAL ESTIMATES OF APPROPRIATION, 1922 (S. DOC. NO. 92).

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a letter from the Director of the Bureau of the Budget submitting supplemental estimates of appropriation required for the service of the fiscal year 1922 in the total sum of \$815,475—for the War Department, \$132,500; for the Interior Department, \$82,975; and for the Department of Agriculture, \$600,000—which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF THE SECRETARY OF THE TREASURY.

The VICE PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances, which was referred to the Committee on Finance.

EXPENSES, UNITED STATES COURT OF CUSTOMS APPEALS.

The VICE PRESIDENT laid before the Senate a communication from the Acting Attorney General, transmitting, pursuant to law, a statement of expenditures under appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1921, which was referred to the Committee on the Judiciary.

INCREASED COMPENSATION, DEPARTMENT OF JUSTICE.

The VICE PRESIDENT laid before the Senate a communication from the Acting Attorney General, transmitting, pursuant to law, a report showing the average number of employees of the Department of Justice, including the courts of the United States, receiving increased compensation at the rate of \$240 per annum; also the average number of grades receiving the same at each other rate, which was referred to the Committee on Appropriations.

PROCEEDS FROM SALES, ALASKAN ENGINEERING COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a report showing proceeds from the sale of surplus and obsolete material and equipment, and from collections from town-site assessments during the fiscal year ended June 30, 1921, in connection with the construction and operation of railroads in the Territory of Alaska, which was referred to the Committee on Territories and Insular Possessions.

REPORTS OF THE SECRETARY OF THE SENATE.

The VICE PRESIDENT laid before the Senate two communications from the Secretary of the Senate, transmitted, pursuant to law, which, with the accompanying papers, were ordered to lie on the table and, on motion of Mr. SMOOT, to be printed, as follows:

An account of all property, including stationery, belonging to the United States in the possession of the Secretary of the Senate on December 5, 1921 (S. Doc. No. 91); and

A statement of receipts and expenditures of the Senate for the fiscal year ended June 30, 1921 (S. Doc. No. 95).

LIBRARY OF CONGRESS REPORTS.

The VICE PRESIDENT laid before the Senate the annual reports of the Librarian of Congress and the Superintendent of the Library Building and Grounds for the fiscal year ended

June 30, 1921, which were referred to the Committee on the Library.

[Several messages in writing from the President of the United States were transmitted to the Senate by Mr. Latta, one of his secretaries.]

REPORT OF THE GOVERNOR OF THE PANAMA CANAL.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to be printed and, with the accompanying papers, referred to the Committee on Inter-oceanic Canals:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the annual report of the governor of the Panama Canal for the fiscal year ended June 30, 1921.

WARREN G. HARDING.

THE WHITE HOUSE, December 7, 1921.

REPORTS OF UNITED STATES BUREAU OF EFFICIENCY.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations:

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the reports of the United States Bureau of Efficiency for the years ended October 31, 1919, 1920, and 1921.

WARREN G. HARDING.

THE WHITE HOUSE, December 7, 1921.

REPORT OF THE GOVERNOR OF PORTO RICO (S. DOC. NO. 93).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Territories and Insular Possessions, and ordered to be printed:

To the Congress of the United States:

As required by section 12 of the act of Congress approved March 12, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith, for the information of Congress, the report of the Governor of Porto Rico for the fiscal year ended June 30, 1921.

This report will not be printed as a part of the annual report of the War Department as heretofore.

WARREN G. HARDING.

THE WHITE HOUSE, December 7, 1921.

[NOTE.—Report accompanied similar message to the House of Representatives.]

REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS (S. DOC. NO. 94).

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read and ordered to be printed, and, with the accompanying papers, referred to the Committee on Naval Affairs:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I transmit herewith the seventh annual report of the committee for the fiscal year ended June 30, 1921.

I think there can be no doubt that the development of aviation will become of great importance for the purposes of commerce, as well as for national defense. While the material progress in aircraft has been remarkable, the use has not as yet been extensively developed in America. This has been due, in the main, to lack of wise and necessary legislation. Aviation is destined to make great strides, and I believe that America, its birthplace, can and should be foremost in its development.

I therefore urge upon the Congress the advisability of giving heed to the recommendations of the committee, the first and most important of which is that a bureau be established in the Department of Commerce for the regulation and development of air navigation.

WARREN G. HARDING.

THE WHITE HOUSE, December 7, 1921.

PETITIONS AND MEMORIALS.

Mr. SPENCER presented 75 petitions of 2,104 citizens of the State of Missouri, praying for the recognition of the Irish republic by the Government of the United States, which were referred to the Committee on Foreign Relations.

He also presented two memorials of sundry citizens of Clinton, Owensville, Rosebud, Canaan, and Bland, all in the State of Missouri, remonstrating against the enactment of Senate bill

1948, providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. KING presented a resolution adopted by the Utah State convention of the American Association for the Recognition of the Irish Republic, protesting against the refunding of the allied debt, which was referred to the Committee on Finance.

He also presented a resolution adopted by the Utah State convention of the American Association for the Recognition of the Irish Republic, of Salt Lake City, Utah, favoring passage of the so-called Norris and La Follette resolutions relative to the Irish republic, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Utah State convention of the American Association for the Recognition of the Irish Republic, protesting against Ireland being developed by Great Britain as a naval and aerial base of operations, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the Utah State convention of the American Association for the Recognition of the Irish Republic, favoring establishment of an independent Irish republic and recognition by the Government of the United States of the de facto and de jure government of the Irish republic, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted at a meeting of citizens of Park City, Utah, favoring the recognition of the Irish republic by the Government of the United States, which was referred to the Committee on Foreign Relations.

Mr. MCKINLEY presented four memorials of sundry citizens of Springfield, Petersburg, Riverton, Pontiac, Virden, Bethany, and Hillsboro, all in the State of Illinois, remonstrating against the enactment of Senate bill 2135, to enable the refunding of obligations of foreign Governments owing to the United States, etc., which were referred to the Committee on Finance.

Mr. ROBINSON presented a resolution adopted by the Saxton-Willis Post, No. 64, the American Legion, of Heber Springs, Ark., protesting against suspension of train operation over the Missouri & North Arkansas Railroad, etc., which was referred to the Committee on Interstate Commerce.

Mr. BURSUM presented a letter in the nature of a memorial from Jesse C. Gilvin, commander Rhineland Post, No. 700, Veterans of Foreign Wars, of Coblenz, Germany, remonstrating against alleged discrimination in the employment in connection with the American forces abroad of foreign female civilian clerks and other foreigners rather than ex-service men of the United States forces, which was referred to the Committee on Military Affairs.

JARVIS M. RICHARDS.

Mr. ROBINSON, from the Committee on Military Affairs, to which was referred the bill (S. 2385) to correct the military record of Jarvis M. Richards, submitted an adverse report thereon, which was agreed to and the bill was indefinitely postponed.

BILLS AND JOINT RESOLUTION INTRODUCED.

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

By Mr. NICHOLSON:

A bill (S. 2792) for the relief of John L. Livingston; to the Committee on Naval Affairs.

By Mr. CURTIS:

A bill (S. 2793) to investigate the claims of and to enroll certain persons, if entitled, with the Omaha Tribe of Indians (with accompanying papers); to the Committee on Indian Affairs.

A bill (S. 2794) for the relief of Rosa E. Plummer (with accompanying papers); to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 2795) granting a pension to Anna Sholts (with accompanying papers); and

A bill (S. 2796) granting an increase of pension to Olof Olson (with accompanying papers); to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 2797) granting an increase of pension to Edward Z. Marlette; to the Committee on Pensions.

A bill (S. 2798) for the relief of The Old National Bank of Martinsburg, Martinsburg, W. Va.; to the Committee on Claims.

By Mr. FRELINGHUYSEN:

A bill (S. 2799) to supplement and amend the act entitled "An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New

Jersey, and to establish such bridge a military and post road," approved July 11, 1890; to the Committee on Commerce.

By Mr. BURSUM:

A bill (S. 2800) granting a pension to Mary C. Agnew; to the Committee on Pensions.

By Mr. NICHOLSON (by request):

A joint resolution (S. J. Res. 139) requiring scientific study of values and relative values by the Bureau of Standards; to the Committee on Finance.

AMENDMENT TO THE TARIFF BILL.

Mr. McNARY submitted an amendment intended to be proposed by him to House bill 7456, the permanent tariff bill, which was referred to the Committee on Finance and ordered to be printed.

ADDITIONAL CLERK OF COMMITTEE ON MILITARY AFFAIRS.

Mr. WADSWORTH submitted the following resolution (S. Res. 184), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Military Affairs be, and it is hereby, authorized to employ an additional clerk at the rate of \$1,000 per annum, to be paid out of the miscellaneous items of the contingent fund of the Senate, during the second session of the Sixty-seventh Congress.

LAW ENFORCEMENT.

Mr. STERLING. Mr. President, I have here a copy of the address on law enforcement delivered by Hon. Guy D. Goff, Assistant to the Attorney General, before the National Law Enforcement Convention, in this city last evening. I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The address is as follows:

(By Hon. Guy D. Goff, assistant to the Attorney General. Delivered before the National Law Enforcement Convention, held in Washington, D. C., Dec. 6, 1921.)

Moments of supreme satisfaction come to every man. Such were mine when your chairman invited me to address this great gathering upon the question of law enforcement. He who discharges this duty enjoys a privilege and incurs a responsibility. It should be the wish of the speaker so to express himself that some of his words will remain in your memory long after this occasion is over. I shall speak to you, rather than before you, to you directly, to the end that we may reason together.

We are guided and governed by the eternal laws of justice to which we are subject. We may bite our chains as we will, but we shall be made to know ourselves and be taught that man is born to be governed by law, and he that will substitute will in the place of it is an enemy of God. No man in this country is so high that he is above the law, even though he may regard the rule or regulation as a personal affront. No officer of the law may set that law at defiance. All the officers of this Government, from the highest to the lowest, are but the creatures of the law and are bound to obey it. Government is a trust, and the officers of the Government are trustees, and both the trust and the trustees are created by the people for the benefit of all the people.

There is no greater evil to-day than the nonenforcement by public officials of laws which they have sworn to uphold. It is not for an executive, State or Federal, to say whether a law is good or bad. He should enforce it, or confess failure and resign. Therefore, behind every public office stands a power which creates it, and to which it is responsible. That power under our form of government is the sovereign will of the people. No government can be maintained without a principle of fear as well as of duty. Good men will obey the latter, bad men will obey only the former. The underlying evil in the administration of our public affairs is simply dishonesty. Our public offices are too often held by dishonest men, and too often used for dishonest ends. The error is rooted in a mistaken and immoral theory as to the nature of the position they hold. In law and morals a public office is but an agency of the people. They fix its duties and supply its salary. Few deny this truth, but practically it is contradicted every day in all parts of the Union. To have good government we must have good citizens, and always, continuously, a warfare without truce or quarter against those who violate the law. It is strange but true that bad men are combined and good citizens are divided, and that therein lies the cause of lawbreaking. If the good would join hands, the lawless could do nothing, because they constitute but a small proportion of the entire population. Burke's well-known words can not be too often quoted: "There never was long a corrupt government of a virtuous people." When we find any self-governing people afflicted with misgovernment, we can safely believe that they do not deserve a better fate.

Obedience to law is not confined to any form of government, to any race, or to any government at all. Disregard for one law breeds contempt for all laws. This leads to corruption, and ultimately to destruction of all order. Respect for the law belongs to men of character, who are not only the conscience of government, but in every well-governed State its best motive power. It is the moral qualities in man and State that rule the world. The strength, the industry, and the civilization of a people all depend on individual character, and the very foundations of civil security rest upon it. Laws and institutions are but its outgrowth.

The first century of the English occupation of this continent, being the second century after the discovery of the New World, was the period in which the citizenship of our Republic was created. Whether he came to New England or Virginia, the Briton brought all the rights of personal manhood that had been written with strong hands and stout hearts into the very text of the Magna Charta. But while he brought the rights of the commoner, he did not bring the burdens of an inherited and traditional aristocracy. From the very beginning, all that was freest and best in English custom and English law had here a full course and a fair field; and thus was laid the first, the deepest, and

the surest foundations of a free State and a full free citizenship of the free man. Two theories of government largely responsible for the spiritual and the intellectual outlook of our people were, however, then interwoven in the growing Colonies. These were the forces of State and Federal authority—the centrifugal and the centripetal forces of government. Men had been trained in those days to love the colony, and by inheritance to love the State. The sense of local freedom and the jealousies of central authority alike combined to make the citizens of the State distrustful of a new and unlimited National Government. On the other hand, men saw and felt that in union alone was strength, and that no Government could endure without the power to enforce its own decrees and compel obedience to its rightful commands. Between these theories there had to be compromise, or there could be no agreement. The Federal Constitution was such a compromise, and out of it grew the largest and the best scheme of popular free government that the world has yet seen tried. And so our fathers began with complete recognition of the absolute and inalienable rights of man as man. On this solid foundation they built their fabric of government. In time there came the spiritual conception of State and Nation. Those who loved the Union most insisted that to the Nation their highest allegiance belonged, and that when the State and Nation came in conflict, the Nation was supreme. The fact of Negro slavery intensified this difference. The debates went on in Congress, in court, in pulpit, and at last ended upon the field of battle. When the struggle of arms was ended, the debate was ended. Brave and honorable men had submitted this question of human government to the last tribunal known on earth, and when that tribunal had rendered its decree, that this Union of States, born of the people of the United States, is, and shall be forever, a Nation of laws with all that nationality implies, that decision was, and shall forever be, binding upon us all.

Thus has come, unmatched and unequalled, with all its name implies, the United States of America, and the question arises, must arise in every mind: To what shall it eventually grow to be? Rest is impossible. In all this vast creation, in plant, in earth, in stone there is no rest, and so there is and can be no rest in man, in social system or in State. We grow to better or we lapse to worse. The manhood of this people just in so far as it obeys the law will grow more manly, and in so far as it rejects the law will sink backward through sickening changes of weakness, vice, and degradation to anarchy, to an unmanly loss of liberty, and to an unmanly submission to slavery, first of the mob and then of the despot. Absolute liberty to do as one wishes would mean barbarism, for there would be no limit to the conduct of an individual except his whims. The liberty of one would be the unrestricted liberty of every other, and anarchy and absence of law would result as the wants and desires of men came into conflict.

And so I emphasize this fact, that we must learn to see in this great Republic of ours the powers of personality, morality, and spirituality struggling for utterance against the greed for gold, power, and falsehood—dangers as real as they are insidious. The clash of policies and the clash of moral forces are but the outer evidence of the deeper and more fateful clash of intellects. The lights that flash upon our vision, and the shadows that fall across our way, are only the faint, far-off reflections of the joys and the tragedies that move the lives of our friends and our neighbors.

And all through this vital, throbbing people the pulse of one great purpose beats and swells—a purpose that reveals its meaning more and more to those who reflect and will understand that personality and character and respect for the law are alone eternal, and that the real issues of the struggle are not intellectual or material but spiritual and moral, and that character is the constant factor in our governmental stability. The social conscience about which we hear so much is not a mere generalization nor a vague ghost stalking through our civilization and haunting our dreams, but it is a great national ledger in which all our mistakes, hopes, and aspirations are registered and which time reveals to us all.

This is a new era—"The old order changeth, yielding place to the new, and God fulfills Himself in many ways." In view of the present discontent and violation of the law, I was asked recently if this were not the hour when we should listen to sermons and be thankful. I replied, no—that it was the hour when we should take stock and find ourselves. We are reaping the harvest of the great disorder that always accompanies and succeeds war. Our situation does not differ in the least from that existing elsewhere. We are not the only people with problems of incompetence, graft, and criminal aggression. We have been tried and searched by grim tests, and we are now struggling back to everyday conditions. The world is distrustful and too many of our law-abiding people hesitate and delay to do the very things necessary to a speedy recovery. Individual men and women have knowingly sought substitutes for their old maxims, and have weakly proclaimed new discoveries in the make-up of society. The present-day idealist judges without psychology and purposely excludes himself. He shuts men off in water-tight compartments only to create a false sense of superiority. He labels one good, the other bad. Christ tried to teach men not to do that. It is such attitudes that make our habitual efforts at reform so dangerous. Men are not good or bad. They are good and bad. Self-righteousness is a real American peril, but no one possesses a monopoly of those virtues which go to make up real manhood and womanhood, and everyone knows that some men and women are crafty, dishonest, and responsive to immorality and criminal influences. We all know that life has been trying to teach humanity this fundamental lesson from the days of the first man and the first woman.

War lifted the nations engaged into a great force of unlimited energy. It lit the imagination, and the result was collective enthusiasm, much of which was at the expense of character and those principles which we have been taught to hold dear. Economic and ethical values became unsettled and too many of us were responsive to the unrest so prevalent on every side. The searching of our souls disclosed much that was good and much that was bad; but peril abides in this practice if it be too generally followed. Too many of us have a vivid taste for such tasks. The man who searches other people's souls will have no time to search his own. We must not preach disdain, because it exalts the menace of discontent. We must not take our mistakes too seriously, because that discourages repentance and destroys our sense of humor. Life has its absurd side, and those of us who are not snobs know that there is something in all of us at which we must laugh, and at which we do laugh, and at which the world always laughs. The situation admitted of corruption and invited and encouraged the ruthless pursuit of personal advantage. The manifold emergencies of the war and its complete preoccupation offered a perfect opportunity for the return of that unlovely trait in human nature that ever seeks gain out of the misfortunes and the afflictions which are the common lot. In every

vocation and avocation, trade, and craft certain men felt the instinct and were vile enough to take advantage of their friends and crush their competitors. As was to be expected, the large majority refused to yield, but many, too many, surrendered. The profiteer stalked abroad in the land and inflation became the order of the day. The mass opinion and morality became infected with the selfish psychology of the few. Mankind went afloat, and whenever law stood in the way it was annihilated. The favorite excuse was that the restriction of production justified a higher profit and that the increased cost of living justified excessive wages. Those who did not profiteer were ground between the millstones, but the majority did not. Of such, thank God, is the Republic of America. However, it must be admitted that the great majority of people do not regard the welfare of the whole as the chief object of their social obligations, but rather the immediate attainment of their own selfish ends. During the war "emergency" was the great word to which the honest rose and which they made the "slogan" of a splendid Americanism. "Emergency" was the word with which the crooked palliated their dishonesty of getting away with "easy money," while those who played straight were engaged in winning the battles that saved civilization.

There will be no better days, no way out, no escape from these forces more miserably destructive than the forces of war, unless we determine to wash out the small things of life and put in their places a superb sincerity and fearlessness of censure. There is no panacea, just the imperative duty to face the situation in the light of the actual facts. There must be a candid and fearless judgment, unpleasant though it may be. There must be no hesitation in pronouncing that a large part of our people have not been honest. We must take stock in our minds as individuals, and in every nook and cranny of our social, political, and governmental existence. We must legislate and prosecute and drastically punish, but principally we must educate and practice what we preach. No one can deny that things are wrong and that men in their pursuit of false gods have forgotten honor and justice. It is education that is needed. We can not save humanity by hanging murderers and sending thieves to prison. We can save it only by teaching mankind not to murder and that theft is, of all roads to wealth, the most precarious. To-day all mankind is suspicious, doing nothing, playing safe.

America must not and will not yield to this condition. Instead she must be the positive nation. She will. And she will, I am sure, be positively good. A negative nation seeking constantly for evil, even though it seeks that it may punish, if it is not ready to supplant with the positive good, can not and will not triumph in the end. We must inculcate into our people the homely virtues on which civilization rests. We must teach and learn that a virtuous people possessed of aggressive honesty and patient endeavor needs few laws, and that law forced from without can never take the place of character. M. Gulzot was once asked to define civilization. He replied: "It is the progress of society and the progress of the individual." But society can not progress without respect for authority and order which is its cornerstone, and the individual can not make progress without that protection and security which respect for the law insures. Strong as this Government is, it is not strong enough to last unless the American citizen is taught, if needs be made, to respect authority and revere the law; that is, civilization rests upon the law, and law upon civilization; and when this fact is appreciated and observed then no man will be above the law and the law will reign over all.

In the great field of the enforcement of the law our difficulties are incredible. The criminal classes are not only insolently bold, but our hitherto law-abiding citizens find it convenient to forget the law. This is true particularly of the prohibition law and its enforcement. But it is the will of the majority operating through Congress. The difficulties encountered in the enforcement of this law are due possibly to the fact that it was passed before public opinion in many localities was ready to support it. All history shows that any new law which interferes with the so-called personal liberty of the community must pass through the stages of open violation, secret violation, passive enforcement, and then universal observance throughout the land. Prohibition is not the only law which is difficult to enforce, for, as everyone knows, we are to-day in a period of disrespect for law and order. This is to be expected as the reaction from the great sacrifices during the World War. History records that for every such action there is a reaction; that every great sacrifice is followed by great selfishness; that extreme altruistic optimism is followed by pessimism; that prosperity is the mere forerunner of depression; and that immorality and crime are in the ebb of every great moral wave. It may perhaps serve a good purpose to trace these cycles and see what bearing they have upon the conditions which confront us. In the height of prosperity during the early part of the war we were extremely optimistic. Prices were inflated and profits were gigantic. We could not stand prosperity, and the temptation to make great profits made us extravagant, indolent, wasteful, and indifferent to law and order. Not only did the Government join in the mad rush to waste its funds but all classes forgot to save and disregarded the teachings of economy. We should have known, in fact we did know, that we could not and can not be selfish, dishonest, and wasteful without suffering the penalty. We should have known, and we did know, that a nation can not disrupt its commerce and take men out of productive employments without disturbing its general welfare. Then came a period of inefficiency, dishonesty, crafty business, and social immorality. But the revelations and investigations of to-day must be accepted with care. We must not be forgetting war conditions lose our perspective. The Government's losses were due to the cancellation of contracts running into the millions. The fruits of these obligations would have been essential to the public welfare if the war had continued, and most of them were prompted by the highest motives of honesty and patriotism. They must be settled and the losses adjusted. There must be compensation for materials purchased and not used, and adequate payment provided for services arranged for and not used.

None of this is the fault of a single American. It is the fault of those who plunged the world into war. And yet the inevitable result was the open violation of the laws of society and of the moral teachings of church and home. Large and violent robberies were attempted, the mails were obstructed, and disrespect for law and authority assumed terrifying proportions. Some officials—I regret to state it—shut their eyes to the fact that a law without execution is like a promise unperformed. Such conditions produce and did produce an almost endless chain of destructive and degrading practices. Gentlemen considered it honorable to carry flasks of liquor and boasted openly of violating the law; and ladies, seemingly disregarding of the fact that one violation leads to another, willfully converted their handbags into receptacles where the cocktail lurked and the highball reposed, in open and flagrant, if not fragrant, violation of the law. Another prevalent cause of disrespect for the law is predicated on a more or less widespread feeling

that influence or able representation can thwart the purposes of the law and save those who by willfully violating it have assassinated the will of the people. All of these acts, each in themselves an infraction—and they are not confined to any one class of society—weakens the whole structure of this Government and sows the seeds that furnish a harvest of crimes in the courts of the land, as a study of their records discloses. If we are to take stock, there must be no false idealism or hesitation in pronouncing that many of our people have not been honest. It may be a truism, but it is nevertheless true, that the call was never greater than now for the highest type of fearless moral manhood and womanhood to assert its force and reincarnate its power, and the remedy is simple, plain, and imperative if we hope to survive as a great people.

One word—honesty—tells what is needed. It tells us, too, that it is quite as important that we know and reaffirm that it is a word with no double meaning. There is no comparative degree. There is no alternative, save its opposite. Men and women are honest or they are not, and so with a people. The call of the law is for sane citizenship, a condition of mind that inquires first and believes afterwards, for not only a more active participation of every citizen in public affairs, but for a more tolerant view and attitude toward those with whom we differ.

A gifted jurist, and a great American, has said: "The perpetuity of this Government depends upon the manner in which our laws are carried out. Nearly every State has laws to which no attention is paid, and they reap the fruits by having all laws broken. I am not an alarmist when I say if these conditions be tolerated the Republic itself will sooner or later fall by the props of the law on which it rests being weakened and destroyed. Americans are accustomed to regard a republican form of government as a natural condition. That such a government is mortal and can die is a thought so entirely foreign to our conditions that it is folly in the minds of some to discuss it. A glance at history does not lend encouragement to this cheerful view. Our Republic, though the best, is not the first nor the oldest. We have lasted now 138 years. Venice had a republican form of government for 1,100 years; Carthage, 700 years; Athens, with various intermissions, 900 years; Florence, 300 years; and Rome, 500 years. These Governments have long since passed from the stage of the world, and some of them are little remembered.

If our Government were to last three centuries longer and then die, it would go down in history as one of the most splendid and shortest-lived among the wrecks with which the shores of time are strewn. What caused the downfall of these governments by the people? The people made laws until the laws became so many the people began to disregard their own laws. The laws of Rome were good. Indeed, the Justinian Code is said to be the most perfect system of laws ever devised by man. Yet Rome rotted and fell, even while the code was in operation. The laws were all right, but the hearts of the people were not right and the laws were not obeyed. When the laws ceased to reign, the Government resting upon the foundation of laws commenced to topple over. The reign of laws means the rule of the people, for a majority of the people make the laws. They register their will crystallized in the form of statutes. We need a revival of the rule of the people."

In this connection I also wish to cull and quote certain thoughts of my friend and chief, the Attorney General of the United States, in that most wonderful of orations delivered at the meeting of the American Bar Association at Cincinnati, August 31, 1921. He said:

"The history of civilization has been a continuous struggle for law and order."

"Respect for law is the one essential fact of our civilization. Without it life, liberty, and property are insecure. Without it civilization falls back to the chaos and anarchy of primitive times."

"Our safety and happiness lies in obedience to law by every man, woman, and child within the domain of our Republic, and no one can undermine respect for law without being, to that extent, an enemy to law and orderly government."

"From the standpoint of the Government, the only sound view is that of law enforcement. Whatever differences of opinion exist in the views as to the wisdom of some of these laws can be of no concern to the agencies for law enforcement. The executive department can not make the laws. It is especially true that it can not nullify laws. To refuse or to neglect to enforce a valid enactment of the legislative department of government, or to enforce it mechanically or halfheartedly, or to wink at its violation, is without justification on any sound theory of government."

"The Government will endure on the rock of law enforcement or it will perish in the quicksands of lawlessness."

"As a citizen can not choose what laws he will obey, so likewise those charged with law enforcement can not choose what laws they will enforce. The only sound position for those who favor respect for law to take is that those charged with law enforcement must enforce all the laws, and all good citizens must obey all the laws. Neither can exercise any right of choice in this matter without placing themselves above the law."

"Those who do not believe in our Government and the enforcement of our laws should go to a country which gives them their peculiar liberty."

"My duty is clear. As long as I am the responsible head of the Department of Justice the law will be enforced with all the power possessed by the Government which I am at liberty to call to my command."

To all of this I add not only my indorsement but I pledge this: These principles shall be my principles; and as long as I am connected with the Department of Justice they shall be the Genesis of its present policy and the gospel of its New Testament.

Deplorable, but true, in our cities, in our States, yes, in the Federal Government we have officials, men sworn to uphold the honor of their country and preserve its Constitution who have, who are, and who will continue to subvert their Nation's cause to their own personal prosperity. Others there are who, because of political honor or personal friendship, or perhaps stronger influences, will allow illegal practices to be perpetrated and the law to be set at naught. The law is not made for a certain few; it is not enacted to be enforced against some and vacated against others. It is a beacon for all—for the poor, for the rich, for the Jew and the gentile, for the white and for the black, and for the high and the low. It chooses none and rejects none. It stands, proclaiming to the world, "Thou shalt not break," and when that commandment is broken the Nation should bend its efforts to see that atonement is made, no matter who may be the offender, no matter how high his rank or how low his station. The quickest and surest way of setting any law at naught is to relax its enforcement, while the quickest and surest way of instilling respect for the law in the hearts of a people is to vigorously press its enforcement.

We can say with pride, and I repeat it with hope, that the peak of lawlessness has been reached and passed and our national institutions left intact. And why? Because we had and have men in our State and Federal Governments who were not afraid to dig into the slime of this nasty, dirty graft and bring these treacherous vipers of corruption to the bar of justice, where, with a return of fear, they may be taught that there is "a God in Israel." Our Government and our constitutions embody the wisdom of the ages, and they are not to be overthrown by the whims or the depravity of those who speculate in public justice and view it as an article of personal favor. The parasites that fatten on crime and live on human sin shall not be permitted to traffic in our liberties and vulturelike sink their gorging beaks into our constitutions and our laws. I do not believe that men are inherently bad; it is only when the temptations are strong and men have not strength enough to resist that they violate the moral and statute laws. But the man who can not obey the law, the man who can not fearlessly enforce the law, and with the courage of his convictions bring before our judicial tribunals every dastardly and contemptible crook, no matter how high his rank, has no place in our system. Such a man fosters disrespect for the law by feeble enforcement, and, lacking in courage, he fails in the prime requirements of his obligations and undertakings. Many such an official also takes refuge in a too great discretion, and in the interpretation of statutes clothes himself with the unwarranted prerogatives of legislative and executive powers.

As bearing upon this question and reflecting as it does the sentiment of the bench and bar of the Nation, I invite your attention to the report recently presented and unanimously adopted by the judicial section of the American Bar Association:

"The judicial section of the American Bar Association, venturing to speak for all the judges, wishes to express this warning to the American people: Reverence for law and enforcement of law depends mainly upon the ideals and customs of those who occupy the vantage ground of life in business and society. The people of the United States, by solemn constitutional and statutory enactment, have undertaken to suppress the age-long evil of the liquor traffic.

"When, for the gratification of their appetites or the promotion of their interests, lawyers, bankers, great merchants and manufacturers, and social leaders, both men and women, disobey and scoff at this law or any other law, they are aiding the cause of anarchy and promoting mob violence, robbery, and homicide; they are sowing dragon's teeth, and they need not be surprised when they find that no judicial or police authority can save our country or humanity from reaping the harvest."

Here you have the views of those best qualified to express such an opinion. Law and government are, and always have been, but one expression of the life of the people. Law is regulative rather than generative. It is simply part and parcel of a people's life. It is a part of their life like their social habits and their language, and as such it must grow with their growth and wither with their decay. Every great reform which has been effected by law has consisted not in doing something new but in undoing something old. The most valuable additions made to legislation have been enactments destructive of previous legislation; and the best laws which have been passed have been those by which former laws were repealed. Law as it reflects the social expression is more or less idealistic. It embodies the new chapter in the story of man's struggle upward. The United States always has offered the richest free gift ever spread out before civilized man. It has ever been from its colonial period an exit into a freer life and a greater well-being than was ever before within the grasp of mankind. It demands the best and it always gives in return the chance for indefinite ascent in the scale of personal advancement. Never again can such an opportunity come to the sons of men where to each are offered the gifts after his own will. It gave to the pioneer a restless energy, a quick capacity for judgment and action, a belief in liberty, freedom of opportunity, and a resistance to the domination of class. America has always meant to the immigrants from the Old World the opportunity to destroy the bonds of social caste and to hew out for themselves in a new country a destiny and a career proportioned to the powers that God gave them. In a word, it has and it does to-day offer to everyone a chance to win a larger life than any other land in the world. This conception has vitalized American democracy and has brought it into sharp contrasts with the democracies of history and with "those modern efforts of Europe to create an artificial democratic society by legislation." The problem of the United States is, therefore, not to create democracy but to conserve democratic institutions and ideals, to the end that civic power shall dominate and individual achievement shall grow for the common good. American democracy practices the high diplomacy of truthful speech, the consummate tact of undivided attention. It dares to seize right with a giant's grasp, assume responsibility at any hazard, and suffer sacrifice without pretense. It capitulates to no unworthy cause, but carries its flag high at the point of a clear and a blameless conscience.

"She lives for those who love her,
For the land that holds her true,
For the cause that lacks assistance,
And the good that she can do."

A keen observer of American affairs well said:
"One does not find in America anything one does not find in Europe; but one finds in Europe what one does not find in America. America has, broadly speaking, no waste products. The wreckage, everywhere evident in Europe, is not evident there. Men do not lose their self-respect, they win it; they do not drop out, they work in. This is the great result not of American institutions or ideals, but of American opportunities."

True as this is, there is on every hand evidence that the world disease of social unrest still affects us. All classes are more or less influenced. A striking indication is that very many people feel that they have been exploited for the benefit of someone else, and that the time has now come for the cure of all human ills. This is largely due to mental listlessness—a conception that sees no light in the grey, and seeks refuge in hope, trusting that the way out of the storm will soon appear. Such people are the easy victims of the catch phrases of the day. New words coined to lead those who allow others to think for them mean very little to practical people. "Making the world safe for democracy," "splendid isolation," and "tying your destiny to a star," mean absolutely nothing. They appeal to the emotions and catch the crowd. They take the place of sweet music when the lights are low, but there is nothing to them when the sun rises the next day and the air is full of ozone. There can be no better days, unless we make them, unless we determine that there shall be better days. We are surrounded by impalpable foes. We are like the shipwrecked folk in "The Tempest," when the harpies swooped down from the mysterious air and carried away the feast from the banquet table. The world

is burdened with leaders, and each cries out to the multitude that he has found a way out. More wages and less work, more work and less wages, profit sharing, State ownership, destruction of capital, international socialism, and the rights of democratic free government. Everyone knows that there is no solution in any of them. This mundane sphere is a very old habitat and all of these ways have been followed, and they all return to the same place. They each appeal to self-interest, a powerful but far from supreme motive. The ultimate fact is that man does not live by bread alone but by faith, even though he does not know it. The secret of all progress in any field is unbounded optimism, which is just another name for faith, or, perhaps, it is possibly better to say that the imaginative act of faith is endowed with the power of making that which it wills come to pass, because the greater the number of people determining upon the same thing, the greater the result. It is for this reason that we must stop throughout the entire world to-day and take stock—that is, collectively agree to compromise and readjust, because all law is a living and growing organism that changes as the relations of society change. How many people reflect that democracy in its essence is a theory of life and government? There has been an attempt to confuse it with bolshevism. This is most unfortunate. Bolshevism is a class concept. It has its origin in class consciousness, and it is purely and simply proletarian autocracy. It has no more connection with the democracy of America than heaven with hell. It is kaiserism standing on its head and governing the world with its feet. It advances by physical force. It knows no law but might, and it seeks to substitute despotism for the freedom which mankind has struggled to obtain. The fact is, the divine prophecy of democracy has been fulfilled here in America.

"And their nobles shall be of themselves, and their governors shall proceed from the midst of them."

And may I venture a prophecy—it is uppermost in your minds—that the American ideal, conceived in liberty and dedicated to the proposition that all men are born with equal rights, is the most potent and moral ideal in all the world. All this country needs is to be true to herself, and she will save and lead mankind. No one knows these facts better than the American citizen who thinks and reflects for himself. He knows, too, that efforts to reform the world at one fell swoop or to readjust the vast disarray that succeeds the cataclysm of war are predestined to fail. He realizes that the dissensions now existing are not exceptional, but rather the unavoidable consequences of most unusual causes. He knows that the danger element in the entire world to-day is the man who teaches the people to want what they can not have. He realizes that it is the suggestion of selfishness directed to susceptible minds that is preventing people from accepting conditions as they are and beginning the slow progress of building up again. Everyone realizes, even the agitator himself, that the first principle of citizenship is respect for the rights of others and the interests of the community as a whole. Nature will not yield her gifts except in return for effort. Agitation, confusion, idleness, and absolute contempt for the rights of others mean debt, poverty, hunger, and misery. It is a sad commentary upon our credulity and our hospitality that after we have opened our doors to those who pleadingly sought liberty, we must now be outraged by the very people to whom we encouragingly held out an inviting and helping hand. We welcome to-day, as we did in the past, those who love liberty, those who become American citizens without any mental reservations or purposes of evasion, but we have no room for those who would have us exchange our liberty and freedom for isms and licentious license. Such people, as the Attorney General so well says, "should go to a country which gives them their peculiar liberty," and I would add, if they do not go to such a country and remain to violate the laws of this Government, I pledge you to find a place, make a place in some Government institution, where—in their solitary, individual grandeur—they can set up a government of their own and be the monarch of all they survey.

Speaking upon the question of law and order, Dr. Wayne B. Wheeler, the general counsel of the Anti-Saloon League, has aptly and with characteristic terseness in a most timely article described the results that follow a reign of lawlessness. After referring to a prophecy of Lord Macaulay, who predicted that the civilization of the United States would be destroyed by lawlessness engendered within her own institutions, he said:

"For officers or the people to permit laws to be violated is a deadly attack upon the Government. Its contagion spreads from one law to another. It distills its deadly poison into the arteries of our jurisprudence. It palsies the power of honest officials. It assassinates the process of orderly control. It is a prolific source of disease to the whole social order, and jeopardizes the life of the race."

It is only by vigorous enforcement of all laws—not one law—that the great purpose of this Government can be accomplished. Any laxity in the law's execution removes the coercive power just as fully as though there were no laws. Enforcement is the stimulant, the coercive, which the weak require to enable them to obey the law, and it is only in this way that respect for the law and our institutions can be restored and maintained.

We are at the crossroads. We are facing the problems of a new age, the dangers of a highly developed civilization. We have expected a measure of unrest. We realize that there must be cooperation and coordination. We appreciate that the world to-day is just as confused and perplexed as ancient Babylon. The difference in ideals and ideas is just as much a Babel of conflicting interests as a Babel of voices was obstructive of national unity in the days of the Biblical tower. We know that we must stop thinking in terms of class and begin to think in terms of the United States. This can not be accomplished until we drive out suspicion, envy, and hate, and put big ideas in the place of small ones. The issue before this country to-day is Americanism, and the sooner we clean the melting pot and throw out the slag the better for all concerned. If the man with capital owes a duty to the public, the man who works with his hands can not escape the correlative obligation. Every man who labors with head or hands is a national servant; otherwise he has no rights either as a citizen or an individual under our form of government.

If the Government of the United States will pinch off the cottles, whether they be capitalists, socialists, bolshevists, or labor leaders and compel them to obey the law, because it is the will of the majority, the collective reason and justice of the people, it will win the peace of the world. I know this can be done, and as far as it lies within the power of the Attorney General and myself, speaking for the Department of Justice, it will be done. It can not be done without the assistance of all the people. It can not be done if those who enforce the law are not looked upon as the attorneys for all the people. It can not be done unless the efforts of those who have sworn to preserve the law have the support of a majority of the people who believe in the law. The Department of Justice here—or in every district where it is represented—can not execute a single law without the people. The greatest

power in all this land is in the jury box, and it is there that the people accept or reject the laws which their representatives enact. It is well to remember the words of Carlyle:

"There is justice here below, and even at the bottom there is nothing else but justice. Forget that and thou hast forgotten all."

These are grave and serious problems. They threaten the integrity of our institutions, if not the very existence of this Republic. We belong not to ourselves, but to the world. We can not rest upon our past, decided and glorious as it is. It is the future with which we are concerned. The conditions of life are ever changing, and the experiences of the fathers are rarely the experiences of the sons. The questions presented to us are not the founding of a great nation, but the preservation of one already old. The socialist says America is not truly democratic because the people are not all the same. But when did democracy guarantee the similarity of people and "grade mankind down to a dead level"? Democracy is no miracle worker. It declares and it does guarantee this: That men unequal in abilities shall be equal in their rights to develop their capacities. Every avenue must be open and every opportunity free. The instances in this country where the poor and the lowly rise to eminence and fame are not accidents. They are the best proof of an equality among men in the only sense in which equality is possible, equality of opportunity.

The future rests with us. The fate of humanity may be in our hands, because democracy can save or destroy the world. The pleading voice of a war-torn world, choked with the sob of the ages, is lifted to us. It beseeches us, in the name of God, in the name of charity, in the name of freedom, in the name of justice, to be consistent, law-abiding, generous, and true, lest we, too, may go the way of the earlier nations. And it is just at this point that I would emphasize that the Republic needs men, God-gifted men, of character, purity, vigor, and judgment. It needs men to stand in the hard places and fight the hard battles. It needs men to answer its questions and to solve its problems. It needs men whose lives appeal to our intellect, arouse our ideals, and touch the best in all of us. In short, this Nation to-day needs men who are not afraid of the demagogues and the unprincipled politicians who for selfish and sordid reasons tell the people that they are continually being cheated, deceived, and tricked, until confidence is destroyed and honor always questioned. It needs men with initiative and convictions. It needs men who have ideals, and who rely upon them for success. It needs men who will not disturb the public mind by teaching it to want. It needs men who will not disappoint the people with the promise of things they can not have and which they should not have. It needs men who will always do the very best they can, just where and as they are; men with sufficient self-abnegation to permit their laboring in obscurity, smiling in adversity, and waiting in patience. We have had altogether too much of a leadership that sees in every public question or national law the opportunity to make the public subservient to its private personal interest. We must look to the young men of ideals, men yet unspoiled by the cynical touch of the sordidness of the world, men who have courage and are capable of tremendous self-sacrifice. We should make it our duty to find such men among the mentally and spiritually young, not among the men who cringe before power and grow morally flabby in the presence of opportunity. We must look among those who, while they respect the past for the good it has produced, believe that the present and the future are all important. We must look to men who would rather be social exiles, having the testimony of an approving conscience, than be guests in kings' houses. Such men will proclaim and teach that American institutions and American law are the great bulwark behind which the forces of liberty are entrenched, and that the American Constitution is the outward and visible means by which the blessings of liberty have been secured. Such men will impose the principles of Americanism upon all newcomers and defend those principles against all attacks. Such men will do their work with enthusiasm, not for gain but because it is part of the plan. Such men will quit their obligations to the Commonwealth and render good account of themselves when the "Master of all good workmen" shall sum up their lives.

There is a great painting that tells of American activity—a prairie schooner with its oxen toiling westward, bearing a family to some undiscovered home. Above the caravan hover the angels of hope and faith and love, pointing the way to go. Below is the spirit of commercialism and above the spirit of idealism, and the plodding life of America marches on between the angels and the soil. In the conflict of these two forces lies the problem of our future. Are we to be the victims of our own prosperity, robbed by the very magnitude of our wealth, or shall we go on under the leadership of the wisest and the best?

This country in its government should reflect the purity, the order, the patience, and the virtue of every home within its boundaries. It will not be the government we intend it to be until such is the case. It will never be such a country until we show a willingness to forget self in the opportunity to serve, a willingness to sacrifice in time, thought, and means for the sake of all. This is the best of the civilizations. There is no room for any thought except liberty, individuality, and the right to be free. Our fathers before us solved every problem that confronted them. They feared God and loved liberty, and though they sleep in the narrow trenches of death, their imperishable spirit lives in the American citizen of to-day and will live throughout all the years to come. They lived and fought and died that we might be free. Their sons in France sought in sacrifice an opportunity that our flag might be unspotted and unstained. They willingly died that all men beneath its folds should bear no chains nor live in dishonor, while a single star shone in the firmament of God. We shall keep the faith with our dead—fathers, sons, and brothers. If we break it, they will not sleep, "though the poppies grow in Flanders fields." And if we find that we can not keep the faith without reserve, we should acknowledge that our civilization is a failure, and that we are too material to idealize the proud realities of life and respect the memories of those who so recently went forth to fight and die that moral values might survive, liberty be vindicated, and Christian civilization emerge to its final triumph. We shall back this Republic of our fathers, their sons, and our brothers against the world, and because justice is greater than power we know that this land, hallowed with the tears and the hopes of our sacred dead, shall, if we do our very best, live to scatter the riches of human liberty to races yet unborn and advance the cause of civilization that law and order, freedom, and peace shall always be preserved.

The law must be, and it shall be, enforced as it is conceived and written, and always without fear or favor. And so to you, and through you, I bring the pledge that in so far as it lies within the power of the Department of Justice to execute and enforce the law of the land there will be no backward step, no retreat, in preserving the Constitution and carrying out the mandate of the people.

CLERICAL SERVICE IN PORTO RICO.

Mr. KING. Mr. President, on yesterday I offered a resolution relating to certain information desired concerning employees in the Territory of Porto Rico, which I asked should lie on the table. I ask that the resolution may be read now.

The Assistant Secretary read the resolution (S. Res. 183) submitted yesterday by Mr. KING, as follows:

Whereas it is claimed that since Porto Rico was acquired by the United States an inordinately large proportion of the officials and clerical personnel of the Territorial and of the local government have been persons who went to Porto Rico from the United States in order to occupy such positions, and that since March 4, 1921, a large additional number of persons have gone from the United States to Porto Rico to fill various official positions in the Territorial and local government, and that such condition is a cause of complaint of dissatisfaction in the island: Now, therefore, be it

Resolved, That the Secretary of War is directed to report to the Senate a complete list of the number of persons holding positions in the Territorial government and local government, including the clerical personnel on the 4th of March, 1921, who were not natives of Porto Rico, and also a complete list of the persons who have, since March 4, 1921, been appointed to positions, including clerical personnel, in the Territorial government and local government who are not natives of Porto Rico.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

THE PEACE FLAG.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The ASSISTANT SECRETARY. Senate resolution 176, submitted by Mr. WALSH of Montana on the calendar day of November 23, 1921, as follows:

Whereas at a meeting of the Interparliamentary Union and World's Peace Congress peace flags of many nations have been displayed, made by adding a white border to each national flag; and

Whereas the United States flag, thus bordered as a peace flag, was carried by the first United States ship that passed through the Panama Canal, the *Cristobal*, a flag now in the custody of the Daughters of the American Revolution at the Capital of the United States: Therefore be it

Resolved, That the Senate hereby requests the President to authorize United States delegates at the Conference on Limitation of Armament now sitting at the city of Washington to display such a flag at the conference.

Mr. SMOOT. The resolution comes over under the rule?

The VICE PRESIDENT. It is a resolution coming over from a previous day under the rule.

Mr. SMOOT. I would like to ask the Senator from Montana if he desires to have it referred to any special committee?

Mr. WALSH of Montana. I should like to have the resolution taken up for consideration without referring it to a committee, because if there is going to be any opposition to it whatever I shall not press the resolution.

Mr. SMOOT. I assure the Senator that there will be opposition to it, and if I can defeat it I am going to do so. I will also say to the Senator that I have not counted the number, but I have received resolutions from Grand Army of the Republic organizations opposing the resolution. I have also received similar protests from many women's organizations of the country. I do not know that I have ever known any subject before the Senate that has been so universally protested against by every patriotic organization in the country, and I certainly shall do all I can to see that the resolution is defeated.

Mr. WALSH of Montana. Mr. President, in view of the statement of the Senator from Utah I have no desire at all to press the resolution for consideration. I may say, however, that I do not share in any measure whatever the sentiments of the Senator from Utah with respect to this matter.

The flag may be displayed as the United States flag, but it has a white border to indicate that in this particular instance the United States flag is on a mission of peace and not on a mission of war. That is all there is to it. I can very well understand the sentiment of the very good people who have addressed the Senator from Utah with respect to it; I have encountered that same sentiment on other occasions; it is a very proper sentiment which prohibits the use of the United States flag for any advertising purpose. That sentiment has found expression in the statutes of many States and very wisely so; I am in hearty accord with it; but I would naturally think that the good people, if they should reflect upon the matter at all, would see some difference between using the flag for advertising purposes and calling attention to the fact that in a particular building the delegates of the United States are concerned in a great mission of peace. It would scarcely come under the designation of advertising to use the United States flag with a white border to indicate that purpose.

Mr. SMOOT. I will say to the Senator from Montana that I have always understood that the Stars and Stripes was a flag of peace, an emblem of peace.

Mr. WALSH of Montana. So it is, Mr. President.

Mr. SMOOT. I do not think it is necessary to have a white border or any other kind of a border around the flag to indicate that.

Mr. WALSH of Montana. The flag is likewise an emblem of war as well, and it has been carried in the forefront of our troops on this continent and on the continent of Europe in some of the bloodiest engagements in which men ever participated.

Mr. SMOOT. But the ultimate purpose was to obtain peace.

Mr. WALSH of Montana. That, however, is neither here nor there.

Mr. WATSON of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Georgia?

Mr. WALSH of Montana. I yield.

Mr. WATSON of Georgia. I should like to ask the Senator from Montana if the coloring of the flag is not fixed by law?

Mr. WALSH of Montana. It is.

Mr. WATSON of Georgia. I should like to ask the Senator if he did not see the yellow border on the flag in the other House on yesterday, and to inquire by what authority that yellow coloring was there?

Mr. WALSH of Montana. No; I did not see that.

Mr. WATSON of Georgia. There is such a yellow border on the flag there.

Mr. POINDEXTER. A "yellow streak" would very appropriately represent those who want to abandon the flag of the United States and what it stands for.

Mr. WATSON of Georgia. I do not quite catch the drift of the remarks of the Senator from Washington, but I do know—at least it is my impression—that the flag behind the Vice President is colored according to law and that the law has never been changed. So when I saw the yellow stripe around the flag which was displayed on yesterday in the House of Representatives in the joint session of the two Houses, as a law-abiding, patriotic American I felt some indignation that any coloring should be on the flag except that fixed by law. I am asking now by what authority the House of Representatives displays a flag there that is different from that which is displayed in this Chamber? The flag there displayed has a yellow border, and a very broad one at that, and it does not improve the looks of the flag, either.

Mr. SMOOT. Mr. President, I will say to the Senator from Georgia that I can not answer his question in reference to the yellow border on the flag displayed on yesterday in the House of Representatives, nor did I notice it. If I had, I should have made remarks similar to those which have been made by the Senator from Georgia upon this occasion.

Mr. WATSON of Georgia. I am quite sure that the Senator from Utah would have done so.

Mr. SMOOT. However, I am going to ask the Senator from Montana if he would not be satisfied to have the resolution go to the Committee on Military Affairs?

Mr. WALSH of Montana. If there is the slightest objection to the resolution, I have not any disposition to press it; it would be useless to pass the resolution unless it were done by unanimous consent. Accordingly, Mr. President, as the Senator from Utah is insistent upon his objection to the resolution, I ask that it be indefinitely postponed.

The VICE PRESIDENT. Without objection, it is so ordered. Morning business is closed.

CONSIDERATION OF UNOBJECTED CASES ON THE CALENDAR.

Mr. CURTIS. Mr. President, I understand that the Committee on Finance desires to continue its hearings at 2 o'clock. The Committee on Appropriations also desires to continue its hearing. I therefore ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII and only consider unobjected measures.

The VICE PRESIDENT. Is there objection?

Mr. JONES of Washington. With the understanding that if there is no urgent business of the Senate to consume the remainder of to-day and to-morrow that we shall take up the calendar and dispose of bills under Rule VIII, I have no objection.

Mr. CURTIS. The intention was that the session should run until 2 o'clock to-day and that the Senate should then take an adjournment. Then, I thought that on to-morrow we could by motion take up bills which are on the calendar, if we shall adjourn early this afternoon. A request has been made by the chairmen of committees to which I have referred that we adjourn this afternoon in order that Senators may in committee prepare some measures for the consideration of the Senate to-morrow or the next day.

Mr. JONES of Washington. I hope that we may to-day take up unobjected bills on the calendar, and that on to-morrow we

may consider bills on the calendar by motion, and that they may be then disposed of.

The VICE PRESIDENT. Without objection the request of the Senator from Kansas is granted. The Secretary will state the first bill on the calendar.

DUTIES OF UNITED STATES JUDGES.

The bill (S. 384) to require judges appointed under authority of the United States to devote their entire time to the duties of a judge was announced as first in order on the calendar.

Mr. DIAL. Mr. President, some Senators who desire to speak on the bill are absent, and I am going to ask that it go over. I desire to say, however, that I expect to call it up early after Christmas and to urge its passage.

The VICE PRESIDENT. Under objection, the bill goes over.

BILLS PASSED OVER.

The bill (S. 214) to amend section 24 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 581) to repeal the act prohibiting increased pay under lump-sum appropriations to employees transferred within one year was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 582) to repeal section 5 of the act approved June 22, 1906, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes," was announced as next in order.

Mr. KING and Mr. SMOOT asked that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1439) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1467) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

STABILIZATION OF COAL INDUSTRY.

The bill (S. 1807) to aid in stabilizing the coal industry was announced as next in order.

Mr. FRELINGHUYSEN. Mr. President, I understand that under Rule VIII there is a limitation of five minutes on speeches. I wish to give notice that at some future date, within the next two weeks, I shall speak upon the coal question and upon this particular bill.

Mr. KING. I presume the Senator desires that the bill go over at the present time.

Mr. FRELINGHUYSEN. Yes; I ask that the bill go over for the present.

The VICE PRESIDENT. The bill will be passed over.

BILLS, ETC., PASSED OVER.

The bill (S. 205) relating to the fiscal system of the District of Columbia, and for other purposes, was announced as next in order.

Mr. KING. That bill will take some time. Let it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1016) to amend an act entitled "An act to repeal section 3480 of the Revised Statutes of the United States" was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1375) to prohibit and punish certain seditious acts against the Government of the United States and to prohibit the use of the mails for the purpose of promoting such acts was announced as next in order.

Mr. SMOOT. I have been requested by a Senator to ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 12) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 13,902 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. KING. I think that joint resolution had better go over. The VICE PRESIDENT. Under objection of the Senator from Utah the joint resolution will be passed over.

The resolution (S. Res. 67) authorizing the Committee on Expenditures in the Executive Departments to hold hearings here or elsewhere and to employ a stenographer to report the same was announced as next in order.

Mr. OVERMAN, Mr. KING, and Mr. SMOOT asked that the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

DAYLIGHT SAVING IN THE DISTRICT OF COLUMBIA.

The bill (S. 1855) to save daylight in the District of Columbia was announced as next in order.

Mr. WADSWORTH and Mr. KING asked that the bill go over.

Mr. JONES of Washington. Mr. President, I think that the bill might as well go to the calendar under Rule IX; and I ask that that order be made.

The VICE PRESIDENT. Is there objection to the request that the bill be placed on the calendar under Rule IX? The Chair hears none, and it is so ordered.

BILLS PASSED OVER.

The bill (S. 63) for the relief of Lester A. Rockwell was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 491) to provide without expenditure of Federal funds the opportunities of the people to acquire rural homes, and for other purposes, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

DR. O. H. TITTMANN.

The bill (S. 136) for the relief of Dr. O. H. Tittmann, former Superintendent of the United States Coast and Geodetic Survey, was announced as next in order.

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

Mr. SPENCER. Mr. President, before the bill goes over under objection, I should like to make a brief statement as to its purport, to which I trust the Senator from Utah [Mr. KING] will listen. The bill is for the relief of Dr. O. H. Tittmann, who for many years was at the head of the Coast and Geodetic Survey of this country, and was in the service of the United States for 47 years. At one time while he was attending to the regular duties of his office he also served without compensation as a member of the United States and Canadian Boundary Line Commission. I presume it is perfectly fair to say that he has performed thousands upon thousands of dollars of service for the Government without pay. The facts of the case are that if Dr. Tittmann, who is now very old and who retired in 1915, had retired a year or two later he would have been retired with the rank of captain and would have received \$3,750 a year for the remainder of his life; but he retired just before that provision of law was made. The department and the committee felt that certainly some recognition ought to be given to Dr. Tittmann after 47 years of service to the Government. The committee have brought in a report which seems to me inadequate, and yet it does recognize his service and allows him for the remainder of his life \$150 a month. I am wondering whether under the circumstances I have stated the Senator from Utah will not allow the Senate to act upon the bill now.

Mr. KING. Mr. President, I think we had better let it go over.

The VICE PRESIDENT. Under objection, the bill goes over.

BILL PASSED OVER.

The bill (S. 2051) to amend section 3142 of the Revised Statutes, to permit an increase in the number of collection districts for the collection of internal revenue and in the number of collectors of internal revenue from 64 to 74, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

COMMITMENTS TO REFORMATORY INSTITUTIONS.

The bill (S. 1010) to amend sections 5549 and 5550 of the Revised Statutes of the United States was announced as next in order.

Mr. WATSON of Georgia. I ask that that bill go over.

Mr. WALSH of Montana. Mr. President, in regard to the bill, the title of which has just been read, I desire to make a brief statement in the hope that the next time that bill comes up for consideration upon the calendar the Senator from Georgia will permit its consideration. Personally, I have no interest whatever in the measure; I am not the father of the

bill, and had nothing at all to do with its introduction. The Committee on the Judiciary was petitioned by the Department of Justice to report favorably such proposed legislation. In brief the situation is as follows: The existing statute provides in the case of juvenile offenders convicted of certain offenses that the judge may commit them to some reformatory institution or industrial school, instead of directing that they be confined in a county jail or a penitentiary. The Department of Justice wanted the provisions of the act extended so that in the case of female offenders found guilty of offenses against chastity similar action might be taken; that they might be sent to some reformatory institution, instead of being sent to a common jail or to a penitentiary. The bill to which the Senator from Georgia objects is intended to accomplish that purpose.

It will be borne in mind that it applies only to females convicted of certain offenses. If the bill does not pass, the judge will have no discretion but must send the offender to the county jail or to the penitentiary, as the case may be. It is a question whether it is not less objectionable to send such offenders to reformatory institutions of some kind than to send them to county jails, and under the existing law, as I have stated, the judge is without discretion; he must send them to prison. Under this bill he would have the option of sending them to some institution existing for the purpose of attempting to reform such female offenders.

Mr. WATSON of Georgia. Mr. President, in order that my colleagues will not think that my objection is captious, least of all personal to the Senator who is sponsoring the bill, I will state that I investigated this matter some time ago; and, while I am speaking from recollection and do not pretend to be entirely accurate, I think that, on the whole, my statement will be found to be true.

The proposition of this bill is to turn over to private institutions persons who are convicted of crime in Federal courts. As a lawyer and as a citizen and as a Senator, it seems to me entirely wrong to establish a system by which private institutions of any kind are furnished free labor and are given complete control, in other States, of persons convicted of crime in the State where that crime was committed.

In a very famous case in my own State there was a witness needed by the prosecution, and the prosecution, which was being conducted in Atlanta, had to send for a witness who was being confined in Ohio, after she had been convicted in the police court of Atlanta. That witness was taken from a private institution, brought to the city of Atlanta, gave her testimony, and was returned to that private institution in Ohio.

Since the day that I made the first objection to this extension of that law so as to include all women of whatever age—not merely juvenile offenders but offenders of any kind—I have been furnished with evidence of a woman convicted in a State court of Georgia and sent to an institution in Baltimore.

Mr. President, I do not, of course, doubt the right of the Federal authorities to send their prisoners to any penitentiary or other place of confinement chosen by law in any other State, but the evil that I am trying to strike at is the taking into the jurisdiction of Federal courts offenses that are purely municipal or State. The State has jurisdiction to try, convict, or acquit.

Mr. WALSH of Montana. Mr. President, may I interrupt the Senator?

Mr. WATSON of Georgia. With pleasure.

Mr. WALSH of Montana. This bill does not extend the jurisdiction of the Federal courts at all. It simply provides that when, under the existing laws of the United States, a female is convicted of one of these offenses, she may then be sent to a house of refuge or reformatory institution instead of being sent to jail. The bill does not extend the crimes at all. It simply provides that when a female is convicted of one of these crimes under the law of the municipality this action may be taken.

Mr. WATSON of Georgia. Mr. President, I can not with propriety use language which would describe the crime which this bill seeks to embrace, but that crime may be readily supposed, and it falls strictly within the jurisdiction of the States and the State courts are constantly dealing with it. The States have their reformatories for boys and for girls.

Mr. WALSH of Montana. Mr. President—

Mr. WATSON of Georgia. I yield, with pleasure.

Mr. WALSH of Montana. I venture to interrupt the Senator again to read from the bill, as follows:

Whenever a woman or girl shall be convicted of lewdness, prostitution, or similar offenses, under circumstances rendering such offense punishable by imprisonment under the laws of the United States, such woman or girl may be confined, during the term of sentence, in some home of refuge to be designated by the Attorney General.

Mr. President, the Senator does not have the experience in his State that we do in ours. We have five Indian reservations

within our State. Such crimes committed upon an Indian reservation are crimes against the laws of the United States. The State courts have no jurisdiction whatever over those reservations. If a girl or a woman is convicted of any of these crimes committed upon an Indian reservation the statute becomes applicable to her; that is all.

The Senator says that these are offenses which ought to be taken care of by the State. If they happen within the State jurisdiction they are taken care of by the State; but they become amenable to the laws of the United States when they occur within an Indian reservation or some other place under the exclusive jurisdiction of the United States. Take the great public parks, the national parks out West; they are all under the exclusive jurisdiction of the United States. Any one of these offenses committed within those areas is punishable under the laws of the United States and not under the laws of the States.

Mr. WATSON of Georgia. Mr. President, I shall not take the time of the Senate by debate on this subject, but I will add simply this: I am opposed, as a matter of principle, to giving the Attorney General the power of leasing out convicts, and this legislation does that very thing. It enables the Attorney General to make contracts for the labor of persons so convicted, and I do not think the Attorney General ought to have that power.

Mr. WALSH of Montana. Mr. President, I can not allow that statement to go unchallenged. There is nothing in the bill which authorizes the Attorney General to let out these convicts or any other convicts. There is nothing in the bill which even gives warrant for such a suggestion as that. That policy, prevailing in some States, I think is almost universally condemned by public sentiment in this country, and I would not have it thought that the Attorney General would even propose a measure of that character to the Congress of the United States.

Mr. WATSON of Georgia. Mr. President, a final word. I must take issue with the Senator from Montana. I can not be entirely mistaken in my reading of the statute furnished me some time ago. The Attorney General already has the power to do that, I am sorry to say, to a certain extent, and this bill simply proposes to enlarge that power so as to embrace all females. If I had my way, I would repeal that kind of legislation, because I think it is inherently wrong.

The VICE PRESIDENT. Objection having been made, the bill will be passed over.

BILLS, ETC., PASSED OVER.

The bill (S. 62) for the relief of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 73) amending Rules XXXVII and XXXVIII of the Standing Rules of the Senate so as to provide for the consideration of nominations and treaties in open executive session, unless otherwise ordered, was announced as next in order.

Mr. WADSWORTH and Mr. MCKELLAR. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 1829) for the relief of Walter Runke, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2022) promoting civilization and self-support among the Indians of the Mescalero Reservation, in New Mexico, was announced as next in order.

Mr. KING. I have spoken to the chairman of the committee, Mr. President, and it is agreed that that bill may go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 7) to amend the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia," approved February 4, 1913, was announced as next in order.

Mr. MCKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 496) for the relief of George A. Robertson, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 985) to amend the provisions of an act relating to certain railway corporations owning or operating street railways in the District of Columbia, approved June 5, 1920, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1771) to authorize the United States, through the United States Shipping Board, to acquire a site on Hazzell Island, St. Thomas, Virgin Islands, for a fuel and fuel-oil station and fresh-water reservoir for Shipping Board and other merchant vessels, as well as United States naval vessels, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Mr. President, I ask that that bill may go over for the day. I desire to get some further information in reference to it.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1063) for the relief of the owners of the schooner *Charlotte W. Miller* was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SPENCER. Mr. President, this is a bill introduced by the Senator from Rhode Island [Mr. GERRY] to send to the Court of Claims a claim for injuries resulting from a collision with a naval vessel. It is a bill that has passed the Senate, and has been reported on favorably by the Committee on Claims of the House. I wonder if the Senator from Utah thinks—

Mr. SMOOT. I should like to have it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1856) to reimburse Horace A. Choumard, chaplain in the Twenty-third Infantry, for loss of certain personal property was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1535) for the relief of the estate of Catherine Locke, deceased, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 48) authorizing retirement as warrant officers of certain Army field clerks and field clerks Quartermaster Corps was announced as next in order.

Mr. SMOOT. Let that go over.

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

The bill (S. 405) for the relief of Harold Kernan was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1281) for the relief of Capt. Edward T. Hartmann, United States Army, and others, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. KING. Mr. President, I should like some explanation in regard to that measure.

The VICE PRESIDENT. It has been requested that it go over.

J. P. D. SHIEBLER.

The bill (S. 1541) for the relief of J. P. D. Shiebler was announced as next in order.

Mr. KING. Let that go over.

Mr. WADSWORTH. Mr. President, does the junior Senator from Utah desire an explanation of the bill?

Mr. KING. I reserve the right to object until I hear the Senator from New York.

Mr. WADSWORTH. I do not wish to pry into the mind of the Senator from Utah, but does the Senator object to the bill after having examined it and the conditions which gave rise to its introduction and report?

Mr. KING. Frankness compels me to state to the Senator that I examined the bill quite fully some time ago, but the facts have escaped my memory in part. I shall be glad to have the Senator state what the facts are.

Mr. WADSWORTH. These are the facts which gave rise to the introduction of the bill and its report by the Committee on Military Affairs: As the Senator knows, the War Department, in accordance with the law passed by the Congress, held examinations for commissions—

Mr. KING. The facts have come back to me now, Mr. President, and I withdraw the objection.

Mr. SMOOT. Mr. President, I want an explanation of the bill.

Mr. WADSWORTH. The War Department, pursuant to the law, held a large number of examinations for commissions in the Regular Army. There were 14,000 applicants for such commissions, and something like 5,600 passed and were commissioned in the several grades.

Maj. Shiebler was an emergency officer during the war, with a very excellent record. He presented himself to take the examination. He was rejected because of a physical defect, it being alleged that his eyesight was extremely defective. It required some time for Maj. Shiebler to ascertain the cause of his rejection, and when he ascertained that he had been rejected on account of his eyesight he was extremely surprised.

To satisfy himself he had his eyes examined by some of the greatest specialists in New York City, who told him that the report of the War Department examining surgeons was evidently an error; that no such condition as reflected in the report existed in his eyes.

He thereupon asked for a reexamination. I am giving these incidents to the best of my recollection. Finally, the Surgeon General of the Army invited him to come to Washington. That invitation was issued through me. Maj. Shiebler came to Washington, and the Surgeon General sent him to Walter Reed Hospital and had his eyes examined by the Army surgeons, who frankly admitted that the first examination had resulted in an error being made, that his eyes were all right, and that he should have been admitted. It was then too late, however, for him to be commissioned in accordance with the War Department regulations.

The Military Affairs Committee, of course, had presented to it 15 or 20 cases of alleged errors in examinations, and we made a very careful examination of the most conspicuous instances. We had the then Secretary of War, Mr. Baker, before us, and after thrashing out the cases as carefully as we could, which involved reading every line of the records of the examinations, which are very voluminous and very thorough, there were two cases in which the error of the examining boards was so apparent that it was conceded by the War Department, and those two cases the committee acted upon in the form of special bills. The Shiebler case is one of them.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. WALSH of Montana. I am interested in this matter, as the Senator from New York knows. What is the relief proposed?

Mr. WADSWORTH. It authorizes his commission in the service.

Mr. WALSH of Montana. The Senator may not recall it, but I think there was a very flagrant case of injustice done to a most deserving officer from my own State.

Mr. WADSWORTH. I recollect it. The committee examined into that case at some length, and may I say to the Senator, while the case appealed to the sympathies of the committee, it resolved itself down to a question of judgment; was the judgment of the examining board correct or incorrect? When it came to cases of that kind the committee felt it wiser not to attempt to substitute its judgment for the judgment of officers who were sworn as members of examining boards.

Mr. WALSH of Montana. I do not wonder, with the multitude of these matters which engage the attention of the Senator from New York, that the details are not present in his mind. In the case to which I refer the officer had an exceptionally fine record. He passed his examinations perfectly, but the board, acting here in the city of Washington, declined to recommend the appointment because of moral disqualifications. That finding was set aside by the Secretary of War upon the ground that there was no evidence whatever to sustain it, so that the record showed that the officer stood a perfect examination, and that there was no evidence whatever to sustain the finding of the board of a want of moral qualifications.

Mr. WADSWORTH. Is the Senator's recollection absolutely accurate as to the so-called setting aside of the findings? Is it not a fact that the Secretary of War had a certain letter inserted in the record, to remain a part of the record, which would relieve this officer of certain imputations against his character; but did the Secretary of War set aside the finding of the board? I think not.

Mr. WALSH of Montana. He did. The situation was this: That the local boards conducted the usual examinations. In this case there were three examinations. As a matter of course, there was an examination on the subject of moral qualifications, one on the subject of technical qualifications, and another on the subject of his experience. The local board found that the officer met all of these tests without exception. The record was sent to the board here in Washington. The record shows that that board admitted some officer to come in and say something derogatory to the character of the officer, in perfectly plain violation of the rules themselves, which declare that the board shall pass upon the matter as the record is transmitted to them by the local examining boards. They found against him on moral grounds, and the Secretary of War, or The Adjutant General, I am now uncertain which, set that finding aside upon the ground that there was no legitimate evidence upon which it could be made. So that the record of this officer stands as perfect upon his examinations, yet he is denied the appointment.

I shall offer no objection to the bill now before the Senate, but I take this occasion to say that I shall certainly introduce a special bill for the relief of Capt. Whipps, and if this bill is

passed I think it will be impossible to deny him the relief to which, in my judgment, he is entitled. I shall be very glad to again call the matter to the attention of the Committee on Military Affairs upon the appropriate reference.

Mr. SMOOT. I wish to ask the Senator from New York if he has ever met Shiebler?

Mr. WADSWORTH. Yes; I have met him.

Mr. SMOOT. Does the Senator know that his eyes are all right?

Mr. WADSWORTH. No; I can not say that his eyes are all right; I am not an oculist. He passed the examination, when he got before a board which did not make errors, and passed it with flying colors, here at Walter Reed Hospital.

Mr. SMOOT. That is exactly what I have in mind. If there is any earthly way for a man to pass an examination to get a promotion in the Army, he is going to pass it.

Mr. WADSWORTH. This is not a promotion; it is an original appointment.

Mr. SMOOT. He is not in the Army now, and the bill would give him a standing in the Army, which, of course, he does not occupy to-day. If he wants to go into the military service, it is virtually a promotion. I do not want to be captious about these bills, but really I do feel that I would like to know it is all right before I withhold objection.

Mr. WADSWORTH. I am positive that it is all right.

Mr. SMOOT. If the bill is passed at this time, it will be pointed to for ever and ever as a precedent for every other such case. We now have a similar case called to our attention by the Senator from Montana. If this is passed, he wants to have his bill passed, and some other Senator will want to have another bill passed, and there will be no end to it all. However, if there is a real injustice done a man in an examination, of course that is another question; but I really wanted to know if the Senator had made any personal investigation of the matter.

Mr. WADSWORTH. I followed the case very closely. It all occurred during the autumn and winter of 1920.

Mr. WALSH of Montana. If the Senator from Utah will permit me, I will say that in connection with the matter to which I have just adverted I found occasion to inquire into the facts of the case to which the Senator from New York now refers, and I became entirely convinced of the perfect justice of the claim and the indefensible action in that particular case. It is not surprising that in this multitude of applications which were made, some injustices should have been done. It occurs to me that it is the duty and the business of Congress to correct them wherever they do occur. There are few of them, to say the most.

Mr. SMOOT. How can a board supposed to be qualified to pass upon the physical fitness of men desiring to enter the Army make such a horrible blunder as it is said has been made in this case?

Mr. WADSWORTH. That blunder may have been a clerical blunder.

Mr. SMOOT. We would have heard of it before if it had been a clerical blunder.

Mr. WADSWORTH. The committee heard of this case months and months ago. This bill has been on the calendar for months.

Mr. SMOOT. Since June.

Mr. WADSWORTH. The committee investigated it the year before. The first examination resulted so apparently in an error that it was admitted to be an error. The clerk in copying down the dictation of the surgeon who examined this man's eyes perhaps put in the wrong figure; that went in the report, and he was rejected by the commanding officers on the ground that his eyes were in a terrible condition, when they had never been in that condition.

Mr. SMOOT. Did the Senator ask for a report from the War Department on this case?

Mr. WADSWORTH. Yes; I did.

Mr. SMOOT. There is not any reply from the War Department included in the report.

Mr. WADSWORTH. That was before the committee. We had quite a little correspondence with the War Department about it, and the statement of facts was conceded.

Mr. SMOOT. Did they make a recommendation for this legislation?

Mr. WADSWORTH. No objection was ever interposed by the War Department to this legislation. That was the attitude taken by the War Department.

Mr. SMOOT. I would not want to do an injustice to this man, and I shall not object to the consideration of the bill; but I am afraid it will be pointed to as a precedent.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on

Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

That the President be, and he hereby is, authorized to appoint J. P. D. Shiebler, formerly a major of Infantry, a major of Infantry, United States Army, to date from July 1, 1920, and to be placed upon the promotion list in such place as is provided by section 24a of the act of June 4, 1920, for persons appointed officers under the provisions of section 24 of said act.

Mr. KING. In view of the fact that there must be a reduction in the number of officers in the Army, which there ought to be because of the reduction in the number of the enlisted personnel, and in view of the fact that there have been so many demotions because of the reduction of the Army, may I inquire of the Senator from New York whether this man should be reinstated as a major, because some men in the same grade have been demoted to captains following the demobilization.

Mr. WADSWORTH. All the demotions had been accomplished before these ranks took effect, so that if the President should decide to appoint him a major he would not outrank anyone who had been a major before.

Mr. KING. The Senator says if he had received his appointment, or passed an examination favorably, he would now be a major, notwithstanding the demotions and the reduction of ranks.

Mr. WADSWORTH. Yes; the demotions only apply to old Regular Army officers who had advanced temporary rank during the war. They have all long since been demoted, in accordance with an act of Congress reported from the Military Affairs Committee. These are original appointments. No demotion can occur in an original appointment. The demotions occurred only in the rank of prewar regular officers.

Mr. KING. Do I understand from the Senator, then, that if we had, for example, 10,000 or 50,000 captains during the war, we must have the same number of captains now?

Mr. WADSWORTH. No; I should hope not.

Mr. KING. I should hope not, too; but it looks to me as though pretty soon we shall have more officers than privates in the United States Army.

Mr. WADSWORTH. I think the Senator had better take another survey of that situation. To-day we have about 12,800 officers, according to the last figures.

Mr. KING. That includes all, from general down to second lieutenant?

Mr. WADSWORTH. That includes all grades.

Mr. KING. Then there have been separations from the service of officers, corresponding with the decrease in the number of the enlisted personnel?

Mr. WADSWORTH. There are separations on account of death, and resignations and retirements going on all the time. The officer personnel can be recruited now only through the grade of second lieutenant, and the number of second lieutenants taken in has not as yet overtaken the wastage in the upper grades.

Mr. KING. Then, as I understand the Senator, if we should recruit the privates to a considerable number, we would have to increase the number of officers, because the number of officers we now have corresponds with the number of troops we now have; that is to say, there are not too many.

Mr. WADSWORTH. I am quite certain there are not too many, considering the various duties the commissioned personnel have to perform. The Senator will recollect that under statutes enacted by Congress a considerable portion of the commissioned personnel of the Army is assigned to duty other than the actual command of troops. If Congress will repeal those acts, if it will destroy the National Guard and take the Regular Army officers away from the guard as instructors and inspectors, if it will repeal the Reserve Officers' Training Corps provisions and take all the Army officers away from the schools and colleges, where they are carrying on military courses, if it will close the arsenals at Rock Island, Watervliet, Watertown, and Frankfort, at which a considerable number of officers are stationed, operating large manufacturing plants, then, of course, we could get along with fewer officers.

Mr. KING. I think we should close some of the arsenals.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

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

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

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

The bill (S. 2040) to provide for compulsory school attendance of children, to provide for the taking of a school census, to create the department of school attendance and work permits for

the administration of this act and the act to regulate the employment of child labor in the District of Columbia, and for other purposes, within the District of Columbia, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

RELIEF OF WAR CONTRACTORS AND OTHERS.

The bill (S. 32) for the relief of contractors, subcontractors, and material men who have suffered loss by reason of Government orders was announced as next in order.

Mr. KING. Let the bill go over.

Mr. POINDEXTER. Does the Senator insist upon his objection?

Mr. KING. I will withdraw the objection for the moment.

Mr. POINDEXTER. This bill has been before the Senate a number of times. It is recommended by the department and was carefully considered by the Committee on Naval Affairs. I think the purpose of it would appeal to the junior Senator from Utah. It is to relieve cases where there is an obvious equitable right. Where men, many of them small subcontractors and material men, had contracts with the Government which were interfered with by the orders of the Government in the conduct of the war certainly they ought not to be denied a remedy.

Mr. KING. Does the Senator think the bill is surrounded with sufficient safeguards to protect the Government?

Mr. POINDEXTER. Absolutely it is. The question of safeguards was very thoroughly considered by the Committee on Naval Affairs, and the bill was amended in order to safeguard the Government still further.

Mr. KING. What does the Senator estimate will be the amount required to meet the claims that may be allowed under the bill?

Mr. POINDEXTER. It is impossible to estimate with any exactness the amount that would be allowed. I asked that question of the department. They are unable to state. It probably would amount to more than \$1,000,000, altogether.

Mr. KING. One million?

Mr. POINDEXTER. More than that, I think. I do not think it would amount to over \$2,000,000.

Mr. SMOOT. I shall object to the consideration of the bill until we do know something about what it is going to cost the Government, because it seems to me that it may cost fifteen or twenty million dollars.

Mr. POINDEXTER. It is impossible to tell how much it will cost until authority is given to examine into the claims.

Mr. SMOOT. I will say to the Senator that I think the Navy Department know the claims that have been filed and the amount of the claims. That information we can get—not that the claims will be paid, I will say to the Senator, because they may not be—but I should like to know how many claims there are and what they amount to. Let the bill go over to-day.

The VICE PRESIDENT. On objection the bill goes over.

DEVELOPMENT OF AGRICULTURAL RESOURCES.

The bill (S. 2170) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

Mr. SMOOT. That can not be acted upon to-day. Let it go over.

The VICE PRESIDENT. On objection, the bill goes over.

LONGEVITY PAY FOR RESERVE OFFICERS AND NATIONAL GUARD OFFICERS.

The bill (S. 150) to provide longevity pay for reserve officers and National Guard officers serving under orders of the War Department was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SPENCER. Mr. President, I wonder if the Senator from Utah understands what the bill is and the effect of it? It would give to National Guard officers, when they are called to Washington on duty under the national defense act, the same allowances and pay that Regular officers have when performing the same duty. It affects now five officers. The Secretary of War wrote this sentence with reference to it:

The omission of the provision of the act of June 4, 1920, for longevity pay for reserve officers detailed to duty as additional members of the General Staff for this very important duty was evidently unintentional.

That is the omission this bill supplies.

Mr. SMOOT. I am perfectly aware that where longevity pay is not given any kind of officers or anyone in the Public Health Service or anyone attached to the Government service at all, of course it is an oversight that they have not been taken care of.

I want to have the longevity pay proposition cut out entirely from the Government service unless the man has been in the Regular Army and joined the Army with that in view.

Mr. SPENCER. Will the Senator be good enough to tell me, if the provision for longevity pay is in the law and the Regular Army officers assigned to this duty are drawing it, why he would draw the line against National Guard officers when they are called upon to perform precisely the same duty? What reason is there why they should not have the same compensation?

Mr. SMOOT. Then we will have them here when they are called to duty, and the next thing we will be asked to give longevity pay to all the Reserve Corps and longevity pay to all the National Guard officers; and then we will have longevity pay for every man who enters the Army. That is what we are coming to if we follow the course that is being urged from one end of the country to the other. A propaganda is on for it now, and we might just as well understand it. So far as I am concerned I want to have it stopped.

Mr. SPENCER. I wish to have it clearly understood that the bill affects 5 officers. When there are 10 officers in the same office doing precisely the same duty and 5 of them are receiving longevity pay, why should not the other 5, simply because they are from the National Guard, receive the same allowance? That is precisely the situation to-day, and that is precisely what the bill corrects. That is precisely what the Secretary of War and his predecessor both recommend as an act of manifest justice.

Mr. SMOOT. There is quite a difference between the Regular Army and the National Guard and the Reserve Corps. It is true that the law has given longevity pay to officers in the Army. We recognize that. But if we begin this proposition now with the National Guard we shall have the same principle applying in all cases, no matter whether they are on special duty or not. Then we shall have it applying to all officers of the Reserve Corps, and we shall not only have longevity pay but commutation of quarters and everything else that is given to the Regular Army. It has been asked for the officials of the Public Health Service, and it will be asked for every other agency of our Government that can claim in any way to do service that the Army itself is doing.

I object to the consideration of the bill.

Mr. SPENCER. Of course I recognize that under the unanimous-consent agreement it lies in the power of any Senator to prevent action, but the vision of what may happen in the future is no argument against the correction of a manifest and unintentional injustice against National Guard officers assigned to duty in Washington.

Mr. KING. Let the bill go over.

The VICE PRESIDENT. Under objection the bill will go over.

BILLS PASSED OVER.

The bill (S. 943) for the relief of John Lyons was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER (Mr. STERLING in the chair). On objection, the bill will be passed over.

The bill (H. R. 7158) to amend the Army appropriation act, approved July 11, 1919, so as to release appropriations for the completion of the acquisition of real estate in certain cases and making additional appropriations therefor, was announced as next in order.

Mr. KING. This seems to be a bill of considerable length and involving large amounts. In the absence of the chairman of the Committee on Military Affairs, I suggest that we pass it over.

The PRESIDING OFFICER. On objection, the bill will go over.

The bill (S. 1565) making eligible for retirement under the same conditions as now provided for officers of the Regular Army all officers of the United States Army during the World War who have incurred physical disability in line of duty was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. On objection, the bill will be passed over.

The bill (S. 1976) to amend the first paragraph of section 2 of the act entitled "An act to regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia," approved June 20, 1906, was announced as next in order.

Mr. KING. Mr. President, there is now a subcommittee of the Senate Committee on the District of Columbia conferring with a like committee from the House considering the question

of educational matters in the District. I hope that perhaps as the result of this joint committee's efforts some constructive legislation may be suggested. In view of that fact, I think this bill had better go over for the present.

The PRESIDING OFFICER. It will be passed over.

The bill (S. 1790) to place national guardsmen who entered the World War otherwise than through the draft on equal basis as to longevity and continuous-service pay with national guardsmen who were drafted was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1075) giving permanent rank to the district superintendents of the Coast Guard on the retired list was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2265) to regulate marine insurance in the District of Columbia, and for other purposes, was announced as next in order.

Mr. JONES of Washington. I ask that the bill may go over. It can not be disposed of under the unanimous-consent agreement. However, I desire to call it up at the first opportunity.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 115) directing an investigation of the administration of the Federal reserve system and the office of the Comptroller of the Currency was announced as next in order.

Mr. FRELINGHUYSEN. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 2263) to amend the Federal reserve act approved December 23, 1913, was announced as next in order.

Mr. KING. Let it go over.

The PRESIDING OFFICER. The bill will be passed over on objection.

The bill (H. R. 2373) to authorize associations of producers of agricultural products was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. On objection, the bill will be passed over.

IMPORTATION OF SUGAR FROM ARGENTINA.

A joint resolution (S. J. Res. 79) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. FRELINGHUYSEN. Can we not take up the joint resolution and dispose of it at the present time?

Mr. SMOOT. I know that the junior Senator from Iowa [Mr. KENYON] desires to be here when the joint resolution is under consideration. The Senator from Georgia [Mr. HARRIS] also desires to be present. I will ask that it go over.

Mr. FRELINGHUYSEN. Are we proceeding under Rule VIII?

The PRESIDING OFFICER. We are proceeding by unanimous consent to the consideration of unobjected bills on the calendar.

Mr. FRELINGHUYSEN. Then the provision of Rule VIII that we can take up by motion does not prevail?

The PRESIDING OFFICER. It does not prevail at this time. On objection, the joint resolution goes over.

CLARENCE L. REAMES.

The bill (S. 2356) for the relief of Clarence L. Reames was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. On objection the bill goes over.

TRADE IN CHINA.

The bill (H. R. 4810) to authorize the incorporation of companies to promote trade in China was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will go over.

FOREIGN TRADE ZONES.

The bill (S. 2391) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDING OFFICER. On objection it will go over.

COURT OF CLAIMS.

The bill (S. 2228) to amend certain sections of the Judicial Code relating to the Court of Claims was announced as next in order.

Mr. NELSON. Mr. President, I wish to make a brief statement about this bill. The Court of Claims is overwhelmed with business, with war claims coming in. The bill does not propose to enlarge the jurisdiction of the court in any respect beyond what is now fixed by law. It simply aims to give them a little more machinery to work more efficiently and expedite the claims. It changes the term of court, it changes the title of one officer. The title now known as "bailiff" is changed to "marshal," and the phrase "session of the court" is changed to "term of the court," and the term is changed. Otherwise it is simply to aid the court in the expedition of its business; that is all. The legislation meets with the approval of the Department of Justice and of the Court of Claims, and the bill is unanimously reported from the Judiciary Committee.

Mr. SMOOT. Mr. President, may I ask the Senator from Minnesota what is the salary of the clerk at the present time?

Mr. NELSON. The salary of the clerk of the court at present is \$3,500. The clerks of the circuit courts of the United States and of the district courts of the United States get larger salaries than does the clerk of this court. The business of the court has very greatly increased, but the only change proposed in the salary of the clerk is an increase from \$3,500 per annum to \$4,500, which is less than the clerks of the circuit courts of the United States now receive.

Mr. KING. Mr. President, I suggested to the Senator from Minnesota the other day, when he was courteous enough to call my attention to this bill, that I should not object to its consideration, but that I should object to the increase proposed by the measure in the salary of the clerk of the court. I called attention to that matter and also to one other matter, namely, the proposed limitation in the number of masters in chancery who might be appointed by the court for the purpose of taking testimony. Let me now say to the Senator from Minnesota that the clerk of the court called upon me this morning and made a very clear and frank explanation respecting the latter objection which I had, and I am inclined to think that perhaps we shall have to leave that matter to the Appropriations Committee; and if we discover that the court is abusing the right to name examiners and masters in chancery, and is shirking the duties which properly devolve upon it for the purpose of having those duties performed by masters in chancery, and by those to whom they delegate the authority to take testimony, then Congress may refuse to make the appropriations. I wish to say to the Senator now that unless the reduction as reported is made in the clerk's salary, I shall claim the right to speak upon it and to oppose such increase. I am opposed to increasing salaries now; I think it is unwise; I think it is impolitic; and I think it is unfair to the Government.

Mr. NELSON. I suggest to my good friend from Utah that he may offer an amendment covering the point to which he refers, and we may take a vote on it.

Mr. KING. I suggest that the Senator from Minnesota accept my amendment in advance, before the bill is taken up.

Mr. NELSON. I think the Senator from Utah ought to agree to some increase of the salary of the clerk of that court. The court is overwhelmed with business at the present time; millions and millions of dollars worth of claims against the Government are filed there. The clerk has more work to do than he ever previously had. The Senator from Utah well knows that we give the clerks of the circuit courts of the United States, which are purely appellate courts, a salary of \$6,000 a year.

Mr. KING. We give them too much. That is the trouble with the legislation of Congress. We increase one class of salaries to-day and that action is used as a pretext for increasing the compensation of others. We act in particular instances, and raise and pyramid the salaries from time to time, to the disadvantage of the Government. I think the Senator from Minnesota ought to give us a little more time to debate this bill if he is going to insist upon the increase of salary.

Mr. NELSON. Why can not the matter go to conference?

Mr. KING. I shall be constrained to oppose the bill if there is any increase in the salary of the clerk. I shall not vote for one penny of increase in any salary at the present time, in view of the exigencies which are now confronting the Government.

Mr. NELSON. Rather than have the bill fail, for I am at the mercy of the Senator from Utah—

Mr. KING. I do not want to object to the consideration of the bill if the Senator will accept the amendment.

Mr. NELSON. I do not feel that I can accept it, but the Senator from Utah might propose a modification. Why can we not compromise and make the salary of the clerk \$4,000 per annum? That is only \$500 more than he is now receiving.

Mr. KING. I am not in a compromising mood this morning, although I would do almost anything for the Senator from Minnesota.

Mr. NELSON. I hope the Senator from Utah will not delay the bill.

Mr. KING. Will the Senator from Minnesota let the bill go over until we may have a little time to discuss it? I do not care to coerce the Senator by objecting unless he accepts my amendment; I think it would be unfair for me to ask that; and yet I do think that the Senator ought to give us a chance to debate the bill. We could not do that under the 5-minute rule this morning. May we not take the bill up to-morrow? I shall join with the Senator in having the bill taken up to-morrow. The Senator from Minnesota is always so courteous that I dislike very much to object to the consideration of the bill.

Mr. NELSON. I think the Senator from Utah might well compromise on fixing the salary of the clerk at \$4,000 per annum, in view of the fact that the clerks of the circuit courts are now receiving \$6,000 per annum.

Mr. KING. I shall introduce a bill to reduce the salaries of the clerks of the circuit courts.

Mr. NELSON. Well, I leave the Senator from Utah to object, if he desires to do so.

Mr. KING. I hope the Senator will not do that.

Mr. NELSON. As I have stated, I would agree to an amendment fixing the salary at \$4,000 per annum.

Mr. KING. I hope the Senator from Minnesota will not put me in the attitude of objecting to the consideration of the bill. I ask the Senator, in all kindness, will he not let the matter go over until to-morrow? I will then join with him in having the bill taken up for consideration. If the Senate wants to make the clerk's compensation \$10,000, it will be for them to decide, but I desire to debate the question.

Mr. NELSON. Why can not the Senator from Utah make his motion now to amend the paragraph of the bill carrying the salary? Let the Senator now submit his amendment to that effect.

Mr. SMOOT. Why does not the Senator from Minnesota consent to let the bill go over until to-morrow instead of having its consideration now objected to?

Mr. NELSON. Why can we not dispose of the bill now? Let the junior Senator from Utah [Mr. KING] make his motion to amend the bill.

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

Mr. SMOOT. It would be impossible to dispose of the bill in five minutes time; there is no doubt about that. Therefore we are merely losing time by this debate on taking it up to-day under the five-minute rule. I suggest to the Senator that the bill may go over.

The PRESIDING OFFICER. The Chair suggests that he does not understand that the Senate is proceeding under the five-minute rule, but that the Senate is proceeding under a unanimous-consent agreement to consider unobjected business on the calendar. Objection is made, and the bill goes over.

BILL PASSED OVER.

The bill (S. 2337) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

Mr. SMOOT. It would be impossible to pass that bill to-day, and I therefore ask that it go over.

The PRESIDING OFFICER. Being objected to, the bill will go over.

ST. FRANCIS BARRACKS, ST. AUGUSTINE, FLA.

The bill (S. 2138) providing that the Government property known as the St. Francis Barracks, at St. Augustine, Fla., be donated to the State of Florida for military purposes, was announced as next in order.

Mr. SMOOT. Mr. President, I have not as yet received the information which I desired in connection with that bill. The Senator from Florida has spoken to me about the measure; he also desires the information I intended to obtain, and which I really expected to have at hand before to-day. Therefore I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. TRAMMELL. Mr. President, I should like to inquire of the Senator from Utah if his objection to the bill would stand if there were an amendment added to this effect:

Provided, That if the State of Florida shall cease to use said property for military purposes the same shall revert to the United States.

Mr. SMOOT. That is a splendid amendment, and I will accept such an amendment freely. However, I really desire to secure information from the department as to certain aspects of the situation.

Mr. WATSON of Georgia. Mr. President, I should like to say for the information of the Senator from Utah and others that if this bill passes it will simply be a pilot for other bills that will give away Government property in every State.

Mr. SMOOT. That is what I am afraid of.

Mr. WATSON of Georgia. A similar movement has been made in my State, and I am opposed to it.

The PRESIDING OFFICER. The bill will be passed over.

RESOLUTION AND BILL PASSED OVER.

The resolution (S. Res. 127) to investigate the causes of factory, wholesale, and retail price conditions in the principal branches of house-furnishing goods industry and trade was announced as next in order.

Mr. SMOOT. I ask that the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 2135) to enable the refunding of obligations of foreign Governments owing to the United States of America, and for other purposes, was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

MELQUIADES SANCHEZ.

The bill (S. 2144) for the relief of Melquiades Sanchez was considered as in Committee of the Whole. It proposes that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Melquiades Sanchez, late of Company E, Second Regiment New Mexico Volunteer Infantry, and Company D, First Regiment New Mexico Volunteer Cavalry, shall hereafter be held and considered to have been present with his company and regiment from October 1, 1861, to October 1, 1864; but that no pay, bounty, or other emoluments shall accrue by reason of the passage of the act.

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

ORDNANCE DONATION TO UNIVERSITY OF SOUTH DAKOTA.

The bill (S. 2249) authorizing the Secretary of War to donate certain obsolete ordnance to the University of South Dakota was announced as next in order.

Mr. JONES of Washington. Mr. President, I have understood that there was a general bill being framed, or contemplated, at any rate, to provide for the disposition of ordnance property. I do not see the chairman of the Committee on Military Affairs here, and I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. JONES of Washington subsequently said: Mr. President, when Senate bill 2249 was reached on the calendar, I objected to it because I thought it related to World War trophies, and so forth, which I thought had been dealt with in general legislation. I find that we have passed through the Senate a general bill on that subject, but that Senate bill 2249 relates to Civil War ordnance; and I therefore withdraw any objection, so far as I am concerned.

The PRESIDING OFFICER. Without objection, the Senate will recur to the bill referred to by the Senator from Washington.

The Senate as in Committee of the Whole proceeded to consider the bill (S. 2249) authorizing the Secretary of War to donate certain obsolete ordnance to the University of South Dakota, which had been reported from the Committee on Military Affairs with amendments.

The amendments were, on page 2, line 1, after the word "small," to insert "8 inches long," and on the same line, after the word "mortar," to strike out "large" and insert "small, 10 inches long," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to donate to the University of South Dakota, Vermillion, S. Dak., the following obsolete ordnance now on hand at Benecia Arsenal, Benecia, Calif., which were shipped to that point from the Manila ordnance depot, Manila, P. I., for the University of South Dakota: Two bronze lantakas; two bronze cannon; two iron cannon, large; two iron cannon, small; two bronze mortars, small, 8 inches long; one bronze mortar, small, 10 inches long; two iron cannon, small: *Provided,* That no expense shall be incurred by the United States through the delivery of any of the foregoing obsolete ordnance: *Provided further,* That each and every article mentioned herein shall be subject at all times to the order of the Secretary of War.

The amendments were agreed to.

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

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

JOINT RESOLUTION PASSED OVER.

The joint resolution (H. J. Res. 183) imposing a duty of 90 per cent on all goods exported from the United States for the use of the American Expeditionary Forces and its allied forces and which have been sold to any foreign Government or per-

son, when reimported into the United States, was announced as next in order.

Mr. KING. I ask that the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

AMERICAN ASSOCIATION OF PORT AUTHORITIES.

The joint resolution (S. J. Res. 45) to authorize the President to extend invitations to certain foreign nations to send delegates or representatives to the tenth annual convention of the American Association of Port Authorities, was announced as next in order.

Mr. JONES of Washington. I ask that that joint resolution may go to the calendar under Rule IX. I am inclined to think the time for the convention has passed. Instead of having it indefinitely postponed, however, I will merely ask that the joint resolution may go to the calendar under Rule IX.

The PRESIDING OFFICER. Without objection, the joint resolution will be transferred to the calendar under Rule IX.

BILLS AND RESOLUTION PASSED OVER.

The bill (S. 2515) to amend an act entitled "An act to amend an act entitled 'An act for making further and more effectual provision for the national defense, and for other purposes,' approved June 3, 1916, and to establish military justice," approved June 4, 1920, was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 268) for the relief of William O. Mallahan was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over under objection.

The bill (S. 2363) to abolish the limitation on military service without the continental limits of the United States imposed by the act of Congress approved March 4, 1915, was announced as next in order.

Mr. SMOOT. At the request of the Senator from Virginia [Mr. SWANSON], I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2035) for the relief of William M. Carroll was announced as next in order.

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

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 150) directing the Secretary of the Senate to employ a special officer for the office of the Secretary of the Senate was announced as next in order.

Mr. OVERMAN. I ask that that resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

LAND PATENTS FOR MISSIONARY OR RELIGIOUS ORGANIZATIONS.

The bill (S. 2211) authorizing the Secretary of the Interior to issue patents in certain cases to missionary or religious organizations was announced as next in order.

Mr. CURTIS. Mr. President, when the bill the title of which has just been read was under consideration some days ago the Senator from Montana asked that amendments be prepared limiting the amount of land that could be patented to the acreage actually used. If there is no objection to the consideration of the bill, I desire to offer an amendment.

The PRESIDING OFFICER. The Chair is informed that the bill has heretofore been considered as in Committee of the Whole and reported to the Senate. The bill is, therefore, now in the Senate and open to amendment. The Senator from Kansas offers an amendment, which will be stated.

The ASSISTANT SECRETARY. After the word "being" and before the word "used," in line 8 of page 1, it is proposed to insert the words "actually and beneficially."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas.

The amendment was agreed to.

Mr. WATSON of Georgia. Mr. President, it is my fault, of course, for which I beg the pardon of the Senate, but I do not quite understand what we are acting upon.

Mr. CURTIS. It is a bill to authorize the Secretary of the Interior to issue patents to certain religious organizations that have been conducting missions on Indian reservations. Nearly all such organizations have had patents issued to them. There are but very few of them left. This bill limits the land that may be patented to the actual amount employed for the beneficial use of the Indians, and the second amendment provides that in no case shall the amount exceed 160 acres.

There is another amendment.

The PRESIDING OFFICER. The second amendment will be stated.

The ASSISTANT SECRETARY. It is also proposed, at the end of the bill, after the word "purposes," to strike out the period and insert a semicolon and the following words:

The area so patented to not exceed 160 acres to any one organization at any station.

The amendment was agreed to.

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

BILLS, ETC., PASSED OVER.

The bill (S. 2573) to amend section 198 of the act of March 4, 1900, entitled "An act to codify, revise, and amend the penal laws of the United States," as amended, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8331) to amend the transportation act, 1920, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The concurrent resolution (S. Con. Res. 1) providing that legislation dealing with pensions, private claims, distribution of war trophies, etc., be initiated by petition on suitable furnished forms was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA.

The bill (S. 1591) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838, as amended, was considered as in Committee of the Whole.

Mr. KING. Mr. President, may I make an inquiry of the Senator from California [Mr. SHORTRIDGE]? As I understand, this organization was incorporated under a private charter. It has not availed itself of the general incorporation act of the District, and the Senator is of opinion that it may not amend its charter other than by act of Congress?

Mr. SHORTRIDGE. That was the opinion of the committee, and it is my opinion.

Mr. KING. I have no objection to the consideration of the bill. Let me say to the Senator, however, that we ought to amend the general incorporation act so that these corporations existing under private charters may avail themselves of the general statute, so that Congress will not be bothered in order to grant amendments to every little corporation that may exist under a private charter.

Mr. SHORTRIDGE. I agree with the Senator.

The PRESIDING OFFICER. The amendment of the committee will be stated.

The amendment was, on page 2, line 2, to strike out "Sibert" and insert "Seibert," so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia," approved July 7, 1838 (6th Stats. at L., p. 741), as amended, be, and the same hereby is, amended so as to read as follows:

"That Drs. George Wythe Cook, William Gerry Morgan, John B. Nichols, William P. Carr, E. Y. Davidson, Philip S. Roy, A. L. Stavelly, Henry C. Macatee, E. G. Seibert, J. Russell Verbruyck, jr., A. W. Boswell, Charles S. White, J. A. Gannon, D. S. Lamb, and Virgil B. Jackson, and such other persons as they may associate with themselves, and their successors, be, and they hereby are, constituted a body corporate of the District of Columbia, for the purpose of promoting and disseminating medical and surgical knowledge, and for no other purpose.

"SEC. 2. That the Medical Society of the District of Columbia be, and it is hereby, empowered to own, mortgage, and convey such property as may be necessary for its purposes, and to make such rules and regulations as it may require, and which may not be repugnant to the Constitution or laws of the United States.

"SEC. 3. That Congress may at any time alter, amend, or annul this act of incorporation of said society."

The amendment was agreed to.

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

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

RESOLUTIONS PASSED OVER.

The resolution (S. Res. 77) creating a special committee to investigate the expenditures made in behalf of various propaganda and in the maintenance of lobbies in Washington was announced as next in order.

Mr. SMOOT. Mr. President, at the request of the Senator from New Jersey [Mr. FRELINGHUYSEN] I ask that that resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

The resolution (S. Res. 170) referring the claims of R. S. Howard & Co., of New York City, and others, to the Court of Claims was announced as next in order.

Mr. KING. Let that go over until we can investigate it.

The PRESIDING OFFICER. The resolution will be passed over.

AMENDMENT OF JUDICIAL CODE.

The bill (H. R. 6679) to amend section 108 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. NELSON. Mr. President, all that that bill relates to is the transfer of one county in Texas from one judicial district to another. That is all there is in the bill, and there ought not to be any objection to it.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. POINDEXTER. I ask that the bill be read.

The Assistant Secretary proceeded to read the bill.

Mr. POINDEXTER. I do not desire any further reading of the bill. I simply wanted to see the nature of it, and I ask unanimous consent that the further reading be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The bill is before the Senate as in Committee of the Whole and open to amendment.

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

Mr. SHEPPARD. Mr. President, I ask that the report on the bill may be published in connection with the proceedings.

The PRESIDING OFFICER. Is there objection? There being no objection, it will be so ordered.

The report is as follows:

The Committee on the Judiciary, to which was referred the bill (H. R. 6679) to amend section 108 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The following excerpt from the report of the Committee on the Judiciary of the House fully explains the object of the bill, which is purely local and of interest only to the people of Texas:

"This bill amends the existing law so as to transfer Pecos County, in the State of Texas, from the Del Rio division of the western judicial district of Texas to the El Paso division of the same judicial district in that State.

"Section 2 of the bill is new language, and provides in brief that all process against persons residing in Pecos County and are cognizable in the United States district court shall be issued out of and be made returnable to the court at Pecos City, and in addition thereto that all prosecutions against individuals for offenses that have been committed in that county shall be tried in the court at El Paso or Pecos City. The proviso contained in the second section is added so as to insure against the application of this section in any civil or criminal cause which was pending prior to the passage of this act.

"The bill will not entail any additional expenditure on the part of the Government, but will reduce expense by lessening the distance traveled in service of process, etc., and will be a great convenience to litigants and their attorneys resident in Pecos County."

BILLS, ETC., PASSED OVER.

The bill (S. 2682) to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 172) declaring Truman H. Newberry to be a duly elected Senator from the State of Michigan was announced as next in order.

Mr. JONES of Washington. Let that go over. It is the subject of a unanimous-consent agreement.

Mr. KING. Mr. President, these new measures just read by the Secretary do not seem to be upon any calendar that I have.

The PRESIDING OFFICER. The resolution will be passed over.

The bill (S. 748) to remove the charge of desertion from the military record of Charles F. Getchell was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1655) for the relief of Orin Thornton was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

EDITION OF CONSTITUTION OF THE UNITED STATES.

The resolution (S. Res. 151) providing for a reprint of the Constitution of the United States was announced as next in order.

Mr. JONES of Washington. Let that go over.

Mr. CURTIS. Mr. President, just a moment.

When this matter was up before, at the request of the chairman of the Committee on the Judiciary I, representing the Committee on Rules, stated to the Senate that I had already directed clerks of the Committee on Rules to proceed to prepare a copy of the Constitution with the cases cited under each paragraph or article, and my clerk is working at that at this time. I do not need to employ an expert to assist him. If this resolution could be amended so as to put this work in the hands of the Committee on Rules and permit the committee to hire an assistant to this man whenever one is needed the committee could accomplish the work very much better, and the chairman of the Committee on the Judiciary is perfectly willing that the amendments be made.

I will state that the man I have at work now has been at work some three or four weeks, and is getting along very nicely with the preparation of the work, and it will be a very valuable document for the Senators and also for anyone studying the Constitution.

Mr. JONES of Washington. Mr. President, let me ask the Senator whether the suggestion made on the floor of the Senate before with reference to the notations, and so on, is going to be carried out?

Mr. CURTIS. The Senator means, by that, citing the case and quoting from the decision?

Mr. JONES of Washington. Yes; the principal point decided in the case.

Mr. CURTIS. That is being done; and I might state that under one article my clerk has had to examine already some 500 pages to get out the decision.

Mr. JONES of Washington. I take it that the Senator is going to propose the amendments to which he refers?

Mr. CURTIS. Yes.

Mr. JONES of Washington. I withdraw my objection.

Mr. OVERMAN. Mr. President, let me ask the Senator whether this will be printed as a part of the manual or as a separate document?

Mr. CURTIS. It is not to be printed as a part of the manual. It will be submitted as a separate document.

Mr. OVERMAN. That is all right.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CURTIS. I offer the amendments which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendments will be stated. The amendments were, on line 7, before the word "Committee," to strike out "Judiciary" and insert "Rules"; and on line 8, after the word "to," to strike out "prepare" and insert "assist in preparing," so as to make the resolution read:

Resolved, That the Constitution of the United States of America, including all amendments thereto and with citations of the cases of the Supreme Court of the United States construing its several provisions, collated under each separate provision, to date, be printed, and that 1,500 additional copies be printed for the use of the Senate. The Rules Committee is authorized to employ a competent person to assist in preparing the citations provided for, his compensation to be paid out of the contingent fund of the Senate.

The amendments were agreed to.

Mr. WILLIS. Mr. President, I desire to submit a question to the Senator from Kansas. Is it proposed that this document shall be printed in such form as will be convenient for distribution?

Mr. CURTIS. I will state to the Senator that when the matter was first proposed it was intended to print it as a part of the manual. If the substance of the decisions is given, it will make too large a volume. Therefore it is the intention of the committee to submit it so that it may be printed as a separate document.

Mr. WILLIS. That is desirable, I think.

Mr. CURTIS. That is the intention.

Mr. WILLIS. The Senator no doubt has many requests from his constituents for copies of the Constitution. It ought not to be too voluminous. The average layman will get lost if there are a large number of citations. I think that is a good plan.

Mr. POINDEXTER. Mr. President, I think there is a good deal of merit in the last suggestion of the Senator from Ohio as to the depreciation of the value of this work by a mere mass citation of vast numbers of cases.

Mr. CURTIS. Mr. President, the old manual did that very thing. The object of this is not to cite a large number of cases, but to quote from the decisions of the principal cases and then cite below the cases that sustain that one or more decisions, from which quotations are made so as to give to the reader the decision of the court upon every article of the Constitution, so that one reading the decision will know at once what part of the article it applies to.

Mr. POINDEXTER. For instance, there may be a great many cases which contain mere obiter dicta in regard to the Constitution.

Mr. CURTIS. Those will be referred to merely by the citation and not quoted from.

Mr. POINDEXTER. If the leading cases are cited and a few of the cases which follow them are given, it seems to me that would be sufficient. I am very glad, indeed, to hear the Senator from Kansas say that this new method of annotation is to be adopted, and in view of the fact that he is the chairman of the committee which has charge of the work, I urge him to take whatever steps may be required to see that the work is done in an efficient and able manner, otherwise its value will be practically nothing.

Mr. CURTIS. Mr. President, I intend to see that it is carefully and systematically done and that we get a work that is worth while.

Mr. POINDEXTER. The important part of it is that the annotations should be discriminating and should be accurate.

Mr. OVERMAN. Mr. President—

Mr. POINDEXTER. In just a moment.

Mr. OVERMAN. I want to indorse what the Senator has just said. When I was chairman of the Committee on Rules it had been the practice to set out a large number of citations, a number of which were valueless, and the Manual was so large that I instructed the clerk to leave off many of the citations, as they were of no value, anyway. The only satisfactory way to do that is as the chairman of the Committee on Rules has suggested.

Mr. CURTIS. May I make this suggestion: In order that the chairman of the Committee on the Judiciary might be familiar with what was being done, and also that the Senator from Connecticut, who first made the suggestion as to this work, might know what was being done, I have had prepared the decisions under the preamble, and I ask the Senator from Minnesota if he is not perfectly satisfied that it is a good piece of work?

Mr. NELSON. Mr. President—

Mr. POINDEXTER. I yield to the Senator from Minnesota.

Mr. NELSON. I have examined the work done by the clerk of the Senator from Kansas, and I find it altogether superior to anything we have attempted to do heretofore. It cites the leading cases bearing upon each particular section, gives a brief synopsis of the decisions, and then other cases which bear on it directly. I have examined the decisions which are referred to in the older editions of the Manual. There are a great many citations, and if Senators will get the old Manuals and examine them they will find that a great many of the citations are not germane; that they do not bear at all upon the clauses of the Constitution referred to.

The clerk will have to go over it and revise the whole thing. Having seen samples of his work, I am satisfied, from the way he has started in, that it will be a great work, and will eliminate a great many of the citations found in prior manuals.

Mr. POINDEXTER. Whether or not the work will be useful will depend altogether upon whether it is accurate and discriminating.

Mr. CURTIS. It will not be submitted until I know it is accurate; I promise the Senator that.

Mr. JONES of Washington. Mr. President, I do not think this will meet the situation the Senator from Ohio has in mind. I understand that he thinks there is to be a print of the Constitution which can be gotten out among the people generally. This edition will only be really serviceable to lawyers who want to refer to the cases bearing upon the Constitution and who want to know what the cases decide. I think that is a good thing and all right, but I believe the Constitution should be printed without these notations. This will be a volume of considerable size. If it is to contain extracts from the various decisions of the courts; it will be quite a large volume, and we will not print any considerable number compared with the number of people in the country who may desire it. But after this edition is prepared, we can print the Constitution without the notations, if we deem it wise to distribute it. I think it would be a good thing to print a very large number of copies of the Constitution and distribute them.

Mr. WILLIS. Mr. President, that is exactly the information I was trying to elicit. It is desirable that we shall have such a publication as the Senator from Washington has referred to, a rather comprehensive document, with citations, for the use of lawyers. Then there ought to be for quite general distribution a document that will bring the Constitution within the reach of everybody. I personally have a good many requests for copies of the Constitution, and there is no form now in which it can be sent out.

Mr. NELSON. I wish to say to the Senator that does not pertain to the work of this committee or of the clerk who is preparing the new edition. The question as to how many copies we will print or circulate is a matter which will come before the Committee on Printing, and they will determine that. The resolution simply relates to the work the clerk is doing, and the Committee on Printing will have to pass on the suggestion of the Senator from Ohio.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

CODE OF LAW FOR THE DISTRICT OF COLUMBIA.

Mr. NELSON. Mr. President, I ask that we go back to Senate bill 2682, to amend the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," and the acts amendatory thereof and supplementary thereto. After I have made a statement in regard to the bill, I do not think anybody will object to its consideration.

This is a bill to amend the law relating to the District of Columbia in relation to religious corporations, and the only amendment proposed is the insertion in that law of the words "or directors" after the word "trustees," so that it will be legal for one of these corporations to have directors instead of trustees. That is the only amendment.

The PRESIDING OFFICER. Is there objection to recurring to Senate bill 2682?

Mr. KING. I have no objection; but why may we not pass a general law, so that these amendments may be made by the stockholders or the directors, as the case may be, and as by statute provided, the same as amendments to articles of incorporation are made in the States?

Mr. NELSON. This relates simply to the laws of the District of Columbia, to religious corporations, and the only amendment is that they be allowed to use the term "directors" as well as the term "trustees."

Mr. KING. The Senator has not quite answered my question. I suggest that we pass a general law, by the terms of which corporations may amend their own articles without coming to Congress for the right to amend. I have no objection to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the act to establish a code of law for the District of Columbia, approved March 3, 1901, and the acts amendatory thereof and supplementary thereto, constituting the Code of Law for the District of Columbia, be, and the same are hereby, amended as follows: By inserting the words "or directors" after the word "trustees" wherever the word "trustees" occurs in sections 589, 590, 591, 592, 593, 594, 595, and 596.

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

COAL LANDS IN ALASKA.

The bill (S. 486) to provide for agricultural entries on coal lands in Alaska was announced as next in order.

Mr. LA FOLLETTE. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

TRANSFER BY THE UNITED STATES OF LANDS IN ALABAMA.

The bill (S. 2124) to relinquish, release, remise, and quitclaim all right, title, and interest of the United States of America in and to all the lands contained within sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the United States of America hereby forever relinquishes, releases, and quitclaims all right, title, and interest in and to all the lands now held under claim or color of title by individual or private ownership or municipal ownership and situated in the State of Alabama within the boundaries of sections 17 and 20, township 3 south, range 1 west, St. Stephens meridian, Alabama, whether or not patents issued therefor by the United States would be construed to include all the lands included within the boundaries of said sections.

The true intent of this act is hereby declared to be to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

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

AUGUSTUS S. PEABODY.

The bill (H. R. 3250) to authorize the Secretary of Commerce to convey to August S. Peabody certain land in Galveston County, Tex., was considered as in Committee of the Whole.

Mr. WATSON of Georgia. Mr. President, I would like to have an explanation of that bill.

Mr. SHEPPARD. I shall be glad to state to the Senator from Georgia and to the other Senators the meaning of the bill.

In 1906 the United States Government obtained for lighthouse purposes certain lands from what was known as the Texas City Co. Afterwards a hurricane destroyed the lighthouses, and the Government reestablished them on other lands. This bill is to authorize the Secretary of Commerce to retransfer the lands to the legal successor of the parties who first deeded the lands. They practically donated them, the consideration being \$1. So I think the bill will not be objected to.

Mr. KING. Did the occupation by the Government enhance the value of the premises?

Mr. SHEPPARD. Nothing was left after the hurricane destroyed the lighthouses but the bare land.

Mr. KING. So that the Government would lose nothing by the passage of this measure?

Mr. SHEPPARD. The Government would lose nothing.

The VICE PRESIDENT. The bill is before the Senate as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with amendments, on page 1, line 4, after the word "convey," to insert the words "by quitclaim deed," and on the same line to strike out the word "August" and to insert the word "Augustus," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized to convey by quitclaim deed to Augustus S. Peabody, of Chicago, Cook County, Ill., grantee of all rights, title, and interest of the Texas City Co., all the following-described tracts or parcels of land in Galveston County, Tex., known, designated, and described as follows, to wit: Being a part of lot No. 9, in block No. 47, first division of the town of Texas City, Galveston County, Tex., and beginning at the southwest corner of said lot No. 9; thence north along the west line of said lot 47 feet to a corner; thence east at right angle 25 feet; thence south along the east line of said lot 47 feet; thence west with the south line of said lot 25 feet to the place of beginning. Also, that certain tract or parcel of land, being a square 15 feet, and being a part of Bay Street, in the town of Texas City, Galveston County, Tex., and beginning at a point 62 feet east of the east line of block 9, first division of said town of Texas City, and 78 feet north of the southeast corner of said block 9; thence north 15 feet; thence east 15 feet; thence south 15 feet; thence west 15 feet to the place of beginning; all of which tracts or parcels of land were granted and conveyed to the United States by the Texas City Co. in May, 1906, for the nominal consideration of \$1 for each tract, and which land was to be used as site for beacons or ranges to mark the Texas City Channel; said tracts of land being no longer needed for the purposes for which they were conveyed, in view of the abandonment of said beacons or ranges formerly established or intended for use upon such tracts: *Provided,* That such conveyance shall be made without expense to either party, except that the said Augustus S. Peabody shall pay a consideration of \$2 and such expenses as are incident to the preparation and recording of the necessary title papers for the purpose of obtaining title to the said tracts and sites upon which beacons or shore ranges were established.

The amendments were agreed to.

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

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

The bill was read the third time and passed.

DESERT-LAND CLAIMANTS.

The bill (H. R. 7161) to authorize certain desert-land claimants who entered the military or naval service of the United States during the war with Germany to make final proof of their entries was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the act of March 1, 1921 (41 Stat., p. 1202), entitled "An act to authorize certain homestead settlers or entrymen who entered the military or naval service of the United States during the war with Germany to make final proof of their entries," be, and the same is hereby, amended by adding thereto at the end thereof the following matter, which shall be known and designated as section 2 of said act:

"Sec. 2. That any entryman under the desert land laws, or any person entitled to preference right of entry under section 1 of the act approved March 28, 1908 (35 Stat. L., p. 52), who after application or entry for surveyed lands or legal initiation of claim for unsurveyed lands, and prior to November 11, 1918, enlisted or was actually engaged in the United States Army, Navy, or Marine Corps during the war with Germany, who has been honorably discharged and because of physical incapacities due to service is unable to accomplish reclamation of and payment for the land, may make proof without further reclamation thereof or payments thereon under such rules and regulations as may be prescribed by the Secretary of the Interior, and receive patent for the land by him so entered or claimed, if found entitled thereto: *Provided,* That no such patent shall issue prior to the survey of the land."

Mr. KING. May I inquire of any member of the committee what modification the bill makes in existing law? Does the Senator from Montana know whether it modifies existing law; and if so, to what extent, with respect to the character of proof to be submitted in order to obtain title?

Mr. MYERS. I can not fully answer that question. It is a House bill, and I did not report it from the committee. I was present at the committee meeting when the bill was ordered reported out, and the information given there was that it affects very few people. The bill gives substantial justice, and provides that these men may have the same treatment that is given other entrymen on public lands. I think it is a good bill, but I can not give the information which the Senator asks.

Mr. KING. If it extends to them the same right, gives the same treatment, in the words of the Senator, accorded others, of course it is proper, and we ought to pass it. May I inquire of the Senator from Wisconsin whether he is familiar with the terms of this measure?

Mr. LENROOT. In a general way. I remember the bill being up in the committee, and while I do not remember the details, I was satisfied at the time.

Mr. KING. I have no objection to the bill.

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

MOUNT MCKINLEY NATIONAL PARK, ALASKA.

The bill (H. R. 6262) to add certain lands to Mount McKinley National Park, Alaska, was announced as next in order.

Mr. JONES of Washington. This bill passed the House. I have a great deal of confidence in the Senator from Utah [Mr. Smoot], who reported the bill; yet we have nothing in our files to indicate how much of the land there is, or the reason for the passage of the bill.

Mr. CURTIS. Let it go over, then.

The VICE PRESIDENT. The bill will be passed over.

CLEARWATER, ST. JOE, AND SELWAY NATIONAL FORESTS.

The bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests was announced as next in order.

Mr. JONES of Washington. That bill is subject to the same objection. I do not know why we have not reports on these bills in our files, but they are not there.

Mr. KING. A number of these bills have just been reported. We do not have the advantage of any written report with respect to many of them, and it seems to me we ought not to consider them at this time, but should have an opportunity to examine the bills or familiarize ourselves with the reports which have been submitted in the House, if none have been submitted in the Senate.

Mr. CURTIS. Mr. President, I have been advised that the Public Printer has been unable to comply with the requirements of supplying the reports on these bills. If Senators wish to let them go over until the reports are here, I think that had better be done.

Mr. KING. I suggest that they go over until the reports are submitted.

Mr. CURTIS. Does that apply to all the balance of the bills on the calendar?

Mr. KING. Yes; I make that request as to all of them.

Mr. MYERS. There are two bills of that character on the calendar that were reported by me, and I am ready to explain them.

Mr. KING. I will exempt those two bills from my general request.

Mr. JONES of Washington. I would like also to have an exception as to the last one, reported by my colleague, because I know he is familiar with the facts, as we both are.

Mr. POINDEXTER. As to the next to the last one also, I can give an explanation.

The VICE PRESIDENT. The Chair suggests that the bills be taken up in their order.

FIRST INTERNATIONAL BANK OF SWEETGRASS, MONT.

The bill (S. 2004) for the relief of the First International Bank of Sweetgrass, Mont., was announced as next in order.

Mr. WATSON of Georgia. Let the bill go over.

Mr. MYERS. I would like to have the Senator withhold his objection for a moment until I may make an explanation of the bill.

Mr. WATSON of Georgia. I shall be very glad to do so.

Mr. MYERS. The fact of the matter is that Stephen Horgasz was a homesteader in Montana and was drafted into the United States Army during the war with Germany. He claimed his exemption on the ground that he was not a citizen of the United States, and swore that he was not, and that went into the records of the War Department. It seems that he was exempted on that ground. Later he came to make final proof on this homestead and he either swore that he was a citizen of the United States or produced evidence that he was, and that

evidence was satisfactory to the register and receiver of the land office. The final proof was regular in every way on its face, and a receiver's receipt was issued for his final payment for the final proof.

A receiver's receipt is considered universally as evidence of title and, with very few exceptions, is always followed by the issuance of a patent in a very short time. People who have dealings with the holder of a receiver's receipt uniformly regard it as evidence of title. After getting this receiver's receipt, Horgasz went to this bank and mortgaged the land, which he had a right to do under the law, and borrowed \$2,000 on it. I believe it is 640 acres under the homestead grazing act. He executed the mortgage which the bank holds, and he got the money.

Later in some way somebody informed the Interior Department—I believe somebody contested his right to a patent—of the fact that he had sworn when he was drafted that he was not a citizen of the United States. The matter was investigated and it was found that he had made his declaration of intention to become a citizen and had lived here long enough but had never taken out his final citizenship papers; had never obtained his certificate of citizenship. On that ground the Secretary of the Interior refused to issue the patent. The money was borrowed from the bank without any laches or fault or neglect on the part of the bank. The proceeding was regular on its face. I believe in the meantime Horgasz abandoned the land. He simply got the money and then abandoned the land.

The bill merely provides that patent may issue to the bank instead of to Horgasz, upon the bank paying to the United States Government the value of the land, but not under any circumstances less than \$1.25 an acre, the amount required to be paid for the land if commutation were made. That is all that Horgasz would have been required to pay and it is all that the Government requires of anyone commuting a homestead entry. These are the facts, and on these facts and this showing the committee recommended the passage of the bill.

Mr. WATSON of Georgia. Will the Senator permit an inquiry?

Mr. MYERS. With pleasure.

Mr. WATSON of Georgia. As I understand the Senator there is no appropriation in behalf of the bank?

Mr. MYERS. None whatever. The bank must pay the United States at least \$1.25 an acre for the land.

Mr. WATSON of Georgia. The bank gets the land and thereby collects its bill?

Mr. MYERS. Yes; if it can. These are the facts. The bill is recommended in a substitute form by the Secretary of the Interior. The Secretary of the Interior sent in an amendment in the nature of a substitute, thinking it fitted the facts better and served justice better. The Secretary unqualifiedly recommends the passage of the bill in that form, and it is so reported.

Mr. WATSON of Georgia. I withdraw my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized, in his discretion, to issue patent to the First International Bank of Sweetgrass, Mont., for the south half of section 25, township 37 north, range 5 west, Montana principal meridian, upon payment by said bank of the value of said land, to be fixed by the Secretary of the Interior, less any amounts loaned by said bank to Stephen Horgasz and remaining unpaid: *Provided*, That in no event shall patent so issue to said bank for said land except upon the payment therefor by said bank at the rate of not less than \$1.25 per acre.

The amendment was agreed to.

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

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

JOHN CESTNIK, JR.

The bill (H. R. 5511) for the relief of John Cestnik, jr., was considered by the Senate as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Northern Pacific Railway Co., upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to the south half of the southwest quarter, section 11, township 8 south, range 20 east, in the Bozeman, Mont., land district, under its mineral indemnity selection, list No. 146, embracing said tract, shall be entitled to select and receive a patent for other vacant unreserved nonmineral public lands of an equal area in that State; and the Secretary of the Interior is hereby authorized and directed to permit, after the filing of such relinquishment by said railway company, the homestead entry of John Cestnik, jr., to remain intact as though said entry had been properly allowed, the same to remain subject to compliance with the laws governing entries of like character.

Mr. MYERS. Mr. President, I am prepared to make an explanation of the bill if anyone wishes it. This is a bill to authorize the Northern Pacific Railway Co. to relinquish its title to a piece of land in Montana and to select another piece of land of like character and value somewhere else in the State of Montana if it is so disposed. It is a bill which passed the House.

It seems that John Cestnik entered a piece of Government land and in some way or other, through some fault of some official of the Government, he was informed and led to believe that the land was all Government land subject to entry. His application was received and he was permitted to enter the land. He lived on it the required length of time and put valuable improvements on it and spent time and money on it. When it came to final proof it developed upon further investigation that title to a part of the land, some subdivision of it, is vested in the Northern Pacific Railroad Co. as railroad land. The bill is simply to authorize the railroad company, if it shall see fit, to relinquish its claim to that 40 acres, as I believe it is, and select other land elsewhere if it be so disposed. There is nothing compulsory. It is merely to enable the railroad company to do it, and the way the railroad company proposed to do it was to fix up the matter with the entryman, John Cestnik, agreeably to both, and then the entryman will get his land and the railroad may select 40 acres of land somewhere else.

That is the object of the bill and all that it provides. I think it is a very just bill, both to the railroad company and to the entryman, as well as to the Government. There is nothing compulsory about it. It is simply left to the discretion of the railroad company.

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

MINIDOKA NATIONAL FOREST.

The bill (H. R. 2914) to add certain lands to Minidoka National Forest was announced as next in order.

Mr. CURTIS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

SHOSHONE NATIONAL FOREST.

The bill (H. R. 2205) to add certain lands on the North Fork of the Shoshone River to the Shoshone National Forest was announced as next in order.

Mr. CURTIS. Let the bill go over.

Mr. KENDRICK. I ask the Senator who objected to withhold his objection until I can make an explanation of the bill.

Mr. CURTIS. I am glad to withdraw my objection. I objected because there was an understanding that as no reports are in our files on these bills they should be passed over unless some one was present to explain. I did not know the Senator could explain it. I gladly withdraw the objection for an explanation.

Mr. KENDRICK. I think the best explanation would be to read from the report, which states that—

The proposed legislation would add four and one-half sections of land, or approximately 2,880 acres, to the Shoshone National Forest. The land in question was originally within the boundaries of the Yellowstone Park Timber Land Reservation, created by proclamation of the President on March 30, 1891. Due to the fact that the region was unsurveyed when the present boundary of the Shoshone National Forest was established it was thought that it would follow the line of the old Yellowstone Park timber land reserve, but on projecting the lines of survey a line was established which resulted in leaving out of the present national forest the particular lands in question. They are of the same general character as the adjoining national forest lands. They are rough, rugged, and generally unsuited for agricultural use. At the same time they are of very great importance in connection with the administration of the Shoshone National Forest, for which they form a natural gateway. They include two great buttes which rise on each side of the roadway at the proposed boundary line and form a landmark which is known throughout that region as the beginning of the national forest. This area also controls important camp grounds on the road to the east entrance to the Yellowstone National Park. The lands in question are already under presidential withdrawal in aid of this measure.

The lands involved are practically of the same character as those which are included in the park, and it is also of very great administrative advantage to have those lands included.

Mr. CURTIS. I have read the letter of the Acting Secretary and so far as I am concerned I have no objection.

Mr. WATSON of Georgia. I should like to ask the Senator from Wyoming how much will be involved in the purchase of those lands?

Mr. KENDRICK. There are 2,880 acres of mountain territory that is of the same character as included in the withdrawal for the forest reserve. In fact, it was believed when the forest reserve was created that it included this land, but due to the absence of an official survey the land was left out. It made

a jog in the boundaries adding to the cost and making more difficult the administration of the forest.

Mr. WATSON of Georgia. It is Government land?

Mr. KENDRICK. Yes; all of it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the following-described lands are hereby added to the Shoshone National Forest, Wyo., and made subject to all laws applicable to national forests: West half of section 17, all of sections 18 and 19, west half of section 20, west half of section 29, all of section 30, township 52 north, range 105 west, all of the sixth principal meridian, Wyoming.

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

G. FRED ROACH AND OTHERS.

The bill (H. R. 7780) for the relief of G. Fred Roach and others was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That G. Fred Roach, who made desert-land entry Salt Lake City serial 016552 for the east half southeast quarter, southeast quarter southeast quarter, southeast quarter southwest quarter, and the west half southwest quarter of section 13, and the east half southeast quarter section 14, township 21 south, range 5 west, Salt Lake meridian; Grant H. Geddes, assignee of Richard S. Webber, who made desert-land entry Salt Lake City serial 016516 for the north half section 24, township 21 south, range 5 west, Salt Lake meridian; A. William Malone, who made desert-land entry Salt Lake serial 016517 for the south half section 24, township 21 south, range 5 west, Salt Lake meridian; and Mabel S. Roach, who made desert-land entry Salt Lake City serial 016553 for the northeast quarter, east half northwest quarter, and northeast quarter southwest quarter section 25, township 21 south, range 5 west, Salt Lake meridian, all of which entries were allowed on April 6, 1916, be, and they are hereby, authorized to complete title to the lands embraced in their respective entries upon the payment of any balance unpaid of the sum of \$1.25 per acre for the lands so entered to the receiver of the United States land office at Salt Lake City, Utah, within 90 days from the approval of this act.

Mr. LADD. Mr. President, I wish to make a very brief explanation with reference to the bill. G. Fred Roach and three other parties filed at Salt Lake City in 1916. The war came on and they were unable to complete the holdings filed on and entered the war service. The bill is for the purpose of extending and giving them the privilege of completing their ownership to the land by the payment, within 90 days, of the balance due.

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

TENDERFOOT LAKE, WIS.

The bill (S. 2468) providing for the sale and disposal of public lands within the area heretofore surveyed as Tenderfoot Lake, State of Wisconsin, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That on the survey of any public lands found to exist within the area heretofore surveyed as Tenderfoot Lake, in sections 7, 8, 17, and 18, township 43 north, range 8 east, fourth principal meridian, in the State of Wisconsin, the owners of adjacent lands shall have a preference right to purchase such lands so surveyed for a period of 60 days after the filing of the official plats of such surveys at \$1.25 per acre: *Provided*, That such privilege shall not extend to any lands so surveyed inuring to the State of Wisconsin under the act of September 28, 1850 (9 Stats., p. 519): *Provided further*, That nothing herein contained shall have the effect of defeating the rights of any other person or persons which may have attached to such lands or any part thereof.

SEC. 2. That the Secretary of the Interior is authorized to make all necessary rules and regulations to carry this act into effect.

Mr. WATSON of Georgia. Mr. President, will the Senator from Wisconsin be kind enough to explain the purpose of the bill?

Mr. LENROOT. This is a bill made necessary by an erroneous survey of lands fronting upon Tenderfoot Lake, a small lake in Wisconsin. The survey showed a meander line from the lake, but it was afterwards discovered, and only two or three years ago, that an error was made, and there are three tracts fringing the lake that are not included in the survey and which the adjacent owners for more than 40 years had supposed they owned. The bill merely provides that the adjacent owners of a very small fraction in each case shall be permitted to buy from the Government at \$1.25 an acre what for more than 40 years it was supposed they already owned and was included in the original Government grant. There are only 300 acres involved altogether.

Mr. POINDEXTER. I would like to ask the Senator from Wisconsin whether there are any conflicting or adverse claims by other private parties?

Mr. LENROOT. None at all.

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

SEARCY HOSPITAL FOR THE COLORED INSANE, ALABAMA.

The bill (H. R. 6961) granting certain lands to the State of Alabama for the use of the Searcy Hospital for the Colored Insane was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the following-described lands contiguous to the Searcy Hospital for the Colored Insane, to wit, all of fractional section 1, township 1 north, range 1 west, St. Stephen's meridian, south of Cedar Creek and west of John Chastang's private land grant, containing 181.41 acres, be, and the same are hereby, granted to the State of Alabama for the use of the said hospital, and the Secretary of the Interior is hereby directed to issue a patent to said State for the same: *Provided*, That the said State shall not have the right to sell or convey the lands herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described, and in the event of attempted alienation or failure to use said lands for the purposes hereinbefore described the same shall revert to the United States.

Mr. HEFLIN. Mr. President, this bill was introduced in the House by Representative McDUFFIE, of the district in which this land and hospital are located. A similar bill was introduced here by my colleague, Senator UNDERWOOD. This is the McDuffie bill which passed the House. It was favorably reported by the Senate Committee on Public Lands and Surveys, and I am anxious to have it pass the Senate to-day. We have a hospital located in Mobile County, Ala., known as the Searcy Hospital for the Colored Insane, and the 181 acres of land here donated or granted for the use and benefit of the afflicted inmates of that institution are necessary to its successful operation.

Mr. WALSH of Montana. I wish to inquire of the Senator from Alabama if the hospital is a State institution?

Mr. HEFLIN. Yes; it is a State institution. I ask for a vote.

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

MIKE CAMPBELL.

The bill (H. R. 3116) validating the homestead entry of Mike Campbell for certain public land in Alaska was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the entry hereinafter described be, and the same is hereby, validated and the Secretary of the Interior is authorized to issue patent thereon upon the submission of satisfactory proof of compliance with the provisions of the act of June 6, 1912 (37 Stat., p. 123):

Homestead entry, Juneau, Alaska, No. 03986, made by Mike Campbell on July 14, 1919, for the west-half of the northwest quarter, the northeast quarter of the northwest quarter, and the northwest quarter of the northeast quarter, section 6, township 13 north, range 4 west, Seward meridian, and in lieu of that tract the Territory of Alaska shall have the right to select equal area of public land of the character subject to selection under its school land grant.

Mr. LENROOT. Mr. President, having reported this bill, and having been requested to make an explanation of it, I will say that the beneficiary of the bill, Mr. Campbell, originated the claim by the purchase of improvements upon the land in question when it was a part of the Chugach National Forest. Under the law applying to Alaska he had the right to ask that the particular land upon which he located be listed and that he be permitted to file a homestead entry upon it. The forest ranger, however, upon the report of the department, told Mr. Campbell that this land would shortly be eliminated from the national forest, and that he had better wait to apply until the survey was made and that he could apply under the general land laws. This Mr. Campbell did. He did not make his filing when he could have done so while it was a part of the national forest. After the survey was made it so happened that this particular land fell in section 36, which was a school section donated to the Territory of Alaska. All this bill proposes to do is to validate his entry and to permit the Territory to select additional lands to make up its loss by reason of its being within the school section. If it was not for the fact that it was in section 36, Mr. Campbell could complete his entry. The bill is favorably recommended by the department.

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

BILLS PASSED OVER.

The bill (S. 726) for the relief of George Emerson was announced as next in order.

Mr. CURTIS. Let that bill go over, Mr. President.

Mr. MYERS. Mr. President, I should like to make an explanation of the bill if the Senator from Kansas will withdraw his objection for a moment. I will frankly state all of the facts connected with the bill, so far as I know them.

Mr. CURTIS. I have asked that the bill go over at the request of the Senator from Utah.

Mr. MYERS. If that is the case—

Mr. CURTIS. The Senate will meet to-morrow, and I suggest that the bill go over until then.

Mr. MYERS. Very well.

The bill (S. 1452) providing for establishing shooting grounds for the public, for establishing game refuges and breeding

grounds, for protecting migratory birds, and requiring a Federal license to hunt them was announced as next in order.

Mr. JONES of Washington. Mr. President, that bill was reported only yesterday. It is an important measure; I am inclined to think I shall be in favor of it, but—

Mr. POINDEXTER. I have the report on the bill here, I will say to my colleague.

Mr. JONES of Washington. However, I should like to have an opportunity to look the bill over a little.

Mr. WALSH of Montana. I will say to the senior Senator from Washington that I am inclined to favor the bill, but I should like to examine it.

The VICE PRESIDENT. The bill will go over.

LANDS IN RAINIER NATIONAL FOREST.

The bill (H. R. 6864) authorizing exchanges of lands within the Rainier National Forest, in the State of Washington, was considered as in Committee of the Whole.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion to accept on behalf of the United States title to any lands not in Government ownership within the Rainier National Forest if, in the opinion of the Secretary of Agriculture, such lands are chiefly valuable for national-forest purposes, and in exchange therefor may issue patent for not to exceed an equal value of Government land within any national forest within the State of Washington, or the Secretary of Agriculture may permit the grantor to cut and remove an equal value of national-forest timber in any national forest in the State of Washington, the values in each instance to be determined by the Secretary of Agriculture and to be acceptable to the owner as fair compensation. Timber given in such exchanges shall be cut and removed under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture. Lands conveyed to the United States under this act shall, upon acceptance of title, become parts of the Rainier National Forest.

Mr. WATSON of Georgia. Mr. President, that bill seems to involve a very important matter. I wish the Senator from Washington would explain the bill.

Mr. JONES of Washington. Mr. President, although my colleague [Mr. POINDEXTER] reported the measure, I will say that we have passed through the Senate several bills similar in character with reference to various national parks in the different States. The situation in the State of Washington is just this: There are logging operations going on near the boundaries of this park. There are certain tracts of very valuable timber of a very fine character within the limits of the national park owned by private parties. They have delayed logging the timber for quite awhile upon assurances from us that such legislation would be passed as would enable the Forest Service to allow them to exchange these lands for other lands of a similar character, not exceeding in value the lands involved in this bill, somewhere else in some other forest reserve. The bill is for the purpose of preserving these forest lands.

Mr. WATSON of Georgia. Mr. President, I am somewhat of a crank about preserving trees, and I am in hearty sympathy with the object of the bill.

Mr. JONES of Washington. The bill is for that purpose.

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

HAROLD KERNAN.

Mr. BROUSSARD. Mr. President—

Mr. CURTIS. Mr. President, I understand that the Senator from Louisiana desires to make a request for unanimous consent.

Mr. BROUSSARD. I ask unanimous consent to recur to Order of Business 183, being the bill (S. 405) for the relief of Harold Kernan. I will state that I am not the author of the bill.

Mr. CURTIS. Let the bill be read.

The bill was read as follows:

Be it enacted, etc., That the accounting officers of the Treasury Department are hereby authorized and directed to credit the account of Harold Kernan, now serving as first lieutenant, Thirteenth Field Artillery, United States Army, in the sum of \$3,426, with which said officer was charged for money stolen from an enlisted man serving under him, for which said officer was held responsible while stationed at the city of Brest, France, in October, 1919.

Mr. KING. I made objection to the consideration of that measure, but I withhold it pending the explanation of the Senator from Louisiana.

Mr. BROUSSARD. Mr. President, I did not introduce this bill, but as a member of the Committee on Claims, I reported it from that committee to the Senate. The bill has been pending here for some time. It involves purely a question of discretion and judgment on the part of the officer whose account has been charged with the amount of \$3,426 because of the loss of that sum while it was being transported from the sales branch, depot quartermaster's office, to the finance office at Brest, France. The facts in the case disclose that Lieut. Harold Kernan, of the Thirteenth Field Artillery, United States Army, was

in charge of this sales branch. He succeeded some other Army officer who had established the precedent of transferring the money by sending it in the hands of one of the soldiers from the sales branch to the finance office, which was not a great distance away. The money was sent early in the afternoon, and, of course, in the daytime. The soldier had been in the habit of carrying the money, and the practice had been established before Lieut. Kernan was appointed to take charge of the sales branch. On that afternoon the soldier who was carrying the money was sandbagged on the streets of Brest and the money was taken away from him. The matter was reported to the proper authorities, but naturally the board which investigated the case, having no authority to appropriate funds, could not extend relief. The Secretary of War, however, on January 20, 1921, reviewing the proceedings had in the case finally concluded to recommend that Lieut. Kernan be relieved by crediting his accounts with the sum of \$3,426, which had been charged against him.

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

Mr. BROUSSARD. Yes.

Mr. KING. Did not the Senator inadvertently rather inaccurately state the facts? As I recall the circumstances from the discussion which occurred here several months ago, the board found that the officer was culpable; that he was negligent in having failed to provide a proper guard. They did not base their final decision upon their lack of authority to exonerate the officer, but they positively found that he was guilty of negligence because he did not provide a sufficient guard to protect the employee of the Government who was carrying the money.

Mr. BROUSSARD. The Senator is entirely correct in that. What I meant to say was that the board, whether they found that he was guilty of any negligence or not, had no authority to make any appropriation or to issue any order crediting the accounts of Lieut. Kernan with the amount which had been charged against him. As I understand the proceedings, the board—

Mr. KING. If the Senator will pardon me, the Senator can see that it would have been wholly illogical and inconsistent for them to have found that he was guilty of neglect and then at the same time order that he be credited with the amount.

Mr. BROUSSARD. I understand; but immediately upon this amount being taken he was charged with the amount which had been stolen, and no board could have done away with that charge. That is my understanding at any rate.

Mr. WATSON of Georgia. Mr. President—

Mr. BROUSSARD. I yield.

Mr. WATSON of Georgia. Is it not a fact that this officer took no precautions at all, as is usual, in transferring money from one place to another?

Mr. BROUSSARD. I will state to the Senator from Georgia that the evidence shows that when this officer was appointed and assumed the duties of the office he inquired what the custom was in regard to transferring the funds, and he followed the practice which had prevailed. The money was given to a soldier to be carried a few blocks away through the streets at, I think, about 3 o'clock in the afternoon. The streets were not deserted; there were people all along there. The precedent of transmitting the funds in that way had been established by his predecessor.

Mr. ROBINSON. Was it customary to send a guard with the soldier carrying the funds?

Mr. BROUSSARD. It was not.

Mr. ROBINSON. That custom had been established prior to the incumbency of the officer who is charged with the default?

Mr. BROUSSARD. Yes; it so appears from the recommendation of the Secretary of War and from the evidence furnished before the Committee on Claims.

Mr. ROBINSON. Was any question raised as to good faith? Did anyone claim that there could have been collusion or that there probably was collusion?

Mr. BROUSSARD. There was no question of that kind raised at all.

Mr. ROBINSON. The honesty of the officer is not assailed in any way?

Mr. BROUSSARD. Not in any manner.

Mr. ROBINSON. I think under those circumstances the bill ought to be passed.

Mr. BROUSSARD. I hope the Senator from Utah will not urge his objection to the bill. A lieutenant in the Army receives a very small salary. This officer, I repeat, merely followed the precedent which had been established by his predecessor, and yet his account is charged with \$3,426, which is nearly two years' salary. The Secretary of War at the time

recommended that this relief be extended, and I hope that the Senate will pass the bill.

Mr. KING. Mr. President, I shall not object to the consideration of the bill, but I am afraid that the passage of the bill will be a rather unfortunate precedent. The Senator knows that large numbers of men are charged with the custody of Government funds in the Post Office, in the Army, in the Shipping Board, and in the multitudinous activities in which the Government is engaged. I think that every possible effort should be made to impress upon officers charged with the custody of public funds that they must guard them and protect them. We have in a number of instances appropriated money to postmasters where they alleged that the safes have been robbed, when they knew that the doors of the safes were not secured. They acted in good faith, in that they did not think that any person would invade the post office and attempt to rob it. We are letting down the bars and excusing men from taking what I conceive to be necessary and proper steps to protect Government property intrusted to their care.

I suggest to the Senator that if we pass this bill, it will be a bad precedent. It will be notice to Government employees that they need not think for themselves; that if they follow some old, outworn precedent or method or practice in dealing with Government funds, regardless of changed conditions, and the Government loses the funds intrusted to their care through robbery or through the misfeasance of some subordinate, the Government will come to their relief and exonerate them. Such a precedent will be bad. If, upon the other hand, the Government were to be rigid and exacting, while in some instances perhaps it would be rather severe punishment for the officials who had been intrusted with money to be called upon to pay it back, in the long run it would make for efficiency, for proper administration, and would save the Government large sums of money.

I shall not object to the consideration of the bill. I shall vote against it, however, as I think the precedent is very bad, and I do not think the Senate ought to go on record in favor of this measure.

Mr. ROBINSON. Mr. President, in connection with the statement of the position of the Senator from Utah [Mr. KING], I think it pertinent to bring to the attention of the Senate the report of the Secretary of War on this bill. In my opinion it fully justifies the statement of the Senator from Louisiana [Mr. BROUSSARD].

The Secretary of War, among other things, says:

It appears, however, that since the transfer took place in the middle of the afternoon and the route followed was along frequented streets, the failure to provide more adequate protection was due to an error in judgment which might have been committed by anyone similarly placed. This view is also justified by the fact that Capt. Kernan's predecessor had, so far as the papers disclose, followed the same procedure in the daily transfer of these funds. I feel, therefore, that the ends of justice will be served by granting the relief contemplated.

Mr. President, if it should be made to appear that the officer in charge of these funds was under direct orders from a superior to supply a guard, he would be, of course, deprived of discretion in the matter; but the circumstances indicate, if they do not clearly establish, that a mere question of discretion was involved.

The distance was very short. The route was along a way that was frequented, and one could hardly anticipate that the messenger would be intercepted and assaulted and robbed.

Under those circumstances, I think it would be a very great injustice to this young officer to compel him to bear the responsibility for this robbery. Congress has passed a great many bills relieving civilians, postmasters, and others of that type, which in my judgment were not nearly so strongly entrenched in facts of justification as this case.

Under the circumstances, I join in the hope of the Senator from Louisiana that the bill will pass.

Mr. KING. Mr. President, just one word, in view of what my good friend from Arkansas has said.

There is one part of the report which I had not read and which has just come to my attention. It appears that an examination was held immediately after the robbery, and I want to read from the report of the board. It was composed of Maj. Lathe B. Row, who was the president, Capt. F. T. Burt, and First Lieut. W. D. Powell, recorder; and this report was approved by L. E. Scherer, colonel, Cavalry, United States Army, commanding.

Briefly, this report states as follows:

About 3 p. m. on October 7, 1919, Capt. Harold Kernan, F. A., in charge of sales branch, depot No. 1, base section No. 5, Brest, France, intrusted to Pvt. Guy L. Bolton, Quartermaster Corps, detachment No. 500, the sum of \$3,426, property of the United States, for which the said Capt. Kernan was responsible, and directed Pvt. Bolton to deposit this money at the base finance office. That shortly after 3 p. m. Pvt.

Bolton, while passing through an alley in the city of Brest, on his way to the finance office, was struck by a person or persons unknown, rendered unconscious, and while unconscious was robbed of the sum of \$3,426 aforementioned.

The board further finds that Capt. Harold Kernan, Field Artillery, did not exercise reasonable prudence and care in intrusting the sum of \$3,426 to Pvt. Bolton for deposit at the finance office. This conclusion is based on the fact that it is well known that the city of Brest is infested with lawless characters and that an individual traveling alone, especially an American soldier, is very apt to become involved in difficulties which would be likely to result in the loss of any considerable sum of money which he might have in his possession, and that under these circumstances, Capt. Kernan should have provided at least one other man as an escort for the bearer of these funds. It appears from the evidence that the practice of sending funds to the finance office by a soldier messenger, from the sales branch of depot No. 1, was inherited by Capt. Kernan's predecessor. It also appears that the robbery took place in broad daylight in a portion of the city of Brest somewhat frequented by passersby. These facts, however, do not constitute sufficient justification of Capt. Kernan's method in sending the funds in question to the finance office.

The board therefore is of the opinion that the loss of funds above mentioned was due to neglect on the part of Capt. Kernan to properly safeguard these funds while in transit to the finance office, and therefore recommends that Capt. Kernan be required, under the Eighty-third Article of War, to make good the loss of \$3,426, the property of the United States.

There being no further business before it, the board then, at 4 p. m., adjourned sine die.

Then follow the names of those constituting the board, and the approval by the Cavalry officer.

Mr. President, it appears that immediately after this money was purloined or taken by force from the private, a board was convened to make an investigation. They were on the ground. Undoubtedly the officers composing the board would sympathize with a brother officer, and if they could have found honorably, under their oaths of office, any excuse for his conduct, any justification to relieve him from responsibility, it is fair to assume that they would have so found. It seems to me that we are discrediting the officers; we are going behind findings which they made when the evidence was before them, after a full and complete investigation; and in the teeth of their findings that the officer was at fault we propose to relieve him and to make the appropriation.

I make no objection to the consideration of the bill, but, I repeat, I shall vote against it.

THE VICE PRESIDENT. If there be no objection, the bill is before the Senate as in Committee of the Whole and open to amendment.

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

THE VICE PRESIDENT. The question is, Shall the bill pass? The bill was passed.

BUSINESS OF THE SENATE.

Mr. HARRISON. Mr. President, is there nothing before the Senate?

Mr. CURTIS. It was the intention to have an executive session, but I understood the Senator wanted to take a few minutes to address the Senate.

Mr. HARRISON. I wanted to inquire about the railroad funding bill. I do not see the chairman of the Committee on Interstate Commerce in the Senate at this time.

Mr. WATSON of Georgia. And hardly anyone else.

Mr. HARRISON. And hardly anyone else, as suggested by the Senator from Georgia. It may be that the information I seek can be given by the Senator from Kansas, or some other Senator on the other side.

My inquiry is this: The President some time ago submitted to the Congress a request, a very urgent request, to pass the railroad funding bill. The bill passed the House and was reported out of the Senate Committee on Interstate Commerce. I think it is a very iniquitous measure, but some weeks ago the chairman of the committee expressed himself very strongly to the effect that he wanted the bill passed, and he set it aside at the very urgent request of the leadership on the other side, to permit the Newberry case to be taken up. Senators on the other side thought that perhaps they could rush the Newberry case through in a couple of days, and so, after some solicitation, the Senator from Iowa [Mr. CUMMINS] yielded, but in yielding he said that if the Newberry case took very long he would insist on taking up the railroad funding bill, again making it the unfinished business, and having it passed.

Just before we adjourned, 10 days ago, the Senator from Iowa stated that at the very first opportunity when Congress reconvened in December he would call up the railroad funding bill and press it for consideration. We have been in session three days, and while I have seen the Senator from Iowa on the floor, and nothing apparently of importance before the Senate, I have not heard anything of the railroad funding bill. If the

Senator from Iowa or the Senator from Kansas will take us and the country into their confidence and enlighten us as to whether there has been a shift in the plans, we shall be very glad to know about it, and if there is any reason why the railroad funding bill is not as important and pressing for solution now as it was some weeks ago and a few days ago, when, because it was delayed a few days, there was talk of invoking cloture to press it through the Senate, we would like to know it; so if the Senator from Kansas will oblige me by answering the question I shall be glad to have him do so.

Mr. CURTIS. I am not a member of the Committee on Interstate Commerce, and I have no authority to speak for the chairman, but I understand the bill has been laid aside because of the fact that it is easy now to secure money, and the securities have been disposed of, or are being disposed of satisfactorily in the market.

Mr. ROBINSON. Then the Senator does not understand that the bill will be again brought before the Senate?

Mr. CURTIS. I could not say as to that. I should judge not.

Mr. HARRISON. It is about that that I desire to address the Senate briefly. It pains some of us to see this Congress starting out so inauspiciously. We had hoped that in the very beginning there would be a set program laid out, and that it would be rushed to completion. Of course, we may differ about these measures, but the country is entitled to know, and certainly the minority in the Senate is entitled to know, what bills are coming up, when they are coming up, and when they are going to be abandoned.

We had a good deal of such abandonment of measures in the last Congress. And that is one of the reasons why the Congress is in such disrepute. One day we would see reported out of one of the committees a bill that was urged as being important, and upon which it was said the prosperity and industrial activities of the country were dependent, and then in a day or two those in charge of it would see the light—realize their mistake—change front, and the bill would be withdrawn or recommitted to the committee. I know the soldiers' bonus bill, for instance, is fresh in the memory of Senators here. After the chairman of the Committee on Finance had heralded the importance of that legislation and in eloquent terms pictured the duty of Congress to do something for those who fought to preserve our institutions and add new glory to our country, they brought it out of the committee. We debated it a few weeks, and finally the President of the United States sent word to Senators on the other side to retreat, and they retreated.

Mr. WATSON of Georgia. I beg to remind my friend, the Senator from Mississippi, that the President came in person, made a speech on the negative side of the case, and killed the soldiers' bonus bill.

Mr. HARRISON. Yes; the first time in the history of the American Government that such a practice was attempted. But the President had changed his mind. Not for the first time in his career had he done that, because he told the soldiers as a candidate he was in favor of some legislation in their behalf. As a Senator he had spoken against Executive interference. He had held President Wilson up to scorn as being a dictator and an autocrat, forcing legislation through Congress, and he condemned his activities in that regard in the strongest terms and with the greatest eloquence he could employ. But he had forgotten all that, and came in person and asked the Congress to defeat legislation which they had promised the soldiers they would pass, and Senators retreated overnight, so that legislation died.

But that was not the only time he had changed front. We heard much about the reduction of taxes during the campaign and the need of the revision of our tax laws and of the lifting of the burden from the backs of those least able to bear them. Yet in the last Congress, just as the bill was about to be voted on, again he wrote a letter to the Congress and told them what he desired them to do, namely, to reduce the maximum surtax on large incomes from 50 per cent to 40 per cent. But the House of Representatives had independence, they had courage, they had doubtless read the speeches of the President when he was Senator against presidential encroachment, and they told him "where to get off"; they scorned his letter and repudiated his suggestion. They stood like true representatives of the people and ignored his request, and accepted the amendment that was put on the tax bill in the Senate by Democratic and progressive Republican votes.

It was due to the action of a few patriotic, courageous, lion-hearted Republicans, close to the people, who were not oblivious to their views, who wished to carry out their desires, who joined with us in removing the taxes in part from the masses and

placing them upon those best able to bear them—the wealth of the country—that we were able to increase the maximum surtax from 32 per cent to 50 per cent.

That rolled the President. I do not know why, but I can imagine why. I have heard that it was because he was in close touch with the reactionary, the predatory, elements in this country, who have bled the people for their own benefit for years; that he was in frequent conferences with these high financiers and that certain promises had been made to them—election pledges, may I say—and that they had called the turn, and said to him, "It is time to deliver, and the best way to deliver is in the tax bill, by taking from us some of the taxes which have been imposed on us and placing them on Ford automobiles and on the necessities of life."

So they called his hand, and the President, true to the "powers" that had placed him in the White House, not forgetful of his promises, in turn said to the Republican leadership in Congress, "Let us come across, boys." So he was ruffled and angered when the House did not do his bidding.

I know it surprised the Senator from Pennsylvania and the Senator from Kansas and the Senator from Utah, because it was the plan, well laid but not carried out successfully, that there would be a compromise between the 32 per cent maximum surtax on large incomes as passed by the House and the 50 per cent passed by the Senate, when in conference all the differences were not ironed out and a compromise such as suggested by the President of 40 per cent was not incorporated in the bill. But things went awry. The plans miscarried, and consequently they adopted in the House what we passed here, and for that the President yesterday in his message expressed—briefly, yes; but quite explicitly, so that all could understand—that he did not approve the course of certain Senators here who had joined with the Democratic minority and put over that 50 per cent maximum surtax.

The Senator from Kansas and other Senators have no doubt read that part of the President's speech where he takes a rap at the agricultural group. I am sorry the distinguished Senator from Iowa [Mr. KENYON] is not in his seat. I am sorry that some of the other Senators who have fought for the agricultural interests are not in their seats, who, if they had not fought as they did, would not have procured the enactment of certain legislation which has been, in part at least, beneficial to the agricultural classes. But the President took his shot at those fellows. I do not know whether they will lose their patronage or not. I hope not. It would be very unfair if, because these few Senators have joined with us and voted in the interest of the people, they should be rebuked by having the patronage in their States taken away from them. In his message this is what the President said:

There is vastly greater security, immensely more of the national viewpoint, much larger and prompter accomplishment where our divisions are along party lines, in the broader and loftier sense, than to divide geographically, or according to pursuits or personal following.

Oh, he was hitting the agricultural group. Yet I saw in the morning papers that one distinguished leader of that group had said it was a very splendid message to the Congress. What did he get out of the message, or what did others of the agricultural group get out of the message, that holds any encouragement to them? Is it that he suggests in this message the enactment of the cooperative marketing plan? He is adroit. He wants to hand to the farmers just a little sop, because he knows it does not take much to influence the votes of some Senators. So he thought perhaps if he said to them, "I am in favor of the enactment of the cooperative marketing plan," that would cause such jubilation among some of the agricultural group that they would find no fault with his condemnation of their actions in other matters. He should have praised the agricultural group, because good legislation that has come, as I said, for the agricultural classes has been in large part due to their activities, their joining with us, not on party lines but for the good of the country.

Some time ago when another President was in the White House and an election was coming on he addressed a letter to the American voters in which he asked that a Democratic House of Representatives be elected. Republican Senators and Congressmen and leaders condemned it. They said he had no right to plead with the voters along party lines for the election of those Members of Congress. You scorned that President for his action. You said it was unfair, and that it had never been done by any President before. Yet the President to-day, who no doubt condemned that message of yesterday to the American voter, in his speech to the American Congress on yesterday pleaded for adherence to party lines.

Yes; he thought by that means that he might influence the distinguished junior Senator from Kansas [Mr. CAPPER] and

those who have worked with him for agricultural legislation to stop associating with Democrats in obtaining it, and vote with the Republican leadership upon all measures.

It may be that it was the first call of the President for Republican Senators to line up as a party policy to retain a seat in this body for TRUMAN H. NEWBERRY, who has been shown to have expended approximately \$200,000 in his campaign in Michigan. It may be that he wants to force them in line so that this friend of the President might hold his seat here, even though a jury of his own constituents in Michigan, after hearing all the evidence and the pleas in his behalf, had convicted him by unanimous vote of the jury. Ah, I say to Senators on the other side of the Chamber that there are many questions which arise here that have no party tinge. We over here have joined with some of you in passing wholesome amendments to some bills that were in the original form inimical to the welfare of all the people. We expect to continue to vote with you when you propose legislation that is in the interest of the people.

Mr. WATSON of Georgia. Mr. President—
The PRESIDING OFFICER (Mr. SPENCER in the chair). Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. HARRISON. I yield.
Mr. WATSON of Georgia. I know that the Senator from Mississippi desires to be entirely fair, but his statement in reference to the Newberry case is, to say the least, not full. Mr. Newberry was indicted in Michigan for conspiracy to violate a law which the Supreme Court of the United States said was unconstitutional. The Supreme Court said that there was no evidence whatever of corruption on the part of Mr. Newberry, and the Senator from Montana [Mr. WALSH] admitted on the floor of the Senate that there was no bribery.

Now, the Senator from Mississippi can easily learn, if he does not now know, that there is no limit whatever placed upon the amount of money which can be spent for specified purposes under the Michigan law. If Truman H. Newberry is guilty of any offense whatever it is under the Michigan law, under which law he has never been prosecuted. There was no evidence whatever to prove that Mr. Newberry had any personal knowledge or gave his consent to the expenditure of the \$200,000 to which the Senator from Mississippi alludes.

Mr. KING. Mr. President, will the Senator yield to me?
Mr. HARRISON. Certainly.

Mr. KING. I heard only a portion of the statement of my distinguished friend from Georgia. I am a member of the Committee on Privileges and Elections and am reasonably familiar with the record, having read the entire record twice and some portions of it several times. If the Senator from Mississippi will permit, I desire to express my dissent from the statement of the Senator from Georgia as to the facts as disclosed by the record. I think the record conclusively establishes that more than \$200,000 was expended, indeed, more than \$267,000, and that Mr. Newberry not only was familiar with this large expenditure but that a considerable portion of it came from his own bank account; that Mr. Newberry himself wrote a letter in which he stated, in substance, that he was responsible for the expenses of publicity, and the record shows that the publicity expenses exceeded the sum of \$140,000.

I do not desire to be drawn into a discussion of the case at this time, but I did feel that the broad statement of my good friend from Georgia, whose good faith and integrity I readily accept and to which I pay tribute, should go unchallenged. I did not want his statement to go unchallenged that the record showed the facts as he has stated them. I have no doubt my friend after his reading of the record is sincere in that view and believes that the record will support the statement which he has made.

I wish to make the further statement that if the officials of the State of Michigan did their duty they would have prosecuted a large number of those who participated in that election, who helped to expend the money, and who joined in the conspiracy to expend a large sum of money to secure the nomination of Mr. Newberry for the office of United States Senator and his election to the Senate of the United States.

Mr. WATSON of Georgia. Mr. President, I hope the Senator from Mississippi will allow me a brief rejoinder to that statement. I will challenge now the Senator from Utah or any other Senator to cite the evidence that connects Newberry with the improper use of a single dollar of money in that election. The conviction to which the Senator from Mississippi refers was in part brought about by the expenditure of \$400,000 of Government money in raking up testimony and in hiring extra lawyers to prosecute Mr. Newberry, to convict him, to send him to the penitentiary, so he could not come here and vote against the League of Nations.

Mr. CARAWAY. Mr. President, will the Senator from Mississippi yield to me?

Mr. HARRISON. With pleasure.

Mr. CARAWAY. The Senator from Georgia stated that he challenged anyone to cite evidence that the Senator from Michigan was connected with the expenditure of the money, for which act his right to a seat in this body is now challenged.

Mr. WATSON of Georgia. Illegal expenditure.

Mr. CARAWAY. It was practically all illegal.

Mr. WATSON of Georgia. Oh, that is not fair.

Mr. CARAWAY. For instance, the money was spent to bribe or to hire people who were not for him to become his supporters. It was spent for people to work on primary day, when the law forbade doing that. The record shows conclusively that it did go beyond that, and to deny that would be to deny what everybody knows to be the truth. Paul King went to a man in Flint, Mich., so the man swears, who had been convicted and sentenced to the penitentiary for from 2 to 15 years, and whose case was then on appeal, and tried to get him to support Newberry. He said, "I am not going to do it. I am not for Newberry, and will not be." Mr. Fletcher, who was with him, said, "Oh, well, let me talk to this man."

Fletcher said, "You know how I stand at the capitol at Lansing." I am not quoting his exact language. "You can support Newberry or you can go to jail, just whichever you see fit." He said, "I do not want you to say whether you will or not, but we know you control this district and we will know when the votes are cast on which side you were." The man said, "I went out and talked to my henchmen and said, 'They have put it up to me, and while I don't care whether Newberry is elected or not, I think I had better play safe,' and this district went for Mr. Newberry and my case was reversed."

Mr. WATSON of Georgia. Mr. President—

Mr. CARAWAY. Wait a minute. I am not through. There were four people present, all of them supporting Newberry. Mr. King denied it and the other three men who were present never opened their mouths to say whether that conversation occurred or not. That is one of the cases.

The Senator has said that Mr. Newberry did not know about these acts and expenditures. On the 8th day of August Newberry got a letter from a man by the name of Vandenberg about the expenditure of money in the Newberry campaign for the Senate in Michigan. I am not using the exact language. King said Newberry did not know how much and for what purpose they were expending money; that he never talked this phase of the campaign over with Newberry. Templeton said he never discussed it with him. Every man connected with the campaign said, "I never discussed finances with Commander Newberry at all." Therefore Newberry's supporters in the Senate say that Newberry knew nothing about the method or means of conducting his campaign. Let us see. On the 8th day of August this letter of Vandenberg came to him. It conveyed the information, if he had not already known it, that his campaign had become a campaign of corruption. Mr. Newberry replied, "I am informed that the Newberry committee can file its report and justify its expenditures." Who told him that? King said, "I did not do it." Templeton said, "I did not do it." Floyd said, "I did not do it." Everyone connected with the campaign denied giving Newberry the information.

Everybody who talked in behalf of Newberry on the floor of the Senate said no one ever communicated to Newberry the fact that money was being expended in connection with his campaign in Michigan, and yet on the 11th day of August he wrote to Vandenberg and said, "I am informed that these expenditures can be justified," and then he wrote to King and said, "I hand you herewith my letter that I wrote to the people at Flint, giving my superficial and flimsy explanation." That is not the term he used. The exact words were "my noncommittal letter."

Newberry did know all about the expenditure of money in his campaign, unless he was not telling the truth when he wrote to Mr. Vandenberg, because he said, "I am informed that the committee can account for my expenditures." So I know, whether Mr. Newberry keeps his seat in the Senate or not—I know it as well as I know that I am standing here—that Newberry knew about these expenditures of money. I also know that under the statute of Michigan the money was expended unlawfully. I know more than that; I know that Newberry gave a power of attorney to Smith, and Smith gave money in the name of John Newberry to this committee. Up to the 16th day of August he gave every dollar that the record shows that Newberry's committee had.

On the 27th day of July Newberry called up Smith—I am now talking about Commander Newberry, about the Senator—and said, "I want to know"—I am not quoting his language, but I am stating the substance of it—"I want to know some-

thing about this taking money out of my account, or all of our accounts down there, and putting it into my campaign for the Senate. I want to know how much longer it must continue." Senators are familiar with that matter. It comes into this record by reason of the fact that on the next day Smith sent Newberry a telegram and said, "I misinformed you about the date when these expenditures would cease. I told you they would cease on the 27th day of July; I meant the 27th day of August, because the expenses enumerated must go on until primary day." That was to Commander Newberry. Then, in explanation of that, he said that Newberry was complaining about their using his money—in fact, everybody's money—to finance the campaign and the extravagant use of this money.

The Michigan law says one may not give or loan. Newberry knew that his money was being "borrowed" to put into the account of his brother, John Newberry, and then to be taken out of John Newberry's account and given to the committee, so called, of his friends and by that committee used to buy a seat in this Senate. By the way, the committee did not consist of a single unpaid employee, because Templeton says he was a figure-head, although he is set down as chairman; and Blair, normally treasurer, says, "I did not know anything about even what I swore to," in the report of expenses. So the only men who touched that whole campaign, that Newberry swore was conducted by a voluntary committee of his friends, consisted of paid employees unless it be said that King was not paid; and King said that he expected to get his pay by being employed at some time as a lawyer, to look after some of the very numerous and valuable litigation that the Newberry estate had.

The bulk of the expenditures, according to the sworn statement, occurred after the 27th day of July. Less than \$40,000 had been expended on the 16th day of August, if the sworn statement may be believed. I do not believe it; but if it may be believed, only \$40,000 had been expended—I am speaking in round numbers—on the 16th day of August. The admissions show that more than \$200,000 were expended in the campaign, and the expenditure possibly reached three-quarters of a million dollars. So at least \$160,000 were expended after the conversation had with Newberry on the 28th day of July, or possibly \$175,000 were expended after that. Newberry knew that when he was having this conversation with Smith that Smith was using the accounts of Truman Newberry, of his wife, of his brother, and, in fact, of all the Newberry estate, and feeding them into John Newberry's account to be expended in Truman Newberry's campaign for the Senate. He knew that, because Smith swears it, and nobody denies it, except the Senator from Georgia, and he is merely giving his impression. Nobody denies it who knows what the record shows.

Mr. WATSON of Georgia. I am going to give the Senator another impression presently.

Mr. CARAWAY. It will be no more accurate than the one the Senator gave a moment ago.

Newberry knew that; he knew on the 28th day of July his money was being used to finance the disgraceful purchase of a seat in the Senate; he knew the way this money reached this campaign committee was by Smith's transferring his account under a power of attorney. Smith was Newberry's attorney in fact. Newberry could have revoked that power of attorney that day and stopped the expenditure of over \$50,000 that was taken—oh, yes, over \$80,000 that was taken—out of the Newberry estate, his own money largely. Certainly the Senator from Georgia, who—and I may be pardoned for saying it, and I do so in all kindness—admits that he is the best lawyer that ever sat in this body, would not contend that a man could escape liability for the act of his attorney in fact, when all he would have to do to stop his activities was to revoke his power of attorney. Therefore Truman Newberry knew that this money, Truman Newberry's money, was being taken out of his account and by passing it through his brother's account would be expended in his campaign for another month, and he permitted it. To show the absolute absurdity of Smith's explanation, he said that he told Mr. Newberry that the primary was on the 27th day of July, and he would want us to believe that Newberry did not even know whether the primary in which he was a candidate for the Senate was in July or August!

If there ever was an aggregation of men who would be entitled to a certificate for absolute lack of intelligence, if one could believe the record, those who ran Truman Newberry's campaign for the Senate would meet the requirements. If any body of men ever handled \$200,000 with less information than they possessed, if one could believe them on oath, I should like to see them. So much for the contention that Newberry did not know how his money was being expended.

My good friend, Senator Newberry's colleague from Michigan [Mr. Townsend], recognizing that the employment of people to work on primary day was illegal, said—and honestly so, al-

though he was mistaken about it—that the committee countermanded the order to permit people to be employed to work on primary day. But they did hire men to work on primary day; they were given from \$7 to \$10 a day; they filled every ward and precinct, so far as the record shows, with paid workers on primary day. To show that they could hire men, they hired a man who was a superintendent of a division of the Buick Automobile Co., who said, "I think Ford is a good man; but," he said, "after they talked to me two or three hours and told me there was something in it, I went in this campaign in that way." "That way" was \$150; and the next time he got another \$150. He said, "That is what I understood I was going to get." All these men were hired. The Senator from Montana [Mr. WALSH]—I know the Senator from Georgia intended to be absolutely fair with him, but he misquoted him—did not admit that there was no bribery in the record; he merely said, "I was not discussing that feature." The Supreme Court never decided that bribery was not a part of the methods used by Newberry. The court never said that; the Supreme Court never passed on that question at all; the only thing the Supreme Court decided was that the Federal act was unconstitutional; that is absolutely everything the Supreme Court did decide, and that is all it could have decided.

Mr. HARRISON. Mr. President—

Mr. WATSON of Georgia. I hope the Senator will yield to me.

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

Mr. HARRISON. I yield.

Mr. WATSON of Georgia. The Senator from Arkansas [Mr. CARAWAY] is incorrect in saying that I was inaccurate in quoting the words of the Senator from Montana [Mr. WALSH]. The RECORD will show that I quoted his exact words. He was in his usual seat, and I was in mine, and the question of bribery was put to him direct, and he said there was no bribery. Then I said afterwards, "You have admitted your case out of court"; and the RECORD will show it.

Mr. CARAWAY. If the Senator will pardon me, he will have so much less to take back if he will read the RECORD, and I am going to get it in a moment.

Mr. WATSON of Georgia. If the RECORD does not show that, then somebody has changed the RECORD. I know exactly what I said.

Mr. CARAWAY. The Senator may think he did.

The PRESIDING OFFICER. Does the Senator from Mississippi yield further; and if so, to whom?

Mr. HARRISON. I yield to both Senators.

The PRESIDING OFFICER. The Senator can not yield to both Senators at the same time.

Mr. WATSON of Georgia. I asked the Senator from Montana, in substance, "Do you claim that there was bribery?" He said, in so many words, "There was no bribery." Later I said in my speech, and it will so appear of record, "The Senator from Montana had admitted his case out of court."

The question was raised between him and me as lawyers, that he was construing a criminal statute by the principle of civil construction, to wit, he was, by imputation, placing a knowledge of crime and a proof of crime upon Mr. Newberry, whereas that can not be done. A crime has to be proven by competent evidence, which excludes all reasonable doubt; and, if the evidence is circumstantial in its nature, it has to exclude every other reasonable hypothesis than that of the guilt of the accused. Even an accomplice, a man who confesses that he and another have committed a crime, can not convict his principal unless that accomplice be so corroborated by other testimony as almost to make out a case of itself, independent of the accomplice. A man's own confession, Mr. President, made out of court, of course, can not convict him, it can not even be admitted in evidence, unless it be shown beforehand that that confession was freely and voluntarily made without the remotest fear of injury or the least hope of reward.

I do not claim to be the best lawyer in this body, but I do claim to know something about the law. As to a power of attorney, the law as I understand it is this: It empowers the agent to do what is therein stated in writing. Every man who deals with a man holding a power of attorney must examine into the agent's authority; and if that agent executes a deed or a mortgage under that power of attorney, the power of attorney itself must be attached to the deed or a certified copy thereof must be attached to it, else the deed will be invalid. If a person holding a power of attorney from me or from the Senator from Arkansas goes beyond the terms of that power of attorney, we are not bound by the actions of the agent who has exceeded his authority under the power of attorney. If that is not sound law, then I do not know what law is.

Mr. CARAWAY. I admit that.

Mr. WATSON of Georgia. Yes; the Senator admits that; and he will admit some other things before I sit down.

Mr. CARAWAY. May I interrupt the Senator for just a moment?

Mr. WATSON of Georgia. By the permission of the Senator from Mississippi [Mr. HARRISON], who had the floor two or three hours ago.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Arkansas?

Mr. HARRISON. I yield.

Mr. CARAWAY. I do not want the admission to be understood as relating to the correctness of what the Senator has said the law was. He said if that was not the law, he did not know what law was, and that was the statement that I was admitting. I said that in all kindness; it was a bit of byplay. The question of a power of attorney, and whether a copy of it should be attached to a deed or mortgage, I am sure, has nothing to do with this case, because the power of attorney gave Smith the authority to draw checks, and that is what he was doing. But this is the principle of law that is applicable—and the Senator is going all around it—that if two or more men enter into a conspiracy to do an unlawful thing, to wit, buy an election in Michigan, then so long as the conspiracy lives and lasts the act of each and every one of them is the act of each of them; and after they had entered into the agreement to buy this election, so long as that conspiracy lived, and until the fact was an accomplished fact, the act of each and every one of them, whether done in the presence of the others or not, or whether contemplated at the time of entering into the conspiracy, if it was something to forward the purpose of the conspiracy, was the act of all of them, and all of them are guilty.

Mr. WATSON of Georgia. Mr. President, it is elementary law that before anyone can be held accountable for the acts of an agent the agency must first be proved, and that agency is either general or special. In the instance of a power of attorney, the authority of the agent must appear on the face of the power of attorney, and before the principal can be held responsible for anything done by the holder of the power of attorney it must appear either that the agent confined himself to the powers given to him or that the principal became a party to his exceeding the powers granted to him.

Mr. CARAWAY. Mr. President, will the Senator, then, permit me to say that if the principal knows what use his agent is making of his agency, and does not check him, I presume he would be said to have ratified it, would he not?

Mr. WATSON of Georgia. After the fact; yes.

Mr. CARAWAY. And if Truman Newberry knew that the agent was taking his money and passing it into this campaign agency, and was going to continue to do it, and he did not object, the Senator would say that he ratified it, would he not?

Mr. WATSON of Georgia. I would; but, Mr. President, the Federal statute is out of the case by the decision of a court whose findings we are bound to respect. The court decided that the statute was unconstitutional in that it invaded the rights of the States, and the court said—whether it decided it or not—that there was no evidence of conspiracy or bribery.

Mr. CARAWAY. I beg the Senator's pardon; the court did not say that.

Mr. WATSON of Georgia. If the Senator will get the decision I will show it to him right away.

Mr. CARAWAY. No; one justice said that.

Mr. WATSON of Georgia. A justice who concurred—Chief Justice White.

Mr. CARAWAY. Oh, but what a justice may have said in concurring in an opinion is not the saying of the court. That is merely the dictum of the judge who declares that. The court decided but one thing, and that was that the act was unconstitutional.

Mr. WATSON of Georgia. If the Senator will send for the volume—to which I have not even referred, because the matter came up here unexpectedly—I will show him where that language is used.

Mr. CARAWAY. That the court said it?

Mr. WATSON of Georgia. Chief Justice White did not dissent from the opinion of the majority. He concurred in it.

Mr. CARAWAY. The Chief Justice did dissent from the opinion of the majority. All that the majority of the court decided was that the act was unconstitutional, and the Chief Justice did dissent from that.

Mr. WATSON of Georgia. Mr. President, the record shows that the Chief Justice reached the same conclusion by a different course of reasoning.

Mr. CARAWAY. Oh, no; the Chief Justice said the case ought to have been reversed by reason of the erroneous instruc-

tion of the lower court; but the Supreme Court only decided that the act was unconstitutional; and he concurred in the reversal of the case, but not in the opinion of the court.

Mr. WATSON of Georgia. If the Senator will send for the volume, I will show him that my statement of it is absolutely correct.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. HARRISON. Of course, this is a very interesting discussion, but I should like to proceed as soon as I can with the few remarks I desire to make.

Mr. President, I do not care to be diverted from the question which I was discussing by these technical discussions of the Newberry case. If I had thought it would cause such a discussion, I probably would not have said what I did say. I merely said that it may be that the President on yesterday, in appealing to the partisan spirit of Senators and Congressmen to cleave to party lines, had in mind the Newberry case, and he wanted to hold in line those men who in the past had shown some independence of action and had not listened to Executive dictation, that they might vote in the interest of the people and purity of elections against Newberry being seated. It may be that he desired to help Newberry out. Of course, I know not whether that was in his mind or not.

I said in the course of my remarks that Newberry was charged with spending \$200,000 in his election. The lieutenant governor, as I recall, said in a letter that he wrote to Newberry that it looked as though they were spending between a quarter of a million and half a million dollars. I said, too, that on the charges that had been preferred against Newberry a jury, by the unanimous vote of 12 men sitting thereon, had found him guilty, and that a judge had imposed a penalty on that verdict.

I know, and the Senator from Michigan [Mr. TOWNSEND] knows, that no citizen of Michigan who sat on that jury wanted to convict Newberry. He hoped, as no doubt every citizen of Michigan desired, that the escutcheon of that State might not be tainted; that it might be shown that Newberry was not guilty; that the finger of scorn and contempt might not be pointed by all the people of the country to the electorate of Michigan.

Ah, there were people in Michigan who no doubt prayed that Newberry might be acquitted; but the facts were too strong. They were overwhelming, and notwithstanding the desire of the men who composed that jury that the fair name of Michigan might not be tarnished by this man's actions, they could do nothing else but find him guilty. Yet there will be Senators here, when the vote is taken, who believe that Newberry spent enormous sums of money, to the extent of \$190,000, and yet they will vote to seat him. Why? Because you want to cleave to party lines.

Is it because in that close session of Congress, when you had perhaps one or two majority, you needed Newberry to form the Foreign Relations Committee with the Senator from Massachusetts [Mr. LODGE] as chairman, that the League of Nations might be defeated and the hope of the world for peace might be banished, that now you feel that you will pay back your party by voting to seat Newberry? The intimation was made, it was insinuated, that the League of Nations had something to do with it. I dislike to discuss the proposition. The Newberry case is so nauseating that it would befool the discussion of any question, and I did not desire to say anything about it.

The discussion between the Senator from Georgia and the Senator from Arkansas has taken away from me the line of thought that I was indulging in; but it has brought some of the agricultural group into the Chamber, and so I can now proceed.

Mr. WATSON of Georgia. Mr. President, will the Senator allow a brief interruption?

Mr. HARRISON. I yield to the Senator.

Mr. WATSON of Georgia. I do not know whether the Senator is a lawyer or not. Is he?

Mr. HARRISON. I used to be before I got to associating with some of you fellows.

Mr. WATSON of Georgia. I will remind the Senator from Mississippi—who, I am sure, is as good a lawyer as he ever was—that the jury in this case had no discretion at all.

Mr. HARRISON. They convicted Newberry, did they not?

Mr. WATSON of Georgia. The verdict was, in effect, directed by the court. They could not escape it, under instructions which the Supreme Court said ought never to have been given.

Mr. HARRISON. Oh, yes; but the court always instructs juries.

Mr. WATSON of Georgia. The judge convicted him, and the Supreme Court judges reversed his conviction.

Mr. HARRISON. Well, Mr. President, we will leave the Newberry case. We will finish him up later, and those Senators who vote to seat him will be finished up a few months after that.

What I was saying when I was diverted was this: The President on yesterday, amongst other things, after condemning President Wilson some months ago for writing that letter asking to have a Democratic Congress elected, says:

Ours is a popular Government through political parties.

I want my friend from Kansas [Mr. CAPPER], the Progressive Senator from Kansas, who has been so helpful to this side of the aisle in passing some wholesome legislation, those of us who have worked in a nonpartisan kind of a way to bring about the cooperative marketing system and some other legislation, to listen to this part of it. The President says:

We divide along political lines, and I would ever have it so. * * * Granting that we are fundamentally a representative popular Government, with political parties the governing agencies, I believe the political party in power should assume responsibility, determine upon policies in the conference which supplements conventions and election campaigns, and then strive for achievement through adherence to the accepted policy.

There is vastly greater security, immensely more of the national viewpoint, much larger and prompter accomplishment where our divisions are along party lines, in the broader and loftier sense—

Here is where he was slapping the Members of the Senate who form the agricultural group. Here is where he was rapping those Senators who joined with us to put the 50 per cent maximum surtax upon the wealth of the country—

than to divide geographically, or according to pursuits, or personal following.

Is there any Senator here who doubts, when the President employed that language, that he had in mind the agricultural bloc? No, Senators. He says:

The shield to the high-minded public servant who adheres to party policy is manifest.

It is a clarion call from him for you to stand together as a party. No matter how a measure or amendment that is presented by this side of the aisle may appeal to you, it matters not what convictions of right may be written in suggestions from this side of the aisle, you are to cleave to your party and stand together and fight those amendments and those suggestions. And then he hands this mild compliment to you. Oh, it is different from the compliments he wrote to Senator McCORMICK in that celebrated letter on the "monumental accomplishments" of the Republican Party—the "remarkable achievements," said President Harding, of the last Congress. That was before you took the recess, and you remember in that letter that he said—

Now that you have taken a recess, and you do it because of your monumental achievements, when you come back you can pass the tax revision bill and revise the present tariff.

Well, which one did you pass? The tax revision bill? Yes; and in the next sentence of this remarkable message he condemns your work. Why, he says this:

It would suggest insincerity if I expressed complete accord with every expression recorded in your roll calls.

He is hitting at you Senators who voted for that 50 per cent maximum surtax. He is striking at the Members of the House who voted to concur in the Senate amendment, the amendment that was pushed through this body by the Democratic minority and the agricultural bloc, which he condemns and invites you to have nothing more to do with. I believe there are Senators on the other side who have the interests of the people too much at heart to take the suggestion of President Harding—abolish their good work, disrupt the bloc, and cease to work and labor in the interest of the agricultural masses.

He goes further and says, when he tells you he is not in accord with all your votes:

Later on, when other problems are solved—

I do not know what problems he is talking about.

Later on, when other problems are solved, I shall make some recommendations about renewed consideration of our tax program.

In the remarkable letter which he wrote to Senator McCORMICK, which was to help Senator BURSUM in New Mexico, he spoke of the monumental achievements of the Republican Congress, and the monumental achievements that he promised immediately after the recess were the tax revision bill and tariff legislation. The tax bill which was passed is condemned by him in his first public utterance to Congress after the recess, and he tells you he is not satisfied with it, and that he will ask you, as soon as the other problems are out of the way, for a renewed consideration of it.

Are you Senators who voted before for the 50 per cent surtax going to retreat, as you did on the soldier bonus bill? Are you going to back up and follow the President in "renewed consid-

eration of the tax program"? If you do, you know what will happen.

Ah, Secretary Mellon expressed the views of President Harding, and here they are in this report just published. He wants you to put a tax on automobiles, the same amount on a Ford, which might cost \$395, as on a Packard, which might cost \$6,000 or \$7,000. Of course, the Secretary might have it in for Ford because Ford happened to run against Newberry, and the Secretary wants to put the same tax on a little, cheap Ford car as on a high-priced limousine. That is the recommendation of Mellon, the Secretary of the Treasury, the second richest man in the United States. He is close to the wealth of the country, and he is carrying out the views of President Harding on tax matters, and in this late edition, fresh from the press, just published, later, perhaps, than the President's message of yesterday, as I have just been able to get it, after he abuses these high surtaxes, he said, among other things:

The income tax is firmly embedded in our system of taxation, and the objections made are not to the principle of the tax but only to the excessively high rates. We hear much of the need of simplifying our tax laws, and there is room for this. * * * So long as the rates were low there was not much difficulty in the administration of the law, even though the system was entirely new and the organization administering it unfamiliar with the operation of such a law.

To reduce the surtax rates to a maximum of 25 per cent and grading the reductions through all the brackets would mean an apparent loss of about \$130,000,000 in revenue. A 20 per cent maximum rate on the same basis would involve a revenue loss of about \$200,000,000. Other adjustments which should be made would probably involve an amount equal to that made in the surtax rates. This loss of revenue, however, would not be permanent, for the reduced rates would ultimately be productive of more revenue than higher rates due to the increase in taxable transactions.

If this loss of revenue could not be met by rigid economy in expenditures, the revenue required could be raised either by placing a tax on certain specific articles or by a low-rate general tax on a broad class of articles or transactions.

He wants to tax them all.

Such taxes as those now imposed on automobiles and tires have been found simple and inexpensive of administration, and the collection is always substantially current.

So reads this remarkable document, and I desire to have that part of this report which offers the remedy for existing tax ills placed in the Record following my remarks. (See Appendix.)

I do not know whether the Secretary is standing for a 20 per cent maximum surtax or whether he is standing for a 25 per cent maximum surtax, but he wants to relieve wealth of its just share of taxes and place it upon the masses of this country. That is what the President was hitting the agricultural group about. I am not unaware, and you are not, that the President of the United States to-day stands in higher favor than does the Republican Congress. God knows I know not what for, because he has done nothing to merit higher esteem than has the Republican Congress.

The good legislation passed by this body and the other did not come at the suggestion of the President, and the good legislation which should have been passed was blocked by the President. If you had listened to the President of the United States you would have placed the surtax at 40 per cent or 32 per cent or perhaps 20 or 25 per cent. He wrote the letter to Congress and asked it to carry out that plan; but the House turned him down. Some of you tried to give some relief, I think six or seven of you. You were pretty solid for the soldiers' bonus bill at first, but as soon as the President cracked his whip and came here you deserted the soldiers and laid down on that proposition.

So I know not why the President stands in favor to-day. Is it because of the conference which is being held here? I would not say a word against it. My lips are sealed for the present. I wish for it every success. But that conference has met here not because of the President but in spite of the President. It is meeting here because of the great fight that was waged by the Senator from Idaho [Mr. BORAH] and a Democratic minority that was persistent and irresistible, and it was only accepted when there was nothing else remaining for him to do. He was moved because the sentiment of the country became crystallized and moved him to call it.

But let me go further. Here is the compliment he pays you at this time. It is just like a man saying he is going to strike you and then pulling out a piece of chewing gum to do it with. He says:

It would be ungracious to withhold acknowledgment of the really large volume and excellent quality of work accomplished by the extraordinary session of Congress which so recently adjourned.

Wonderful! The only thing he says you did is—

The first budget is before you. Its preparation is a signal achievement.

I think the printer must have made a mistake. I think instead of "a signal achievement" it should have been "a single achievement."

Mr. EDGE. Mr. President—

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

Mr. HARRISON. I yield.

Mr. EDGE. If the Senator is correct in his analysis that the President—

Mr. HARRISON. I have not finished yet.

Mr. EDGE. That the President stands stronger with the country than the Congress, and is likewise correct in his assumption that the President is entirely dissatisfied with the tax bill as passed by the Congress—

Mr. HARRISON. I did not say that standing was very high, either.

Mr. EDGE. I understood the Senator to say, though I do not recall his exact remarks, that he well understood that the President stood higher in the esteem of the public than did the Republican Congress.

Mr. HARRISON. Yes; higher than the Congress. Both are in very bad odor, however.

Mr. EDGE. If the Senator is correct in that analysis, and is also correct in the further statement that the President is not satisfied with the tax bill, then does the Senator mean to assume that the public are satisfied with the tax bill? And if they are satisfied with the President's position it would seem to me that the Senator's position is rather contradictory.

Mr. HARRISON. I am quite sure that the public is not satisfied with that bill.

Mr. EDGE. The Senator just made the statement, as I understood him, that the public was holding the President in higher esteem than it held the Republican Congress, whose only accomplishment he states was the passage of the tax bill.

Mr. HARRISON. I said that the only thing that is narrated here as a signal accomplishment—which must have been an error, as he must have meant to say "single accomplishment"—is the budget bill, which was passed, and if the Senator understood me, I said that the President to-day is in higher standing than the Republican Congress, which I think is true, though I do not know why.

Mr. EDGE. It is a great satisfaction to all Republicans to realize that the official censor of the Republican majority in the Senate believes that the President stands in such high esteem in the country. I absolutely acquiesce in his view. I think it is remarkable. I do not know of a time in history when the President stood higher in the esteem of the public than our present President does, and I am very glad to know that the official censor thinks likewise.

Mr. HARRISON. I do not agree with the Senator at all that he stands so high. He stood a little higher a few months ago than he does now, and he stands a little higher now than he will in a few months from now; and if the Senator and his colleagues continue to go as they are going now, vote to have Newberry retain his seat, and pass such legislation as they have passed, they will find out what the people think about them at the first opportunity they have to express their opinion at the ballot box.

Mr. EDGE. I always enjoy the arguments of the Senator from Mississippi, but when he places himself in the position of being a prophet I am not particularly impressed with his success. I recall similar prophecies when he took such a very important part in the last campaign. It occurs to me that those prophecies were quite ill placed, and perhaps he will have the same success with his prophecies to-day.

Mr. HARRISON. Yes; those were pretty bad prophecies. I was mistaken. I am sorry to say that the people made a mistake. They see it now; they understand it.

Mr. EDGE. The Senator is very fair.

Mr. HARRISON. The Senator from New Jersey has made some prophecies, and so has his colleague made prophecies. They have made many prophecies. They made a prophecy in that campaign, when I was prophesying because I thought the people were fair and had just good, ordinary, common sense, and would not turn out an administration and a Congress which had brought such remarkable prosperity to the people, when every factory was humming, when every man was employed, when banks had more money than they had ever had before, when you could not see a tramp anywhere, when you could not get a box car to ship your products to market, when the ships were laden, carrying our goods to the markets of the world, when wages were high and the farmer's efforts were abundantly compensated. You said that if the Democrats got back there would be hard times, but that the prosperity would continue

if the Republicans got in. As soon as you got in your prophecy went for naught. The factories have stopped; men to the number of 6,000,000, according to the figures in the report of the Republican Secretary of Labor, are thrown out of employment, cars are idle on every sidetrack throughout the country. As I passed through Illinois the other day the farmers said they were getting but 20 cents a bushel for their corn. Prices are soaring high, but the farmers do not get the benefit of the high prices. There is a situation in this country of such complexity, confusion, uncertainty, and doubt that nobody knows exactly just where he is.

Mr. EDGE. Perhaps the Senator does not care to admit it—I do not wish to interfere with his line of argument or debate—but, of course, some of us realize, and I am quite sure the business public and farmers, who are included in the business public and a very important part of the business public, recognize the fact that it requires more than seven months to undo the misadministration of eight years.

Mr. HARRISON. Yes; and if the Senator's party continues as it is going now it will take about seven years to write a tariff bill. In the campaign three years ago, when the Republican Congress was first elected, the people were promised an immediate revision of the tariff. Two years passed by and no general tariff bill was written. You have been here in control now of this branch and the White House, too, for eight months or more, and you promised again a revision of the tariff. The bill passed the House only a few weeks ago, and the President condemned it on yesterday in his message. Why, he holds it up to scorn. He tells you practically that you are not fit to write a tariff bill. He condemns the American valuation plan because he finds fault with it as carried in the Fordney bill. The bill now rests serenely in your Committee on Finance, with little hope or expectation of it being soon disturbed. He said that authority should be given to the President of the United States to fix the rates. No more is the Congress to write the rates as they have been written from the very foundation of this Government. Oh, he apologized for wanting more authority, and he asked you to excuse him for even suggesting Executive encroachment, and yet he said he wants you to pass a law amending the Constitution, if need be, to give to the Tariff Commission greater and broader powers, fixing maximum and minimum rates, and allowing the President to exercise the autocratic power of fixing the rates upon every product brought into this country. Do you recall any other President who has ever asked for such monumental and stupendous power as that? That is worse than the American valuation scheme, bad as it is.

Mr. EDGE. I am sure the Senator does not wish to get into a tariff debate at the present time.

Mr. HARRISON. It matters little to me. Now is as good as any time to discuss it.

Mr. EDGE. I shall be glad to meet the Senator on that question at any time when that bill is before the Senate. I think there is very much to commend it, but tradition sometimes may well be forgotten in the light of the actual conditions which exist. When the time arrives that the American Congress can not trust some one, can not delegate such authority as is necessary to be delegated in order properly to administer the business of the country, then, in my judgment, it spells disaster from the industrial standpoint. However, that is a very large question, as the Senator knows, and can not be discussed in a hurried way by a mere passage of words back and forth.

Mr. HARRISON. If I correctly read the Senators' interview in the morning papers, he did not indorse that part of the President's address.

Mr. EDGE. Indeed, the Senator did, most decisively and emphatically.

Mr. HARRISON. And he is for that plan?

Mr. EDGE. I am.

Mr. HARRISON. I think the Senator is going to be almost by himself on that proposition.

It was really pitiful, and I am, indeed, sorry that the President in his remarkable message yesterday did not congratulate you Republicans on the passage of the emergency tariff bill. That is one thing you have done. That is one thing you passed through here. You took several bites at it, but finally you passed the so-called emergency tariff bill. The President hardly mentioned that. You said that when that bill passed that prosperity would come to the farmers, that it would help them to get higher prices for their live stock, that the price of corn would go up, wheat would go up, that everything would be helped that is raised by the farmers of the country, and yet to-day we have one of the most deplorable conditions ever experienced by the American farmer.

That which was predicted did not take place. Somebody else prophesied wrongly. Corn has not been so low in years. The

live-stock interests are bankrupt; the agricultural situation is disheartening.

I think when the emergency tariff bill was passed corn was selling at between 75 cents and a dollar a bushel. To-day in parts of the country it is selling at 20 cents a bushel, and yet the President's message on yesterday appeals to some of the Senators from the corn belt, because the President said, "Let us buy 10,000,000 bushels of this corn and send it over to Russia and give to the famine-stricken area over there some corn." Some may think, since the emergency tariff bill had failed and the high tariff that was placed upon corn at that time failed to help the situation, that perhaps it can be helped by sending some corn over to Russia.

Mr. President, this message of yesterday is as confusing as it is vague, as conflicting as it is contradictory. The President said he does not want to see the United States industrially and commercially isolated, and yet the same President would have us in our international relations isolated and excluded from the other nations of the world. I can not for the life of me read that message on broadening the trade and commerce of the country and realize that he who uttered it and his former colleagues who indorse it, who voted against the Versailles treaty isolating us from the other nations of the world, would erect tariff barriers against trade with other countries.

The cooperative marketing scheme was indorsed by the President on yesterday. I am glad to see that. That has caught my friend, the junior Senator from Kansas [Mr. CAPPEE]. He thinks it a great message because of that. That bill has been pending here for three years. It was here for a year and eight months while President Harding was a Senator, and yet his party has been unable up to this good hour to pass a bill incorporating the cooperative marketing plan. I hope that that same influence which has exerted itself in the past and caused some of you Senators to get a move on yourselves and pass some legislation will have a similar effect on you with respect to this suggestion of the President to see that the cooperative marketing plan is embodied in a bill that will be passed by the Congress.

The President in his message alluded to irrigation in the West, proposing to take over and improve some of those wild and waste lands there. He wanted to catch the ear of the West and bring some Senators from that faraway section under obligation to him, so that he might keep up his work and they dance to the music. Why, my colleagues, you had an opportunity to vote for that bill. That is the McNary bill offered by the distinguished senior Senator from Oregon. During the last Congress, in the closing hours of the extra session, I thought so much of the proposition that I made a motion to take up the bill and I met a violent and united opposition, it seemed to me, from the other side of the Chamber. Oh, Senators, if you had joined with those of us on this side of the Chamber that night when I made the motion to take up the McNary bill and had passed the legislation now suggested by the President, instead of talking to you and pleading with you now to pass the legislation he could have commended you for having done it.

So it goes, Mr. President. I shall not occupy the time of the Senate longer. I rose merely for the purpose of trying to ascertain why the railroad funding bill, about which we have heard so much and upon which its proponents have insisted the prosperity of the railroads and the country generally depend and which has been urged repeatedly by the chairman of the Committee on Interstate Commerce and which we were told just a few days ago, in the closing hours of the extra session, would be made the unfinished business before the Senate, has not been brought up now. But the senior Senator from Kansas [Mr. CURTIS] has told me it was because the situation has improved so much that stocks have gone up and the industrial market is in such splendid condition now that the railroads can finance themselves. All this has come about within a few days in a mysterious, mystical kind of way.

We prophesied when it was first presented there was no need to pass the legislation. We said it was incurring too much of an obligation on the part of the Government. But those who demanded it wanted to stand for the railroads. God knows the railroads have been the pet babies of this administration. They have gotten practically everything that they have requested. They were pampered and petted and every time they cried you poured financial milk to them out of the Treasury of the United States. No other business interest in the country has been treated better than have the railroads, and yet you wanted to pass that bill. It is not because the market has improved. It is not because the railroads can finance themselves now any better than they could 10 days ago or two months ago.

I will tell you why your leadership has abandoned the fight for the railroad funding bill. It is because the agricultural bloc or group which the President yesterday condemned, composed of Republicans and Democrats, together with the minority side of this Chamber, had made up their minds that on the railroad funding bill there should be certain amendments attached, one of which was to repeal the guaranty provision of the Cummins-Esch law, insuring cheaper freight rates, and you were afraid to face the music. And that, too, even though the President in his message yesterday said that the farmers needed a reduction in freight rates.

Where is your international funding bill? Here a few weeks ago the House passed it, and the Senate committee brought it out, giving great and inexcusable powers to the Secretary of the Treasury, so that he might compromise, might cancel, might extend, might liquidate, might swap all the indebtedness due this country to the amount of \$11,000,000,000 from foreign Governments. But you have halted on that. Why? It is because you knew that the country would not stand for the kind of bill that your steering committee indorsed and which was reported out of the Finance Committee.

I read this morning with pleasure that the Finance Committee is listening to suggestions from the Democratic members of that committee and that they are about to accept the plan which has been proposed by the Senator from North Carolina [Mr. SIMMONS], the ranking Democrat on the committee, to modify the provisions of the bill and to restrict the power proposed to be given to the Secretary of the Treasury, so that a great harm might not come to the American people by a few international bankers obtaining control—influencing and dominating the settlement of our foreign indebtedness. I hope the Finance Committee will continue to see the light; that they will acquiesce in the wishes of the American people, and that they will accept the good advice tendered to them by Senator SIMMONS and the Democratic members of the Finance Committee. It sometimes looks as though the Republicans have no statesmanship of their own. We wish to help you, and if you will follow us in these matters we shall see that you keep on the right track and really obtain results in the interests of our Government and the American people.

APPENDIX. THE REMEDY.

It would not seem either wise or necessary suddenly to change from our present system of taxation to new and untried plans; and the evils which have been discussed can be corrected without doing anything of this sort. The necessary adjustments can readily be made by retaining most of the present taxes, but substantially reducing the rates, and supplementing the revenues by some additional taxes.

The income tax is firmly embedded in our system of taxation and the objections made are not to the principle of the tax but only to the excessively high rates. We hear much of the need of simplifying our tax laws and there is room for this. The greatest simplification that can be made is in the reduction of the rates. So long as the rates were low, there was not much difficulty in the administration of the law, even though the system was entirely new and the organization administering it unfamiliar with the operation of such a law. The complexity of the law, so far as concerns the income tax itself, has arisen largely out of the high rates which make every point that arises involve substantial amounts of money, and which means that each possible question is contested by the taxpayer and by the Government, with resulting delay in the collection of the revenue, irritation and annoyance and expense on the part of the taxpayer, and costly litigation. With moderate rates, very much of this difficulty would disappear.

The amount of revenue involved in any such reform is not nearly so great as is generally supposed.

To reduce the surtax rates to a maximum of 25 per cent, and grading the reductions through all the brackets, would mean an apparent loss of about \$130,000,000 in revenue. A 20 per cent maximum rate on the same basis would involve a revenue loss of about \$200,000,000. Other adjustments which should be made would probably involve an amount equal to that made in the surtax rates. This loss of revenue, however, would not be permanent, for the reduced rates would ultimately be productive of more revenue than higher rates, due to the increase in taxable transactions.

If this loss of revenue could not be met by rigid economy in expenditures, the revenue required could be raised either by placing a tax on certain specific articles, or by a low-rate general tax on a broad class of articles or transactions. Such taxes as those now imposed on automobiles and tires have been found simple and inexpensive of administration, and the collection is always substantially current; they have been steadily productive of revenue, and have been without injurious effects upon the country. In view of past experience, a general tax either of this or like character upon a broad class of articles or transactions could be readily administered; and the rate could be made sufficiently low as not to bear unduly upon any class and at the same time produce a large amount of additional revenue. By retaining the income tax with reasonable surtax rates, which in peace times ultimately should not rise above 10 per cent, taxpayers would still be required to contribute in proportion to their ability to pay; while by placing a certain amount of tax on specific articles, or classes of articles, or transactions, at so low a rate that they could readily be borne without injury, the income tax could be materially simplified, the tax laws could be more readily administered, and at the same time the needed revenues would be raised without the evil effects now resulting from the present excessive rates of taxation.

EXECUTIVE SESSION.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened; and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 8, 1921, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 7, 1921.

APPOINTMENTS IN THE DIPLOMATIC SERVICE.

SECRETARIES OF EMBASSY OR LEGATION OF CLASS FOUR.

Robert S. Burgher, of Dallas, Tex.
William A. Taylor, Jr., of New York City.
George R. Merrell, jr., of St. Louis, Mo.
Charles A. Blackwell, of Cleveland, Ohio.

CONSUL OF CLASS FOUR.

Ross Hazeltine, of Indiana, to be a consul of class four of the United States of America, to which office he was appointed during the last recess of the Senate.

COLLECTORS OF INTERNAL REVENUE.

William E. Snead, of Boaz, Ala., to be collector of internal revenue for the district of Alabama, in place of John D. McNeel.
Charles A. Rasmussen, of Glendive, Mont., to be collector of internal revenue for the district of Montana, in place of James A. Walsh.

APPRAISER OF MERCHANDISE.

Joseph Carolan, of Chicago, Ill., to be appraiser of merchandise in customs collection district No. 39, with headquarters at Chicago, Ill., in place of Morris Sabath, resigned.

COLLECTOR OF CUSTOMS.

Niels Juul, of Chicago, Ill., to be collector of customs for customs collection district No. 39, with headquarters at Chicago, Ill., in place of William H. Clare, resigned.

UNITED STATES ATTORNEY.

E. E. Hindman, of Mississippi, to be United States attorney for the southern district of Mississippi, vice Julian P. Alexander, resigned, effective January 1, 1922.

PROMOTION IN THE COAST AND GEODETIC SURVEY.

Ralph Woglom Woodworth, of New Jersey, to be junior hydrographic and geodetic engineer in the Coast and Geodetic Survey with the relative rank of lieutenant (junior grade) in the Navy by promotion from aid with the relative rank of ensign in the Navy, vice Raymond P. Eyman, promoted.

RECEIVER OF PUBLIC MONEYS.

Arthur T. Moon, of Utah, to be receiver of public moneys at Salt Lake City, Utah, vice Heber C. Jex, resigned, effective December 31, 1921.

REGISTER OF THE LAND OFFICE.

Mrs. Lida M. Hume, of California, to be register of the land office at San Francisco, Calif., vice John B. Sanford, resigned.

PROMOTIONS IN THE REGULAR ARMY.

MEDICAL CORPS.

To be captain.

First Lieut. Joseph Aaron Mendelson, Medical Corps, from November 15, 1921.

DENTAL CORPS.

To be captains.

First Lieut. Henry Allen Winslow, Dental Corps, from November 14, 1921.

First Lieut. Ernest Frank Sharp, Dental Corps, from November 17, 1921.

CHAPLAIN.

Chaplain Ora Jason Cohee to be chaplain with the rank of captain from October 4, 1921.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

AIR SERVICE.

Lieut. Col. Paul Ward Beck, Infantry, with rank from July 1, 1920.

Maj. Robert Emmett Mason Goolrick, Coast Artillery Corps, with rank from July 1, 1920.

Maj. John Hastings Howard, Cavalry, with rank from July 1, 1920.

Maj. Junius Wallace Jones, Coast Artillery Corps, with rank from July 1, 1920.

Maj. Eugene Alexander Lohman, Cavalry, with rank from July 1, 1920.

Maj. Clarence Leonard Tinker, Infantry, with rank from July 1, 1920.

Maj. John Hamilton Chew Williams, Infantry, with rank from November 14, 1920.

Capt. Charles Belding Oldfield, Infantry, with rank from June 16, 1917.

Capt. William Hampton Crom, Infantry, with rank from June 27, 1917.

Capt. Francis Murray Brady, Infantry, with rank from July 1, 1920.

Capt. Charles Bernard Beeler Bubb, Cavalry, with rank from July 1, 1920.

Capt. Robert Alexander Kinloch, Infantry, with rank from July 1, 1920.

Capt. Walter Francis Kraus, Coast Artillery Corps, with rank from July 1, 1920.

Capt. John Frederick Loomis, Coast Artillery Corps, with rank from July 1, 1920.

Capt. Frank Hitch Pritchard, Coast Artillery Corps, with rank from July 1, 1920.

First Lieut. Samuel Charles Skemp, Cavalry, with rank from October 25, 1917.

First Lieut. Francis Bassett Valentine, Cavalry, with rank from November 2, 1919.

First Lieut. Ralph Bamford Walker, Infantry, with rank from July 1, 1920.

FIELD ARTILLERY.

Capt. Oliver Grant Brush, Air Service, with rank from December 12, 1920.

POSTMASTERS.

ALABAMA.

Stephen E. Rowe to be postmaster at Elba, Ala., in place of C. R. Talbot. Incumbent's commission expired June 27, 1920.

John G. Sanderson to be postmaster at Courtland, Ala., in place of H. B. Hall, removed.

James D. Silvey to be postmaster at Altoona, Ala., in place of J. R. Horton. Incumbent's commission expired January 15, 1921.

Alice E. Welch to be postmaster at Whistler, Ala. Office became presidential October 1, 1920.

Pallie M. Ellis to be postmaster at Valley Head, Ala. Office became presidential January 1, 1920.

George W. Buck to be postmaster at Thomaston, Ala. Office became presidential October 1, 1920.

Alida J. Cox to be postmaster at Spring Hill, Ala. Office became presidential October 1, 1920.

Daisy White to be postmaster at River Falls, Ala. Office became presidential January 1, 1921.

Moses B. Rushton to be postmaster at Ramer, Ala. Office became presidential January 1, 1921.

Pauline Balkcom to be postmaster at Newton, Ala. Office became presidential July 1, 1920.

William A. Dodd to be postmaster at Nauvoo, Ala. Office became presidential January 1, 1921.

Robert M. Mahler to be postmaster at Loxley, Ala. Office became presidential April 1, 1921.

Cullie O. Porter to be postmaster at Hillsboro, Ala. Office became presidential April 1, 1921.

John A. Griffin to be postmaster at Helena, Ala. Office became presidential April 1, 1921.

Ella M. Sullins to be postmaster at Hackleburg, Ala. Office became presidential April 1, 1921.

John W. Nixon to be postmaster at Goshen, Ala. Office became presidential October 1, 1921.

Robert O. Spiegel to be postmaster at Falkville, Ala. Office became presidential January 1, 1921.

James W. Curtis to be postmaster at Double Springs, Ala. Office became presidential January 1, 1921.

Peter L. Kirsch to be postmaster at Cherokee, Ala. Office became presidential January 1, 1921.

ARKANSAS.

Jack Grayson to be postmaster at Prescott, Ark., in place of J. A. Marr, deceased.

Helen Porter to be postmaster at Horatio, Ark., in place of W. L. Greer, resigned.

Homer H. Goodman to be postmaster at Cotter, Ark., in place of W. T. Beaver. Incumbent's commission expired January 12, 1921.

Joseph L. McLaughlin to be postmaster at Perry, Ark. Office became presidential January 1, 1921.

Paul Smith to be postmaster at Nettleton, Ark. Office became presidential January 1, 1921.

Patrick F. Maskell to be postmaster at Hartman, Ark. Office became presidential January 1, 1921.

Addie Gilbert to be postmaster at Decatur, Ark. Office became presidential July 1, 1920.

CALIFORNIA.

Edward T. Ketcham to be postmaster at Santa Maria, Calif., in place of J. F. Conkey. Incumbent's commission expired May 15, 1920.

Ella S. Stroup to be postmaster at San Andreas, Calif., in place of G. H. Treat. Incumbent's commission expired March 16, 1921.

CONNECTICUT.

Arthur W. Dickinson to be postmaster at Rockyhill, Conn. Office became presidential January 1, 1921.

Levi C. Frost to be postmaster at Milldale, Conn. Office became presidential July 1, 1920.

COLORADO.

Frank M. Whalen to be postmaster at Deertrail, Colo., in place of L. E. Wible. Incumbent's commission expired January 30, 1921.

FLORIDA.

William H. May to be postmaster at Tallahassee, Fla., in place of G. I. Davis. Incumbent's commission expired August 3, 1920.

James H. Boyd to be postmaster at Clermont, Fla., in place of H. E. Hooks. Incumbent's commission expired March 16, 1921.

Thomas J. Nobles to be postmaster at Wildwood, Fla. Office became presidential October 1, 1920.

Daniel C. Smith to be postmaster at Center Hill, Fla. Office became presidential October 1, 1920.

Marie Anderson to be postmaster at Brewster, Fla. Office became presidential January 1, 1921.

GEORGIA.

Robert Barron to be postmaster at Zebulon, Ga., in place of J. N. Mangham. Incumbent's commission expired January 31, 1921.

William T. Rudolph to be postmaster at Thomaston, Ga., in place of W. W. McMillan. Incumbent's commission expired August 4, 1920.

William H. Flanders to be postmaster at Swainsboro, Ga., in place of G. F. Flanders. Incumbent's commission expired July 25, 1920.

Mary W. Barclay to be postmaster at Rome, Ga., in place of J. P. Bowie, deceased.

Maggie Edwards to be postmaster at Canton, Ga., in place of W. J. Webb. Incumbent's commission expired July 25, 1917.

Robert H. Ridgway to be postmaster at Canon, Ga., in place of D. T. Barnes. Incumbent's commission expired January 24, 1921.

Ertha Garner to be postmaster at Buford, Ga., in place of M. C. Shadburn. Incumbent's commission expired March 16, 1921.

ILLINOIS.

Henry C. Arkebauer to be postmaster at Mount Olive, Ill., in place of L. D. Fuess. Incumbent's commission expired September 7, 1920.

Harrison T. Berry to be postmaster at Morrison, Ill., in place of Ray Raridon. Incumbent's commission expired July 12, 1920.

INDIANA.

Hal T. Kitchin to be postmaster at Greensburg, Ind., in place of G. E. Erdmann, resigned.

Winbern H. Dillon to be postmaster at Pittsboro, Ind. Office became presidential July 1, 1921.

IOWA.

Carl Nielsen to be postmaster at Moorhead, Iowa, in place of F. R. Parker. Incumbent's commission expired March 16, 1921.

Elmer L. Langlie to be postmaster at Marquette, Iowa, in place of A. B. Berry, resigned.

Martin A. Aagaard to be postmaster at Lake Mills, Iowa, in place of C. W. Wescott. Incumbent's commission expired March 16, 1921.

Raymond F. Sargent to be postmaster at Fonda, Iowa, in place of J. J. McCartan. Incumbent's commission expired March 16, 1921.

Emil C. Weisbrod to be postmaster at Fenton, Iowa, in place of J. A. Schwartz. Incumbent's commission expired March 16, 1921.

Hugh W. Dickson to be postmaster at Delta, Iowa, in place of G. W. Bensler, resigned.

James F. Temple to be postmaster at Bode, Iowa, in place of A. M. Johnson. Incumbent's commission expired March 16, 1921.

William H. Hall to be postmaster at Allerton, Iowa, in place of Ed. McConaughy, resigned.

William W. Moore to be postmaster at Ainsworth, Iowa, in place of W. W. Moore. Incumbent's commission expired August 7, 1921.

Ruth E. Corr to be postmaster at Salix, Iowa. Office became presidential April 1, 1921.

Ulysses G. Hunt to be postmaster at Plymouth, Iowa. Office became presidential April 1, 1921.

Elizabeth Friman to be postmaster at Nodaway, Iowa. Office became presidential January 1, 1921.

Martin A. Sandstrom to be postmaster at Kiron, Iowa. Office became presidential January 1, 1921.

John F. Cagley to be postmaster at Ionia, Iowa. Office became presidential January 1, 1921.

Weber B. Kuenzel to be postmaster at Garnavillo, Iowa. Office became presidential January 1, 1921.

Earl M. Skinner to be postmaster at Farnhamville, Iowa. Office became presidential July 1, 1920.

Thomas Phillips to be postmaster at Dedham, Iowa. Office became presidential April 1, 1921.

KENTUCKY.

Walter L. Prince to be postmaster at Benton, Ky., in place of Joe Ely, removed.

Taylor P. Sewell to be postmaster at Campton, Ky. Office became presidential April 1, 1921.

LOUISIANA.

Joseph R. Domengeaux to be postmaster at La Fayette, La., in place of A. L. Marshall, resigned.

Joseph D. Hebert to be postmaster at Cottonport, La., in place of U. J. Marcotte. Incumbent's commission expired January 23, 1921.

MARYLAND.

Frank T. Buckingham to be postmaster at Woodbine, Md., in place of L. H. Gosnell. Incumbent's commission expired April 4, 1921.

Charles W. Meyer to be postmaster at East New Market, Md. Office became presidential January 1, 1921.

MASSACHUSETTS.

Charles F. Slate to be postmaster at Northfield, Mass., in place of E. K. Callaghan. Incumbent's commission expired July 25, 1920.

Robert M. Mudgett to be postmaster at Woronoco, Mass. Office became presidential July 1, 1920.

Warren C. Hastings to be postmaster at Southwick, Mass. Office became presidential January 1, 1921.

MICHIGAN.

John F. Krumbek to be postmaster at Williamston, Mich., in place of W. H. Winf, resigned.

Burton P. Daugherty to be postmaster at Holly, Mich., in place of John S. Mills. Incumbent's commission expired July 25, 1920.

MINNESOTA.

Lida K. Gray to be postmaster at Taylors Falls, Minn., in place of L. K. Gray. Incumbent's commission expired May 17, 1921.

Stanley A. Torgerson to be postmaster at Hawley, Minn., in place of N. J. Thysell, deceased.

Daniel H. Hill to be postmaster at Cook, Minn., in place of O. J. Leding. Incumbent's commission expired March 16, 1921.

John C. Thorp to be postmaster at Shevlin, Minn. Office became presidential January 1, 1921.

MISSISSIPPI.

Alexander Yates to be postmaster at Utica, Miss., in place of I. G. Chapman. Incumbent's commission expired July 21, 1920.

John N. Truitt to be postmaster at Minter City, Miss., in place of L. M. Quarles, resigned.

Woodard M. Herring to be postmaster at Inverness, Miss., in place of W. M. Herring. Incumbent's commission expired March 16, 1921.

Joseph E. Lane to be postmaster at Flora, Miss., in place of J. E. Lane. Incumbent's commission expired January 31, 1921.

George D. Myers to be postmaster at Byhalia, Miss., in place of G. D. Myers. Incumbent's commission expired March 16, 1921.

Lee Bankston to be postmaster at Dundee, Miss. Office became presidential April 1, 1920.

MISSOURI.

Leonard D. Fisher to be postmaster at Union Star, Mo., in place of O. L. Perkins, resigned.

Kinzie K. Gittings to be postmaster at Chilhowee, Mo., in place of J. J. Salmon, resigned.

Horace L. Johnson to be postmaster at Winston, Mo. Office became presidential July 1, 1921.

Edward O. Horton to be postmaster at Washburn, Mo. Office became presidential January 1, 1921.

Isaac M. Galbraith to be postmaster at Walker, Mo. Office became presidential April 1, 1921.

Evelyn S. Culp to be postmaster at Rocky Comfort, Mo. Office became presidential January 1, 1921.

John W. Rissler to be postmaster at Houstonia, Mo. Office became presidential April 1, 1921.

Earle W. Phillips to be postmaster at Henrietta, Mo. Office became presidential April 1, 1921.

MONTANA.

Harry H. Goble to be postmaster at St. Ignatius, Mont., in place of Margaret O'Connell. Incumbent's commission expired March 16, 1921.

George S. Haynes to be postmaster at Judith Gap, Mont., in place of C. L. Beers, deceased.

Walter D. Vaughn to be postmaster at Augusta, Mont. Office became presidential April 1, 1921.

NEBRASKA.

Willard Stong to be postmaster at Syracuse, Nebr., in place of W. N. Hunter. Incumbent's commission expired March 16, 1921.

NEW JERSEY.

William Hockenjos, jr., to be postmaster at Lake Hopatcong, N. J., in place of F. R. Crater. Incumbent's commission expired March 16, 1921.

John D. Seals to be postmaster at Kenvil, N. J., in place of W. D. Jardine. Incumbent's commission expired March 16, 1921.

Charles R. Bassett to be postmaster at Bloomsbury, N. J., in place of Louis Cressman. Incumbent's commission expired April 24, 1921.

NEW MEXICO.

Jose C. Garza to be postmaster at Willard, N. Mex. Office became presidential July 1, 1921.

Menhard L. Albers to be postmaster at Old Albuquerque, N. Mex. Office became presidential April 1, 1920.

Florence Shelpman to be postmaster at Nara Visa, N. Mex. Office became presidential October 1, 1920.

NEW YORK.

Martin Z. Hyney to be postmaster at Sharon Springs, N. Y., in place of Eugene Smith, resigned.

John B. Cramer to be postmaster at Penn Yan, N. Y., in place of J. H. Meehan. Incumbent's commission expired January 5, 1920.

Owen W. House to be postmaster at Parish, N. Y., in place of B. L. Morgan, resigned.

Harold F. Clark to be postmaster at Ovid, N. Y., in place of Benjamin Franklin. Incumbent's commission expired August 8, 1920.

Edith A. Jennings to be postmaster at Mahopac, N. Y., in place of W. H. Spain. Incumbent's commission expired December 20, 1920.

Frederick Traudt to be postmaster at Hyde Park, N. Y., in place of R. C. Halpin. Incumbent's commission expired June 2, 1920.

Lucy E. Murray to be postmaster at Florida, N. Y., in place of A. D. Jessup, resigned.

Stanley D. Cornish to be postmaster at Carmel, N. Y., in place of Thomas O'Brien. Incumbent's commission expired January 28, 1920.

Frank A. Wheeler to be postmaster at Munnsville, N. Y. Office became presidential January 1, 1921.

NORTH CAROLINA.

John T. Benbow to be postmaster at Winston-Salem, N. C., in place of R. S. Galloway, resigned.

William E. Linney to be postmaster at Wilkesboro, N. C., in place of M. F. Bumgarner, resigned.

George H. Hodgins to be postmaster at Ramseur, N. C., in place of C. G. Foushee. Incumbent's commission expired January 8, 1921.

Clyde H. Jarrett to be postmaster at Andrews, N. C., in place of W. B. Walker, resigned.

Albert Z. Jarman to be postmaster at Richlands, N. C. Office became presidential January 1, 1921.
Thad G. Tucker to be postmaster at Elk Park, N. C. Office became presidential April 1, 1921.

NORTH DAKOTA.

Myron T. Davis to be postmaster at Lisbon, N. Dak., in place of C. S. Ego, resigned.

Reinhart Gilbertsen to be postmaster at Glenburn, N. Dak., in place of Reinhart Gilbertsen. Incumbent's commission expired March 15, 1920.

Harry M. Pippin to be postmaster at Halliday, N. Dak. Office became presidential October 1, 1920.

OHIO.

William Schnoor to be postmaster at Put in Bay, Ohio, in place of C. B. Johannsen. Incumbent's commission expired December 20, 1920.

Otho S. Holloway to be postmaster at Flushing, Ohio, in place of S. E. Bethel. Incumbent's commission expired July 10, 1920.

John R. Williams to be postmaster at College Corner, Ohio, in place of A. L. Foreman. Incumbent's commission expired July 14, 1920.

William S. Barhite to be postmaster at Hamler, Ohio. Office became presidential April 1, 1921.

OKLAHOMA.

Albert L. Chesnut to be postmaster at Kingston, Okla., in place of M. C. Murphy. Incumbent's commission expired March 16, 1921.

OREGON.

Elisabeth E. Johnson to be postmaster at Gresham, Oreg., in place of D. M. Roberts. Incumbent's commission expired September 7, 1920.

Gertrude H. Ashley to be postmaster at Bay City, Oreg. Office became presidential January 1, 1921.

PENNSYLVANIA.

Samuel M. Koppenhaver to be postmaster at Halifax, Pa., in place of J. C. Miller. Incumbent's commission expired August 3, 1920.

RHODE ISLAND.

William H. Follett to be postmaster at Howard, R. I. Office became presidential April 1, 1921.

SOUTH CAROLINA.

Adam C. Dayson to be postmaster at Johns Island, S. C. Office became presidential July 1, 1921.

TENNESSEE.

Joseph T. Hester to be postmaster at Huntingdon, Tenn., in place of J. B. Gilbert. Incumbent's commission expired January 2, 1921.

John Herd to be postmaster at Harrogate, Tenn., in place of K. W. Southern, resigned.

Leslie Vernon to be postmaster at Alamo, Tenn., in place of J. M. Emison. Incumbent's commission expired January 18, 1921.

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

TEXAS.

Tina West to be postmaster at Sanderson, Tex., in place of H. C. Jordan. Incumbent's commission expired July 10, 1920.

UTAH.

Walter Cannon to be postmaster at St. George, Utah, in place of D. B. Forsha. Incumbent's commission expired January 5, 1920.

Henry C. Ward to be postmaster at Myton, Utah, in place of William Zowe. Incumbent's commission expired January 5, 1920.

John F. Justesen to be postmaster at Spring City, Utah. Office became presidential January 1, 1921.

VERMONT.

William M. Batchelder to be postmaster at Dorset, Vt., in place of A. B. Roberts. Incumbent's commission expired January 13, 1921.

VIRGINIA.

John R. Rowland to be postmaster at Hollins, Va., in place of G. P. Murray. Incumbent's commission expired December 20, 1920.

Emeline P. Lacy to be postmaster at Scottsburg, Va. Office became presidential January 1, 1921.

William C. McCormick to be postmaster at Raphine, Va. Office became presidential April 1, 1921.

William E. Fraley to be postmaster at Cleveland, Va. Office became presidential January 1, 1921.

WASHINGTON.

Frank Hurst to be postmaster at Washtucna, Wash., in place of J. H. Gill. Incumbent's commission expired January 5, 1920.

Elijah H. Nash to be postmaster at Friday Harbor, Wash., in place of S. D. Martin. Incumbent's commission expired March 29, 1920.

Minnie M. McCracken to be postmaster at Clearlake, Wash., in place of M. M. McCracken. Incumbent's commission expired March 16, 1921.

WISCONSIN.

Harry Bradley to be postmaster at Taylor, Wis., in place of Harry Bradley. Incumbent's commission expired March 16, 1921.

Burton E. McCoy to be postmaster at Prairie du Sac, Wis., in place of A. H. Tarnutzer. Incumbent's commission expired January 31, 1920.

Carl E. Reichenbach to be postmaster at Merrillan, Wis., in place of C. E. Reichenbach. Incumbent's commission expired June 29, 1920.

Charles Pearson to be postmaster at Lavelle, Wis., in place of S. A. Towne. Incumbent's commission expired July 10, 1920.

George E. Alderson to be postmaster at Benton, Wis., in place of J. V. Swift, deceased.

Edmund O. Johnson to be postmaster at Warrens, Wis. Office became presidential January 1, 1921.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, December 7, 1921.

The House met at 12 o'clock noon.

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

Blessed Lord, Thou art unchangeably merciful and there is a place in Thy infinite heart for all. Forgive us our transgressions and disarm all our fears. Strengthen those who are burdened with cares. Come to any who may be in bereavement and put stars of hope into their skies. May all hearts and minds be joined together in a common purpose for the good and the well-being of our country. Through Jesus Christ our Lord. Amen.

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

ACQUISITION OF GOVERNMENT PROPERTY BY THE CITY OF CHICAGO, ILL.

Mr. CHINDBLOM. Mr. Speaker, this being Calendar Wednesday and the Committee on Public Buildings and Grounds having the call, there is a bill which I think was inadvertently placed on the Private Calendar, and I ask unanimous consent to have it placed on the Union Calendar in order that it may be considered to-day. It is the bill H. R. 9021.

The SPEAKER. The Chair thinks that he ought to correct the statement that it was done inadvertently; it was not done inadvertently. The gentleman from Illinois asks unanimous consent that the bill H. R. 9021, of which the Clerk will report the title, be transferred to the Union Calendar.

The Clerk read as follows:

A bill (H. R. 9021) to permit the city of Chicago to acquire real estate of the United States of America.

The SPEAKER. Is there objection?

Mr. WALSH. Let the bill be reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in consideration of the payment by the city of Chicago to the United States of America of the just compensation and damages for the real estate hereinafter described, as ascertained by a jury in proceedings to condemn real estate of the United States of America, the city of Chicago is hereby authorized to acquire for street purposes by two separate condemnation proceedings all interests of the United States of America in and to the following-described parcels of real estate, viz:

(a) The east 17 feet of south 100 feet of north 133 feet of west 125 feet of east 158 feet of south quarter of east half of northeast quarter of section 30, township 38 north, range 14 east, of third principal meridian, in the city of Chicago, county of Cook, and State of Illinois; and

(b) The east 17 feet of (except south 140 feet of south 100 feet of north 133 feet of west 125 feet of east 158 feet) south quarter of east half of northeast quarter of section 30, township 38 north, range 14 east, of third principal meridian, in the city of Chicago, county of Cook, and State of Illinois.

Sec. 2. That the city of Chicago shall assume the burden of reconstruction made necessary by the taking described in section 1 hereof, which reconstruction shall be done subject to inspection by the United States Government. The cost of said reconstruction shall be deducted from the award by jury provided for in section 1 hereof and used by the city of Chicago for this purpose.

Sec. 3. That this act shall be in force from and after its passage.

With the following committee amendment, which was read:

Strike out section 2 and insert the following:

"Sec. 2. That the Secretary of War is hereby authorized to expend such portion of said award as in his judgment may be necessary to restore or repair Government buildings or improvements taken or damaged by reason of the taking of said parcels of real estate; and the Attorney General is hereby authorized and directed to accept service and to appear on behalf of the United States to the extent necessary to protect the interest of the United States in said proceedings: *Provided*, That in the event the amount estimated and included in the jury's award for the restoration and repair of said buildings and improvements made necessary by the taking of said parcels of real estate shall prove insufficient for said purposes the city of Chicago shall pay any difference or balance not covered by said award therefor."

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I have made some investigation in regard to this bill, and I think the bill is all right. But my impression is that from the precedents the bill was originally referred to the proper calendar. The gentleman from Illinois asks unanimous consent to transfer it. Of course, I understand that is for the purpose of getting consideration of it to-day. I have no objection to the bill being considered to-day, but this being by unanimous consent I do not think it ought to be taken as a precedent that would control the reference of similar bills in the future.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This being Calendar Wednesday, the Clerk will call the roll of committees.

The Committee on Public Buildings and Grounds was called.

Mr. ELLIOTT. Mr. Speaker, the bill H. R. 6263 and the bill H. R. 6874 having been taken care of in the bill H. R. 6300, a deficiency bill, I ask that those two bills be laid on the table.

The SPEAKER. Without objection, the request is agreed to. There was no objection.

Mr. ELLIOTT. Now, Mr. Speaker, I call up the bill H. R. 8401 on the House Calendar.

The Clerk read the bill, as follows:

A bill (H. R. 8401) to transfer the custody and control of the United States customhouse wharf at Charleston, S. C., from the Treasury Department to the War Department.

Be it enacted, etc., That the United States customhouse wharf at Charleston, S. C., be, and the same is hereby, transferred from the custody and control of the Treasury Department to that of the War Department, and that all branches of the public service now using said wharf shall be permitted to continue their use of the same.

Mr. WALSH took the chair as Speaker pro tempore.

Mr. ELLIOTT. Mr. Speaker and gentlemen of the House, this is a bill to transfer the control and custody of the United States customhouse wharf at Charleston, S. C., from the Treasury Department to the War Department. This is a matter that has been agreed upon between the two departments, and in the report of the committee there is included a letter from the Secretary of the Treasury, which reads as follows:

TREASURY DEPARTMENT,
Washington, April 12, 1921.

The SPEAKER, HOUSE OF REPRESENTATIVES.

Sir: Your attention is invited to the wharf which was constructed in connection with the customhouse at Charleston, S. C., and paid for out of the appropriation for that building.

It is necessary almost every year to expend a large amount from the appropriation for "Repairs and preservation of public buildings" for dredging in the neighborhood of the wharf in order that vessels may approach and dock, which constitutes a heavy drain upon that appropriation. The wharf was constructed originally for the use of the Customs Service in connection with goods intended for the bonded warehouse, but its use for this purpose has practically ceased and it is used now chiefly by the War Department. The quarantine and customs services and the Navy Department make a limited use of it only. In view of these changed conditions it is believed to be advisable to transfer the control of the wharf from the Treasury to the War Department. If this were accomplished the expense for dredging would be considerably lessened, as the latter department has a dredge located in the harbor of Charleston. The Secretary of War has indicated that such transfer would be satisfactory to him.

In view of the circumstances, as above set forth, it is recommended that legislation be enacted transferring this wharf from the custody and control of the Treasury Department to that of the War Department, with the proviso that all branches of the public service now using said wharf shall be permitted to continue the same.

A draft of the legislation to accomplish this purpose is herewith transmitted.

Respectfully,

A. W. MELLON, Secretary.

This bill came before the Committee on Public Buildings and Grounds with this recommendation from the department. We knew of no reason why the request should not be granted, as the reasons which the Treasury Department and the War Department assigned seemed to appeal to every one of the members of the Committee on Public Buildings and Grounds, and it is therefore reported unanimously for passage.

Mr. CLARKE of New York. Will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. CLARKE of New York. Is the property of any permanent value to the Government?

Mr. ELLIOTT. It will not be transferred from the custody of the Government.

Mr. CLARKE of New York. Why should it be kept at an additional expense if it is of no use? Why not get rid of it?

Mr. ELLIOTT. This bill is only to transfer the control of it from one department to another.

Mr. CLARKE of New York. Is it property that the Government has a use for now?

Mr. ELLIOTT. The Government has use for it, and it is only transferring it from one department to another.

Mr. CLARKE of New York. What is it to be used for?

Mr. ELLIOTT. It is used as a wharf for the customhouse. The Government is not giving up control of it; it is merely asking that the control be transferred from the Treasury Department of the United States Government to the War Department of the United States Government, upon the theory that the Treasury Department has no further use for it, but the War Department has and had better handle it.

Mr. LANHAM. Will the gentleman yield?

Mr. ELLIOTT. I will.

Mr. LANHAM. Is it not true that this will effect certain economies in the matter of dredging about the wharf and at the same time not restrict the use of the property by the quarantine authorities in the customs service?

Mr. ELLIOTT. It was stated to the Committee on Public Buildings and Grounds that the War Department could take care of this wharf more advantageously and economically than the Treasury Department could, and then, when it was transferred, that all departments of the Government could use the wharf.

Mr. LANHAM. And this bill would increase rather than restrict the use of the property at a less expense.

Mr. ELLIOTT. The gentleman is entirely correct.

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

Mr. ELLIOTT. Yes.

Mr. TILSON. There is a subcommittee of the Committee on Military Affairs now considering the disposition of a number of pieces of land which have ceased to be of use to the Government. The gentleman from New York [Mr. CLARKE] raised the question whether this particular piece of ground is not one that ought to be disposed of rather than kept by the Government at considerable expense.

Mr. ELLIOTT. That question never has been raised in our committee.

Mr. TILSON. In case this authority is granted to the War Department to dispose of certain pieces of property for value, will this piece here, being transferred to the War Department, come under that provision?

Mr. ELLIOTT. This property after this bill is passed will still be the property of the United States Government, and be subject to control by Congress whenever it wants to act.

Mr. TILSON. But it will then pass under the control of the War Department, and if the War Department gets the permission which it is now seeking to dispose of certain property now belonging to the United States, no longer necessary for governmental purposes, then the Government may dispose of this property also?

Mr. ELLIOTT. I do not think it will have any authority to dispose of this property until Congress gives that authority.

Mr. TILSON. No; it would not; but if the control of the property passes now from the Treasury Department to the War Department, it will then pass within the scope of the legislation which is pending, as I understand it, for the disposition of property no longer needed by the Government.

Mr. ELLIOTT. That question has never been raised or considered in this matter.

Mr. TILSON. It would be no objection to the bill from my viewpoint.

Mr. ANDREWS of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. Yes.

Mr. ANDREWS of Nebraska. This transfer would not encroach upon any plans or purposes embodied in the suggestions by the gentleman from Connecticut [Mr. TILSON]. The matter of inquiry would proceed as to the usefulness of this wharf for the Government and its consequent retention for public purposes. If that need should be clearly defined as to its retention, we assume that the War Department would readily retain it, as the Treasury Department would. The War Department has the facilities now at its command to do the dredging and keep the wharf in proper condition for all governmental purposes, with economy and dispatch, and nothing of this other matter would be involved in any sense whatever. We could take that into account and determine that proposition

upon the showing that would be made as to the need of this property for governmental purposes.

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

Mr. ELLIOTT. Yes.

Mr. McKENZIE. I would like to have a little light on this matter. Has the War Department asked for this legislation?

Mr. ELLIOTT. I called the gentleman's attention to the letter from the Secretary of the Treasury in which the Secretary of War has indicated that such a transfer would be satisfactory to him.

Mr. McKENZIE. What is the purpose of turning this over to the War Department? Is it in order that the War Department may be charged with the responsibility and the expenditure of money upon the property rather than the Treasury Department?

Mr. ELLIOTT. It was represented to us that the War Department could take care of this more advantageously and economically than the Treasury Department could, because it has facilities there to take care of the dredging and other repairs that are necessary, and that when it was done it would be used by all of the departments of the Government, and that it is satisfactory to the Secretary of War that this be done.

Mr. McKENZIE. What is the character of the property?

Mr. ELLIOTT. It is a customs wharf.

Mr. McKENZIE. In what city?

Mr. ELLIOTT. Charleston, S. C.

Mr. McKENZIE. Is not that a character of property that could be well transferred to the city of Charleston?

Mr. ELLIOTT. I know nothing about that question. All I know is what the department who is handling this put up. I do not think it would be advisable for the Government, however, to give its property to some municipality.

Mr. McKENZIE. I do not mean that the Government shall give it to a municipality.

Mr. ELLIOTT. Or to transfer the control of it.

Mr. McKENZIE. I simply want to call the attention of the House to the fact that we have been for almost a year trying to get an inventory of the nearly innumerable tracts of land under the control of the War Department. We have recently prepared a report, which will be presented to the chairman of the Committee on Military Affairs and reported to this House in the very near future, in which we try to make an inventory of the real estate owned by the War Department, and the scores of tracts of land that the War Department has notified us they have no further military use for, which they would like to dispose of by sale, transfer, or turning them over to some other governmental activity. The only thing I have in my mind is whether it is possible that we are taking on another tract of land to add to this list that we already have.

Mr. ELLIOTT. This is a horse that we already have in the stable, and we are merely taking him out of one door and putting him into another. The Government owns it all.

Mr. McKENZIE. I would say to the gentleman from Indiana that the War stable is so full of horses now that we can not get any more in, and we want to get some of them out.

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

Mr. ELLIOTT. Yes.

Mr. CHINDBLOM. In addition to what the gentleman from Indiana [Mr. ELLIOTT] handling the bill has said, I call attention to the fact that the letter from the Secretary of the Treasury advised the Committee on Public Buildings and Grounds that this wharf is now being used chiefly by the War Department. It was originally erected for use in connection with goods intended for the bonded warehouse belonging to the customs service in the Treasury Department. However, the dredging in the water adjoining this wharf is connected with some expense, and the War Department has already the apparatus and machinery there for dredging the harbor at Charleston.

Mr. STAFFORD. And in that particular, if the gentleman from Indiana [Mr. ELLIOTT] will yield, may I ask the gentleman whether the hearings disclose anything as to the expense of dredging, whether it was incurred by the Treasury through private contractors or whether the Secretary of the Treasury did not have at his command the use of the Government dredge?

Mr. ELLIOTT. I do not remember that that question was gone into very fully, but the recommendation that was made to the committee was that the Treasury Department was not in position to do this dredging as economically as the War Department was, because the War Department was prepared to do the work.

Mr. STAFFORD. Reading the letter of the Secretary it would appear the Secretary of the Treasury did not have any

claim upon the Government dredge operated by the War Department for keeping this wharf in condition and was obliged to call for bids from private contractors. If the Secretary of the Treasury had the right to call upon the War Department for the use of the War Department's dredge there would be no pressing need for this bill.

Mr. McKENZIE. The statement of the gentleman from Wisconsin has raised another very interesting question in regard to this matter. If the Treasury Department is to retain the warehouse that much at least is saved to the War Department, because we have warehouses to burn—we can not sell them—in charge of the War Department now, but here is the point: If the warehouse is to be used by the Treasury Department and then you are going to unload onto the War Department all the expense of the dredging and the keeping of that wharf in repair for the benefit of the Treasury Department, it seems to me it is unfair to the War Department.

Mr. STAFFORD. It unloads on the War Department something it has not any call for.

Mr. ELLIOTT. The War Department is not making any complaint about this.

Mr. MILLER. Will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. MILLER. I understand this warehouse is to remain in the Treasury Department and the wharf is to be kept in order by the War Department?

Mr. ELLIOTT. Yes.

Mr. MILLER. In other words, you are putting on the War Department the upkeep of the wharf as a part of the Military Establishment of the United States?

Mr. ELLIOTT. But the War Department is not making any complaint about this.

Mr. MILLER. Is the Secretary of War advised of the situation?

Mr. ELLIOTT. If the Secretary of the Treasury tells the truth, he is; he says he has advised him, and that he is satisfied to let it go.

Mr. MILLER. Have you any communication from the Secretary of War in regard to this?

Mr. ELLIOTT. Nothing except the letter of the Secretary of the Treasury.

Mr. MILLER. You want to wish it on the War Department?

Mr. ELLIOTT. I do not want to wish it on anybody.

Mr. MILLER. Nobody cares anything about it, and you do not care about it.

Mr. ELLIOTT. I will say this is of no importance to me except as a citizen of the United States, but as a member of the Committee on Public Buildings and Grounds I will say that they came before our committee with a reasonable proposition, and we thrashed it out, and the committee unanimously voted to report this bill for passage. And so far as all this trouble you are kicking up about the War Department is concerned, I would say this, that the War Department is always able to take care of itself. It knows this bill is in here. The Secretary of the Treasury says he has consulted with the Secretary of War, and nobody in the War Department has raised any question about it, nor anybody else except a few fellows who would like to act as guardian ad litem for the War Department.

Mr. MILLER. Was anybody there from the War Department to help in this thrashing process?

Mr. ELLIOTT. There was not anybody there from the War Department that I remember.

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

Mr. ELLIOTT. I yield.

Mr. MANN. Has this ever been referred to the Secretary of War for his opinion?

Mr. ELLIOTT. The Secretary of War reported he had taken it up. That is as much as I know about it.

Mr. MANN. Has the Committee on Public Buildings and Grounds ever referred to the Secretary of War the bill transferring property to the jurisdiction of the Secretary of War?

Mr. ELLIOTT. I will say to the gentleman from Illinois I am not the chairman of the Committee on Public Buildings and Grounds. What the chairman may have done in the way of referring this to the Secretary of War I do not know.

Mr. MANN. But there is no report from the Secretary of War, so far as you know?

Mr. ELLIOTT. No; nothing except the letter I have referred to.

Mr. MANN. I take it that the real reason for this bill is a form of appropriation made by Congress, and that in order for the Treasury Department to expend money in the protection of this wharf it is necessary to secure an appropriation from the Congress covered in the appropriation for repairs of public

buildings and grounds. If the War Department operates a dredge there under the present practice, that is paid out of the lump-sum appropriation for rivers and harbors and does not come under the scrutiny of any appropriation committee of this House. Is not that the real reason for this?

Mr. ELLIOTT. I am not advised as to whether it is or not.

Mr. MANN. I can advise the gentleman that that is the real reason. It is to avoid the necessity of asking Congress for an appropriation to dredge or protect this wharf. That is the real reason. Wherever a department can get hold of power to expend money without submitting a request to Congress they want that power always.

Mr. ELLIOTT. Well, gentlemen, so far as this bill is concerned, I have not had any reason put up to me so far that would change my mind. I voted to report this bill out for passage, and so far as I am concerned I will vote for its passage in the House. The War Department is using this wharf. Everybody seems to be satisfied with it.

Mr. KING. What are they using it for?

Mr. ELLIOTT. For a dock. I suggest that the gentleman from Texas [Mr. LANHAM] might use some of his time at this time, if he wishes. I reserve the balance of my time.

Mr. LANHAM. Mr. Speaker, I may say that I am somewhat grieved at this manifestation of a lack of confidence in the Secretary of the Treasury on the part of some of the majority Members. In his letter the Secretary very clearly outlines that the wharf is now being used liberally by the War Department, and that the Secretary of War has indicated that the transfer would be satisfactory to him. It would seem that the Secretaries of the two departments concerned are thoroughly in accord with reference to the desirability of the enactment of this measure, and those two wise men of the east having put their heads together and come to a common decision in the matter, I see no reason for any Republican contention that the bill should not pass.

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.

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

The SPEAKER. Has the Committee on Public Buildings and Grounds any further business?

OLD SUBTREASURY, SAN FRANCISCO, CALIF.

Mr. ELLIOTT. Yes, Mr. Speaker, I call up the bill H. R. 5700, Union Calendar, No. 131, a bill authorizing the Secretary of the Treasury to sell the old Subtreasury property at San Francisco, Calif.

The SPEAKER. The Clerk will report it.

The Clerk read the title, as follows:

A bill (H. R. 5700) authorizing the Secretary of the Treasury to sell the old Subtreasury property at San Francisco, Calif.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union for its consideration. The gentleman from Connecticut [Mr. TILSON] will please take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5700, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5700, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell to the highest bidder, at public or private sale, the old Subtreasury property, located on the north side of Commercial Street about 60 feet west of Montgomery Street, and known as 608 Commercial Street, San Francisco, Calif., in such manner and upon such terms as he may deem to be to the best interests of the United States; to convey such property to the purchaser thereof by the usual quitclaim deed, and to deposit the proceeds of such sale in the Treasury of the United States as a miscellaneous receipt.

Mr. ELLIOTT. Mr. Chairman, this is a bill that was introduced by the gentleman from California [Mr. KAHN]. He is thoroughly conversant with the facts concerning it, and I yield to the gentleman 20 minutes.

The CHAIRMAN. The gentleman from California is recognized for 20 minutes.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2708. An act to authorize the Secretary of War to transfer without charge certain surplus material of the War Department to the American Relief Administration in Russia.

SALE OF OLD SUBTREASURY PROPERTY, SAN FRANCISCO, CALIF.

The committee resumed its session.

Mr. KAHN. Mr. Chairman, the old Subtreasury Building in San Francisco is located on Commercial Street, which is rather a narrow street in comparison with the other streets of the city. It was bought by the Government in 1854. The house and site cost something like \$230,000. During the earthquake and fire of 1906 this was the only building that the Federal Government owned at that time that was burned, and it was burned practically to the ground. The first story and basement of the building at that time were used as a subtreasury. They had a few other Federal offices in the upper stories, the land office, notably; that is, the quarters of the surveyor general of California and of the receiver and register of the Land Office. When the building was burned it was found inadvisable to attempt to do more than put a roof over it and allow it to be used for a subtreasury building for the time being. The building was so used, but eventually the Subtreasury was moved into a new and substantial building at the corner of Sansome and Pine Streets. The building on Commercial Street remained idle for quite a length of time. Later on it was turned over to the War Department for a little while, and I think they had their engineers in there temporarily. Then it was turned over to the Navy Department for a little while, and they retained control for a few months. But eventually none of the Government officers found quarters there, and it has been rented to a private concern since January of this year. The Secretary of the Treasury in the meantime recommended that the building be sold and that the money be covered into the Treasury of the United States.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from Wisconsin?

Mr. KAHN. Yes.

Mr. COOPER of Wisconsin. This bill, if enacted into law, would authorize the Secretary of the Treasury to sell at private sale, on any terms that might suit him, property belonging to the Government of the United States. Is that a good thing to do in time of peace, when there is no special hurry, to allow any man to sell public property at private sale in his discretion?

Mr. KAHN. Well, the Secretary of the Treasury evidently seems to think that possibly he can get a better price for it at private sale than by submitting it at public sale. But, of course, that is all within the option of the Secretary, and he does not have to accept the figure offered at private sale unless it is thoroughly agreeable to him.

Mr. CHAIRMAN. I think I have stated the matter pretty thoroughly. I yield back the balance of my time.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having taken the chair, sundry messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

SALE OF OLD SUBTREASURY PROPERTY, SAN FRANCISCO, CALIF.

The committee resumed its session.

Mr. ELLIOTT. Mr. Chairman, does the gentleman from Texas [Mr. LANHAM] wish to use any time?

Mr. LANHAM. Mr. Chairman, I simply want to reinforce some of the statements which have been made by the gentleman from California [Mr. KAHN]. I may say with reference to this bill, in contrast with the one which has just passed, that in this measure there is evident accord between the military and financial interests of the Government, for the chairman of the Committee on Military Affairs is sponsoring this measure.

This building is now practically useless to the Government. It was constructed in 1854. It was then a four-story building. Through fire and earthquake it has been so destroyed that the reconstruction of it permitted only a one-story building.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. LANHAM. I will.

Mr. RAKER. Will the gentleman advise the committee, so that there may be no doubt about it, as to the approximate size of the lot upon which this building is located?

Mr. LANHAM. I think that is set forth in the report.

Mr. RAKER. It may be in the original report, but it is not printed.

Mr. KAHN. I think the building is about 30 feet front by about 70 feet in depth.

Mr. LANHAM. And I understand there is no ground in addition to that which the building occupies.

Mr. KAHN. No; none whatever.

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

Mr. LANHAM. I will.

Mr. RAKER. What is the gentleman's view as to lines 9, 10, and 11, which authorize the Secretary of the Treasury to sell this property at private sale without public auction?

Mr. LANHAM. I should like to answer that question by making one or two prefatory statements.

When this building was originally constructed it was in the heart of the city; that is, of the business section. Since 1854 the trend of commercial construction has been in a different direction, and this building has been left down in this section which is not now so frequented, practically isolated and alone in so far as commercial purposes are concerned. Added to this element of shrinking value is the destruction which I have mentioned, that has come from the fire and the earthquake, so that we have a one-story building in a poor state of repair where formerly there was a handsome four-story structure. Consequently, the demand for this building is not what it once was. It offers no specially attractive inducement to any commercial enterprise. It is not desired by any of the Government departments and not desirable for any of the proper functions of those departments. They have all signified their willingness to permit this building to be sold, by reason of the fact that it does not meet the requirements of any Government enterprise in that city. Accordingly, the building has been rented for \$85 a month, which seems all that it will yield. Since it serves no useful purpose for the Government, if an advantageous sale could be had it would really be a benefit to the Government. I think that the provision for private sale is included in the bill by design. The lines to which the gentleman from California has referred are placed in the bill advisedly, and the Secretary of the Treasury is of the opinion that likely a much more advantageous sale of this particular property may be had privately than by public auction. And, as stated in the report, the Government may expect to obtain about \$20,000 for this structure at private sale, and the consensus of opinion seems to be that that is all the building is worth. Since it is no longer necessary for governmental purposes, since it is in a part of the city where property is not worth what it once was, since the building has been practically destroyed and is now a one-story structure badly in need of repair, it seems that economy and expediency and the best interests of the Government are all conserved by authorizing the disposition of it at private sale, which, in the opinion of the Secretary of the Treasury, would probably yield a larger sum than by public auction. The Secretary is left the option as to the method and, under the terms of the bill, the sale may be either public or private.

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

Mr. LANHAM. I will.

Mr. RAKER. I have been quite impressed with the gentleman's story of San Francisco, and I have just wondered when it was that the business interests moved from Montgomery Street.

Mr. LANHAM. Mr. Chairman, not having had the pleasure of visiting California or the Golden Gate City, but having heard their praises sung morning, noon, and night by the distinguished gentleman from California [Mr. RAKER], I refer him to another distinguished son of that State, the chairman of the Committee on Military Affairs [Mr. KAHN], who, together with the Secretary of the Treasury, is sponsor for the statement that the building is not now so advantageously situated commercially as it once was.

Mr. RAKER. What I wish to know is when the Secretary of the Treasury visited San Francisco and came to the conclusion that Montgomery Street was out of the business center of San Francisco?

Mr. LANHAM. I do not know just when that visit was made.

Mr. KAHN. Will the gentleman yield?

Mr. LANHAM. I yield to the gentleman from California.

Mr. KAHN. This section of the city has gone down materially, and a new Subtreasury building was put up at the corner of Montgomery and Pine Streets, which is as fine a public building as there is in this country.

Mr. LANHAM. And that supersedes this old building and makes it no longer necessary.

Mr. KAHN. Exactly so. This building was occupied for a little time after the fire by the War Department. Then they had no further use for it. Then it was occupied for a little time by the Navy Department. Then they had no further use for it. For quite a while it was entirely empty. Then it was

found that they could get a private concern to pay \$80 a month rent for it, and the building is now occupied by that private concern.

Mr. LANHAM. There is now no governmental activity in the city of San Francisco which desires to use this building?

Mr. KAHN. No; I think the report of the committee shows that every time a public activity was asked about the building the Treasury officials were told that they would have to expend a great amount of money to reconstruct the building, and they all refused to do it.

Mr. LANHAM. May I ask the gentleman, who is thoroughly familiar with the physical property and its environment, if in his judgment and from his knowledge of the facts a sale for \$20,000 would be an advantageous sale for the Government?

Mr. KAHN. I think it would.

Mr. LANHAM. I will ask the gentleman, further, if it is not probable that that is the approximate sum for which the building will be sold?

Mr. KAHN. I have been told or was informed in a letter or it was intimated that that is the fact, although I did not make any investigation. But I know that property in that section where this property is situated is not bringing a great deal of money.

Mr. LANHAM. The statement is made in the report also that it would cost \$5,000 to repair this 1-story structure so that it could be used by any governmental activity.

Mr. STAFFORD. Will the gentleman from Texas yield for me to ask a question of the gentleman from California?

Mr. LANHAM. I will.

Mr. STAFFORD. I wish to inquire of the gentleman from California whether there are any governmental activities in San Francisco that are in rented quarters and calling for additional governmental space?

Mr. KAHN. They are not calling for additional space. I have an idea that there are a few in rented quarters, but it would cost so much to fit up this building for their use for their purpose that it would be cheaper to get rid of it; they are now nearer, in the buildings they occupy, to the business center of San Francisco, so that the business men can much easier get in touch with them.

Mr. STAFFORD. The gentleman is quite well acquainted with the policy of the Government; that when one governmental building is no longer large enough to carry on the activity of the Government, for the Government to retain it and transfer it to some other department of governmental activity. I noticed in the letter of the Secretary of the Treasury he says that at this time it is not desired to be used by any department, implying that in the future they may have occasion to use the property, and I question whether it might not be well to hold it rather than to sell it at a sacrifice price?

Mr. LANHAM. In reply to the gentleman let me say that the Secretary of the Treasury seems to have gone fully into that matter, and he can see no reasonable immediate prospect for its use by any branch of the Government.

Mr. RAKER. Will the gentleman yield for a question and a short statement?

Mr. LANHAM. I will.

Mr. RAKER. Of course, where Government property is not needed and you can get a fair value for it, it ought to be sold. I think there should be no objection to this bill. But I want some information, and my colleague has not answered the question. I am asking now when it was that the great business interests on Montgomery Street ceased or changed?

Mr. LANHAM. Mr. Chairman, in view of the fact that my familiarity with California is almost solely along esthetic lines and has been acquired from reading and from eating its delicious fruit and hearing about its balm and sunshine, I will yield for an answer to this very material question to my friend from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, Commercial Street, where this building is located, has been out of the business center of San Francisco for the last 35 or 40 years.

When you go down Montgomery Street from Commercial Street to California Street, some blocks farther down, you get into the wholesale business of the city and among the banks and insurance offices.

Mr. RAKER. How far is Commercial Street north—

Mr. KAHN. Far enough to have gone out of the business center of the city; it is no longer a portion of the business section of San Francisco, and any man who knows San Francisco ought not to ask the question. [Laughter.]

Mr. WINGO. Will the gentleman from Texas yield?

Mr. LANHAM. I will.

Mr. WINGO. What kind of business surrounds this property?

Mr. LANHAM. That also being a material fact, I refer the answer to the gentleman from California.

Mr. KAHN. They are small buildings.

Mr. WINGO. What kind of business is next door to this building?

Mr. KAHN. I do not think there is anything next door to it, but the buildings around there are small because it is a very small, narrow street.

Mr. WINGO. Occupied by fruit stands or wholesale warehouses, or what?

Mr. KAHN. It is very near Kearny Street, much nearer Kearny Street than Montgomery Street; Kearny Street near this building contains shooting galleries and retail stores of various kinds.

Mr. WINGO. Is it in the suburban retail district?

Mr. KAHN. No; it is not in the retail district of the city.

Mr. WINGO. It is not in the main retail district, but small retail shops.

Mr. KAHN. Yes.

Mr. WINGO. How many square feet are there in this site?

Mr. KAHN. About 21,000 square feet; possibly 25,000 square feet.

Mr. WINGO. What does property there bring a foot? Is there any proof on that?

Mr. KAHN. No; but they told me that they probably could get \$20,000 for it, and I consider that that is a very fair price.

Mr. WINGO. Is it a corner lot?

Mr. KAHN. No; it is an interior lot.

Mr. WINGO. Thirty feet wide and seventy feet deep.

Mr. KAHN. I think that is it. It may be only 25 feet wide.

Mr. WINGO. That is in the gentleman's district?

Mr. KAHN. Yes.

Mr. RAKER. Mr. Chairman, will the gentleman yield further?

Mr. LANHAM. Yes.

Mr. RAKER. I hope my distinguished colleague from California took no offense at anything I said with respect to an inquiry about the great city of San Francisco and all of its surroundings.

Mr. KAHN. Oh, no; I never take any offense at anything the gentleman says.

Mr. RAKER. Because my observation some six months ago—

Mr. MOORE of Virginia. Mr. Chairman, will the gentleman from California yield?

Mr. RAKER. Yes.

Mr. MOORE of Virginia. Has the gentleman from California ever been in San Francisco?

Mr. RAKER. Mr. Chairman, that might be either a pertinent or an impertinent inquiry. Of course, I know the gentleman did not mean to be impertinent. About this property, both east and west, north and south, there is one of the greatest developed cities in the United States, if not in the world, radiating from this general territory. Of course, the building may not be worth much, and I know that the desire of my distinguished friend from California is that the Government get not what the building is worth, for you might as well throw that into the bay, but what the ground is worth, to put a 15 or 20 story building on.

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

Mr. RAKER. Yes.

Mr. KAHN. How many 15 or 20 story buildings are there on that block?

Mr. RAKER. Oh, there are so many in San Francisco that I get dizzy looking at them, and, therefore, I suppose that they would put a 15 or 20 story building on this lot.

Mr. LANHAM. Mr. Chairman, this resolves itself into a proposition of this character. Here is a piece of property estimated to be worth \$20,000. The Secretary of the Treasury is of the opinion that he can get that sum, or approximately that, for it. The building, it seems, is practically worthless. It would require, according to the testimony, \$5,000 to place it in repair for use, which is not now desired. There is no reasonable prospect that it will soon be desired for use by any branch of the Government. The matter resolves itself into a proposition of whether it is wiser under these circumstances for the Government to sell for \$20,000 a piece of property which it would require \$5,000 to put in repair, which to-day is being leased for a rental of \$85 per month and with no assurance of a permanent lease at that price.

Mr. COOPER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. Yes.

Mr. COOPER of Wisconsin. What reason can the gentleman give for disposing of Government property at private sale in the time of peace?

Mr. LANHAM. The only reason that I can assign is the fact that the Secretary of the Treasury is of the opinion that he can make a more advantageous sale in that way than at public auction.

Mr. COOPER of Wisconsin. But one could say that about any sale. If an individual can express the opinion that he can get more money at private sale than at public sale, one could get that opinion every day. It does not justify the sale of this at private sale.

Mr. LANHAM. My observation has been that private sales frequently yield much larger returns than sales at public auction.

Mr. COOPER of Wisconsin. Does the gentleman know of any city contracts for doing work in the gentleman's own district where it is given into the hands of any one man to let the contract on private terms?

Mr. LANHAM. I would say that municipal contracts are usually let to the lowest bidder, while here we are seeking to get the highest bidder.

Mr. COOPER of Wisconsin. I know, but there is a public bidding, and the city gets the best terms it can at public bidding. The gentleman does not know of any municipality in the United States that ever disposes of a contract of that kind and hands out the money of the people or the country unless there has been a bidding for an opportunity to do the work.

Mr. LANHAM. I would say to the gentleman that I can not quite see the analogy between a contract made by a municipality and a sale of property by the Government.

Mr. COOPER of Wisconsin. But the sale is a contract of sale and it is completed by handing over the purchase money. The principle is identical. The Government ought not to sell its property at private sale.

Mr. LANHAM. The Government is doing that now in many instances, and we are not departing very much from precedent in that respect. I am a member of the committee, and I confess that I have deferred to the wishes and judgment of the Secretary of the Treasury. He is of the opinion that he can make a better sale according to the terms of this bill, and it was upon his recommendation and at his suggestion that this language was incorporated in this measure.

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

Mr. LANHAM. Yes.

Mr. MANN. Has it not sometimes been the practice for the Treasury Department to advertise for the sale of property and receive bids, which might not be very high, and then to sell the property to somebody else who would offer a considerably higher sum than the bids submitted?

Mr. LANHAM. I think the gentleman for the suggestion. I do not think this language would interfere with a proceeding of that kind.

Mr. MANN. I took it that that was the reason for the verbiage here. It quite frequently happens that on receiving bids for the sale of property nobody bids very high because they do not know whether they will get it or not, but when it is agitated and bids are published, then some one else comes along who is willing to pay a substantially higher price.

Mr. LANHAM. That is correct, and I thank the distinguished gentleman for his contribution. This bill, I think, is so worded as to give the proper latitude to the Secretary of the Treasury in disposing of this property.

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

Mr. LANHAM. Yes.

Mr. KAHN. I would say further to the distinguished gentleman from Illinois that where this property is located on Commercial Street—a very narrow street with small houses upon it—the possibility is that they could arrange a combination among a few men to keep down the price; but the Secretary of the Treasury might get an offer from some other man very much in excess of what these bidders would offer; and I presume that is what he had in mind when he offered that language.

Mr. COOPER of Wisconsin. How would this other man know anything about this sale if it was not made public?

Mr. KAHN. Of course, if it were made public he would bid at the public sale, and if he were allowed to accept a private bid he would probably get a very much higher bid than the one he got in the public sale.

Mr. COOPER of Wisconsin. Would that not require a publication of a notice of sale of Government property, not in the discretion of any man but an absolutely mandatory statute?

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. KAHN. I will.

Mr. CONNALLY of Texas. I would like to ask the gentleman this question, namely, if he knows whether or not they have any particular purchaser in view now?

Mr. KAHN. I think they have in mind possibly the occupants of the building. Now, I do not know, because I have not spoken about this property to anybody; but I would rather imagine that the Secretary of the Treasury might have in view the people who occupy the building at this time, and they might offer more than would be offered at public sale.

Mr. CONNALLY of Texas. I apprehended that, because in view of the estimate of the possible purchase price I assume that it would necessarily be after conference with some prospective purchaser.

Mr. LANHAM. Mr. Chairman, I reserve the remainder of my time.

Mr. ELLIOTT. Mr. Chairman, I yield 30 minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, pursuant to the provision of an act passed by Congress and approved March 4, 1921, all "journals, magazines, and periodicals" of the departments of the Government died on the 1st day of December. Inasmuch as that situation has brought about considerable confusion, I ask permission to address the House for the time allotted to me outside of the subject under discussion. If there is no objection, I want to make a statement of the situation with reference to Federal printing.

Mr. CONNALLY of Texas. May I inquire the subject matter about which the gentleman wishes to talk?

Mr. JOHNSON of Washington. About the matter of suspending the printing of Government "journals, magazines, and periodicals," which went into effect December 1, last, and to endeavor to clarify the situation a little bit, for the reason that in my opinion a misunderstanding exists between the heads of the departments and the Public Printer as to just what shall be done.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to speak out of order. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. Mr. Chairman, ever since I have had the honor to be a Member of Congress, now about nine years, I have given some attention to waste in Government Printing. I remember when I first came to Congress the chairman of the Committee on Printing was Mr. Barnhart, of Indiana, who labored long and hard in an effort to recodify and bring down to date and improve the laws relative to public printing and binding. He has been succeeded by the gentleman from Pennsylvania [Mr. KIESS], who works along the same line. In the Senate, as chairman of the Joint Committee on Printing, Senator SMOOR, and later Senator MOSES in the same capacity, have worked hard for many hours, and with the aid of all of the members of the Joint Committee, have managed to stop the printing of a large number of Government magazines, newspapers, and periodicals, and to secure from Congress the right for the Joint Committee on Printing to exercise supervision over the publication of bulletins and miscellaneous Government publications. Governmental printing of all kinds, in my opinion, in the last 10 years has amounted to a tremendous waste and a public scandal. Everybody knows that when a man feels like writing and gets hold of type and a printing press and some paper he will write and print, even if nobody reads his effusion. The departments have had the type, Congress has furnished the paper, and the bureaus have enlarged about every bulletin that possibly could be changed, into a magazine, a newspaper, or a periodical—nearly all without authority of law. Hence our present problems.

Before discussing the magazines and regular publications, I call attention to a proposed farmers' bulletin. I have here the manuscript. The reason that it came before the Joint Committee on Printing is because the Public Printer asked the committee to decide whether it was "waste in public printing." I defy any 10 Congressmen to say that the issuance of this bulletin would not be waste of the first magnitude.

The Department of Agriculture ordered 3,000 copies of it. Mind you, this is not a regular publication to come out weekly and monthly, of the kind the law suspended, but this is a farmers' bulletin to be issued under the authority of an act of Congress, and it would have been printed if the Public Printer had not had his eye open.

This bulletin is entitled "The labor and leisure year of the farmer and his wife. A graphic method of presenting the distribution of farm labor." It has been prepared by two experts of the department, one in the office of Farm Management and Farm Economics and one in the office of Home Management Studies of the States Relations Service.

Those are two bureaus designed to render assistance and to furnish information to the farmers and their wives. In their desire to be of use, in the name of the United States, they have

expedited two farmers and two wives of farmers. They induced a farmer and his wife out in Illinois and another farmer and his wife in Pennsylvania to keep tables as to how they spent their working time and leisure time for one year, and then these two experts got busy and wrote this pamphlet and drew these pictures, tables, and diagrams. Kindly note Table 1, a zigzag chart in three or four or five colors, red, blue, pink, yellow, and green, showing how the two farmers and their two wives devoted their working time and their leisure time; and this table here—No. 2—shows the distribution of this time, according to the length of the working day, for one family; and here is the distribution of days, according to the length of the working day, for the other family. These charts show by a dark line the increase of the work hours as the months go on toward summer time, and showing the decrease later as winter approaches. How astonishing! Does any farmer need a bulletin to show him that as the days get longer the two farmers and wives are inclined to have a little bit longer working-day?

A MEMBER. Do they have daylight saving there?

Mr. JOHNSON of Washington. Well, now, I presume that will be the subject of a special expert bulletin, with a new series of illustrated charts.

This table, which I will call No. 7, shows that as the days get shorter, toward October, they work a little less each day. Here is another of similar order, and here is another one [indicating]. Wait until you get down to the real nut of this expert analysis. I will quote from the manuscript of the bulletin itself. Let us see what leisure time meant for these four people. I quote:

Leisure time was used in reading, visiting, attending entertainments and church, pleasure drives, and writing letters of friendship.

That constitutes the leisure time of the farmer.

Mr. DUNBAR. What objection has the gentleman to offer to a person so devoting his time?

Mr. JOHNSON of Washington. None whatever; but why write a book about it? It says further:

Under "personal" was listed dressing, naps, resting, illness, attending funerals, and such other personal occupations as could not be considered recreation.

Now, my friends, my reason for quoting from that bulletin is this: That not only myself but other members of the very compact Committee on Printing of this House, consisting of three Members—the gentleman from Pennsylvania [Mr. KIESS], the gentleman from South Carolina [Mr. STEVENSON], and myself—are being criticized and are receiving almost more mail than we can look at because of the fact that we are accused of throttling Government printing. We do not desire to eliminate a single useful farmers' bulletin or a desirable publication of any kind, and we do not intend to. We do not propose to cut off a single desirable Labor Department publication that is issued within the law, or the necessary publications of any other department. But we do not want any one department to insist or to intimate that we are particularly and personally—every one of us or any one of us—after any particular publication. Not so. We are not "after" crop reports, seed reports, health reports, labor reports; but we are after such publications as this particular bulletin. If I am any judge, there is not one farmer in a million who wants such a segregation of his work time and play time or who has time to waste in reading charts and tables of the segregation of other people's time. Such a publication, particularly with a chart in colors, is a wanton waste of public money, in my opinion, and so long as I am on the committee it never will be permitted. [Applause.]

Mr. KING. Mr. Chairman, will the gentleman point out some other publications such as the one issued by the Department of Commerce, which, in my opinion, is practically useless?

Mr. JOHNSON of Washington. Yes; but "uselessness" has degrees of meaning. I think the one the gentleman has in mind is actually authorized by law. Since Congress gave this committee authority three years ago to remedy any "neglect, delay, duplication, or waste in public printing and binding" we have managed to cut off 111 publications at a saving of easily \$1,200,000 a year. [Applause.] And we have now reached a point where they are either all dead or supposed to be dead, gasping hard in the last throes.

Before my time expires I want to show you an interpretation of the law under which, I think, if followed by the Secretaries of the departments, will permit within reasonable bounds the continuation of those publications which are entitled to continue without legislation from Congress.

But let us look at one or two more samples. Here is a publication called "The Sketching Board," issued in 1921 by the engineer school at Camp Humphreys in the number of 1,000 copies at a cost of \$1,101.23. Now, my friends, this is nothing

else than a little souvenir album showing pictures of officers and buildings, with some of the officers on horseback.

A MEMBER. On white horses? [Laughter.]

Mr. JOHNSON of Washington. Yes. Perhaps so, but white elephants for the United States Government; that is sure. Now, that is only one sample. Recently I had a sample of 5,000 Christmas cards sent out by recruiting officers—just Christmas cards; that is all. It was a fraud and a bunco to call it printing required for the recruiting service.

Here is another one. This, in my opinion, comes under the guise of publications of the kind that Congress has ordered suspended. It is entitled "The United States Shipping Board Daily Bulletin"; it is the size of a telephone directory and is issued every day in the year and sold at \$1 a copy. That sprang up in the Navy Department during the war, and was intended to contain reports of the movements of ships all over the world which was based on information gained by our radio service.

Mr. KING. Was not that of value to the people and valuable to the Shipping Board?

Mr. JOHNSON of Washington. Yes; it is of value of course. But if its particular purpose is to aid commercial shipping, why should the Federal Government carry it on at a very considerable loss? And even if it did have value and had a right to be printed, why, when it was authorized to be printed by the Navy Department, should it be transferred without any authority of any kind to the United States Shipping Board? Has any one any authority? Do the acts of Congress mean anything? That is what I am asking.

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

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. What is the date of issue?

Mr. JOHNSON of Washington. November 2, 1921.

Mr. WALSH. Did we not cut off the publication of that bulletin by the Navy Department in the deficiency bill passed in the last session of Congress?

Mr. JOHNSON of Washington. Yes; I think so; a considerable time before adjournment.

Mr. WALSH. How comes it that the Shipping Board is publishing it?

Mr. JOHNSON of Washington. You can search me. I have devoted all the time I could spare in an effort to justify certain of these publications, and about all that I get for it is abuse.

The issue printed for Monday, September 19, 1921, has pasted on the cover, the following notice:

IMPORTANT NOTICE.

This bulletin having been transferred from the Navy Department to the United States Shipping Board, the latter will continue to publish it as heretofore.

That is all I know about it.

Mr. WALSH. There is a very strong prohibition carried in the appropriation bill against the Shipping Board or other departments carrying on other publications unless they are authorized by law. We have stopped the Navy Department, and I would like to know how the Shipping Board is publishing it.

Mr. JOHNSON of Washington. I will say to the gentleman that if we should have any luck at all there will not be any more of it, unless the shipping interests of the country come in and sustain it, or unless it is set up in the Department of Commerce by law and by arrangement with the shipping interests. A while ago it had about 300 paid subscribers at 50 cents a copy, and was estimated to the joint committee last winter as costing the Government about \$130,000 a year. We directed the department to raise the price to \$1 a copy in the hope of making it pay.

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

Mr. JOHNSON of Washington. Yes.

Mr. CHINDBLOM. Might it not have some value to the Shipping Board, which is a Government agency?

Mr. JOHNSON of Washington. Yes, of course; but it is one of the things that go into the general aggregate that will make the Shipping Board lose millions of dollars a year.

Mr. CHINDBLOM. The benefit accruing to the Shipping Board and the Emergency Fleet Corporation might necessarily be charged to those agencies.

Mr. JOHNSON of Washington. Yes. As to that point, let me admit frankly that each and every one of these Government publications, even though it was a publication that used to exist out here at St. Elizabeths Insane Asylum, has some value; but whether the value is of sufficient importance to our people to warrant its printing and distribution by the Federal Government, with or without the authority of Congress, I am not able to say. Mind you, some of the most costly ones have extremely limited circulations.

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

Mr. JOHNSON of Washington. Yes.

Mr. EDMONDS. Of course, if the Shipping Board is the owner of half the ships in the United States, it should have an appropriation to carry on that publication.

Mr. JOHNSON of Washington. It should not be done without authority from the Congress of the United States.

Mr. EDMONDS. Undoubtedly the Shipping Board has that authority.

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

Mr. JOHNSON of Washington. Yes.

Mr. WALSH. Does the gentleman know of any authority that the Shipping Board has to issue the bulletin and sell it at a dollar a copy?

Mr. JOHNSON of Washington. I do not, except that the Navy Department began publishing it, and the joint committee insisted that if it was to continue they must charge enough to make this thing pay, without any thought of the cost of the radiograms at all or cost of overhead charges.

Mr. EDMONDS. The Shipping Board has authority to operate its ships, and if this is necessary to operate their ships it would be necessary to publish it.

Mr. JOHNSON of Washington. Somebody asked me a moment ago about the commerce reports. They were issued daily, pursuant to law, with more or less efficiency, and some time ago they consolidated the daily information they desired to publish into a weekly edition.

Mr. KING. Is that the document that comes to our desks once a week?

Mr. JOHNSON of Washington. I think so. That is under date of November 14.

Mr. KING. Has the Congress given them authority to issue them in colors?

Mr. JOHNSON of Washington. No. It is not in colors. It has had colored covers, but they have been dropped.

Mr. KING. Why can not that be stopped? Of what use is it except to a few people?

Mr. JOHNSON of Washington. Let me give a complete answer to the whole proposition by making a statement. In an effort to find out just what to do, when we found the time approaching on December 1 that these publications should be suspended, a resolution was passed by unanimous consent in the Senate which provided that the Joint Committee on Printing should have the say so, willy-nilly, thumbs up or thumbs down, as to which of these publications should continue to be printed and which should not. That resolution was messaged over to the House and referred to the House Committee on Printing. In the House committee there was a tendency at first to adopt it in that form, but I took the stand that it was too severe a task for a little committee of three Senators and three Representatives to undertake to say what was fish and what was flesh in governmental printing, or to decide what was food for one man and poison for another, especially as that committee has a great deal of everyday routine work to do. So then it was proposed to extend the time another three months, and let all of the publications continue for this time. Congress had already done that on three occasions in the last three years, and I took the attitude that each and every time we delayed the cutting off of these publications we just weakened ourselves that much more and made it just that much harder to cut them all off, and that if we sat tight and let them all die on December 1 we would find it much easier to breathe the breath of life into those which were properly entitled to exist than we would find it to fight all of those in existence whether they had a right to exist or not. [Applause.] I filed a minority report opposing the extension and quoting the various laws and regulations, which you will find printed in the CONGRESSIONAL RECORD of November 23 last.

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

Mr. JOHNSON of Washington. I yield to the gentleman from Pennsylvania.

Mr. EDMONDS. Is it intended to stop the publication of the Commerce Reports?

Mr. JOHNSON of Washington. No; it is not. I have said it has the sanction of an act of Congress. It is one of the actually legitimate publications.

Mr. EDMONDS. I agree with the gentleman that this weekly bulletin that they get out now is very valuable and ought to be continued.

Mr. JOHNSON. There is some value to every one of them, even the little Alaska Engineering Magazine, formerly published in far-off Anchorage, where they have few people and little news. Even if it filled its columns with such statements as the fact that Mr. and Mrs. John Henry Brown had arrived in Anchorage from the States to work on the Government railway and had taken a house on Third Street, still it was of some value; but was it of enough value to all of the people of the

United States to justify us in keeping it going at Government expense? It was not. [Applause.]

Mr. KING. It was not of sufficient importance to tax the entire people of the United States to operate it?

Mr. JOHNSON of Washington. Of course not, and that applies to dozens and dozens of these publications that sprang up and flourished like green bay trees until your committee became incensed and cut down 111 of them at one fell swoop. And now—under direct instructions of Congress itself—all are down and out if they persist in trying to live as newspapers and magazines, but not if they will just keep within the law.

Another thing your committee did was to insist that all advertising matter should be cut out. And, by the way, that was then and is now the law. Some of the departments fought that. They wanted to continue these publications and as a side line to take in money for advertisements in competition with the general advertising business of the United States.

How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman from Washington has 10 minutes remaining.

Mr. JOHNSON of Washington. Let me say here in passing that the general law governing the public printing and binding and distribution of public documents was approved on January 12, 1895. That was a good many years ago. Except for a few amendments, that law has never been corrected and brought down to date since that time. In the last Congress the House passed a revised printing bill and sent it over to the Senate where it was not passed, and I sincerely hope that this Congress will find time to bring the printing laws down to date so that we may all know where we stand.

In regard to these publications that were discontinued on December 1 last, my opinion is that under this law—the statute of 1895—as defined by the rules of the Joint Committee, there is already sufficient authority for certain of them to live. Under that act the Secretary of any department may cause to be printed at the Government Printing Office, to the number of 1,000 copies, any report, publication, or document; but the sundry civil act, approved March 4, 1921, provides that such publications shall be certified in writing to the Public Printer by the respective heads or chiefs thereof to be necessary to conduct the ordinary and routine business required by law of such executive departments or Government establishments, and except such reports, monographs, bulletins, or other publications as are authorized by law or specifically provided for in appropriations herein; all other printing required or deemed necessary or desirable by heads of executive departments or other Government establishments or offices or bureaus thereof shall be done only as Congress shall from time to time authorize. (41 Stats., p. 1430.)

That is up to 1,000 copies, with the exception of the Department of Agriculture, which in respect to the Crop Reporter and certain other reports and bulletins may issue as many as the Secretary of that department thinks requisite. Now, with that law, until we are ready to revise the printing law, I can not see that Congress needs again to adopt any temporary measure.

There is a great demand on the part of some that the Labor Review be continued. That, so far as I can learn, is the only publication coming out of the Department of Labor, and, in my opinion, it can be printed for free distribution up to the number of 1,000 copies, so long as it consists of statistical matter and reports and not of book reviews and editorials.

Mr. Chairman, here are the exact words of a paragraph in section 89 of the printing act of 1895, which covers the situation, I think:

No report, publication, or document shall be printed in excess of 1,000 of each in any one fiscal year without authorization therefor by Congress.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. What will the total printing expenses of the United States Government aggregate in a year?

Mr. JOHNSON of Washington. Does the gentleman mean the white paper, letter paper, and everything else?

Mr. TAYLOR of Tennessee. The printing expenses of the departments?

Mr. JOHNSON of Washington. I can not say offhand, but it is a very large sum. I estimate that we have saved in one year's time \$1,200,000 or \$1,400,000 on one batch of publications alone, and to date this year we saved another half million on other discontinuations, and with the suspension of the particular ones that died on December 1, that ought to be suspended, we will save another half million or so. [Applause.] These represent savings, annually. We saved last spring exactly \$684,000 on contracts for print paper. It takes labor, effort, and

persistence to save a few million for Uncle Sam these days, but it can be done, has been done, and is being done at the printing end. [Applause.]

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. JOHNSON of Washington. With pleasure.

Mr. COOPER of Wisconsin. The gentleman said that publications could be continued if they contained statistics and not editorials.

Mr. JOHNSON of Washington. Yes.

Mr. COOPER of Wisconsin. When the gentleman uses the word "editorial," does he mean that there shall be no comments as to what the statistics mean?

Mr. JOHNSON of Washington. Oh, no.

Mr. COOPER of Wisconsin. No interpretation of them at all?

Mr. JOHNSON of Washington. Oh, no; I do not mean that. Tables have to be interpreted and explained, of course. But when a publication of the Government takes a stand for or against the League of Nations, or for or against reclamation, or for or against the open shop, or for or against any other open, debatable question, I contend that such statements are editorial and not a proper function of the Government.

Mr. COOPER of Wisconsin. That is not in relation to any statistics.

Mr. JOHNSON of Washington. That is what I mean by editorials. Now, it is interesting to note that the Department of Agriculture has had a very large number of these publications, and that this department is asking very earnestly for the continuation of several of them, and it is now proposed to combine three or four of them into one. The department offers to do this only after the screws are on, mind you, and it is worthy of note that about two years ago when we were pressing this question the Department of Agriculture did combine two or three—consolidated something into the Seed Reporter or Crop Reporter—and I have never yet found a living soul anywhere that has ever missed those that were dropped out of the publications of the Agricultural Department.

In conclusion, let me say that all of these publications started in good faith. Their editors are enthusiasts. Each is strong for his line of work. No one wants his paper to die. I sympathize with each one. It is not the fault of any particular one that this whole thing got out of bounds and ran wild. All hands will feel better when a readjustment is finally made. [Applause.]

Mr. LANHAM. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has consumed 35 minutes.

Mr. LANHAM. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

Mr. STEVENSON. Mr. Chairman, I ask unanimous consent to proceed out of order for 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to proceed out of order for 10 minutes. Is there objection?

There was no objection.

Mr. STEVENSON. Mr. Chairman, on this subject of printing the gentleman from Washington has given you a good deal of very valuable information, and I will state he is one of the most alert members of that committee from either end of the Capitol. I want to add a few words to what has been said and to state exactly what the status is from the legal standpoint.

This action was taken by Congress on June 5, 1920, and section 4 of the sundry civil bill reads as follows:

SEC. 4. Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds, until June 30, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued.

That contemplates the discontinuance of all of those publications which were not in the meantime provided for by Congress and which were not statistical reports of the condition of the departments of the Government on June 30 last. When the time was about to expire Congress, in the sundry civil bill for 1920, made a provision which extended it up to December 1, 1921, in the following language:

SEC. 3. Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds, until December 1, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued.

There is a good deal of misapprehension as to what that means. Many people are wiring us and making all sorts of demands as to the Labor Review and other statistical reports which, if confined within their legitimate bounds of furnishing

information and not publish magazines and newspapers, are not prohibited by this law. But there is a wide conception that all of these publications go out automatically as the result of this provision.

There is another provision in the same act which confers certain powers on the Joint Committee on Printing, and they have given instructions to the Public Printer which will enable every department to publish everything which it is legitimately entitled to publish as a governmental publication. That will be found on page 1430, volume 41, of the Public Laws in the same act.

Money appropriated under the foregoing allotments shall not be expended for printing or binding for any of the executive departments or other Government establishments, except such as shall be certified in writing to the Public Printer by the respective heads or chiefs thereof to be necessary to conduct the ordinary and routine business required by law of such executive departments or Government establishments, and except such reports, monographs, bulletins, or other publications as are authorized by law or specifically provided for in appropriations herein; all other printing required or deemed necessary or desirable by heads of executive departments or other Government establishments or offices or bureaus thereof shall be done only as Congress shall from time to time authorize.

Therefore each department has the right to have these things necessary for the conduct of the business of the United States with reference to its activities which should be communicated to the general public and to have it printed at the Government Printing Office by certifying that they are certain documents.

When it comes to the point where they want something printed which they are not prepared to certify to, which they are not prepared honestly to say is legitimate under the purview of the law constituting the department, then it ought to be stopped, and it will be stopped. Otherwise the legitimate publications will go on.

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

Mr. STEVENSON. Yes.

Mr. MANN. Statistical publications are still permitted?

Mr. STEVENSON. Yes; they are expressly recognized.

Mr. MANN. Who determines whether a publication is statistical, which may be printed, or reading matter, which may not be published?

Mr. STEVENSON. Primarily the department which proposes to publish it determines that, and according to our construction of this law and the rule adopted by the Joint Committee it must certify that fact to the Public Printer. Then if it be so glaringly not that—if it is so apparently a misrepresentation of the facts—the Public Printer takes the liberty of submitting the matter to the Joint Committee on Printing, which finally does determine it. I do not know that it has any right to do so, but it does do it, and it will certainly not act arbitrarily in refusing a publication. However, if there is anything which is so glaringly improper which is claimed to be statistical the committee would certainly not hesitate to stop its printing.

Adverting to abuses which are growing up and which are attempted to be put across, just this morning we had submitted to us a bulletin from the Navy Department, which it is getting out or wants to get out, with a beautifully colored cover upon it. We do not allow them to publish anything under the law that has colored pictures and all of that without express authorization from the Printing Committee. Here was a bulletin the title of which was, "How to keep fit." It was a pamphlet and was addressed to young men especially who are supposed to be preparing to enlist in the Navy. The subject of how to keep fit was discussed, illustrated, and illuminated, and it was advice on how to keep free from certain diseases peculiar to young men of dissipated habits. In other words, we were asked to issue an expensively gotten-up, beautifully illustrated, colored printed bulletin to the young men of the country on how to avoid certain diseases which need not now be mentioned. That is the kind of thing we meet constantly. Gentlemen will see that we do not lie in a bed of roses always. The committee has made up its mind that this annual waste of two or three millions of dollars expended in the printing of useless publications must stop. They are not only expensive to the Government from the standpoint of the printing and the cost of the paper, but they are an enormous burden to the postal facilities, because they are loaded into the post office and sent everywhere. The practice ought to be stopped.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. JOHNSON of Washington. Also they came before the committee this morning with the request from the Navy Department to have printed as a House document four of the first pamphlets on the history of the Navy in the late war.

Mr. STEVENSON. Yes.

Mr. JOHNSON of Washington. Two have already been printed as monographs to the number to which the Navy is limited, but they find that they are not going to have very great circulation, so that they now have the audacity to determine on a plan of printing them for the Army and the Navy as House documents, something that might run along for 20 years.

Mr. STEVENSON. That is quite true. If gentlemen present have any constituents writing them that the Labor Review is going to be stopped and that therefore the foundations of the Government are being destroyed, I suggest that they write back and ask the people who write to them if they ever saw a copy of it.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. LANHAM. Mr. Chairman, I yield five minutes more to the gentleman.

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

Mr. STEVENSON. Yes.

Mr. DAVIS of Tennessee. Yesterday copies of the Congressional Directory were delivered to all of the Members of the House, and to-day carriers came around taking them all up, with the statement that there was an error in them and that they were going to take them back and reprint them. Can the gentleman tell us what the error is and who is responsible for it and who is going to bear the loss of reprinting them?

Mr. STEVENSON. I have not heard of that incident, but we will undoubtedly have some trouble about it if that is the case. There is a propaganda in the country, especially by the people connected with the Federation of Labor and the Labor Department, which is causing letters to be written here from all over the United States. These letters come from colleges and from ladies' associations, they come from female voters' clubs, and they come from everywhere. It is stated that there is a proposition to stop the Labor Review, and that thereby irreparable damage will be done in the way of crippling all social work in the country. If gentlemen will ask some of these people who write these letters what they know about the Labor Review, they will not receive any reply, because they do not know anything, never having seen a copy of it, but they are simply writing in response to propaganda.

You are at liberty to say to them that if the Labor Review complies with the law as we have put it here to-day, if the Labor Department conforms to the legitimate functions for which it was established, and publishes those things which are legitimately to be used by the institutions of this country, there would be no trouble about its being stopped. However, if they continue to publish a magazine, especially a magazine that reviews books and prints commendations of soviet literature and all that sort of thing, so far as I am concerned, and I think I speak for the Printing Committee of the House, we do not propose that it shall be further published at the expense of the voters of the United States.

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

Mr. STEVENSON. Yes.

Mr. MANN. The Printing Committee has reported favorably the House resolutions which were passed by the Senate to continue all of these publications for a temporary period.

Mr. STEVENSON. Until the 1st of March next.

Mr. MANN. I have been taking an interest in this matter of retrenching expenditures for useless printing for many years. At different times we have passed different acts, but most of them have been evaded or extended in some way. I take it that the gentleman favored that resolution. Would it kill anyone if we stopped them all until they got further authority to go ahead?

Mr. STEVENSON. That resolution was reported by a majority of the House Printing Committee, and I voted for the report with this in view. We were being besought by a great many people who said that certain matter was being destroyed and that they had not had an opportunity to have hearings; that if we would have hearings from all these people they could be concluded by the 1st of March, and then we could stop whatever should be stopped. After canvassing the situation and determining that they can proceed with all that is legitimate, the conclusion of the Printing Committee is to ask that the resolution be recommitted and that the matter rest where it is and let them get along with the authority that they have.

Mr. MANN. I am very glad to hear the statement the gentleman makes that an effort is not to be made to pass that resolution.

Mr. STEVENSON. It looked as if it was necessary to pass it in justice to some people.

Mr. MANN. I was confident it would not pass last Monday by unanimous consent. The truth is these same things now have been more or less pending with the Committee on Printing, authorizing them to continue publications for several years. How much they have authorized I do not know. Apparently sometimes it hits somebody's pet. I am not referring to the Printing Committee.

Mr. STEVENSON. We have none. They are all orphans to us.

Mr. MANN. I would like to see some of these publications stopped. I do not remember now how many there are. I understood a year or so ago that there were about a thousand Government publications—perhaps that is a wild exaggeration—in different forms. I hope the Joint Committee on Printing will not give authority simply because somebody asks for it.

Mr. JOHNSON of Washington. If Congress, and particularly the Budget Committee and the enlarged Appropriation Committee, will pay particular attention to the words "editors" and "subeditors," who want employment to edit a little, we will get some relief.

Mr. MANN. We passed a law some time ago forbidding the Forestry Service to publish anything. What did it do? They changed the form and the name. The only place it can be corrected is in the Government Printing Office under a law where they refuse to furnish printing.

Mr. STEVENSON. I will state to the gentleman that the number when we began this reduction was 200 and odd, and there have been 111 of them cut out. There are, according to my recollection, 112 of them that are still in existence on the 30th of November. I think the likelihood is they will be chopped down to about 50 or 60. I think that is about the situation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ELLIOTT. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk concluded the reading of the bill.

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

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the last word. I do not recall a single instance in which unlimited discretion has by law been given to an executive officer to sell land owned by the United States Government in a city at private sale. If such a thing has ever happened, it ought never to happen again. Public property should always be sold after publication of a notice of the proposed sale, and in order to protect the Government that notice should always include the statement that it will be sold to the highest bidder and that the officer acting for the Government reserves the right to reject any or all bids.

That is the only proper way to make sale of public property. But this bill gives the right to the Secretary of the Treasury to sell this land in San Francisco in his discretion to anybody, on any terms, and at private sale. The bill itself, in my judgment, plainly shows that this is not to be a public but a private sale, for it does not provide that if he offer it at public sale he may nevertheless reject any or all bids. That right is not reserved. And there being no reservation of this right, which is absolutely necessary in public sales made bona fide, the bill shows on its face that the property in San Francisco is to be disposed of in private. The bill indicates this, beyond question, to be the fact.

Now, I have just found a law, enacted in 1908, for the construction of a new Federal building at Buffalo, N. Y., and for the sale of the old building. It reads:

That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to sell the old customhouse and post office building and the site thereof at the corner of Seneca and Washington Streets, in the city of Buffalo and State of New York, at public or private sale, after proper advertisement, at such time and on such terms as he may deem to be for the best interests of the United States, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt: *Provided*,—

And this proviso is important—

Provided, That said building and site shall not be sold for a sum less than \$100,000.

In that case the law gave the Secretary the right to sell at public or at private sale, but only "after proper advertisement," and that means after public advertisement. There is nothing of that kind in the bill before us. That law contained also the proviso that the old building and site should not be sold for less than \$100,000. The Government protected itself in that way. What was considered to be a fair price was fixed in the law. If he could get more all right, but he could not take less. But the pending bill contains no provision of that kind. It contains no safeguards whatever. The Secretary is to make the sale on any terms in his discretion and in private. The terms need not be made public until after the sale has become effective.

Now, although sometimes this sort of thing may have happened in the history of this Government, it is a practice which ought not to continue. It is a practice wholly vicious. No man, I care not who he may be, should ever be given unlimited discretion to dispose of Government real estate in a city at private sale.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. Mr. Chairman, I move to strike out the words "or private."

The CHAIRMAN. Without objection the pro forma amendment is withdrawn. The gentleman from Wisconsin offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amendment by Mr. COOPER of Wisconsin: Page 1, line 5, strike out the words "or private."

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

The question was taken, and the amendment was rejected.

Mr. ELLIOTT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it be passed.

The CHAIRMAN. The gentleman from Indiana moves that the committee do now rise and report the bill back to the House with the recommendation that it be passed. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 5700) authorizing the Secretary of the Treasury to sell the old subtreasury property at San Francisco, Calif., had directed him to report the same back to the House without amendment, with the recommendation that the bill do pass.

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

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

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

ACQUISITION OF GOVERNMENT PROPERTY FOR STREET PURPOSES, CHICAGO, ILL.

Mr. CHINDBLOM. Mr. Speaker, by direction of the Committee on Public Buildings and Grounds, I call up the bill (H. R. 9021) to permit the city of Chicago to acquire real estate of the United States of America.

The SPEAKER. The gentleman from Illinois calls up the bill H. R. 9021, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9021) to permit the city of Chicago to acquire real estate of the United States of America.

The SPEAKER. This bill is on the Union Calendar, and the House automatically resolves itself into Committee of the Whole House on the state of the Union for its consideration. The gentleman from Connecticut [Mr. TILSON] will please resume the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9021, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9021, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That in consideration of the payment by the city of Chicago to the United States of America of the just compensation and damages for the real estate hereinafter described, as ascertained by a jury in proceedings to condemn real estate of the United States of America, the city of Chicago is hereby authorized to acquire for street purposes by two separate condemnation proceedings all interests of the United States of America in and to the following-described parcels of real estate, viz:

(a) The east 17 feet of south 100 feet of north 133 feet of west 125 feet of east 158 feet of south quarter of east half of northeast quarter of section 30, township 38 north, range 14 east, of third principal meridian, in the city of Chicago, county of Cook, and State of Illinois; and

(b) The east 17 feet of (except south 149 feet of south 100 feet of north 133 feet of west 125 feet of east 158 feet) south quarter of east half of northeast quarter of section 30, township 38 north, range 14 east, of third principal meridian, in the city of Chicago, county of Cook, and State of Illinois.

Sec. 2. That the city of Chicago shall assume the burden of reconstruction made necessary by the taking described in section 1 hereof, which reconstruction shall be done subject to inspection by the United States Government. The cost of said reconstruction shall be deducted from the award by jury provided for in section 1 hereof and used by the city of Chicago for this purpose.

Sec. 3. That this act shall be in force from and after its passage.

With a committee amendment, as follows:

Page 2, strike out all of section 2, comprising lines 16 to 22, inclusive, and insert in lieu thereof the following:

"SEC. 2. That the Secretary of War is hereby authorized to expend such portion of said award as in his judgment may be necessary to restore or repair Government buildings or improvements taken or damaged by reason of the taking of said parcels of real estate; and the Attorney General is hereby authorized and directed to accept service and to appear on behalf of the United States to the extent necessary to protect the interest of the United States in said proceedings; *Provided*, That in the event the amount estimated and included in the jury's award for the restoration and repair of said buildings and improvements made necessary by the taking of said parcels of real estate shall prove insufficient for said purposes the city of Chicago shall pay any difference or balance not covered by said award therefor."

Mr. CHINDBLOM. Mr. Chairman and gentlemen of the committee, the city of Chicago some years ago launched a general plan for the improvement of the big thoroughfares in that community. Bond issues have been authorized by the vote of the people of the city for the acquisition of the land necessary for the widening of some of the principal streets, and condemnation proceedings have also been begun for the acquisition of the land necessary. Special assessment proceedings, so called, have also been instituted, under which the property owners are required to contribute their proper shares for the improvement of the streets upon which their properties are located.

One of these principal thoroughfares in Chicago is Ashland Avenue. In 1919, by a vote of the people of the city, a bond issue of \$5,800,000 was authorized for the widening of Ashland Avenue. It happens that upon Ashland Avenue the Government of the United States has a piece of property between Seventy-fourth Street and Seventy-fifth Street South, property belonging to the War Department and used by the Ordnance Department. There are some buildings upon it. It is necessary at this point to widen Ashland Avenue 17 feet.

Ashland Avenue has a width in some places of 66 feet and at this particular point a width of 83 feet. It is proposed to enlarge the avenue to a uniform width of 100 feet for a length of 22 miles, running from the extreme north end of the city to pretty nearly the extreme south end. As stated, condemnation proceedings have been begun by the city to acquire the necessary land for this widening of the avenue.

This bill authorizes the bringing of such condemnation proceedings against the United States of America for the acquisition of 17 feet of the west frontage of Ashland Avenue between Seventy-fourth and Seventy-fifth Streets.

Mr. SABATH. Mr. Chairman, will the gentleman yield there?

Mr. CHINDBLOM. Yes.

Mr. SABATH. When was this property acquired, and what is it being used for now? It was acquired during the war, was it not?

Mr. CHINDBLOM. It was acquired principally during the war. Some of it was acquired only in the last two or three years.

Mr. SABATH. It is not being used now?

Mr. CHINDBLOM. There is a storage depot at the corner, as I recall it, of Seventy-fourth Street and Ashland Avenue. One of the buildings involved here has never been used at all. It is supposed that it was intended to be used as a telephone exchange, but it never was so used.

This bill, as I started to say, would authorize condemnation proceedings to be brought by the city for the acquisition of the property owned by the Government.

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

Mr. CHINDBLOM. Yes.

Mr. GREEN of Iowa. As I understand, if any of these buildings are taken under these condemnation proceedings, they will have to pay whatever damage is done.

Mr. CHINDBLOM. The condemnation proceedings, of course, will require the city to pay not only the value of the land, but as well the value of the buildings taken and the cost of restoration and repairing and rebuilding the portions of the buildings which are taken down.

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

Mr. CHINDBLOM. Yes.

Mr. WALSH. I did not hear the first part of the gentleman's statement, but has the gentleman found any cases where the property of the United States Government has been placed subject to condemnation proceedings instituted by a municipality or a State?

Mr. CHINDBLOM. Yes. I have found an exact precedent in one of the appropriation bills of the last Congress; and I will say to the gentleman from Massachusetts that this bill follows practically the language which was placed in that bill by the Committee on Appropriations of the last Congress, but this present bill goes into much more detail.

Mr. WALSH. Will the gentleman cite the instance? Does he recall it?

Mr. CHINDBLOM. I looked it up at the particular time that this matter was before the Committee on Public Buildings and Grounds. It was the legislative, executive, and judicial supply bill passed March 3, 1921. The section will be found on page 1310 of volume 41, Public Laws, of the Sixty-sixth Congress.

Two elements of value are involved—the value of the land and the value of the damages to the buildings. So far as the value of the land is concerned, there can be no difference of opinion whatever as to what that value will be as found by the award of the jury, because land in that locality, in fact, as everybody knows, in all cities, is valued upon either a front-foot basis or a square-foot basis. Land here is valued on a square-foot basis, and all of the land in the immediate neighborhood is substantially of the same value. The vacant land in the block south and the land in the block north will be condemned, and there is some vacant land in this block which will be condemned, and the award will easily show the value which the jury places upon the land.

So far as the value of the buildings is concerned, this bill provides that in the event that the award of the jury should not be sufficient—and we have no doubt it will be adequate—to pay for complete restoration and rebuilding of the portions of the buildings which are taken, then the city of Chicago out of its corporate funds shall pay any balance or difference.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. CHINDBLOM. Yes; I yield to the gentleman.

Mr. DAVIS of Tennessee. If these streets are run through there, will they destroy all or simply portions of the existing Government buildings?

Mr. CHINDBLOM. Very small portions. I have a letter here written by Col. D. M. King, of the Ordnance Department of the United States Army, who is located at the Government arsenal at Rock Island, Ill. He made an investigation of this matter for the War Department, and went up to Chicago upon invitation of the city. In a letter dated November 1, 1921, to the Chief of Engineers of the War Department he states fully just what will be taken. He says:

Building A is a two-story building, which is now being used as the Chicago storage depot office. Only a small portion of it is used. Should these condemnation proceedings be approved, 17 feet must be cut from the front end of the building. This will not be detrimental to the operation of the plant. Building B is a one-story storeroom. Seventeen feet would be cut from its front. This can readily be spared. Building C is a concrete one-story building which sets back about 7 feet from the fence. About 10 feet would therefore have to be cut from its front. On the maps of the depot it is marked "Service building." There is nothing installed therein. I can find no one who knows for what it was erected. I am of the opinion, however, that it was for switchboards. Making it 7 feet shorter will not be detrimental. Building D is a concrete one-story building. On the maps of the depot it is marked "transformer vault." There is nothing installed therein. It sets back about 7 feet from the street; therefore about 10 feet would be cut off the front end. This would not be detrimental. Building E (so designated on the accompanying chart) is not a building, but is the extreme ends of the two runways for outside traveling cranes. Cutting off the ends of these cranes will not be detrimental to the plant nor its operation. Building F is a cooling reservoir. It is a concrete open tank, the top of which is practically level with the ground. About 10 feet will have to be cut from the front side of this tank. This would not be detrimental.

That is a complete survey of all of the buildings, showing that in some cases 10 feet will be cut off, and in some cases 17 feet will be cut off, but there will be no injury to the buildings for their present uses, and the buildings will be more than adequate for any purposes for which they have ever been intended.

Mr. DAVIS of Tennessee. Some of them are not in use at all.

Mr. CHINDBLOM. Not in use at all.

Mr. DAVIS of Tennessee. Why should the amount that will be awarded to the Government as incidental damages be expended in repairing buildings for which the Government has no use, instead of paying it into the Treasury?

Mr. CHINDBLOM. If we do not restore the fronts of those buildings, they will stand there with wide-open fronts, and it will not be very long until those buildings are altogether destroyed by the elements. Of course the city of Chicago is really not concerned with the question whether the Government wants to restore its buildings or not, but the War Department wants to have those buildings restored.

Mr. DAVIS of Tennessee. Some of them are really temporary buildings, are they not?

Mr. CHINDBLOM. No; they are not temporary. This property is in the district of my colleague [Mr. SPROUL], in the neighborhood where he lives, and he is entirely familiar with the physical condition there. If the gentleman from Tennessee [Mr. DAVIS] is willing, I suggest that I be permitted to yield a few moments time to him to state the physical situation down there.

Mr. BIRD. Other than pushing back the ingress and egress of these buildings does the contemplated plan change the ingress and egress?

Mr. CHINDBLOM. Not at all. The same fronts will be restored, and exactly the same condition will be reestablished as the present one.

Mr. EVANS. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. EVANS. Can the gentleman give us any information as to what the present value of that property is compared with the cost to the Government?

Mr. CHINDBLOM. I do not think there is any substantial change in the present value as compared with the cost to the Government three or four years ago.

Mr. EVANS. Why should there not be a sufficient award to place the buildings in good condition after the condemnation?

Mr. CHINDBLOM. There will be. There is no question about that. That is the purpose of the condemnation proceedings; but the proviso is put in the committee amendment so that nobody can question that the Government will be adequately and fully recompensed.

Mr. DAVIS of Tennessee. But might there not be enough in excess to pay for the value of the land there and for restoring it?

Mr. CHINDBLOM. There will be. The bill provides only with reference to the cost of restoration, that portion of the award that relates to the restoration, that the city shall pay any deficiency. The portion of the award that relates to the value of the land will be covered into the Treasury beyond any question, as will also any surplus after the building has been rebuilt or restored.

Mr. MANN. Will my colleague yield?

Mr. CHINDBLOM. Certainly.

Mr. MANN. In connection with that there is no authority here, as I understand, for the city to levy a special assessment against this property for benefits by opening the street.

Mr. CHINDBLOM. I thank my colleague for referring to that. I was coming to it. An estimate has been made by the valuation committee of the Chicago Real Estate Board. That board has a valuation committee which places values upon property to be sold or to be purchased upon the request of its members or upon the request of others who pay for the service rendered by the valuation committee of the board. They have placed an estimate of value on the land, upon the value of the portion of the buildings taken, and also on the cost of the rebuilding and restoring; these three elements have been included in the valuation. They have placed a total valuation of \$33,360 for the 17 feet running between Seventy-fourth and Seventy-fifth Streets. The valuation placed by the valuation committee of the Chicago Real Estate Board on the increased value of the property and improvements is \$8,890. Every other property owner on Ashland Avenue must contribute his share of the increased valuation, but the Government will not be required to contribute anything. In fact, the Government gets its increased value, which has been estimated at \$8,890 by the committee, without any expense to the Government.

Now, I will yield to my colleague [Mr. SPROUL] such time as he may desire with reference to the inquiry of the gentleman from Tennessee or of any other Member.

Mr. SPROUL. Mr. Chairman, my colleague has covered the situation so thoroughly that I have not much to say. The Government acquired this property during the war and erected what they claim to be a shell factory, although no shells have ever been manufactured there.

To-day they use it for a storehouse for the Ordnance Department. I am satisfied that the buildings are not going to be damaged, so far as the use to which they want to put them. The city of Chicago was willing to pay for the land and pay for restoring the buildings to as good condition as they are at the present time.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. SPROUL. Yes.

Mr. DAVIS of Tennessee. Does the gentleman believe that it would be advisable for the Government to sell all of that property in view of the fact that it has no further use for it?

Mr. SPROUL. I think it would. I think there is no question about it.

Mr. DAVIS of Tennessee. It might be that a private purchaser would not want the buildings restored at all, that they would not count it in the bid, and that it would be throwing away that much money of the award in restoring the useless buildings.

Mr. SPROUL. No. The buildings should be restored. Those buildings cost about \$2,500,000; they cover several blocks, and

the most of them are fireproof and of splendid construction. I have understood from several real estate men that several manufacturers have been trying to negotiate for those buildings.

Mr. GREEN of Iowa. Are they suitable for manufacturing?

Mr. SPROUL. Yes.

Mr. STAFFORD. Will the gentleman yield?

Mr. SPROUL. I will.

Mr. STAFFORD. Are these the brick two-story buildings on Seventy-fourth Street which were used after the armistice for storing abandoned machinery by the Ordnance Department?

Mr. SPROUL. Yes; and are still used for that purpose.

Mr. STAFFORD. When I was out of Congress I went down there to inspect the machinery which was to be sold later by the Government. As I recall, they are two-story buildings of structural steel.

Mr. SPROUL. Yes; structural steel and reinforced concrete.

Mr. DAVIS of Tennessee. The gentleman's explanation is sufficient. I had no idea that they were such buildings. I supposed they were temporary structures.

Mr. SPROUL. Yes; they are finely-constructed buildings. I think if the Government decided to sell, it would be possible to get a purchaser for them immediately. They would make splendid buildings for manufacturers. Mr. Chairman, I think my colleague covered the whole ground. The city has provided a bond issue of \$5,800,000, and it is really a necessity that it should take this land. Ashland Avenue is practically a business street for 22 miles. There is a great deal of manufacturing on it, and to-day it is almost impossible to get traffic through. The people there want the improvement, and they can not get it unless Congress consents to allow them to commence condemnation proceedings against the Government.

Mr. CHINDBLOM. Mr. Chairman, I will ask if any member of the committee desires any further information on this subject. If not, I will ask that the bill be read for amendment.

Mr. LANHAM. Mr. Chairman, I wish to make a few remarks on the measure. Of course, we all realize that municipal arteries of commerce in a city as large as Chicago are very essential. The purpose of the bond issue which has been mentioned was to afford such a street in the city of Chicago of a width of 100 feet and a length of approximately 22 miles.

This bill as originally drawn was objectionable in section 2. It provided that the city of Chicago should assume the burden of reconstruction and that the cost of this reconstruction should be deducted from the award made by the jury as provided for in section 1. This provision was objectionable to the Secretary of War, who asked that the measure be amended in order that the expenditures for restoration might be made by the War Department under the authority and direction and supervision of the Secretary of War. This insures the restoration of these buildings to the complete satisfaction of the Government. There is a further proviso included in the amended measure that if the award should prove insufficient for this purpose, in so far as the restoration of the buildings is concerned, any additional amount necessary will be paid also by the city of Chicago. It seems to me that for the purpose of facilitating the necessary traffic of this great metropolis, and in consideration of the fact that the contemplated alteration of the buildings will not be a detriment in the service to which the United States is putting them, and that we are to be fully compensated and the restoration is to be made under Government direction, there is no reason why the bill should not pass.

I yield five minutes to the gentleman from Illinois [Mr. SABATH].

Mr. SABATH. Mr. Chairman, I am personally familiar with Ashland Avenue. I live on this street and have property within about 2 miles of Seventy-fourth and Seventy-fifth Streets. Ashland Avenue is a section line, and it is absolutely necessary to widen that great thoroughfare. The city and the people of Chicago are greatly interested. Not only have \$5,000,000 of bonds been voted but the property owners will be assessed in addition, so that this improvement will cost probably from \$10,000,000 to \$12,000,000. The people are ready to pay for it. This property which we have acquired during the war I do not think will be of any value to the Government in the future, and it should be disposed of, because the buildings that have been erected, I think, can not be utilized to any advantage. I know the improvement is needed and that Ashland Avenue ought to be widened. It can not be done until we can secure permission to widen that section where the Government is interested. I think the bill should pass.

Mr. CHINDBLOM. Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read as follows:

SEC. 2. That the city of Chicago shall assume the burden of reconstruction made necessary by the taking described in section 1 hereof, which reconstruction shall be done subject to inspection by the United States Government. The cost of said reconstruction shall be deducted from the award by jury provided for in section 1 hereof and used by the city of Chicago for this purpose.

The Clerk read the amendment, as follows:

Committee amendment: Page 2, line 16, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That the Secretary of War is hereby authorized to expend such portion of said award as in his judgment may be necessary to restore or repair Government buildings or improvements taken or damaged by reason of the taking of said parcels of real estate; and the Attorney General is hereby authorized and directed to accept service and to appear on behalf of the United States to the extent necessary to protect the interest of the United States in said proceedings: *Provided*, That in the event the amount estimated and included in the jury's award for the restoration and repair of said buildings and improvements made necessary by the taking of said parcels of real estate shall prove insufficient for said purposes the city of Chicago shall pay any difference or balance not covered by said award therefor."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. CHINDBLOM. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9021) to permit the city of Chicago to acquire real estate of the United States of America, and had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

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

The amendment was agreed to.

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

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

On motion of Mr. CHINDBLOM, a motion to reconsider the vote by which the bill was passed was laid on the table.

PANAMA CANAL.

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce: *To the Congress of the United States:*

I transmit herewith, for the information of the Congress, the annual report of the governor of the Panama Canal for the fiscal year ended June 30, 1921.

WARREN G. HARDING.

THE WHITE HOUSE, December 7, 1921.

STATE DEPARTMENT.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Expenditures in the State Department:

To the House of Representatives:

I transmit herewith a statement by the Secretary of State, with accompanying papers, of appropriations, expenditures, and balances of appropriations under the control of the Department of State for the fiscal year ended June 30, 1921.

WARREN G. HARDING.

THE WHITE HOUSE, December 7, 1921.

DEPARTMENT OF AGRICULTURE.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Expenditures in the Department of Agriculture:

THE WHITE HOUSE,

Washington, December 7, 1921.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In compliance with the provisions of the act of June 30, 1906, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907 (34 Stat., p. 679), I have the honor to transmit herewith for the information of Congress a statement of the number of persons employed in meat inspection, the salary or per diem paid to each, where they have been

or are employed, together with contingent expenses for the period beginning July 1, 1920, and ending June 30, 1921. This statement was prepared by the Secretary of Agriculture.

Respectfully,

WARREN G. HARDING.

PORTO RICO.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Insular Affairs:

To the Congress of the United States:

As required by section 12 of the act of Congress approved March 12, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith for the information of Congress the report of the Governor of Porto Rico for the fiscal year ended June 30, 1921.

This report will not be printed as a part of the annual report of the War Department as heretofore.

WARREN G. HARDING.

THE WHITE HOUSE, December 7, 1921.

BUREAU OF EFFICIENCY.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and referred to the Committee on Appropriations:

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the reports of the United States Bureau of Efficiency for the years ended October 31, 1919, 1920, and 1921.

WARREN G. HARDING.

THE WHITE HOUSE, December 7, 1921.

AVIATION.

The SPEAKER also laid before the House the following message from the President of the United States, which was read: *To the Congress of the United States:*

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I transmit herewith the seventh annual report of the committee for the fiscal year ended June 30, 1921.

I think there can be no doubt that the development of aviation will become of great importance for the purposes of commerce, as well as for national defense. While the material progress in aircraft has been remarkable, the use has not as yet been extensively developed in America. This has been due, in the main, to lack of wise and necessary legislation. Aviation is destined to make great strides, and I believe that America, its birthplace, can and should be foremost in its development.

I therefore urge upon the Congress the advisability of giving heed to the recommendations of the committee, the first and most important of which is that a bureau be established in the Department of Commerce for the regulation and development of air navigation.

WARREN G. HARDING.

THE WHITE HOUSE, December 7, 1921.

The SPEAKER. That will be referred to the Committee on Appropriations.

Mr. WALSH. Do I understand the Speaker refers that to the Committee on Appropriations?

The SPEAKER. The Chair did so, but the Chair is questioning the accuracy of that. The matter always has been referred to the Committee on Appropriations, but the gentleman probably has in mind that this suggests legislation. The Chair is informed that a bill has been introduced providing for such a bureau and that that bill has been referred to the Committee on Interstate and Foreign Commerce.

Therefore, unless there is some other suggestion, the Chair will ask unanimous consent to change the reference to the Committee on Interstate and Foreign Commerce. Is there objection? [After a pause.] The Chair hears none.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 81. Joint resolution authorizing the erection of public grounds in the city of Washington, D. C., of a memorial to the dead of the First Division, American Expeditionary Forces, in the World War.

SENATE BILL REFERRED.

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

S. 2708. An act to authorize the Secretary of War to transfer without charge certain surplus material of the War Department to the American Relief Administration in Russia; to the Committee on Military Affairs.

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 2 o'clock and 36 minutes p. m.) the House adjourned until Thursday, December 8, 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:

379. A letter from the Acting Secretary of the Interior, transmitting a report showing proceeds from the "Sale of surplus and obsolete material and equipment during the fiscal year ended June 30, 1921," and from "Collections from town-site assessments during the fiscal year ended June 30, 1921, in the Territory of Alaska"; to the Committee on Appropriations.

380. A letter from the Librarian of the Library of Congress, transmitting annual report of the Librarian of Congress and the annual report of the superintendent of the Library building and grounds for the fiscal year ended June 30, 1921; to the Committee on the Library.

381. A letter from the Acting Attorney General, transmitting statement of the expenditures under appropriations for the United States Court of Customs Appeals for the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Department of Justice.

382. A letter from the Acting Attorney General, transmitting report showing for the first four months of the fiscal year 1922 the average number of employees, including the courts of the United States, receiving the increased compensation at the rate of \$240 per annum; also the average number by grades receiving the same at each other rate; to the Committee on Appropriations.

383. A letter from the Secretary of the Navy, transmitting report showing the number of officers and employees of the Navy Department who during the fiscal year ended June 30, 1921, traveled on official business from Washington to points outside the District of Columbia; to the Committee on Expenditures in the Navy Department.

384. A letter from the Secretary of the Navy, transmitting statements showing exchanges made during the fiscal year ended June 30, 1921, of typewriters, adding machines, and other similar labor-saving devices by the Navy Department and Naval Establishment, including the United States Marine Corps; to the Committee on Expenditures in the Navy Department.

385. A letter from the Secretary of the Navy, transmitting statement showing the amount of pay and allowances by ranks and ratings for officers and enlisted men of the Navy; to the Committee on Expenditures in the Navy Department.

386. A letter from the Secretary of the Treasury, transmitting statement of the expenditures of the Coast Guard for the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Treasury Department.

387. A letter from the Secretary of the Treasury, transmitting report in detail giving the number of the various publications issued by the Treasury Department during the fiscal year ended June 30, 1921; to the Committee on Printing.

388. A letter from the Secretary of the Treasury, transmitting annual report of the Secretary of the Treasury on the state of the finances for the fiscal year ended June 30, 1921; to the Committee on Ways and Means.

389. A letter from the Secretary of War, transmitting 865 reports of inspections of disbursements and transfers by officers of the Army received in the office of the Inspector General during the past fiscal year; to the Committee on Expenditures in the War Department.

390. A letter from the Acting Secretary of the Interior, transmitting a statement showing the documents received and distributed during the fiscal year 1921; to the Committee on Printing.

391. A letter from the Acting Secretary of the Interior, transmitting report of number of employees who have traveled on official business from Washington to points outside the District of Columbia during the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Interior Department.

392. A letter from the Secretary of War, transmitting a letter from the Chief of Ordnance, United States Army, together with the statement of the cost of manufacture for the fiscal year ended June 30, 1921, at the several named United States arsenals and at Springfield Armory; to the Committee of Military Affairs.

393. A letter from the Secretary of War, transmitting letter from The Adjutant General, United States Army, together with a statement of publications on hand, received, and issued by the War Department during the fiscal year ended June 30, 1921; to the Committee on Printing.

394. A letter from the President of the United States, transmitting the annual report of the governor of the Panama Canal for the fiscal year ended June 30, 1921; to the Committee on Interstate and Foreign Commerce.

395. A letter from the President of the United States, transmitting statement by the Secretary of State, with accompanying papers, of appropriations, expenditures, and balances of appropriations under the control of the Department of State for the fiscal year ended June 30, 1921; to the Committee on Expenditures in the Department of State.

396. A letter from the President of the United States, transmitting statement of the number of persons employed in meat inspection, the salary paid each, where they have been or are employed, together with contingent expenses for the period beginning July 1, 1920, and ending June 30, 1921; to the Committee on Expenditures in the Department of Agriculture.

397. A letter from the President of the United States, transmitting the report of the Governor of Porto Rico for the fiscal year ended June 30, 1921; to the Committee on Insular Affairs.

398. A letter from the President of the United States, transmitting the reports of the United States Bureau of Efficiency for the years ended October 31, 1919, 1920, and 1921; to the Committee on Appropriations.

399. A letter from the President of the United States, transmitting the seventh annual report of the National Advisory Committee for Aeronautics for the fiscal year ended June 30, 1921; to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

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

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 8815) to authorize certain homestead settlers or entrymen on United States reclamation projects who entered the military or naval service of the United States during the war with Germany to make final proof of their entries, reported the same with an amendment, accompanied by a report (No. 500), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Pennsylvania, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 8818) granting the consent of Congress to the city of Pittsburgh, a municipal corporation of the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania, reported the same without amendment, accompanied by a report (No. 501), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 9050) granting the consent of Congress to the Pamunkey Ferry Co. to construct a bridge across the Pamunkey River in Virginia, reported the same without amendment, accompanied by a report (No. 502), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. YOUNG: A bill (H. R. 9381) to provide for the extension of time within which loans may be made by the War Finance Corporation and the extension of the time within which the corporation shall proceed to liquidate its assets and wind up its affairs; to the Committee on Banking and Currency.

By Mr. WILLIAMSON: A bill (H. R. 9382) to authorize the Secretary of the Interior to extend payment of construction charges on reclamation projects for one year, and for other purposes; to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 9383) to authorize the erection of a monument as a memorial to Indians of the Rosebud Reservation who lost their lives in the recent World War; to the Committee on Indian Affairs.

By Mr. GRIEST: A bill (H. R. 9384) to provide a 1-cent postage rate on local letters and expedite the handling of that class of mail matter; to the Committee on the Post Office and Post Roads.

By Mr. CABLE: A bill (H. R. 9385) to amend an act entitled "An act to limit the immigration of aliens into the United States"; to the Committee on Immigration and Naturalization.

By Mr. LYON: A bill (H. R. 9386) to grant the consent of Congress to the Whiteville Lumber Co., of Goldsboro, N. C., to construct a bridge across the Waccamaw River at or near Fireway Ferry, county of Columbus, N. C.; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: Joint resolution (H. J. Res. 228) interpreting section 50 (section 47c as amended), national defense act, approved June 3, 1916; to the Committee on Military Affairs.

By Mr. KAHN: Joint resolution (H. J. Res. 229) for the suppression of the manufacture and transportation of opium and other habit-forming drugs; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BLAND of Indiana: A bill (H. R. 9387) granting a pension to Mary Yancy; to the Committee on Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 9388) granting a pension to Mary B. Thorpe; to the Committee on Invalid Pensions.

By Mr. HARDY of Colorado: A bill (H. R. 9389) granting a pension to Margaret M. Browning; to the Committee on Invalid Pensions.

By Mr. HAWES: A bill (H. R. 9390) granting a pension to Anna Dabel; to the Committee on Invalid Pensions.

By Mr. JONES of Pennsylvania: A bill (H. R. 9391) granting a pension to Celina B. Lyon; to the Committee on Invalid Pensions.

By Mr. McPHERSON: A bill (H. R. 9392) granting a pension to Hannah McReynolds; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 9393) granting a pension to George Warner; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 9394) granting a pension to Emeline Walker Swanson; to the Committee on Invalid Pensions.

By Mr. RANKIN: A bill (H. R. 9395) granting a patent to Gus McLeod and Mary Pearson McLeod Hambrick; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3224. By Mr. BOND: Petition of employees of the New York Navy Yard, suggesting means of relief for said employees in the event of the success of the Disarmament Conference, which would mean the elimination of the navy yards; to the Committee on Naval Affairs.

3225. By Mr. CONNOLLY of Pennsylvania: Petition of 340 citizens of the fifth congressional district of Pennsylvania, favoring the limitation of armament and urging the adoption by Congress of Senate resolution 173; to the Committee on Foreign Affairs.

3226. Also, petition of 660 citizens of the fifth congressional district of Pennsylvania, urging the recognition of the republic of Ireland; to the Committee on Foreign Affairs.

3227. By Mr. FENN: Petition of Reverend W. A. Harty Branch, Ancient Order of Hibernians, of New Britain, Conn., asking that the representatives of the United States at the Limitation of Armaments Conference make no entangling alliances with any nation, etc.; to the Committee on Foreign Affairs.

3228. By Mr. HUTCHINSON: Resolution submitted on behalf of the Methodist Episcopal Church of Hampton, N. J., urging the adoption of House joint resolution 159; to the Committee on the Judiciary.

3229. By Mr. KISSEL: Petition of Frank J. Brial, James J. McCarthy, John J. Lynch, James J. O'Keefe, Francis W. Stulz, and James Treacy, all of Brooklyn, N. Y.; to the Committee on Reform in the Civil Service.

3230. By Mr. RANSLEY: Petition of thousands of citizens of the third congressional district of Pennsylvania, urging recognition of the republic of Ireland by the United States; to the Committee on Foreign Affairs.

3231. By Mr. WATSON: Resolutions passed by the Elk County Manufacturers' Association, favoring American valuation plan; to the Committee on Ways and Means.

SENATE.

THURSDAY, December 8, 1921.

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

Our Father, we rejoice before Thee this morning that Thy mercies fail not, and that as we come into Thy presence we are assured of Thy guidance and help. May we so realize that blessedness of trust in Thee that this day shall be memorable in our history in the accomplishment of duties well attended to, and in the right conscientiousness of duties well preserved to Thy glory. For Thy name's sake. Amen.

GEORGE W. NORRIS, a Senator from the State of Nebraska, and JOHN K. SHIELDS, a Senator from the State of Tennessee, appeared in their seats to-day.

The reading clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REPORT OF THE SURGEON GENERAL, PUBLIC HEALTH SERVICE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of the Surgeon General of the Public Health Service for the fiscal year ended June 30, 1921, which was referred to the Committee on Finance.

REPORT OF THE ATTORNEY GENERAL.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, pursuant to law, his annual report for the year ended June 30, 1921, which was referred to the Committee on the Judiciary.

DOCUMENTS DISTRIBUTED BY INTERIOR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a statement showing documents received and distributed during the fiscal year 1921, which was referred to the Committee on Printing.

TRAVEL OF OFFICERS, INTERIOR DEPARTMENT.

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of the Interior, transmitting, pursuant to law, a detailed statement showing what officers of the department (other than special agents, inspectors, or employees who in discharge of their regular duties are required constantly to travel) have traveled from Washington on official business to points outside of the District of Columbia during the fiscal year ended June 30, 1921, which was referred to the Committee on Appropriations.

PUBLICATIONS OF DEPARTMENT OF AGRICULTURE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed report of the aggregate number of publications issued by the department during the fiscal year ended June 30, 1921, together with the cost of preparation, paper, printing, etc., which was referred to the Committee on Printing.

REPORT OF THE INTERSTATE COMMERCE COMMISSION.

The VICE PRESIDENT laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, pursuant to law, the thirty-fifth annual report of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

TRAVELING EXPENSES, DIRECTOR UNITED STATES BOTANIC GARDEN.

The VICE PRESIDENT laid before the Senate a communication from the Acting Director of the United States Botanic Garden, transmitting, pursuant to law, a report of travel expenditures by the director for the year ended June 30, 1921, which was referred to the Committee on the Library.