

SENATE.

FRIDAY, February 17, 1922.

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

Our Father, we want this morning to recognize that goodness and mercy have been our portion thus far along the pathway of life. We want to show forth in our daily conduct our appreciation of Thy constant favor and seek constantly in all that we think and say and do to honor Thy great and holy name. The Lord be with us this day amid its duties and its cares, and grant that with the evening's shadows we may be able to feel that we have fulfilled the high obligations of service agreeable to Thy name. Through Jesus Christ our Lord. Amen.

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.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, in which it requested the concurrence of the Senate.

Mr. WARREN. I ask that the bill just received from the House may be referred to the Committee on Appropriations.

HOUSE BILL REFERRED.

The bill (H. R. 10329) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1923, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. LADD presented a resolution adopted by the board of county commissioners of Burleigh County, N. Dak., favoring retention of the Fort Lincoln Military Reservation as a permanent part of the Military Establishment of the United States, which was referred to the Committee on Military Affairs.

He also presented the petitions of Carl H. Nelson and 51 others, of Maddock; Otto Olson and 5 others, of Oriska; W. C. Nettum and 2 others, of Kindred; Edwin Stoa and 2 others, of Buxton; Sam Kahler and 5 others, of Tuttle and vicinity; Jake Ritter and 13 others, of Clyde; and Olaf Brenden and 48 others, of Sheyenne, all in the State of North Dakota, and Gomer Lewis and 49 others, of McIntosh, Morristown, and Watauga, in the State of South Dakota, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

Mr. CAPPER presented a petition of sundry citizens of Kanapolis, Kans., praying for the passage of the so-called soldiers' bonus bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by Benjamin Franklin Council, American Association for the Recognition of the Irish Republic, of Topeka, Kans., protesting against the United States entering into any treaty or "gentlemen's agreement" with foreign nations which might, even to a slight degree, impair the sovereign independence of the Nation, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Lost Springs, Ramona, Herrington, Hope, Tampa, Pawnee Rock, and Dodge City, all in the State of Kansas, praying for the enactment of legislation reviving the Government Grain Corporation so as to stabilize prices of certain farm products, which were referred to the Committee on Agriculture and Forestry.

LANDS OF FORT PECK AND BLACKFEET RESERVATIONS, MONT.

Mr. SPENCER. Mr. President, from the Committee on Indian Affairs I report back favorably with an amendment, in the nature of a substitute, the bill (H. R. 8010) to authorize the leasing for mining purposes of unallotted lands on the Fort Peck Reservation, Mont., and I submit a report (No. 502) thereon. I ask for the immediate consideration of the bill. I do not think there will be any opposition to it.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent for the present consideration of the bill. Is there objection?

Mr. OVERMAN. Mr. President, I do not object to the bill, but I do not think we should transact any business with so few Senators present. I suggest the absence of a quorum.

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

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

Borah	Gooding	McKellar	Simmons
Brandeege	Hale	McKinley	Smith
Bursum	Harrell	McNary	Spencer
Cameron	Harris	Moses	Stanfield
Capper	Harrison	Myers	Stanley
Caraway	Heflin	Nelson	Sterling
Culberson	Hitchcock	New	Swanson
Cummins	Johnson	Newberry	Trammell
Curtis	Jones, Wash.	Norris	Underwood
Dial	Kellogg	Oddie	Wadsworth
Edge	Kendrick	Overman	Walsh, Mont.
Ernst	Keyes	Page	Warren
Fernald	King	Pepper	Watson, Ga.
Fletcher	Ladd	Phipps	Williams
France	Lenroot	Poin Dexter	Willis
Gerry	Lodge	Pomerene	
Glass	McCormick	Sheppard	

Mr. MCKELLAR. I desire to announce the unavoidable absence of my colleague [Mr. SHIELDS] on account of illness.

Mr. CURTIS. I was requested to announce the absence of the Senator from North Dakota [Mr. McCUMBER], the Senator from Utah [Mr. SMOOT], the Senator from Connecticut [Mr. McLEAN], the Senator from Vermont [Mr. DILLINGHAM], the Senator from New York [Mr. CALDER], the Senator from Indiana [Mr. WATSON], and the Senator from New Jersey [Mr. FRELINGHUYSEN], who are detained at a hearing before the Committee on Finance.

The PRESIDENT pro tempore. Sixty-six Senators having answered to their names, there is a quorum present. The Senator from Missouri asks unanimous consent for the present consideration of the bill (H. R. 8010) to authorize the leasing for mining purposes of unallotted lands on the Fort Peck Reservation, Mont.

Mr. SPENCER. I do not think there will be the slightest objection to the bill.

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

Mr. SPENCER. In November last the Senate passed a bill, at the instance of the department, giving the Indians the right to lease for mining purposes certain unallotted lands in the Fort Peck Reservation and in the Blackfeet Reservation, and the bill is now in the House. Since then the House passed practically the identical bill, but it refers only to the Fort Peck Reservation. My own judgment is that it was an inadvertence. The committee thought that if we substituted the bill which the Senate had already passed and sent it back to the House it would work out most expeditiously and desirably. I ask that the amendment of the committee may be read and agreed to.

The amendment was to strike out all after the enacting clause and to insert:

That lands reserved for school and agency purposes and all other unallotted lands on the Fort Peck and Blackfeet Indian Reservations, in the State of Montana, reserved from allotment or other disposition, may be leased for mining purposes under regulations prescribed by the Secretary of the Interior.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

The title was amended so as to read: "A bill to authorize the leasing for mining purposes of unallotted lands on the Fort Peck and Blackfeet Indian Reservations, in the State of Montana."

LEGISLATIVE APPROPRIATIONS.

Mr. WARREN. I report back favorably with amendments from the Committee on Appropriations the bill (H. R. 10267) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1923, and for other purposes, and I submit a report (No. 503) thereon.

I desire to give notice that I expect to ask the Senate to take up the bill for consideration on Monday next.

The PRESIDING OFFICER (Mr. SPENCER in the chair). The bill will be placed on the calendar.

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. CUMMINS:

A bill (S. 3164) to amend the Judicial Code, further to define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes; to the Committee on the Judiciary.

By Mr. JOHNSON:

A bill (S. 3165) to remove the charge of desertion from the military record of Elisha L. Bennett, jr.; and

A bill (S. 3166) for the relief of Michael Sweeney; to the Committee on Military Affairs.

A bill (S. 3167) granting an increase of pension to Jane N. Brown; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3168) granting a pension to Mary Mullen (with accompanying papers); to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3169) to equalize pensions of retired policemen and firemen of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BALL:

A bill (S. 3170) regulating corporations doing a banking business in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MYERS:

A joint resolution (S. J. Res. 163) relating to terms and conditions of payment for the tuition of Indian pupils enrolled in the State public schools of Montana; to the Committee on Indian Affairs.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. McNARY submitted two amendments intended to be proposed by him to Senate bill 3017, the Senate river and harbor bill, which were referred to the Committee on Commerce and ordered to be printed, as follows:

On page 8, after line 19, insert:

"Siletz Bay, with a view to improving channel and securing a depth of 15 feet, at average tide, across Siletz Bar, by the construction of a jetty or otherwise."

and—

"Tillamook Bay and Harbor, Oreg., including consideration of modification and change of location of the existing 16-foot project channel to Bay City, with a view to securing usable channels commensurate with depth of water on bar to accommodate present and future commerce."

INVESTIGATION OF FERTILIZER INDUSTRY.

Mr. McKELLAR submitted the following resolution (S. Res. 241), which was referred to the Committee on Agriculture and Forestry:

Whereas it has been charged that the fertilizer industry is controlled by a combination of corporations and that such combination of corporations, or the individual members thereof, has employed agents, attorneys, and lobbyists to influence Congress against the acceptance of the offer of Henry Ford to buy Muscle Shoals: Now, therefore, be it

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, is hereby authorized to investigate the charge that the fertilizer industry is controlled by a corporation or corporations which is in fact a monopoly and has employed agents, attorneys, and lobbyists to lobby against the resolution accepting the offer of said Henry Ford to purchase said Muscle Shoals project, and to investigate whether there is a fertilizer trust.

Resolved further, That the committee is authorized to subpoena witnesses, send for persons and papers, to administer oaths, and to employ the necessary clerical assistance in the prosecution of such investigation, the expenses thereof to be paid out of the contingent fund of the Senate on vouchers authorized by the committee and signed by the chairman thereof.

ILLUSTRATIONS OF FOREIGN POSTAGE AND REVENUE STAMPS.

Mr. EDGE. I ask unanimous consent for the immediate consideration of Senate bill 2703, which was introduced by my colleague [Mr. FRELINGHUYSEN]. I am quite sure the bill will not lead to any opposition whatever.

The PRESIDING OFFICER. The Senator from New Jersey asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. CURTIS. Let the bill be reported.

Mr. KING. Reserving the right to object, I ask that the bill may be reported.

The PRESIDING OFFICER. The Secretary will state the bill by title.

The ASSISTANT SECRETARY. A bill (S. 2703) amending an act to codify, revise, and amend the penal laws of the United States.

Mr. EDGE. I shall be very glad briefly to explain the object of the bill if I may secure unanimous consent for its present consideration.

Mr. UNDERWOOD. Will not the Senator allow the bill to be read at length? We can not understand the object of the measure until it shall have been read.

Mr. EDGE. I ask that the bill may be read by the Secretary.

The ASSISTANT SECRETARY read the bill.

Mr. EDGE. Mr. President, undoubtedly, as a majority of Senators well know, my colleague is a very enthusiastic stamp collector. This bill simply provides an amendment to the Penal Code in order that defaced dies may be used for the purpose of reproducing stamps of foreign countries. The bill has the approval of the Attorney General's Department and also of the

Treasury officials who are in charge of matters relating to the printing of stamps. I trust the bill may receive the approval of the Senate.

Mr. KING. I should like to ask the Senator from New Jersey whether the Post Office authorities are willing that this measure shall pass?

Mr. EDGE. The Treasury officials have announced to the Committee on the Judiciary that they have no objection whatever to the passage of the bill.

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

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 the Judiciary with an amendment to strike out all after the enacting clause, in the following words:

That sections 161, 172, and 220 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, are hereby amended by adding the following: "Provided, That nothing in said sections shall be construed to forbid or prevent the printing or publishing illustrations of postage or revenue stamps from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps, or to prevent or forbid the making of necessary plates therefor for use in philatelic or historical articles, books, journals, or albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, or albums: And provided further, That no such illustration shall be made in colors, and that no such illustration or plate shall be of a stamp of the United States."

And in lieu thereof to insert:

That nothing in sections 161, 172, and 220 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909 (35 Stats. L., pp. 1118, 1121, and 1132), shall be construed to forbid or prevent the printing or publishing of illustrations of postage or revenue stamps from plates so defaced as to indicate that the illustrations are not adapted or intended for use as stamps, or to prevent or forbid the making of necessary plates therefor for use in philatelic or historical articles, books, journals, or albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, or albums; but no such illustration shall be made in colors, and no such illustration or plate shall be of a stamp of the United States.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee in the nature of a substitute.

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.

The title was amended so as to read: "A bill to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates."

VALUATION OF RAILROAD PROPERTIES.

Mr. CUMMINS. I ask unanimous consent for the immediate consideration of order of business 494, being Senate bill 539.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent for the immediate consideration of the bill named by him. Is there objection?

Mr. UNDERWOOD. Let the bill be reported in order that we may know what it is.

The PRESIDING OFFICER. The Secretary will read the bill.

The Assistant Secretary read the bill (S. 539) to further amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended.

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

Mr. UNDERWOOD. I do not like to object to the Senator's request, but I was giving some consideration to the matter involved in the bill for which he now asks consideration when I had to be absent from the Senate for some months on account of attendance on the Conference on Limitation of Armament which has recently adjourned. I think the subject matter of the bill is very important and that it should be considered with great care. I will, therefore, ask the Senator not to call the bill up in the morning hour. I think it should come up for consideration in its regular order on the calendar or be called up when it may be made the unfinished business, so that we may give it full consideration. I myself wish to look into it further before I give consent for its immediate consideration.

Mr. CUMMINS. Mr. President, I agree with the Senator from Alabama that the bill is very important. I think it is a bill which demands consideration before very long.

Mr. UNDERWOOD. I agree with the Senator about that.

Mr. CUMMINS. I had no thought of interrupting or preventing the consideration of the unfinished business, although I really think the bill for which I now ask consideration ought to take the place of the bill which has been made the unfinished business. I do not ask for the mere formal consideration of the bill, but I think it ought to be carefully considered and

debated. However, I wish to present it to the Senate just as soon as possible.

Mr. UNDERWOOD. That is exactly my viewpoint. We have, of course, spent a great many million dollars in the past few years in the effort to ascertain the value of the railroads of this country. Although I may be mistaken about it, I am apprehensive that a change of existing law might scrap a great deal of work that has already been done in ascertaining the railroad valuations; and I do not think that we ought to pass a bill of this importance in a perfunctory way and during the morning hour.

Mr. CUMMINS. I assure the Senator from Alabama that a change of existing law will not scrap any considerable part of the work which has been done by the Interstate Commerce Commission in the valuation of railroads.

Mr. UNDERWOOD. I should like to have that made clear. I do not think a bill of this importance should be hastily considered in the morning hour. I shall not at all resist the Senator's desire to have the bill taken up as the unfinished business when it may be fully and carefully discussed at the proper time. I think the Senator in a matter of this importance should give a full explanation of the proposed legislation to the Senate. I therefore hope the Senator will not insist on the consideration of the bill at this time.

Mr. CUMMINS. In view of the Senator's suggestion, in lieu of asking unanimous consent for the present consideration of the bill during the morning hour, I now give notice that immediately upon the disposition of the bill which is now the unfinished business, I shall move that the Senate proceed to the consideration of this measure.

ACQUISITION OF REAL ESTATE BY THE WAR DEPARTMENT.

The PRESIDING OFFICER. The order of business is the consideration of the calendar of bills and resolutions under Rule VIII.

Mr. WADSWORTH. Mr. President, is it in order for me to ask unanimous consent for the consideration of a bill at this time?

The PRESIDING OFFICER. It is.

Mr. WADSWORTH. I ask unanimous consent that the Senate proceed to the consideration of 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.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York for the immediate consideration of the bill named by him?

Mr. OVERMAN. Before consent is given, I ask that the bill may be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The reading clerk proceeded to read the bill.

Mr. WADSWORTH. Mr. President, if I may interrupt the reading of the bill, I desire to say that this bill was taken up on a former occasion, which, as I recall, was the day before the Christmas recess, when it was reached upon the calendar; but it was very late in the session of that day, and the question of a quorum being raised the matter was put over. I think the present occupant of the chair was in the chair at that time.

The bill is designed to enable the War Department to clean up the title to various pieces of real estate upon which the Government now owns very valuable buildings. The projects are listed in the bill, and the amount of money necessary to acquire title to the remaining small parcels or tracts of real estate is set forth in connection with each project. As a matter of fact, while the bill proposed to appropriate \$4,000,000, it will put the Government in a position where it can save large amounts of money in the future, either by selling these properties, in which the Government has invested such immense sums, or, in some instances, by leasing them to industrial concerns. The items of the bill were discussed upon the former occasion, with the exception of one or two, in connection with which, and in accordance with instructions of the Committee on Military Affairs, I desire to offer amendments.

Mr. KING. Mr. President, may I inquire of the Senator the cost that will result to the Government from carrying out the provisions of the bill?

Mr. WADSWORTH. The bill shows that upon its face. The total cost to the Government will be \$4,100,000, as I recall, although I have not the figures immediately before me, and it is divided in appropriations made for several different projects in connection with which at present the hands of the War Department are absolutely tied.

Mr. KING. May I inquire of the Senator whether this was the bill in connection with which it appeared that the Govern-

ment had now some holdings within which there were small private holdings to which it was desired to secure title?

Mr. WADSWORTH. Yes; this is the bill which the Senator has in mind. On those holdings are immensely valuable buildings which can not be disposed of, the hands of the Secretary of War being absolutely tied, as there is on the statute books an act which forbids the Secretary of War to purchase any real estate, even if it be 10 feet square.

Mr. KING. Were steps initiated to condemn these properties before the law was passed forbidding the acquisition of further property by the War Department?

Mr. WADSWORTH. In some instances, yes; while in others the land is held by leases, and in others the land was about to be purchased when the Congress intervened—and I think properly so—and stopped all purchases until the Congress should look over the different projects and decide which ones the War Department should be permitted to complete. This bill represents the first list of projects passed upon by the House of Representatives, in connection with which it is urged strenuously by the House committee that these little parcels of land be acquired so that the Government will be in a position to deal as one business man would with another in the disposition of these properties.

Mr. KING. The passage of this bill and the carrying out of the plan which the bill contemplates will not lead to a continuation of the camps which are unnecessary, but will be in the interest of the diminution of the number of camps and forts and barracks, and so forth, now owned by the Government?

Mr. WADSWORTH. It is most decidedly in that direction. Incidentally none of these projects are camps; most of them are great storage depots.

Mr. KING. Does not the Senator think it was very unwise to expend millions of dollars upon land the title to which was not in the Government?

Mr. WADSWORTH. It was done during the war, and we have no choice in the matter now. Buildings have already been erected, and many of them are permanent buildings.

Mr. KING. Is it the intention of the Government to keep all the buildings that have been erected upon the tracts referred to in the bill?

Mr. WADSWORTH. I should hope that it was the intention of the Government to sell most of these places, but they can not do so until they own finally the parcels of land underneath the buildings.

Mr. KING. Does the testimony indicate that the Government will recoup much more than this bill carries?

Mr. WADSWORTH. Yes; it indicates that it will recoup much more.

Mr. KING. The committee are unanimous in the view that the \$4,000,000 proposed to be appropriated should be expended?

Mr. WADSWORTH. Yes; in order to save a much larger sum, in the discretion of Congress, later on.

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 (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, which had been reported from the Committee on Military Affairs with an amendment.

Mr. WADSWORTH. Mr. President, I desire to offer three amendments.

The first amendment is, on page 2, line 20, after the numerals "\$100,000," to strike out the remainder of line 20, lines 21, 22, 23, and 24, and on line 25 to and including the word "payments."

The language relates to a project in the city of Baltimore, in connection with which the Government, on the leasing of some land, built some exceedingly valuable storehouses. The House bill carries an authorization to the Secretary of War to sell these buildings to the owner of the land, the Canton Co., for \$300,000. Since the passage of the bill by the House, the Secretary of War indicates that he may make a better disposition of it than that, and one more to the advantage of the Government. Therefore it is proposed to strike out that language and leave it in his discretion. If the language remains in, the inference drawn by the owners of the land will be to the effect that \$300,000 is all they will have to pay.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 2, lines 22 to 25, it is proposed to strike out the following words:

Or the Secretary of War is authorized to sell to the Canton Co., of Baltimore, the improvements erected upon the site within 90 days from the enactment of this law for the sum of \$300,000, plus interest at the rate of 6 per cent per annum on all deferred payments.

The amendment was agreed to.

Mr. WADSWORTH. On page 3, commencing on line 20, after the word "owners," I move to strike out the balance of the page, all of page 4, all of page 5, and on page 6 down to and including the word "land" on line 19. That amendment relates to but one project—Camp Grant, in Illinois.

Mr. KING. Mr. President, will the Senator state the object of the amendment?

Mr. WADSWORTH. The object of the amendment is not to compel the Secretary of War to withdraw or dismiss actions now pending in court looking to the condemnation of the land described on these two pages. The land is not very extensive, but it is land upon which in large measure the very center of the camp is built.

Mr. KING. It leaves it optional instead of compulsory?

Mr. WADSWORTH. It leaves it optional with him instead of compulsory.

Mr. KING. It is a long amendment for so small a subject.

Mr. WADSWORTH. Yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WADSWORTH. On behalf of the committee, I present another amendment, which the Secretary may read.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 8, after line 10, it is proposed to insert the following new section at the end of the bill:

SEC. 3. That approximately 44 acres of land in Norfolk County, Va., adjacent to the Norfolk Army supply base heretofore transferred by the War Department to the Treasury Department for the use of the Public Health Service, pursuant to an act of Congress, March 3, 1919 (40 Stat., 1303), is hereby retransferred to the War Department, and the Secretary of War is hereby authorized and empowered in making settlement with the Country Club of Norfolk, Va., and the New Glencove Links Corporation, from the appropriation hereinabove provided, of their claims for their properties taken by the United States of America subsequent to April 6, 1917, to transfer and convey to said Country Club of Norfolk, Va., and said Glencove Links Corporation such portions of their properties so taken and such other properties or portions thereof otherwise acquired by the War Department in the vicinity of the Norfolk Army supply base as in the judgment of the Secretary of War may be necessary and desirable in effecting such a settlement: *Provided, however,* That in the judgment of the Secretary of War said property so to be conveyed is no longer required by the United States for military purposes.

Mr. KING. Will the Senator state the object of the amendment?

Mr. WADSWORTH. I can best state the object by reading a portion of a letter from the Secretary of War:

Of the properties for which payment is yet to be made, the parcel containing approximately 55 acres—

This is in connection with the Norfolk base—

was requisitioned in 1918 from the Norfolk Country Club and the new Glencove Links Corporation, on which no Government improvements have been constructed except a railroad yard across the southerly portion thereof.

The country club has been without the use of its property without compensation since 1917. In the spring of 1921, however, a revocable lease was granted to the club by the War Department for the use of a portion of its former golf course, and the department has recently received a proposition which involves the conveyance to the club of certain other Government-owned land, together with a portion of the area formerly requisitioned and the payment to the club of a cash consideration, in return for which the United States is to receive title to that portion of the requisitioned area on which the railroad yard is constructed and is to be released from payment for the use of the club's property since 1917.

In other words, it effects a transfer to the advantage of the Government and to the relief of this country club, which since 1917 has never had a penny for the use of its property.

Mr. KING. Is the maintenance of the yard necessary?

Mr. WADSWORTH. To reach the Norfolk base it is necessary that those tracks be maintained where they are. It so happens that I visited the Norfolk base, and it is an immense project, built of concrete and steel—perfectly enormous. It is difficult to conceive the size of some of these projects; and we want to get it into shape where we can direct, by act of Congress, its sale or its lease by the department to commercial concerns.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. WADSWORTH. Certainly.

Mr. OVERMAN. I should like to ask the Senator a question a little along the same line with the question I asked him before.

As I understand, this bill does not take care of those pieces of land that were condemned and are now in use, where the people have been driven from their lands and the lands have been taken by the Government and have been condemned by the courts.

Mr. WADSWORTH. There are several instances of that kind in this bill.

Mr. OVERMAN. But there are many cases that are not in this bill. Does the Senator know that those cases are going to be taken care of?

Mr. WADSWORTH. Yes. The House Committee on Military Affairs has made this winter and is still making a very exhaustive study of the whole real estate problem as now remaining upon the hands of the War Department; and it is to make a report, which it hopes will clean up the whole thing and incidentally do justice to a lot of people who have suffered.

Mr. OVERMAN. I thank the Senator for the information. That is all that I desire. A lot of people are writing and asking that certain lands be paid for. I think the subject ought to come up in the general bill, where it can be investigated, and full consideration given to the whole matter. I think it can be taken care of there better than in this bill. That is the reason why I asked the Senator the question, and I am glad that he has given me the information he has.

Mr. SMITH. Mr. President, may I ask the Senator a question? As I understand, the object of this bill is to appropriate sufficient money to complete the purchase and therefore complete the title of the Government to these different projects, so that hereafter they can make such disposition of the property as they see fit?

Mr. WADSWORTH. It frees the hands of the Government. There is over \$130,000,000 invested by the Government in permanent construction in these projects. If we will spend \$4,000,000 now, we will get title to the last parcel that underlies those buildings. Then we can do what we please with them. Until we get title, our hands are tied.

Mr. KING. Mr. President, may I inquire of the chairman of the committee what plans are being formulated for the disposition of many of these forts and camps that were acquired during the war, and many before the war, and which it is apparent the Government does not need? Is there any comprehensive plan for the disposition of all these unnecessary military reservations?

Mr. WADSWORTH. There is; and that is the plan which the House Committee on Military Affairs is studying.

Mr. KING. The Senator knows that unless something is done in regard to that, appeals will be made from municipalities and States and charitable organizations for grants by the Government of many of these unused and unnecessary military forts and reservations and camps. It seems to me the Government ought to formulate a plan, and dispose of them as soon as possible.

Mr. WADSWORTH. I agree with the Senator.

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

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, there is one committee amendment printed in the bill.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 2, line 9, it is proposed to strike out the words "authorized to be appropriated" and to insert "appropriated out of any money in the Treasury not otherwise appropriated."

Mr. WADSWORTH. Mr. President, that amendment is a matter of policy for the Senate. The House Committee on Military Affairs reported this bill to the House. Under the House rules, the House Committee on Military Affairs may not appropriate; they may merely authorize appropriations. The House language is:

The following amounts are hereby authorized to be appropriated.

The Senate Committee on Military Affairs thus far has not been deprived, under the Senate rules, of its power of appropriation; and when the Senate committee encountered this language, which is merely an authorization of an appropriation, the Senate committee, in accordance with the custom of Senate committees, struck out the phrase "authorized to be appropriated," and submitted for it the language which makes the direct appropriation. It is a question of policy whether the Senate shall adhere to its old custom or whether it shall accede to the House custom and concentrate all appropriations in the Committee on Appropriations.

Mr. KING. Mr. President, may I inquire of the Senator whether it would not be wiser to carry the appropriation in the military bill? I want the military part of the Government to be charged with everything that is legitimately chargeable to the Army and to the Navy. As far as I am concerned, I do not want expenses for the Army or for the Navy to be charged in some other category on the books of the Government.

Mr. WADSWORTH. The Senator realizes, of course, that the Appropriations Committee of the House handles all appropriations, and no other committee may do anything of the sort.

Mr. CURTIS. Mr. President, may I suggest to the Senator from New York that the Committee on Rules has reported back to the Senate an amendment to the rules, proposed by the Senator from Wyoming [Mr. WARREN], which places all the appro-

priation bills in the hands of the Appropriations Committee of the Senate. It is provided, however, that in the case of appropriations coming from the Military Affairs Committee, three members of that committee shall be ex officio members of the Committee on Appropriations, and the same provision is made with regard to the other committees now handling appropriation bills.

Mr. WADSWORTH. There is one thing that might be said: This committee amendment never will be agreed to by the House conferees. Under their own rules they can not accept a direct appropriation from the Military Affairs Committee; but the Military Affairs Committee of the Senate believed that the Senate should understand what the situation is, and therefore we adopted this amendment, intending, as has now happened, that it should be laid before the Senate as a matter of policy. Eventually the conferees of the Senate will be compelled to recede.

Mr. WARREN. Mr. President, if the Senator will permit me, until the war upset the rules of the House all purchases of land were in the hands of the general Appropriations Committee. During the war the committee did not insist on those rules, and by common consent the Committee on Military Affairs was permitted to appropriate, and that condition still exists. As the Senator says, however, if we leave it in it will simply go out in conference; and it seems to me it would be better to conform to the rules as they exist on the other side and cut it out now.

Mr. WADSWORTH. I simply make this statement. I have no objection to the Senate rejecting this particular committee amendment.

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

The amendment was rejected.

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.

REORGANIZATION OF EXECUTIVE DEPARTMENTS.

Mr. HARRISON. Mr. President, I desire to have read from the Secretary's desk an article which appeared in the New York World of yesterday.

The PRESIDING OFFICER. The Secretary will read as requested.

The Assistant Secretary read as follows:

[From the New York World, Feb. 16, 1922.]

SENATORS BLOCK ECONOMY SCHEME—REORGANIZATION OF DEPARTMENTS WILL NOT BE CONSIDERED AT THIS SESSION.

(Special to the World.)

WASHINGTON, February 15.

Senate leaders have decided to sidetrack the scheme for reorganizing the Federal departments until some future session of Congress. The amount of work necessary before the prospective adjournment in June will block consideration of the recommendations submitted to the President by Walter F. Brown, chairman of the Joint Committee on Reorganization.

The intention to defer the reorganization work was made known by Senators visiting the White House. It was pointed out a number of the suggestions, such as the merger of the War and Navy Departments into a Department of National Defense, would be contested hotly and speedy action would be impossible. In addition, the joint committee will require much time in taking testimony and investigation.

The recommendations are now held up at the White House. Mr. Brown submitted them three weeks ago, but the Arms Conference treaties and the bonus have occupied the time of the President and Cabinet. The next step, according to Mr. Brown, is for the President and the Cabinet to approve or return the plans with suggestions for alterations.

Mr. Brown does not believe hope for their adoption this session is lost. He said if the administration and joint committee can agree on a program, Congress is so committed to reorganizing the departments that the bill will go through quickly.

Mr. Brown indicated to-day that his recommendations provide creation of a bureau of transportation in the Commerce Department.

Mr. HARRISON. Mr. President, I have had this article read to the Senate in the hope that if it is the policy, as revealed there, to do nothing at this session of Congress toward coordinating and reorganizing the departments of the Government, that policy will be changed. I have not had the article read in a spirit of criticism, but merely to recall the history of this legislation. About a year ago, in March, 1921, we passed a joint resolution creating this commission. Three Senators were appointed, three Members of the House were appointed, and then the joint resolution was amended so that the President might have a personal representative. We had thought at that time that there would be speedy action, that the commission would take up these questions immediately and consider them and make a report forthwith to Congress, so that if reforms should be recommended—thereby creating efficiency as well as a saving—that

proper legislation carrying the recommendations into effect would be enacted.

We have waited a year, and nothing has as yet been done. As I stated before to the Senate, the commission had its last meeting on April 6, 1921, practically 11 months ago. I had a letter some days ago from the President, as every other member of the commission did, saying that a report had been laid before him by Mr. Brown, and that he hoped we might get to work at a very early date. So I was surprised when I read this article to find that it was now the policy of the administration to lay over this work until a future Congress. I hope it is not true. I trust the commission may be called together at an early date, begin hearings, and try to smooth out the differences between these departments, so that some saving may be effected. If the differences can not be smoothed out, then let the commission or the Congress assume the responsibility.

I desire to say, as a minority member of this commission, that I shall be ready at any time to meet with the commission and to assist in expediting the work, so that a report may be made at an early date. No delay has come from this side. We have welcomed an invitation for a meeting of the commission, and we still hope it will come, and I am sure that I voice the sentiments on this side, at least, when I say that we hope the policy revealed in that article will not be carried out, but that the plans for coordination and reorganization will be presented to this Congress soon. I know of no opportunity that furnishes a way to render more real service than as is presented to this commission. And certainly the people are anxious for it to begin work and make its report speedily to the Congress.

Mr. KING. Mr. President—

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

Mr. HARRISON. I yield.

Mr. KING. Is it not quite apparent that unless the reorganization plans shall be submitted to Congress at an early date, prior to the passage of the appropriation bills, it will mean that we shall be compelled to go on with the same old machinery for the coming fiscal year and that it will postpone effective reorganization, operative reorganization, until the next fiscal year?

Mr. HARRISON. I think so. The whole trouble about this is that we amended the original resolution, which clothed the Congress with full power to investigate these departments and to make a report, as Members of the House and of the Senate, to the Congress of the United States. We amended that by placing a representative of the executive departments on the commission, and now it is tied up. They will never unravel all their difference in the departments. The matter must come before the commission in the end anyhow, and we must assume responsibility, together with Congress.

Mr. KING. In view of the well known fact that the executive departments are always jealous of their authority, that they are very seldom willing to abate any of their authority and prerogatives, why does not the committee appointed by Congress, charged with the duty of forming a plan of reorganization, do its duty? We will have to discharge them and get somebody else who will.

Mr. HARRISON. They should be discharged if they do not do something; but the trouble about it was that the Congress amended the resolution and created this place for Mr. Brown.

Mr. KING. Is he the one who it is said is to run for the Senate from Ohio in the coming election?

Mr. HARRISON. I think he did run for the Senate in one of the primary elections in Ohio, and there is some talk of his running for the Senate again. I do not know about that. He is a very excellent gentleman, and a very competent man, I am sure. Anyway, when the commission met they elected Mr. Brown chairman of the commission, and I might say it was over the protest of the minority Member from the House and myself that that was done. I thought one of the members of the commission representing the majority in Congress, either a House or Senate Member should have been made chairman, so that meetings could be called and hearings might be begun; but since the calling together of the commission is left entirely, I suppose, to the chairman of the commission, and since Mr. Brown is the chairman and the commission has not been called for a year, I am ready to believe, in view of this article, that it will not be called. So I do not know what a humble minority member of that commission can do.

Mr. KING. He can make a protest.

Mr. HARRISON. I am doing that now.

Mr. CURTIS. I do not know where the correspondent got his information, but it was stated last week that a report was

about ready to be submitted by the commission, and I understood that it would be ready within a day or two. There was nothing said about delaying action, but it was said all the members wanted to get action as soon as possible.

SUPPLEMENTAL ESTIMATES, DISTRICT OF COLUMBIA, 1923 (S. DOC. NO. 129).

The PRESIDING OFFICER (Mr. SPENCER in the chair) laid before the Senate a communication from the President of the United States transmitting supplemental estimates of appropriation for the District of Columbia for the fiscal year ending June 30, 1923, in the sum of \$575,000—buildings and grounds, public schools, for alterations to existing buildings, and the erection of an addition to the Western High School to provide a new assembly hall, gymnasium for boys and girls, and at least 12 additional classrooms, \$550,000; fire department, for two triple combination motor pumping engines, at \$12,500 each, to be immediately available, \$25,000—which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

WESTERN PINE MANUFACTURERS' ASSOCIATION.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the chairman of the Federal Trade Commission transmitting the report of the commission on the Western Pine Manufacturers' Association, which will be referred to the Committee on Commerce.

Mr. KING. Mr. President, it seems to me the report just submitted, which is a very voluminous and a very important one, might with propriety go to the Committee on the Judiciary. This report finds that another lumber organization, or a number of organizations, have conspired to violate the Sherman antitrust law. The Supreme Court has recently decided that a certain lumber organization had violated the Sherman antitrust law, and the proceedings which were instituted were upheld by the appellate tribunal. This report, it seems to me, calls for action by the Department of Justice for the purpose of destroying this trust. There ought to be judicial proceedings instituted against it, either criminal or civil, because the report indicates that there is an organization in contravention of the provisions of the Sherman antitrust law.

I regret that there are not two reports, so that one could go to the Committee on Commerce and the other to the Judiciary Committee, because I think the report will be illuminating to the Judiciary Committee and may aid it in the work of perhaps improving or amending the Sherman antitrust law.

Mr. SMITH. Has not the law creating the Federal Trade Commission and defining its powers been amended so as to give them certain powers to proceed in such cases? Can the Senator tell me to what extent they can cause such companies to desist from these practices?

The VICE PRESIDENT resumed the chair.

Mr. KING. Unfortunately, as I construe the Federal Trade Commission act, this jurisdiction is to be invoked for the protection of business men against the misdeeds of business men as they affect each other. They are to protect business men, and organizations in business, from unfair practices against each other, but the public may be damned, if I may use such language, so far as the effect of that act is concerned.

Mr. SMITH. I asked the question because a report similar to the one in regard to the lumber organization was transmitted in reference to the tobacco combination, and my information was to the effect that the law allowed the commission to go to the extent only of issuing an order to them to desist and cease from such practices.

Mr. KING. As I understand the law, the practices must affect the business men themselves, the dealers, not the public. I may be placing too narrow a construction upon it, but I think it is the view entertained by many that the practice must affect the business men rather than the public.

Mr. WALSH of Montana. Mr. President, I think the Senator from Utah has stated the situation quite accurately, but it seems to me the inference that is to be drawn from his statement is not well founded. The primary purpose of the Federal Trade Commission act was not so much to protect the dealer as it was to protect the consumer, the purchaser. It is true that it aims at repressing unfair practices in trade as between the dealers, but it was contemplated that eventually those practices would, if persisted in, drive competitors out of business, and then the perpetrator of the improper practices would be left sole master of the field, and thereupon the public would suffer by reason of being subjected to monopolistic prices. The whole idea was that it was not sufficient to aim at the combinations which would eventually grow up and become violative of the Sherman act; that we ought to go further than that, and endeavor to prevent those practices, which, persisted in and

successfully prosecuted, would result in driving rivals out of business, the purpose being to take care of the ultimate consumer.

Mr. KING. May I not state to the Senator, however, that Mr. Stephens, who has published a book upon the Federal trade act and the purposes of it, seems to indicate, as I recall, though it is some time since I read it, that while ultimately perhaps the desire was to secure what the Senator has said, yet that it was aimed directly at certain evil practices, and I think he enumerates eight or nine, as the Senator will recall. Therefore the Federal Trade Commission have rather employed the act for the purpose of preventing trade discrimination and trade practices among the tradespeople which were injurious to the people engaged in trade.

Mr. SPENCER. Mr. President, will the Senator from Utah yield?

Mr. KING. Certainly.

Mr. SPENCER. I think the then occupant of the chair was mistaken in referring the report of the Federal Trade Commission to the Committee on Commerce, because on June 9, 1921, a report from the same Federal Trade Commission, with regard to the lumber interests of the Pacific coast, was referred to the Committee on Interstate Commerce. I suggest to the Senator from Utah, if it meets with his approval, that this report ought to go to the Committee on Interstate Commerce and then if it needs a reference to the Committee on the Judiciary it can be adjusted.

Mr. KING. Technically, I think that is correct. I only regret there is not another copy of the report which might be referred to the Committee on the Judiciary.

Mr. SMITH. Mr. President, I would like to ask the Senator from Utah a question following the statement made by him a moment ago that the act was intended to correct practices among those engaged in the trade. As I recall, the report on the tobacco situation, parallel to its report on the lumber situation, has had a disastrous effect upon the primary market, upon the raw material, upon the local mill as well as upon the producers of the tobacco itself, in this combination, not only fixing the price of the finished product and determining what the output shall be and where it shall be distributed, but also affecting the purchase of the raw material in the primary markets in so far as to control the buyers in the markets, cutting out competition and thereby fixing the price and the amount to be purchased during a given season.

In view of the widespread effect of such a combination as is indicated in the two reports, what is the process of applying the relief contemplated in the Sherman Antitrust Act? I was of the opinion that the Federal Trade Commission, on its own initiative, upon its finding, could report and recommend to the Department of Justice that it should take such action as the case warranted. Am I correct in that view?

Mr. KING. I think perhaps the facts stated by the Senator might give jurisdiction to the Federal Trade Commission for investigation and for an order to desist from the practices therein stated; but if I understand the Senator correctly, it would seem to me that the persons who are engaged in those practices, which obviously are destructive of competition and tend to the monopolization of a given product, would be amenable to the criminal provisions of the Sherman antitrust law, and ought to be indicted and sent to the penitentiary.

Mr. SMITH. The only thing I am solicitous about just now is, the Federal Trade Commission having found the conditions as presented in their report, what action do they contemplate taking and what power under the law have they to follow the matter up so that relief may be given? In other words, if after these findings they report to Congress, then is it within their power or does it rest with us, or with whom, to bring an indictment?

Mr. OVERMAN. Mr. President, I think the machinery is sufficient in the act for the commission to notify them to desist from these practices. If they do not desist, the commission are authorized to go into court and stop it.

Mr. KING. But not criminally.

Mr. OVERMAN. Oh, no; not criminally.

Mr. KING. They might perhaps obtain an injunction.

Mr. OVERMAN. They can go into the courts and ask for an injunction or any other relief that is necessary to stop it. The machinery is provided for in the act itself.

Mr. SMITH. That is the point I wanted to get light upon—whether or not the Federal Trade Commission had the power, after its findings, to proceed in such way as to cause them to desist.

Mr. OVERMAN. Undoubtedly.

Mr. KING. I think in a matter which comes within the jurisdiction of the Federal Trade Commission, when they dis-

cover an evil cognizable under the statute creating them, then they may invoke the power of the court for the purpose of terminating the evil. But it seems to me, if the Senator will pardon me, that the state of facts which he has given would indicate a conspiracy in restraint of trade and that the criminal provisions of the Sherman antitrust law would be more effective in ending the activity so injurious to trade and competition.

Mr. SMITH. Then is it within the power of the Federal Trade Commission to bring the indictment? Does the law contemplate that they shall bring an indictment against the offenders even in a criminal court?

Mr. KING. No; it is my understanding that it would have to be left to the Department of Justice to put into operation the Sherman antitrust law.

Mr. SMITH. They could make a recommendation to that effect to the Department of Justice?

Mr. KING. Oh, I think that is true.

Mr. SMITH. That is the point I wanted to clear up.

The VICE PRESIDENT. Without objection, the report of the Federal Trade Commission will be referred to the Committee on Interstate Commerce.

THE CALENDAR.

The VICE PRESIDENT. The calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

The first business on the calendar was 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.

Mr. CURTIS. Let the bill go over. The Senator from South Carolina [Mr. DIAL], who introduced it, is not here.

The VICE PRESIDENT. The bill will go 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. Let the bill go over.

The VICE PRESIDENT. It will go 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. KING. I think my colleague [Mr. Smoot] would like to be here when the bill is considered. He is engaged in a committee hearing. I ask that the bill may 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. Let that go over for the same reason.

The VICE PRESIDENT. It 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. Let the bill go over.

The VICE PRESIDENT. The bill will go 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. KING. Let the bill go over.

The VICE PRESIDENT. It will go over.

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

Mr. WADSWORTH. Let the bill go over.

The VICE PRESIDENT. It will be passed over.

RELIEF OF CLAIMANTS BARRED BY STATUTE.

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. Reserving the right to object, I would like to have an explanation of the bill.

Mr. OVERMAN. There are certain little amounts due on the books of the Treasury to certain people who were engaged prior to the war in Government service. Among them were some ex-Confederate soldiers who were outlawed from collecting the claims. Congress has removed every inhibition against the collection of the claims and they have been collected by everybody except by a few men who belonged to the Navy. There are certain amounts due those naval officers. I do not suppose there are 40 or 50 in all. As we have removed the in-

hibition from all other officers of the Government except the naval officers, the Committee on the Judiciary thought a bill ought to pass applying to them also. It is a unanimous report of the committee.

Mr. KING. I do not find the report in my files.

Mr. OVERMAN. There is a full report accompanying the bill.

Mr. KING. When the bill was up before, did not my colleague [Mr. Smoot] object to it?

Mr. OVERMAN. He did.

Mr. KING. My colleague is detained on official business and I feel that in his absence the consideration of the bill ought to be postponed until he can be present.

Mr. OVERMAN. I have no objection to that course.

The VICE PRESIDENT. The bill will be passed over.

BILLS 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. WATSON of Georgia. Mr. President, the bill would certainly provoke long discussion and unless the sponsor of it is present and presses it, I request that it may go over.

The VICE PRESIDENT. It 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. FLETCHER. Let the resolution go over.

The VICE PRESIDENT. The resolution will go over.

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

Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

RURAL HOMES.

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. Mr. President, this bill was objected to the other day by the Senator from Oregon [Mr. McNARY] and the understanding was that a conference was to be held with the Secretary of the Interior and the matter postponed until that conference had been held. I ask that the bill may go over.

The VICE PRESIDENT. It will be passed over.

INTERNAL REVENUE COLLECTION DISTRICTS.

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. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

TREATMENT OF JUVENILE OFFENDERS.

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. Mr. President, there was an agreement between the Senator from Montana [Mr. WALSH] and myself that this bill should be disposed of the next time it was called on the calendar. I suppose we might as well dispose of it now.

I requested the Department of Justice to give the Senate a report on the number of juvenile offenders who are already serving their terms. To my astonishment I found that those offenders, duly convicted in Federal courts, had been farmed out to private corporations, some of them to church corporations.

In my own State for twenty-odd years I fought for the principle that the State ought to retain control of her own convicts; that the sovereign power of the State should never be subject to hire, to lease, to rental; that the State should have custody and absolute control of her convicts. After very many years that principle won its way, and we abolished the convict lease system in the State of Georgia. Our able-bodied convicts are now at work on our roads and our bridges, doing public service for the benefit of the public, doing State service for the benefit of the State. Younger offenders, boys and girls, are sent to a reformatory, where they will not be compelled to serve with hardened criminals and come out brutalized by the contact with those hardened criminals. In that way after a whole generation we have a system which separates the young offenders from the old and hardened criminals and puts the young of-

fenders under benign influences calculated to reform and to improve.

You know, Mr. President, that it is a well-settled principle of law that punishment is inflicted partly with a view of reforming the criminal and making him, if possible, a good citizen. The Federal law as it now stands is confined to juvenile offenders. I do not know and can not as yet inform the Senate where these boys and girls have come under the jurisdiction of the United States courts. I do not understand how boys and girls who commit offenses in this city and in other cities, in this territory and in other territories, come within the jurisdiction of the United States courts. It is inconceivable to me that these boys and girls committed offenses in the military reservations in my own State. I am convinced that it could not have been so. Where, then, under the jurisdiction of the United States courts did these boys and girls commit crimes? I am unable to tell the Senate, because I have been unable as yet to get the information. I am in pursuit of it, however; I am asking for it, and I expect to get it sooner or later. When I do get it, I shall lay it before the Senate. I should like to know, and I respectfully inquire of the Senator from Montana how, where, and when were these boys and girls convicted of crime in Federal reservations? Did they commit crimes in our national parks? Did they commit crimes in the terrain occupied by the Army? Did they offend the law in military reservations? I should like to know, Mr. President.

The VICE PRESIDENT. Under the five-minute rule the Senator's time has expired.

Mr. KING. Mr. President, I should like, in my own time, to ask the Senator from Georgia a question.

The VICE PRESIDENT. The Senator from Utah.

Mr. KING. In my own time, I desire to ask the Senator from Georgia does this bill cover offenses that are committed everywhere or only in certain restricted localities; and does it apply to a certain class of juvenile offenders or is it limited to any particular class?

Mr. WATSON of Georgia. Mr. President, answering the Senator from Utah, I will say that this bill seeks to broaden the statute so as to include all females, of whatever age, who commit acts of lewdness.

Mr. KING. What provision does the bill make with respect to their incarceration? What discretion does it give with reference to places which they may be committed for incarceration?

Mr. WATSON of Georgia. Mr. President, answering the Senator, I will say that, as I understand the bill, it gives to the Attorney General absolutely unlimited power over these convicts, to lease them out anywhere on any terms he may see fit.

Mr. KING. I should like to ask the Senator, in my own time, to point out the principal objection to the bill; to visualize it for us.

Mr. WATSON of Georgia. I will do so. One is that the Federal Government ought to retain the custody and control of its convicts, and not lease them out to any private corporation or to any church. The principle of separation of church and state is, in my judgment, violated by this proposed law; and, Mr. President, I do not believe that a sovereign power, punishing a citizen, ought to make merchandise of the convict, whether that convict be male or female, black or white, young or old.

Mr. KING. Does the Senator think that this bill would mitigate an evil now existing or that the method of treating those who would come in this category under the present law is improper?

Mr. WATSON of Georgia. Mr. President, in my judgment, this proposed legislation is of the most dangerous character, and it would lead to any amount of abuse. When it is provided that women who are guilty of acts of lewdness shall be railroaded into a convict pen, anywhere, on any terms, I believe it is a violation of the spirit of our laws. The Government itself ought to provide a place for reformation as well as for punishment.

Mr. WALSH of Montana. Mr. President, I have no desire whatever to engage in any disputation concerning the merits of the measure now before us. I take occasion again, however, having heretofore advised the Senate, to tell Senators what the measure is. If the Senator from Utah [Mr. KING] will give me his attention, I may be able to answer some of the questions which he has addressed to the Senator from Georgia [Mr. WATSON]. The existing statutes, being sections 5549 and 5550 of the Revised Statutes, date from the years 1865 and 1872; they have been in existence all that time, and they read as follows:

Sec. 5549. Juvenile offenders against the laws of the United States, being under the age of 16 years, and who may hereafter be convicted of crime, the punishment whereof is imprisonment, shall be confined during the term of sentence in some house of refuge to be designated by

the Attorney General, and shall be transported and delivered to the warden or keeper of such house of refuge by the marshal of the district where such conviction has occurred; or if such conviction be had in the District of Columbia, then the transportation and delivery shall be by the warden of the jail of that district, and the reasonable actual expense of the transportation, necessary subsistence, and hire, and transportation of assistants and the marshal or warden only shall be paid by the Attorney General out of the judiciary fund.

Sec. 5550. The Attorney General shall contract with the managers or persons having control of such houses of refuge for the imprisonment, subsistence, and proper employment of all such juvenile offenders, and shall give the several courts of the United States and of the District of Columbia notice of the place so provided for the confinement of such offenders; and they shall be sentenced to confinement in the house of refuge nearest the place of conviction so designated by the Attorney General.

Mr. WATSON of Georgia. Mr. President, will the Senator allow me to interrupt him?

Mr. WALSH of Montana. I yield to the Senator from Georgia.

Mr. WATSON of Georgia. I have just received from my office the report which I intend to use in this connection. Perhaps the Senator himself would be interested to learn the facts.

Mr. WALSH of Montana. I will be very glad to give place to the Senator.

Mr. WATSON of Georgia. The communication is under date of January 27, 1922, and sets forth that the State Industrial School for Boys at Golden, Colo., has 8 of these juvenile offenders; the State Reformatory at Cheshire, Conn., has 28; the National Training School for Boys at Washington, D. C., has 278; the National Training School for Girls, Washington, D. C., has 4 inmates; the reformatory at Anamosa, Iowa, 90 inmates; St. Mary's Industrial School, Baltimore, 6 inmates; House of Reformation, Cheltenham, Md., 1 inmate; House of Correction, Jessups, Md., 45 inmates; Massachusetts Reformatory, Concord, Mass., 3 inmates; Minnesota State Reformatory, St. Cloud, Minn., 13 inmates; Missouri Reformatory, Boonville, Mo., 47; Industrial Home, Tipton, Mo., 132; State Training and Agricultural School for Boys, Nashville, Tenn., 5 inmates.

Mr. President, if the Senator will be so obliging as to allow me to say it, I would not be willing to farm out to any Baptist church, or Methodist church, or any other church, the work and the service of a convict of any court, State or National. I would be glad to be informed how it is that 278 boys and girls have been convicted here in Washington City of lewd crimes, that did not come under the jurisdiction of the court of the District of Columbia instead of the Federal court.

Mr. WALSH of Montana. I continue, Mr. President. It will be observed that the law to which I have invited the attention of the Senate dates from 1865, and very humanely provides that instead of consigning juvenile offenders under the age of 16 years to confinement in some prison or penitentiary they shall be sent to houses of refuge or to reformatories. The Federal Government, so far as my information goes, never established reformatory institutions or houses of refuge for juvenile offenders. Perhaps it has been negligent in that respect, but you will observe—

Mr. WATSON of Georgia. Mr. President—

Mr. WALSH of Montana. Just a moment. You will observe from the information now given us by the Attorney General through the Senator from Georgia that the Federal Government usually avails itself of the State institutions for that purpose. I now yield to the Senator from Georgia.

Mr. WATSON of Georgia. Mr. President, just for information, how did these boys and girls fall within the jurisdiction of the Federal court?

Mr. WALSH of Montana. Mr. President, I am unable to give the Senator exact information upon that subject. They were all charged with violating some statute of the United States; they were all tried in the United States courts for the violation of some such statute; they were all found guilty of violating the statute. Had they been adults they would have been sent to the penitentiary, but instead of being sent to the penitentiary they were sent to reformatory institutions.

Without knowing anything about the specific cases, Mr. President, I desire to say that it is my impression that they were all convicted either of some crime to which juveniles would subject themselves, possibly under the Mann Act, for instance, or, more likely, they committed some ordinary crime upon some place within the exclusive jurisdiction of the Government of the United States as, for instance, a military reservation or a national park or a post-office building or some place within the exclusive jurisdiction of the Government of the United States, so that they could not be punished under State statutes.

The Senator from Georgia is no doubt aware that many places, such as Army posts, are within the exclusive jurisdiction of the United States, and all crimes, no matter what their character may be, just as in the case of Indian reservations.

fall within the jurisdiction of the United States and not the jurisdiction of any State. A very interesting case arose in my State. At one time a man was charged with murder in the State court. The crime having been committed in the neighborhood of the city of Missoula, it was alleged in the State court that the particular place where the crime was committed was within the Fort Missoula Military Reservation and the State court had no jurisdiction. The case went to the Supreme Court, and the Supreme Court sustained the contention and discharged the defendant. He was thereupon indicted in the Federal court. The defense was then raised that the place was not within the Fort Missoula Reservation, but was within the jurisdiction of the State of Montana, and the Federal court sustained that contention and dismissed him, and he went free.

Mr. WATSON of Georgia. Mr. President—

Mr. WALSH of Montana. I yield to the Senator.

The VICE PRESIDENT. The time of the Senator from Montana has expired.

Mr. WATSON of Georgia. Mr. President—

Mr. KING. Mr. President, this is quite an important matter. It seems to me that with the questions presented, legal and otherwise, we ought to have a little fuller discussion. I ask unanimous consent that the Senator from Montana may have 10 minutes additional, and that the Senator from Georgia may have 10 minutes additional, for the discussion of this important matter.

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

Mr. OVERMAN. Mr. President, I want to say that I do not know under what statute it is done or how the custom was established, but I do know that the Federal courts in North Carolina and other Southern States are sending these offenders, girls and boys, to a training school here in Washington. It is one of the most beautiful places in Washington, out on the Baltimore road. I have no doubt Senators have seen it. It was established by the Government for this purpose. Under what authority they are sent there, I do not know, but I know that they are sent there constantly. I know that the sheriff and the deputy marshal of my district have brought these offenders—small boys and small girls—here for the purpose of training, instead of sending them to Atlanta.

Mr. WALSH of Montana. I suppose a juvenile offender is brought up before a judge, and it is a question of whether he will send him here to Washington to the training school or send him to the penitentiary at Atlanta, and he chooses to send him to Washington.

Mr. OVERMAN. That is the point, and he sends him to Washington. This school is one of the most beautiful places in Washington, and, I understand, is a very fine institution. I do not know personally.

Mr. WALSH of Montana. If the Senator from Georgia will pardon me for just one moment, the only purpose of this bill is to make the existing statute applicable to females convicted of offenses against chastity whether they are over or under 16 years of age. That is the whole purpose of the bill—not to enact a new statute but to extend one that has been in existence since 1865 so that it will embrace girls, although they are over 16 years of age, who may possibly be subjected to reformatory influences.

Mr. WATSON of Georgia. Mr. President, I think the Senator from Montana and other Senators will be interested to know that this practice of sending girls and boys, men and women, from city courts to distant States has become prevalent here of late. It is a great abuse.

Somebody sent me a clipping, two or three months ago, which stated that the judge of the city court of Columbus, Ga., had sentenced some girls to go to a private institution in Louisiana. I telegraphed to the judge, Judge Lewis, asking him upon what theory he sent convicts from the State of Georgia into the State of Louisiana. During the day I got a telegram from him, saying that certain welfare workers in the city—ladies, of course—had requested it, and the girls themselves had consented—under duress, of course—but that he had made other arrangements, and would now keep them in Columbus.

During the trial of the celebrated Leo Frank case, a necessary girl witness was brought back into Georgia from the State of Ohio, and after she had testified she was sent back to a private institution in Cincinnati. She had been convicted of lewdness committed on the streets of Atlanta, and she was sent to Ohio for punishment. The Senator from Montana—one of our best lawyers, a good-hearted man, a noble Senator—will be astonished to learn that nearly 200 of these convicts are in Missouri. Where is there a military reservation in Missouri on which these boys and girls may have committed offenses?

Mr. WALSH of Montana. I must say to the Senator that in my humble opinion the matter is entirely irrelevant. I do not know for what they were convicted, nor whether the Federal court usurped some jurisdiction or did not; but, if it did, this statute was no justification for it at all.

Mr. WATSON of Georgia. But, Mr. President, the point is this: The Senator is broadening the statute so as to include all women, of whatever age.

Mr. WALSH of Montana. If the Senator will pardon me, the statute does not broaden the jurisdiction of the court at all—not in any sense whatever. It does not give the court jurisdiction over a crime or over a person that the court had not jurisdiction of before; but the court having jurisdiction over the person, and having jurisdiction over the crime, and having found the person guilty, now has a discretion to send the person to the penitentiary or to a reformatory institution. That is the whole statute.

Mr. WATSON of Georgia. But, Mr. President, the statute as it now stands puts the age limit at 16 years, and the Senator seeks by his amendment to remove the age limit.

Mr. WALSH of Montana. As to female offenders guilty of the first offense.

Mr. WATSON of Georgia. Why in the world should female offenders be discriminated against? Why is a lewd woman more of a criminal than a lewd man?

Mr. WALSH of Montana. That is an argument upon the merits of the matter which I do not care to engage in.

Mr. WATSON of Georgia. Mr. President, if the Senator will pardon me, this is a most important question, and I think it is a constitutional question. I should be very glad if the Senator from Montana would take the matter under consideration, reflect upon it with his great legal ability, and decide within himself whether it does not contravene the spirit of our Constitution, which says that the State and the church shall be forever separate. This turning over of criminals, whether male or female, young or old, to private institutions and church corporations, is, in my judgment, violative of the spirit of the Constitution.

Mr. WALSH of Montana. Mr. President, I do not understand that argument at all. The church feature, so far as I can see, does not enter into the proposition at all. Apparently 95 per cent of those who have been sent to reformatory institutions under the law as it now exists are sent to State reformatory institutions, and it is a matter of entire irrelevancy. The Attorney General is authorized to make such contracts as in his judgment will serve the purpose. Apparently in the past they have found it most convenient, and most nearly in accordance with the spirit to which the Senator appeals, to make these contracts with the State authorities. The Senator is doubtless aware that the Federal Government makes exactly the same arrangements with regard to prisoners before they are tried. They are usually incarcerated in the State and county jails under contracts with the Government, the female culprits as well as the male culprits.

I started in, however, to try to tell the Senate what the bill purports to do, and I should like to do that. I called your attention to the statute as it exists. Now it is to be amended by adding thereto the following:

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, in the manner provided in the case of juvenile offenders, by said section 5549, when, in the opinion of the presiding judge, that course seems justified by the circumstances of the case and the intelligence and previous character of the offender: *Provided, however,* That this act shall not apply to the case of any woman who has previously been twice convicted of similar offenses in the courts of the United States, or who, at the time of her arrest, was conducting or managing a house of prostitution.

In other words, the woman being convicted of the offense, and in the opinion of the judge there being a question of her reformation, he may, instead of sending her to the Federal penitentiary at Atlanta or Leavenworth or elsewhere, send her to some house of refuge or some reformatory institution.

Then the next section provides that he may make contracts accordingly:

The Attorney General shall contract with the managers or persons having control of such houses of refuge for the imprisonment, subsistence, and proper employment of all such juvenile or female offenders, and shall give the several courts of the United States and of the District of Columbia notice of the places so provided for the confinement of such offenders; and they shall be sentenced to confinement in the house of refuge nearest the place of conviction so designated by the Attorney General.

So that, Mr. President, if a judge in the State of North Carolina or in the State of Georgia sends an offender to the State of Ohio when there is a nearer place provided for, the judge

simply disregards the law. That is all there is to that. Judges do that sometimes, and lay themselves open to impeachment; but the law provides that the culprit must be sent to the house of refuge nearest the place.

Mr. President, I think the questions introduced here by the Senator from Georgia are very largely irrelevant. It is a matter of no consequence how many of these people are amenable to the laws of the United States. None of them are subject to it at all; no convict can go there, except he or she is found guilty of a violation of a Federal statute. There may be no Federal statute applicable; if not, there will not be any offenders.

I put in the Record, when the matter was here before, the immediate occasion which prompted the Attorney General to ask for this legislation. It comes from the Department of Justice in consequence of many violations of the laws during the war. Lewdness and prostitution were rife about the military camps throughout the country that were then under the exclusive jurisdiction of the United States. They were not amenable to punishment under the laws of the United States; and many arrests of females were made, many of them over 16 years of age, and all that the judge could do was to send them to the penitentiary. The Attorney General, prompted by humane instincts, I am sure, asked us to amend the law so that the judge could do what is proposed in this bill; and now my recollection is refreshed: There was a letter from one of the judges, my recollection is, down in Texas, who, much to his regret, was obliged to send many of these girls, who he thought might be reclaimed, to some penitentiary, where they mingled with the common criminals, and their future was a perfectly dismal one, with no hope whatever. For these reasons he was moved to ask that the statute be amended, and I sincerely trust it will be.

Mr. WATSON of Georgia. Mr. President, the Senator from Montana has not put the Senate in possession of any facts as to when, where, and why these juvenile offenders were convicted. It appears from the report which was furnished me by the Department of Justice that nearly 200 of these convicts have been farmed out to institutions in Missouri. It appears that a very large number are here in the District of Columbia, and a large number in Iowa. I have a natural curiosity to learn how the United States courts got jurisdiction over these boys and girls.

The Senator referred to the war; but the war is over. The law was not enlarged during the war. Now that peace reigns so far as we are concerned, the Senator seeks to enlarge the statute. The 16-year limit would be removed by his proposed amendment, and all, white and black, rich and poor, would be subject to this law if it is changed as he proposes.

The names of these institutions indicate what they are. Some of them are church institutions, and when a State sentences its convicts to be punished by a church, I say it is a violation of the spirit of the Constitution, and when the Senator from Montana says that the objection is irrelevant, I must take issue with him. He is entitled to his opinion, I am entitled to mine, Senators are entitled to theirs; but I think, Mr. President, it is a terribly dangerous thing to have the Attorney General vested with power to lease out these convicts to private institutions, whether lay or ecclesiastical.

Mr. WALSH of Montana. Mr. President, I feel that that statement should not go without some comment. The Senator has frequently said something in the course of the discussion to the same effect. There is no power in the Attorney General to lease out any convicts, either juvenile or otherwise. To say that he can "lease out" convicts contemplates that they are to be let out at a compensation to private individuals, to work out their own purposes. Nothing of the kind can be gathered from this statute at all. They are to be let out to houses of refuge for keeping, and they are to be kept employed there, as a matter of course, as all inmates of such houses are kept. The idea that they are to be let out to work under what is popularly known as the convict-labor system is too far-fetched to justify argument, in my judgment.

Mr. WATSON of Georgia. Mr. President, I think I know what the English language means, and the very wording of this statute vests the Attorney General with that very authority, and according to this report, he has exercised it. We need not split hairs about the meaning of words, but the language there is perfectly plain, that the Attorney General is vested with authority to contract for the custody and the employment of these convicts, and if that word "contract" does not mean exactly what it says, then it ceases to mean what it used to mean.

Mr. WALSH of Montana. The Senator will bear in mind that he is to contract only with houses of reformation.

Mr. WATSON of Georgia. This report does not show that.

Mr. WALSH of Montana. That is what the bill provides.

Mr. OVERMAN. If Senators would go out to the National Training School they would find a lot of youthful bootleggers from various States.

Mr. CARAWAY. I would like to ask the Senator from Montana a question. It seems that there is some confusion. The bill as presented to the Senate does not create an offense?

Mr. WALSH of Montana. Not at all.

Mr. CARAWAY. It merely takes into consideration the punishment which may be inflicted upon people who violate a law already on the statute books?

Mr. WALSH of Montana. That is all.

Mr. CARAWAY. Nobody could be convicted under this law?

Mr. WALSH of Montana. Not at all.

Mr. CARAWAY. It creates no offense. It gives courts no additional jurisdiction and does not change the jurisdiction of any court?

Mr. WALSH of Montana. No; it does not.

Mr. CARAWAY. It simply grants to a Federal judge the power, under an existing law, to designate a place of confinement for women over 16 years of age, as he now has authority to deal with those under 16, and that is the only question at issue?

Mr. WALSH of Montana. That is all.

The PRESIDING OFFICER (Mr. CAPPER in the chair). The question is on agreeing to the last committee amendment to the pending bill.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment. If there are no further amendments the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. WATSON of Georgia. I suggest the absence of a quorum. Those who vote for this bill must go on record.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Bursum	Gerry	Lenroot	Sheppard
Calder	Glass	Lodge	Smith
Cameron	Gooding	McKellar	Smoot
Capper	Hale	McKinley	Spencer
Caraway	Harrel	McNary	Stanfield
Culberson	Harris	Myers	Sterling
Cummings	Harrison	Newberry	Sutherland
Curtis	Heflin	Norris	Trammell
Dial	Hitchcock	Oddie	Underwood
Edge	Johnson	Overman	Wadsworth
Ernst	Jones, N. Mex.	Page	Walsh, Mont.
Fernald	Kellogg	Pepper	Warren
Fletcher	Kendrick	Phipps	Watson, Ga.
France	King	Polindexter	Willis
Frelinghuysen	Ladd	Pomerene	

Mr. NORRIS. I have been requested to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate on account of a death in his family.

Mr. MCKELLAR. I desire to announce the unavoidable absence of my colleague [Mr. SHIELDS] on account of illness, and I ask that this announcement stand for the day.

The PRESIDING OFFICER. Fifty-nine Senators having answered to their names, a quorum is present.

Mr. HARRIS. Mr. President, I offer an amendment, which I think will be acceptable to everyone. On page 2, line 1, I move to strike out "home of refuge" and insert "State reformatory." If this amendment is agreed to, I shall move, on line 16, to strike out the words "houses of refuge" and insert in lieu thereof the words "State reformatories."

The VICE PRESIDENT. The second amendment being an amendment to an amendment made as in Committee of the Whole, that amendment will be reserved for a separate vote in the Senate. The first question is on concurring in the amendments made in Committee of the Whole with the exception of the amendment reserved for a separate vote.

The amendments were concurred in.

The VICE PRESIDENT. The question now is on the amendment offered by the Senator from Georgia.

The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A 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.

Mr. WALSH of Montana. Mr. President, may I ask the Senator from New Mexico [Mr. BURSUM] if he will not consent that the unfinished business be temporarily laid aside until we can get a vote on the pending bill?

Mr. BURSUM. Certainly.

Mr. WALSH of Montana. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. Without objection, it is so ordered. The Senator from Georgia offers an amendment to the pending bill, which will be stated.

The READING CLERK. On page 2, line 1, strike out the words "home of refuge" and insert "State reformatory."

The amendment was agreed to.

The VICE PRESIDENT. The Senator from Georgia offers an amendment to the amendment reserved, which will be stated.

The READING CLERK. In lines 16 and 17, on page 2, strike out the words "houses of refuge" and insert "State reformatories."

The amendment to the amendment was agreed to.

The amendment as amended was concurred in.

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

CLEARWATER, ST. JOE, AND SELWAY NATIONAL FOREST LANDS.

Mr. SMOOT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

REED SMOOT,
G. W. NORRIS,
H. L. MYERS,

Managers on the part of the Senate.

N. J. SINNOTT,
ADDISON T. SMITH,
JOHN E. RAKER,

Managers on the part of the House.

Mr. SMOOT. I will say to the Senate that the only change from the bill is that there was an amendment in these words:

Within the 6-mile limit.

The Secretary of the Interior asked that those words be stricken out, and therefore we receded, and the bill is just as it passed the Senate with that exception.

The PRESIDING OFFICER (Mr. CAPPER in the chair). Is there any objection to the present consideration of the conference report? The Chair hears none. The question is on agreeing to the report.

The report was agreed to.

RETIREMENT OF DISABLED ARMY OFFICERS.

The Senate as in Committee of the Whole resumed the consideration of 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.

Mr. WADSWORTH. Mr. President, in view of the history of the legislation and my attitude upon it in the committee, I think it incumbent upon me to make a few observations.

Mr. SMOOT. Mr. President, will the Senator yield to me for a brief statement?

Mr. WADSWORTH. I yield.

Mr. SMOOT. I was in hopes that I could be in the Senate when the pending bill was taken up for consideration. I have collected information in relation to retired officers and the cost of the same to the Government, and what this plan will cost and what it will lead to, but it would take me some time to give that information to the Senate. I am compelled to leave to attend a meeting of the Finance Committee. Before doing so, however, I wish to express my sincere hope that the Senate of the United States will not agree to this legislation. If we are going to take care of disabled volunteer officers, I think we had better take care of the disabled volunteer officers of the Civil War before we do those of any other war. Not only that, but it seems to me we are going mad, we are going crazy, on the matter of placing certain classes on the retired list. It will not be very long, if the practice continues, until every taxpayer of the country will have two or three men on his back to take care of, and when that is done—

Mr. NORRIS. When that is done the taxpayer himself will be on the retired list.

Mr. SMOOT. I was just going to make that statement and I thank the Senator from Nebraska for making it.

I thank the Senator from New York for yielding to me for a moment to say what I have. I do hope to have a chance before the bill is passed, if it ever does pass—I can not believe that it will pass, because I do not believe if Senators understand what it is that they will vote for it—to lay before the Senate and the country some of the information I have collected.

Mr. BURSUM. Mr. President, will the Senator from Utah yield for just a question?

Mr. WADSWORTH. I believe I have the floor. I yield to the Senator from New Mexico.

Mr. BURSUM. The Senator from Utah mentions the fact that before we retire any more officers we should retire the Civil War officers.

Mr. SMOOT. I said we should take care of the disabled volunteer officers of the Civil War.

Mr. BURSUM. Does the Senator from Utah realize how many officers of the Civil War could come in under the provisions of the bill?

Mr. SMOOT. I desire to say to the Senator from New Mexico that the Senate of the United States has voted time and time again that it would not put the volunteer officers, even of the Civil War, on the retired list.

Mr. BURSUM. I would advise the Senator from Utah that 91 officers would have been eligible last June, and probably a less number now.

Mr. SMOOT. The Senator means officers of the Civil War?

Mr. BURSUM. Yes; under the provisions of this bill.

Mr. SMOOT. Let the officers whom the Senator proposes to benefit by this bill wait as long as the volunteer officers of the Civil War have waited, and then we will consider the question. We have not yet passed a bill of this character and I do not believe this bill will pass.

Mr. BURSUM. That is a matter for the consideration of the Senate.

Mr. WADSWORTH. Mr. President, it is difficult in discussing a bill of this sort to suppress—indeed, it is impossible to suppress—one's sympathies for the men affected by the legislation. A group of them appeared before the Committee on Military Affairs in support of the bill introduced by the Senator from New Mexico and stated their cases, their experiences, and estimated their prospects. I say very frankly that their statements inevitably make a very, very strong appeal to human sympathy.

The bill as first introduced provided simply that any person who served as an officer in the emergency forces during the war and who incurred physical disabilities in line of duty might be placed upon the Regular Army retired list under the same conditions as those which apply to Regular Army officers. In that form the legislation was first pressed. It was finally conceded, at least by a majority of the committee and I think by the emergency officers who are supporting the legislation, that that would have had a very vicious result.

We should recollect that an officer of the Regular Army may be placed upon the retired list, either in time of peace or war, if he acquires or suffers a physical disability which renders him unfit for active service in the field. In other words, if the eyesight of a Regular Army officer were injured to the extent that he could not trust himself, and his superiors could not trust him, to command men in action or to do active field service, he may be retired upon the findings of a medical board. His retirement is brought about in the interest of the Government. He is given the retirement privilege as a protection to him in the event, as so often happens to be the case, that he has spent a dozen, 15, 20, 25, or 30 years in the Army and has given up all hope of making a fortune in private business.

Had that same theory been applied to emergency officers it would have resulted in placing upon the retired list of the Regular Army any emergency officer who had emerged from the war with defective eyesight or defective hearing, a stiffened elbow or knee joint, although that same officer might have been entirely able to return to his profession or his business and to carry it on with the same degree of efficiency as though he had not suffered what is comparatively a minor injury, but an injury, nevertheless, sufficient to incapacitate for active field service. So the language of the original bill was stricken out and a substitute drafted, as appears on page 2 of the pending measure.

Frankly, I had hoped that the problem might be approached in a more logical and, to my mind, more proper method of legislation. I have never liked using the retired list of the Regular Army or the Regular Navy as a device for paying additional sums of money to persons outside of those services. The retired list of the Army and of the Navy was not created to be a vehicle for the relief of persons outside of those two per-

manent services, and it has never been so used. It has been kept inviolate. It was established generations ago on a well-defined and well-accepted theory.

Mr. BURSUM. Mr. President—

Mr. WADSWORTH. I yield to the Senator from New Mexico.

Mr. BURSUM. Of course, the Senator appreciates and is aware of the fact that the emergency officers of the Marine Corps were retired, and also that the provisional officers of the Army and of the Navy were retired, notwithstanding they had only been in the service a very short time.

Mr. WADSWORTH. I was going to refer to that in just a moment.

Mr. BURSUM. That is true, is it not?

Mr. WADSWORTH. Not entirely true. Congress promptly repealed it, seeing its mistake.

Mr. BURSUM. They did retire them under that law, however.

Mr. WADSWORTH. But when Congress woke up to what they had done they promptly repealed the law.

Mr. BURSUM. After about two years.

Mr. WADSWORTH. Yes. The Congress did not realize what it had done. The statement I have just made is true as of to-day.

Mr. BURSUM. I would be glad to limit this law not to two years but to one year.

Mr. WADSWORTH. I dare say the Senator would be glad to limit it in any respect if he could get through what is left.

Mr. BURSUM. I do not agree to all that.

Mr. LENROOT. Mr. President, will the Senator yield to me?

Mr. WADSWORTH. Certainly.

Mr. LENROOT. Is it not true that the provision to which the Senator refers crept into the bill and was not debated for a single moment on the floor?

Mr. WADSWORTH. Not for a single moment, and Congress had no idea it had gone through, and as soon as Congress woke up to the fact that it had gone through it was repealed.

Mr. BURSUM. It was a long time after it had gone through.

Mr. WADSWORTH. We are talking in an enigmatical sort of way, because we have not yet even referred to what we are talking about; but I think we understand what the Senator has referred to. It is that section of the naval appropriation bill passed during the war without anybody knowing it providing that temporary officers of the Navy should have the retirement privilege like the regular officers of the Navy.

Its provisions did not actually go into effect, of course, until toward the end of the war. Immediately thereafter, in 1919 and in 1920, its effect began to be felt, whereupon Congress said, "We will stop this thing," and in the naval appropriation bill last passed there is a proviso that application for such retirement shall not be filed subsequent to October 30, 1921. So the statute has been repealed.

Mr. WARREN. Will the Senator from New York yield to me a moment?

Mr. WADSWORTH. I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, the instance which the Senator from New York [Mr. WADSWORTH] has cited is one of the instances, of which there are very many, which show the desirability of having somewhere some place in our system of appropriations where such matters may go before one reviewing committee, so that at the last moment they may not be brought upon the floor by some individual Senator and passed into an appropriation costing millions of dollars. The amendment which the Senator from New York has described, which applied to the Navy and, of course, to the Marine Corps, leaving the Army outside of its provisions, is one of that character.

Before that time there had been an understanding—in fact there had been legislation to the effect—that what the Army had in way of favors the Navy should have, and vice versa; but it seems in this case there was not turn and turnabout, there was not fair play, and this legislation was passed for the Navy alone. That is what has given rise to the pressure on Senators and Representatives in Congress to pass this particular bill.

Mr. WADSWORTH. Mr. President, I was in error in a statement which I made a moment ago. I said that the naval legislation on this subject was passed during the war. I find it was not. It was enacted in an act making appropriations for the naval service for the fiscal year ending June 30, 1921, approved on June 4, 1920. In some way or other it slipped through without anybody knowing of it. It took effect June 4, 1920, and was repealed as of October 30, 1921.

Mr. MYERS. I should like to ask if the law was repealed and the practice stopped as to future applicants, whether it

was repealed or stopped as to those who had applied in the interim? They continue to draw their retirement pay just the same, do they not?

Mr. WADSWORTH. They do, of course. Having gotten upon the retired list, there is no way of getting them off; but Congress made up its mind that it would not allow applications to be filed after October 30, 1921, and the applications were still coming in at that time.

Mr. MYERS. I suppose doubtless all of those who were eligible during the interim made application?

Mr. WADSWORTH. That I can not answer. I do not know whether all persons who were eligible made application prior to that upset date, but there would have been no limit to the date when applications might be made in the future had not the Congress said, "This practice must stop." So that act, in so far as Congress could act upon it at the time, was in effect repealed.

Mr. President, I should like to start over again and state something of my own feeling in connection with this situation. I said a moment ago that I regret very much, indeed, any legislation which results in the use of the retired list of the Army as a vehicle for bringing relief to persons who are not members of the Army or the Navy and never have been members of any of those permanent forces for relief of whom and for the sole relief of whom the retired list was established generations ago.

I have been here long enough, Mr. President, to have encountered bill after bill introduced for the relief of one person or a little group of persons, the relief to be provided by authorizing the President to appoint John Smith or a group of Smiths and Robinsons and Joneses to commissions in the Regular Army or in the Regular Navy and immediately place them upon the retired list, that being a device to secure for the person the relief to which his friends regarded him as justly entitled.

In many instances the person is entitled to the relief; but that is not the direct and logical way to go ahead and bring relief to people who need it and to whom it is owed by the country. It is open to many abuses. The precedent once established of a nonmember of the Regular Establishment being made a member of the Regular Establishment in order to get more money in the way of relief is one which will lead to an evergrowing list of pensioners of that kind. It is a precedent which I dread.

Now, as to the treatment of emergency officers. I contended in the committee—I did not have my way about it; the committee reported this bill by a most substantial majority after a full and free discussion, the members voting in accordance with their convictions—but I contended in the committee, as I contend here, that if disabled emergency officers are not being treated as generously as the country should treat them, their relief should be sought through the compensation act, in accordance with the terms of which relief is afforded to all the men in the great volunteer or selective draft army which was raised during the World War.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER (Mr. ODDIE in the chair). Does the Senator from New York yield to the Senator from New Mexico?

Mr. WADSWORTH. I yield.

Mr. BURSUM. Does the Senator from New York feel that the placing of a few disabled emergency officers on the retired roll might in some way contaminate the Regulars and bring about infection?

Mr. WADSWORTH. Not at all. The Senator need not have asked me that question. He knows that it is a silly question.

Mr. BURSUM. I am glad to hear the Senator disclaim any such idea.

Mr. WADSWORTH. I was saying when I was interrupted, that Congress passed the war risk insurance act providing the method of extending relief to officers and men of the emergency forces who were injured in the World War in the line of duty. I assume the Congress intends to amend that act from time to time if, in its judgment, it is inadequate to give proper relief to those who suffered and sacrificed.

As I said a moment ago, I contended in the committee and I contend here that if there is any group or character of former soldiers, be they officers or enlisted men, who are not receiving the relief which they deserve and need they should receive it through an amendment or extension or improvement of the compensation law, and not use the retired list of the Regular Army and the Regular Navy in order to obtain that relief.

Furthermore, Mr. President, I have taken the attitude that all of the officers and enlisted men who responded to the call

in time of emergency, who received commissions or enlisted for the duration of the emergency, and in that sense corresponded with the aforesaid volunteer armies of the United States—all of them, officers and men, should be treated exactly alike in the matter of compensation for injuries sustained.

Mr. SPENCER. Mr. President, will the Senator yield to me for a moment?

Mr. WADSWORTH. I yield.

Mr. SPENCER. The Senator has referred more than once to this bill being a relief measure. I ask the Senator whether in the hearings before the Committee on Military Affairs it was not the distinct contention of those in favor of the bill that this was in no sense a relief bill? I desire to quote from the testimony of one of the first witnesses. Referring to the bill as being a relief bill or a bill for added compensation, he says:

That is exactly what the disabled soldiers do not want; that is exactly what the American Legion is not in favor of. We are not after increased compensation. What we want are the same rights, the same privileges, accorded the disabled emergency Army officers as are accorded to officers of the Regular Establishment.

Mr. WADSWORTH. Mr. President, the declaration which the Senator from Missouri has read is an important one, but the essential thing for us to understand is, What will be the effect of the bill? The effect of the bill will be to give greater relief. I do not deny here and now that greater relief is not needed; but to state that the bill now before the Senate is not primarily a relief bill is to contradict its very provisions. It largely increases the amount of money which each one of these injured officers will receive from the Federal Treasury. Many of the witnesses who appeared before the committee contending for the bill pointed out the financial aspect of the case and argued in favor of the measure on the ground that their financial status under the compensation law was so unsatisfactory and needed such improvement in the way of securing more money by way of allowance, monthly or annually, that their proposal was to take, in lieu of compensation paid under existing law, the three-fourths pay of a Regular Army officer of the same grade, which in most cases amounts to much more than the compensation paid under existing law. I think I am not inaccurate in designating this as a relief measure.

It is true that some emphasis was placed by some of the witnesses on the value which they assigned to the honor of being known as a retired officer of the United States Army. I do not deny that an honor does attach, and if proper methods of bringing it about could be devised—and perhaps they may be devised—I would not deny them that honor. But, Mr. President, reverting again to the policy of the country with respect to the treatment of its officers and soldiers raised to meet emergencies in former wars and in the World War, this bill constitutes the first attempt on the part of Congress, if it is to be passed, of drawing a line of demarcation in the matter of pensions or compensation to the injured between enlisted men and officers.

Mr. BURSUM. Mr. President—

Mr. WADSWORTH. I yield.

Mr. BURSUM. Is it not true, rather, that this is the first attempt to obliterate the line of demarcation and discrimination between the emergency officers and those of the Regular Army?

Mr. WADSWORTH. That may be said; but the question is, Do we want to obliterate the distinction between a purely temporary force and a permanent force maintained during peace and war?

Mr. BURSUM. So far as the officers of the Army who are graduates of West Point are concerned, I should say they do not want to give it up.

Mr. WADSWORTH. I am not speaking for them. I do not see what concern they have in this bill, for it does not affect them, as the Senator knows.

Mr. BURSUM. They are taking a great deal of interest in it.

Mr. WADSWORTH. I have noticed that none of them asked to come before the committee and none did come before the committee; they are not concerned in this matter.

Mr. SPENCER. Mr. President, will the Senator yield to me for a moment?

Mr. WADSWORTH. I yield.

Mr. SPENCER. The argument of the men seeking this relief, as I understand—and the Senator will correct me if I am wrong—is that in the overseas Army of the United States there was but one Army without any distinction between the emergency officer and the Regular Army officer, and therefore if two officers, to use a concrete illustration, in precisely the same engagement were wounded in precisely the same way, those officers ought to be treated in precisely the same manner after they have been incapacitated for service in civil life.

Now, I understand that an Army officer has an Army career, and may perhaps thereby cut himself off from civil careers and is entitled in times of peace to a distinction, to a differ-

ence, because of that fact; but when we are at war and regard the emergency Army officer as precisely the same as the Regular Army officer, and each of them is incapacitated for life, I can not for the life of me see why one of them should be retired as an Army officer, with all the honor and the emoluments and privileges that are associated with him, as is the case with the Regular Army officers, and the other officer, injured in the same battle and in the same way, be relegated to a compensation that may be meted out because he has been injured, but without any regard to his military standing or his military service.

Is not that the real basis of the argument on which those who are in favor of the bill stand?

Mr. WADSWORTH. I have heard that given as a basis, and others.

Mr. President, I do not quarrel with the Senator from Missouri in his statement up to a certain point. I am not contending that the emergency officer should not receive as good treatment financially as the Regular officer; but I do draw a distinction between the different grades or ranks of emergency officers which I would not draw in the case of Regulars.

The personnel and make-up of a great emergency force, officers and men, is very different from that of a regular force maintained in time of peace, generation after generation, the men spending their lives at it. I do not believe that a major in the emergency forces who loses an arm, who makes that great sacrifice, should receive any less compensation than a lieutenant colonel in the emergency forces who loses an arm likewise. He has made just as great a sacrifice. He left his home on approximately the same day. We can assume that he left an equally prosperous business. We can assume that his prospects in business and in life were just as good as those of the other man. He suffered the same injury, he displays the same gallantry; and it always has been the policy of this country to treat all those men, as among themselves, exactly alike in the matter of pensions.

This bill destroys that theory, and I do not think the policy of the bill is a wise one. It begins for the first time to discriminate in the matter of pensions to volunteer or emergency soldiers on the basis of rank. Everybody knows that rank in time of great emergency is largely a matter of accident, and sometimes a matter of choice; and that element should not inject itself in here. When one man left a going business which was prosperous and secured a commission as captain in an organization in which, it so happens, he could not get promotion to major, and another man left a like business and got, by luck perhaps, a commission as major, and the two men suffer the same injury, to provide that the major is for all his life to come going to get more money from the Government than the captain is something that we have never done in all our history, and I hope we never will.

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

Mr. WADSWORTH. I yield.

Mr. SPENCER. If a major in the Regular Army has lost his arm in the engagement which the Senator describes, and a lieutenant colonel in the Regular Army has lost his arm in the same engagement, there is no doubt about the fact that the lieutenant colonel would have received all the rest of his life greater compensation, if you like, because of his retirement as a lieutenant colonel than the major would receive, is there?

Mr. WADSWORTH. That is true.

Mr. SPENCER. Then the argument of the Senator from New York—and there is merit in the argument—resolves itself to this, if I understand him aright: That in the Regular Army the lieutenant colonel has reached his position because of a long series of years of fitness and excellence and experience that have put him above the major, and that by virtue of that fact he is entitled to retirement at a lieutenant colonel's provision of money rather than at a major's provision, while in regard to the emergency officers there is none of that fair basis of discrimination; that, as the Senator puts it, it is largely accident that one is a major and one is a captain, not particularly because one has proved himself to be a major, but because of the accidents and emergencies of the time, and therefore that there ought to be no difference between the compensation of the officers—major and captain or major and lieutenant colonel—in the emergency army for the same injury.

I can not quite agree with the Senator from New York in that line of argument, though I admit the merit of it, because I assume that the man who is a lieutenant colonel in the emergency army is a lieutenant colonel because either his bravery or his experience or his fidelity or some other reason made him a lieutenant colonel, while the other man was a major.

Mr. WADSWORTH. Then the Senator must distinguish between the sergeant and the private. If you are going to begin to distinguish, in the matter of relief money, between colonels

and lieutenant colonels and majors and captains, on the ground that the colonel is a more valuable man, a braver man, an abler man than the lieutenant colonel, and the lieutenant colonel likewise than the major, then, to be consistent, you must go clear down the line and distinguish between the sergeant and the corporal, and the corporal and the private.

Mr. SPENCER. Is it done in the Regular Army in retirement?

Mr. WADSWORTH. It is entirely different in the Regular Army. The lieutenant colonel in the Regular Army gets a higher retirement pay than the major because he has sacrificed more in point of time spent in the service. He has given more of his life to the Army as a profession. He went into it before the major did. The routine promotion in the Army runs by seniority. Length of service governs promotion in the Regular Army; and it has been the policy of the Congress for generations to raise the pay of officers of the Army and the Navy in accordance with their increase in rank. Their increase in rank travels along on a parallel with their increasing years, and the Congress always has maintained the policy that when an old officer retires—an officer in the grade of colonel, we will say—he shall get a larger retirement emolument than a younger officer, who has retired from the grade of captain or major, because he has devoted more of his life, more of his useful years, to the Army, and has to that extent made a greater sacrifice. But you can not distinguish between emergency or volunteer officers in the matter of sacrifice. There is no way of doing it.

Mr. MYERS. Mr. President—

Mr. WADSWORTH. If you assume to distinguish on the basis of relative rank, you will do injustices by the hundreds and thousands, and you never will be able to explain how it is that Capt. Smith and Maj. Jones, who worked side by side in the same law office, in the same bank perhaps, and went to the training camp on the same day and got their commissions in the emergency or volunteer forces on the same day, and went with the same unit, and took part in the same battle, and suffered exactly the same disabilities, one in the meantime having been promoted one grade through the accidents and fortunes of war—that that having been done Maj. Smith comes home and for the rest of his life draws more money as compensation for his lost arm than does Capt. Jones for the loss of his arm.

You can not do that, Mr. President. We have never done it. We did not do it after the Civil War. We did not do it after the Spanish War. We have always clung to the policy of treating all our emergency soldiers, officers and men, exactly alike in the matter of financial relief. This bill is the first attempt to destroy that parity, to distinguish between the private soldier and the captain who have suffered exactly alike in the matter of physical injury; and it opens up a vista here which, I confess, I view with considerable alarm. You never will be able to persuade the enlisted men how it is that they can not get in the days of their suffering the same financial relief that is accorded to the commissioned officers; and the passage of this bill by the Congress will inevitably bring about a justifiable demand on the part of the emergency enlisted men of this war for equal treatment so far as finances are concerned.

Mr. MYERS. Mr. President, may I ask the Senator a question there?

Mr. WADSWORTH. I yield to the Senator from Montana.

Mr. MYERS. It is not my understanding that all members of the Regular Army are promoted by length of service. Are not many officers in the Regular Army jumped many degrees over other officers who have served longer?

Mr. WADSWORTH. Those exceptions are so rare as to prove the rule. No officer in the Army can be jumped over another except when commissioned a brigadier general. Promotion in the Regular Army goes by seniority from second lieutenant to colonel, inclusive; and as of the 14,000 officers in the Regular Army all but about 100 are colonels or less one can see what an important factor length of service is in the matter of promotion in the Army. It is bound to be that way.

Mr. President, it is not agreeable, at least to me, to oppose this bill, because my heart goes out to the men who appeared before the Military Affairs Committee. They made a very strong appeal. My contention and my only contention has been that they should seek relief through the channels and the machinery already set up by the Congress in the form of the compensation acts. A number of these men appeared before the Military Affairs Committee and stated the amount of compensation they would draw when finally discharged from their emergency commissions. The men who appeared before us were still in the emergency forces, as they were still patients at the Walter Reed Hospital. The maximum of medical re-

lief has not yet been attained, and they still hold their commissions and draw the pay of their grades until finally discharged. Then their compensation will commence. The physical condition of the men who appeared before our committee was apparent; it was distressing; and in several instances they satisfied me that the compensation which they are going to receive after they fall automatically under the compensation act will not be sufficient. I admit that. My only proposal has been from the beginning that we should amend the compensation act, and give such a man enough to support him; and I refuse, myself, to distinguish between him and the man next lower in grade or rank. I would give him enough to support himself, and I would give the man below him enough to support himself, and all down the line. I would not distinguish between them. I would advocate every possible degree of generosity. I would go to the utmost limits in seeing that those men are enabled financially to lead comfortable, decent lives as long as they shall live. Our gratitude toward them should never cease, and I think it never will; but when you ask me to distinguish between them on the basis of rank, I say "No."

I will only distinguish between them on the basis of disability. I can not support a measure which will take the recently arrived immigrant who takes out his first citizenship papers and, with a fine spirit of loyalty, enlists in the Army of the United States in the great emergency, and loses a leg, and pay that man less for the loss of his leg than the man who happened to be a sergeant, just over him. That is the principle of this bill, although the bill does not affect enlisted men at all. If we distinguish between officers rank by rank, we will have to distinguish between the enlisted men grade by grade, and we would reach an impossible situation, and one fraught with injustice, one which we would never be able to defend.

There are one or two little matters which might be alluded to in connection with this legislation. The contention was made before the committee, and has been made since, that an unfortunate contrast was presented in an incident of this sort: A young man graduated from West Point, we will say, in the spring of 1917, and, of course, was immediately commissioned as a second lieutenant in the Regular Army. He was assigned to a unit, went to France, and was severely wounded, to such an extent that for the rest of his life he will be incapacitated for active service in the field, according to Regular Army standards. He went on the retired list of the Regular Army at three-fourths of the pay of a second lieutenant, although he may have been in the Army only 6, 8, or 10 months.

Another young man of the same age, but who did not go to West Point and did not receive a commission in the Regular Army, took an emergency commission, went to France, and was injured in the same way and to the same extent, and he, instead of getting three-fourths of the pay of the grade of second lieutenant, falls under the provisions of the compensation act and receives something less.

The argument is made, and it is rather an effective one, that the young West Point boy is treated so much better than the other. Perhaps the picture would be more accurate if we took men in one grade higher—first lieutenant—where the three-fourths pay amounts to more than the three-fourths pay of a second lieutenant. The argument is made that because few contrasts of that kind can be pictured we should change the whole policy of the Government, dating back 70 or 80 years, and see to it that emergency officers and volunteer officers as a class shall hereafter draw more money in the way of relief than those who were not officers and who served in the ranks of an emergency or volunteer army.

I grant the apparent injustice as depicted in the contrast between the young Regular Army lieutenant and the young emergency army lieutenant. My contention is that the instances of that kind are comparatively few in number, very, very few, and that they should not be taken as an adequate argument and reason for abolishing our whole philosophy of pensions and compensation. I think in that case we would be endeavoring to escape from a comparatively minute evil and rush into the arms of an evil so great and so all embracing that it would destroy that spirit of fair play which should follow after every war and which should dictate, and has dictated up to this moment, equal treatment in the way of compensation for every officer and man, without distinction, who leaves his private employment to defend his country and returns home injured.

Mr. BURSUM. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from New Mexico?

Mr. WADSWORTH. I yield.

Mr. BURSUM. If that be true, that there should be equal treatment in the matter of compensation after the war, was it not equally true that we should have accorded equal treatment during the war?

Mr. WADSWORTH. No.

Mr. BURSUM. Why not?

Mr. WADSWORTH. In the way of pay?

Mr. BURSUM. Yes.

Mr. WADSWORTH. Because there are different degrees of responsibility in rank and in grade, from the top to the bottom, in the Army and Navy; also, there is a greater expense imposed upon officers than that imposed upon enlisted men. Enlisted men are put to no expense whatsoever. They are fed, clothed, transported, and doctored. The officer has to feed himself, clothe himself, and in many instances is subjected to other expenses which the enlisted man is never called upon to meet. Surely the Senator from New Mexico can not draw a parallel there. I am talking about equal treatment of men who are no longer in the Army or in the Navy, but who have made equal sacrifice while in it, and for equal sacrifice to the country I demand, as much as one Senator may, equal treatment. That is the point I have tried to emphasize here this afternoon.

Mr. BURSUM. If the Senator from New York concedes that differences in salary are just, I assume it is for the reason that those receiving higher salaries possess greater earning capacity.

Mr. WADSWORTH. Not out of military life.

Mr. BURSUM. I am speaking of earning capacity in the service.

Mr. WADSWORTH. In the service; yes.

Mr. BURSUM. I assume also that the Senator from New York appreciates that in all matters of compensation under any of the laws of the States the earning capacity is an essential factor in determining the amount of compensation to be paid. That is the law in nearly every State in the Union.

Mr. WADSWORTH. What sort of compensation?

Mr. BURSUM. Compensation for injuries in any line.

Mr. WADSWORTH. Does the Senator mean under employers' liability acts and workmen's compensation acts?

Mr. BURSUM. Yes; under workmen's compensation acts, any sort of compensation.

Mr. WADSWORTH. Surely the Senator from New Mexico will not contend that this bill bears any relation to a man's earning capacity in civil life.

Mr. BURSUM. Not in civil life. The earning capacity must be determined upon the basis of his earnings at the time next preceding the injury.

Mr. WADSWORTH. Not under this bill.

Mr. BURSUM. Of course.

Mr. WADSWORTH. There is nothing in this bill in relation to that.

Mr. BURSUM. There is, absolutely. The officer's injury was sustained in the service, we will say, and his retirement is based upon his rank and pay in the service.

Mr. WADSWORTH. Certainly.

Mr. BURSUM. Of course, that is the basis. A captain will receive more than a lieutenant, and a major will receive a little more than a captain. That is the precise basis, and it is in line with the general rule of determining the proper compensation for injuries.

Mr. WADSWORTH. I do not believe that basis is a proper one, as I have tried to point out; but I challenge the Senator from New Mexico to be entirely consistent about it and draw the same distinction as among the different grades of enlisted men, and see how long any such measure as that would last. The first sergeant of a company of Infantry draws nearly three times as much as the "buck" private. Does the Senator from New Mexico contend that he should have three times as much compensation for the same kind of injury? I think not. But that is what he is attempting to do in the case of officers.

Mr. BURSUM. That is a separate proposition. What I am contending for is that those who happened to belong to the emergency army should be given identically the same treatment as officers who belonged to the Regular Army, when their injuries were suffered under the same conditions. Equality is what we are contending for.

Mr. WADSWORTH. The Senator from New Mexico and I have discussed this thing a good many times, in committee and in private conversation, and we do not seem to be able to agree on the basis for a just system of compensation to the men who go forth in defense of their country in an emergency.

Mr. BURSUM. That is very apparent.

Mr. WADSWORTH. I have expressed my views here because, in the first place, several Senators asked me what I thought of this legislation, being somewhat disturbed concerning it, thinking, as I do, that it constitutes a very grave departure.

I have discussed it with no thought or feeling of hostility toward that remarkable body of men, the emergency officers, for whom I have an immense respect. Their efficiency and their gallantry were extraordinary. But I can not help remembering what the policy of the United States has been after every war we have ever waged, how we have always declined to distinguish among these men on the basis of rank, and I rose to express the hope we would never do so; that we should treat them all exactly alike.

Mr. FLETCHER. Mr. President, I am unable to quite agree with the chairman of the committee, the distinguished Senator from New York [Mr. WADSWORTH], with reference to what he calls the discrimination in the bill. It seems to me one of the great objects of this bill and one of the effects of it will be to do away with an existing discrimination.

The purpose is to allow the emergency officer who served in the war, sacrificed, did his duty, and performed precisely the same kind of service the regular officer performed, or the marine officer performed, or the Navy officer performed, to enjoy the same benefits under the same conditions. If he was disabled in the service in the discharge of his duty, why should he not be allowed the same privileges, as to retirement, for instance, the other officers enjoy?

This measure is not a new proposition. It was formally submitted in the House and there were extensive hearings on it, and it seems to have been referred to the Committee on Interstate Commerce in the House, for some reason or other, and they sought to take care of it through some amendments to the war risk insurance act, to provide for this condition under some form or plan of compensation, but that was not accomplished.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Nebraska?

Mr. FLETCHER. I yield.

Mr. NORRIS. The Senator is a member of the Committee on Military Affairs, and I want to propound a question entirely for information. I ask the Senator whether there is any difference between this bill, applying to the officers of the Army in the late war, and the legislation which has several times been proposed, and always failed, which would retire the volunteer officers who served in the Civil War?

Mr. FLETCHER. I do not know that there is any great difference in principle in the two propositions.

Mr. NORRIS. Then, Mr. President—

Mr. SHEPPARD. Mr. President, may I suggest to the Senator—

Mr. NORRIS. Let me ask another question in connection with this. If there is no difference—

Mr. BURSUM. Yes; there is a difference.

Mr. NORRIS. If there is no difference, then what excuse, as a matter of justice, can we give for an act that permits the retirement at increased pay of soldiers of the World War that will not permit officers of the Civil War, 50 years after that war, to retire and receive increased pay?

Mr. SHEPPARD. May I suggest to the Senator from Florida that the bill applies only to disabled officers where they are disabled to the extent of at least 30 per cent?

Mr. FLETCHER. Yes; this is confined to the disabled officers. However, the matter to which the Senator from Nebraska has referred was alluded to in the hearings, and I might refer to it just briefly. One of the witnesses made reference to it. Lieut. Hammitt said:

Most of the points that I was going to bring up to-day have been covered, but there are a few things that I would like to clear up. This mountain, as I would term it, about the officers of the Civil War and the Spanish-American War, when diagnosed, I think will prove to be more or less of a molehill. If the same percentage applied in the Civil War to wounds and disabilities and casualties as applied in this war, there were 200,000 officers in this war, emergency officers, and but five or six thousand are drawing compensation. That is 1 out of 40. If the same ratio applies to the officers left living from the Civil War, about 8,000, I think, or 1 out of 40, then we would have 20 officers eligible for retirement from the Civil War.

That would be the effect if we extend this to apply to those conditions and to the Civil War retired officers. But referring to the basis or the foundation of the proposal, it seems to me the arguments submitted in favor of it are unanswerable.

Mr. NORRIS. Mr. President, before the Senator leaves the question I have propounded, may I still make the inquiry, Why not include the Civil War officers? Why are we discriminating against them after 50 years have elapsed?

Mr. FLETCHER. There is no discrimination. There is no proposal of that sort pending.

Mr. NORRIS. I understand. The very fact they are not included is a discrimination against them, it seems to me.

Mr. FLETCHER. If a proposition of that sort should be submitted, confined as this is to disabled officers, I apprehend

that the question which the Senator propounds would be appropos, but there is no discrimination here. The bill refers to the officers engaged under these circumstances and, as I shall show a little later, the original idea of all these men was that they would be upon the same basis as the Regular Army officers in the war.

In the first place, the American Legion, an organization composed of more than a million and a quarter of ex-service men and women, and speaking direct to the pending bill, have indorsed it fully. They did that at their convention on November 11, 1919, and passed resolutions which are set out in the hearings. I think perhaps it would be in order to include those resolutions as a part of my remarks if they have not been included heretofore. There is a copy of the resolutions set out in the committee hearings, and I ask permission to have them inserted in the Record as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The resolutions referred to are as follows:

Whereas the officers and enlisted personnel entering the Army from civil life during the recent war bore the same risks, the same responsibilities and burdens under identical conditions with officers and enlisted men of the Regular Army; and

Whereas National Guard, National Army, and Reserve Corps officers have been discharged on disabilities ranging from 10 per cent to total, which means that they receive after discharge only from \$3 to \$30 per month, while a Regular Army officer, if he is unfit for active duty is retired on three-fourths of his pay, with additional amounts for commutation of heat, light, and quarters; and

Whereas the present laws and regulations constitute an unjust discrimination in favor of a certain class of our military forces, viz, the Regular Army, and this discrimination being in principle un-American and unworthy the practice of a great democracy: Be it

Resolved by this national convention of the American Legion, That the existing laws and regulations do unjustly and unwisely discriminate in favor of persons whose interests were no greater and whose service was of no greater benefit to the Nation, and that such discrimination has a tendency to place the several branches of our military system on a different status, thereby causing friction and injustice; and be it further

Resolved, That the national convention of the American Legion heartily indorses the resolution on this subject adopted by the St. Louis caucus of the Legion, and we again request the Congress of the United States to amend the present laws so as to place all disabled officers and enlisted personnel on the same basis as to retirement for their disability, whether they happened to serve in the Regular Army, the National Guard, the National Army, or the Reserve Corps.

Mr. LENROOT. Mr. President—

Mr. FLETCHER. I yield to the Senator from Wisconsin.

Mr. LENROOT. I would like to ask the Senator if he has talked with any private, one who knew or understood what the bill does, who has expressed himself in favor of it?

Mr. FLETCHER. I will come to that in a few moments. I am taking up the matter in order, but I think I will show, based upon the testimony before our committee, that the enlisted men are in favor of the legislation.

Mr. BURSUM. If I recall correctly, there was at least one private soldier who appeared before the committee at the hearing.

Mr. FLETCHER. Yes. I will deal with that in a few moments.

The statement was made and urged very strongly before the committee that those who are in favor of the bill are not basing it upon the ground of charity or any favoritism. They claim distinctly, and I think with sound basis, that they are asking that the discrimination existing between the disabled emergency officers and the officers of the Regular Establishment be removed. That is the point they make. They say that these men did exactly the same work under exactly the same conditions as the officers of the Regular Army, and the records and the proofs will show that the great bulk and the tremendous majority of the officers in the line who suffered disability from contact with the Army were emergency officers.

The American Legion at three conventions held in the United States has advocated the passage of the legislation. They simply want the same right of retirement accorded to the disabled emergency Army officers as is accorded to the officers of the Regular Establishment retired for disability.

They claim further that when these officers were inducted into the Army the legislation providing for them was the selective service act, Public No. 12, of the Sixty-fifth Congress, approved May 18, 1917, section 10 of the act being as follows:

That all officers and enlisted men of the forces herein provided for, other than the Regular Army, shall be in all respects on the same footing as to pay, allowance, and pensions as officers and enlisted men of the corresponding grades and length of service in the Regular Army.

That was the law under which these men served. Heretofore, in construing the word "pension," the department has held that—

Retired officers are in fact pensioners, and the compensation and pay given to them constitutes a form of pension. They exercise no function and receive no emoluments of office, but are pensioned for past

faithful service or disabilities contracted in the line of duty. * * * They (retired officers) are in the nature of pensioners, the compensation and pay given them constituting a form of pension.

That has been held in the case of *Yates v. United States* (25 Court of Claims, 296), so the use of the word "pensions" in the act of 1917 would include the retirement privilege.

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. FLETCHER. Certainly.

Mr. LENROOT. When that measure was passed did the Senator think the word "pension" included retirement pay?

Mr. FLETCHER. I would not say that I had made up my mind fully as to that, but that is the claim that is made.

Mr. LENROOT. Oh, yes; that is the claim.

Mr. FLETCHER. It is made with some considerable force. I am not so sure but that they are correct in the claim.

Mr. SHEPPARD. The Court of Claims has held that it does.

Mr. LENROOT. No; the Court of Claims has never held that it does. The Court of Claims has never held that the word "pension" used in a statute of the United States included retirement pay. While I was not a Member of this body at that time, I was a Member of the House, and I am frank to say the understanding of everybody was that it did not include retirement pay, and the words "retirement pay" were expressly excluded for that reason.

Mr. FLETCHER. I was reading from a decision set forth in the hearings to the effect that the retired officers in the regular service are in the nature of pensioners, the compensation and pay given them constituting a form of pension. The argument is made with very considerable force, and it seems to be very properly urged, reading the decisions and the law as it then existed under the selective service act which was passed, and the emergency officers contend that they were promised, by section 10, the same footing as the Regular Army officers were then enjoying as to retirement.

Then they referred to General Order No. 73, issued by the War Department on August 17, 1918. That general order contains this clause:

This country has but one Army, the United States Army, which includes all the land forces in the service of the United States. Those forces, however raised, lose their identity in that of the United States Army.

Those officers were a part of the Army, just as much a part of it as the Regular Army or the National Guard or any other branch or subdivision. Under the law as it then stood and under General Order No. 73, these officers had a basis for the assumption that they were upon the same footing as to compensation, as to pay, as to retirement privilege, as to all other privileges that would follow for the benefit of the Regular Establishment.

Further than that, here are officers who rendered faithful service and were wounded, some of them in a way that it is difficult to describe—and I will refer to that a little later—according to their own testimony as they appeared before the committee. They are now getting as compensation \$57 a month. Most of them, and most of those who appeared before our committee, are drawing \$57 a month insurance benefits for complete disability under their war-risk policies, but they do not consider that as a gift from the Government any more than if it came from some purely commercial company with whom contractual relations had been made.

When they pass from the hospital, if they are graded as 100 per cent disabled their pay will be \$100 a month. But when an officer in the regular service is retired, perhaps not any worse injured and not actually serving any more in combat than these men or rendering any greater service on the battle field, he is retired with three-fourths pay. Not only that, but he has certain other privileges which I shall mention a little later.

Some of these men, if they are graded as 100 per cent disabled, will receive \$100 a month. Then, if they are able to take vocational training they will have \$35 or \$40 a month more allowed to them for the time they are taking the training, say, three or four years. That would bring their pay up to, say, \$135 a month. Some of them would get really less under this bill than they are now able to receive. I went so far as to suggest that it ought to be optional with them; that if it were to their advantage from a financial standpoint to come under this proposed law and make application for retirement and be allowed to retire, they should be permitted to do so, but that if it were not to their advantage to do that, but rather to receive the benefits of the compensation and the vocational training allowances to which they are now entitled, they should be

permitted to do that. However, they said no; they do not want any advantage out of this proposed legislation; they do not want anything more than that they shall be put upon the same basis as the Regular Army officer. Irrespective of whether it would be more to their advantage to continue to take the vocational training and receive the compensation which they already get than it would be to retire under this bill, they prefer that the law shall be passed which will retire them and give them this privilege just exactly the same as it is given to the officers in the Regular Establishment.

Mr. President, with reference to the increased cost to the Government, on page 18 of the hearing, Lieut. Hammitt said:

While the question of the cost of retirement—the average cost—was being discussed, I totaled up the officers in the room, and found the number to be 20—

That is, there were 20 officers in the committee room at the time when we were holding the hearings—

1 major, 4 captains, 9 first lieutenants, 6 second lieutenants—and you take their salaries and add them together and divide by 20 and multiply by three-fourths you will find that it gives \$1,561, the average cost of retiring the officers in this room, and I imagine that they are an average lot.

In other words, if this bill shall pass, the average cost to the Government as a result of placing on the retired list the officers who were disabled in the service while carrying the flag of their country and winning the war will be \$1,561.

These officers make another strong point when they say that the Navy emergency officers are allowed the retirement privilege; that the emergency officers of the Marine Corps are allowed the privilege; that in all branches of the service except in the Army itself the emergency officers are entitled to just what this bill proposes to give them. I quote further from the hearings:

The naval appropriations bill approved June 4, 1920, Public, 234, Sixty-sixth Congress, provides in the latter part of section 2, page 26, as follows:

"That all officers of the Naval Reserve Force and temporary officers of the Navy who have heretofore incurred or may hereafter incur physical disabilities in line of duty shall be eligible for retirement under the same conditions as now provided by law for officers of the Regular Army who are retired for physical disabilities in the line of duty."

Under that law the emergency officers of the Navy and of the marines are not only eligible for retirement but are actually being retired to-day, as the cases come up, on a parity with the permanent officers in the same branches of the service.

There is the precedent; that is what is taking place in the Navy. Very consistently with that and very properly, it seems to me, the representatives of these emergency officers argue that the same principle ought to apply to the emergency officers of the Army. They said when dealing with specific cases that this bill would not provide amply for the men who deserved additional relief.

In response to what the Senator from New York [Mr. WADSWORTH] says, "Let us deal with individual cases; let us take care of the men according to the merit in each case, and where a man has been totally disabled and can not earn a living because of the wounds and injuries received in the war, let us provide amply for him and take care of his case without a general act of this kind," I desire to say that is not what these men want, and, in my judgment, is not the proper way to deal with the matter.

In the first place, it would be a very difficult and cumbersome process to introduce private bills and deal with each individual case in a separate piece of legislation; and, in the next place, we would not be following out a broad general principle as is proposed in this instance—that is, to place these men on an equality with the officers of the Regular Establishment. They further say:

We are convinced we would have a nearer approach to even justice by placing us on an equal basis with the retirement standards of the Regular Army, just as the disabled emergency officers of the Navy and marines are brought under the requirements there.

In some instances the bill, if passed, would not give them all that they really ought to have; but it provides a general rule and a general standard which is applicable to every officer and to all conditions; and that, it seems to me, they have a right to claim and it is not asking too much.

A further statement is given in the hearings as to the cost which this measure would involve to the Government, but I will not take the time to go into that now. It must be remembered, however, that most of these officers are men beyond the age when they can derive any benefit from the vocational training privilege. Some of them are of the age of 37 or 38 or 40 years, and they can not take up something new; they can not go into a school and learn some trade or some business. In the first place, in some instances they are too badly disabled; and, in the next place, they are too old to undertake a thing like that. To say that they are entitled to vocational training and that sort of thing, therefore, does not meet the situation.

With reference to enlisted men, the Senator from Wisconsin [Mr. LENROOT] inquired whether any private soldier was in favor of this bill. I call his attention to the hearings at page 31, where Pvt. Bernard Powell testified:

I have been in four hospitals on this side, and I have talked to quite a few men. At Fort Sheridan we had a disabled enlisted men's association of about 2,000 men, and I talked to a great many of them, and they are very much in favor of retirement for the emergency officer the same as the Regular Army officer, and they passed the following resolution—

The resolution, which is set out in the hearings, indorses the pending measure. I ask unanimous consent to have the resolution printed in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution referred to is as follows:

Be it resolved, That we, the disabled enlisted men of the World War at United States Army Hospital No. 28, Fort Sheridan, Ill., at this time desire to go on record as favoring legislation to aid men disabled in the war; further, that we particularly indorse the Wason bill, now before the Interstate and Foreign Commerce Committee of the House, and the Stevenson bill, before the Ways and Means Committee. We believe legislation to aid the men disabled in the war should precede general relief measures for war veterans.

At the beginning of the war men signed for Government war risk insurance with the understanding that should they be disabled they would receive premiums. Thousands of disabled soldiers have been in the hospitals receiving no premiums but, instead, have been paying the installments monthly. The Wason bill provides that disabled soldiers while under treatment in the hospitals will be reimbursed with the monthly installments paid while under treatment, also \$5.70 for each \$1,000 insurance carried. Further, the disabled soldier will receive a percentage of monthly premiums according to the percentage of disability granted by the disability board of the United States Army after discharge.

The Stevenson bill, now before the Ways and Means Committee of the House of Representatives, provides compensation for the disabled emergency officer equal to the retirement pay provided the Regular Army officer retired because of disability incurred in line of duty.

The bill does not permit retired emergency officers to draw commutation for quarters, heat, and light, or buy from the Army commissary, as retired Regular Army officers are able to do.

The retired Regular Army officer may be called back to active duty if his condition permits. The bill makes the retired emergency officer not liable for further military service.

Mr. FLETCHER. That resolution was adopted by the enlisted men at the hospital at Fort Sheridan. So I claim that the evidence before us is not only that the enlisted men have no objection to this measure, but they actually and earnestly and cordially favor it.

Mr. LENROOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Wisconsin?

Mr. FLETCHER. I yield.

Mr. LENROOT. The question I asked the Senator was whether he had fully explained this bill to an enlisted man; and if so, if he had found a single enlisted man who understood it to be in favor of it?

Mr. FLETCHER. I have had no occasion to explain it to any enlisted man.

Mr. LENROOT. I wish to say to the Senator that I have explained it to many of them, and I have not found one enlisted man who understands the terms of this bill who is in favor of it.

Mr. FLETCHER. I will say, Mr. President, that I have had no occasion to go into the question with any enlisted man; no enlisted man has called upon me to explain it or has asked for an opportunity to express his views upon it one way or the other. All the correspondence I have had on the subject—I do not recall now whether the letters have come from enlisted men or officers or associations or posts or what not—has been in favor of this bill and has indorsed this proposed legislation. I have not made it a business to inquire specifically of individual enlisted men, and I have had no conversation that I recall with any of them. The only thing upon which I can base any sort of judgment as to their attitude is what has taken place in the hearings and the fact that none of them have come to me to protest or object to it. The hearings show further, at page 32, in the testimony of Lieut. James G. Graham:

The first point is as to the age of the officer at the time of entering the military service, which has been averaged at 34. Many of them, of course, were much older. The age of the officer on entering the service had something to do with his degree of commission. His age and experience were taken into account at the time he was commissioned. For instance, the age of the average second lieutenant would probably be from 21 to 25, first lieutenant from 25 to 30, captains and majors older. Consequently the method of retirement as applied in the Regular Army should apply to the disabled emergency officer, because of the fact that it covers his probable increased earning capacity and his probable increased family responsibility in every way.

The same argument and the same benefits that would apply to the Regular officers would apply to the emergency officers. The benefits under retirement would be the same as in the case of the Regular officer. For instance, the base pay of a colonel

is \$4,000 a year, and his retirement pay would be \$3,000; the base pay of a lieutenant colonel—and there are not many emergency officers in the higher grades—is \$3,500, and his retirement pay would be three-fourths of that, or \$2,622.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Mexico?

Mr. FLETCHER. I yield.

Mr. BURSUM. I should like to mention the fact that only 18 lieutenant colonels will come under the provisions of this bill.

Mr. FLETCHER. I thank the Senator for the suggestion, and in the highest grades I presume the number will be even more limited. The Senator says that there would be 18 lieutenant colonels, and probably there would be fewer colonels who would come under the provisions of the bill.

Mr. BURSUM. Only 12 colonels would fall within its provisions.

Mr. FLETCHER. Only 12 colonels and 18 lieutenant colonels would be covered by this bill. In the case of a colonel the retirement pay would be \$3,000 and in the case of a lieutenant colonel, \$2,622; in the case of a major, the base pay is \$3,000, and the retirement pay would be \$2,250. In the case of an emergency officer who has served as a major in the Army and is wounded—a man with a family, for instance—absolutely unable to go back to his original employment, whatever it may have been; unable to earn a living at all, disabled 100 per cent, we will say, I ask, in all reason, is \$2,250 a year too much to allow an officer like that who was crippled and maimed in battle?

In the case of a captain, \$2,400 a year is his base pay. His retirement pay would be \$1,800. In the case of a first lieutenant, \$2,200 is his base pay. His retirement pay would be \$1,500. The base pay of a second lieutenant is \$1,700. His retirement pay would be \$1,275.

If they are totally disabled these first lieutenants, for instance, would be entitled to \$100 a month compensation under the law. If they can take vocational training they are entitled to thirty-five or forty dollars a month more for the years that the vocational training will last; but they are entitled to \$100 a month compensation in case of total disability now under the law. They give that up. This bill does not add to what they already have under the law. They must give up their compensation if they accept the benefits of this bill. If they retire they take the status of retired officers and stand upon that basis alone. There is no further compensation, no other allowance, nothing but the retirement pay; so that where a man is totally disabled and entitled to \$100 a month compensation now, he would get only \$1,275 a year, or just \$75 more, under this bill than he is receiving now.

Lieut. Graham cites this sort of a case:

This case might be cited: A colonel of the National Guard, a man 60 years old, had a bad skull wound and one leg gone. He was discharged before the passage of the Sweet bill and received, I believe, \$17 a month. In the same ward at the hospital was a second lieutenant, a provisional officer, who had had three months' military training. He had been disabled in battle, but received a less severe wound than this colonel, and he was retired on three-quarters of the pay of a second lieutenant, which gave him over \$100 a month. Now, that lieutenant had no family and no family responsibilities. He had every chance to start in life again, whereas the colonel, because of his increased years and increased capacity and capabilities and increased service to the Government, had received absolutely no recognition and was faced with the greater difficulties of entering business.

Numerous cases of that sort could be cited.

Lieut. Graham further testifies as follows, in response to questions:

Senator SPENCER. How long were you in the service?

Lieut. GRAHAM. Three years, two years of which I spent in the hospital. Less than one month after reaching France, after I had spent eight days in the line, I was wounded. I was wounded three times and gassed. I was picked up and was a prisoner in a German prison camp until after the armistice.

Senator SPENCER. Did you get good treatment in their hospitals?

Lieut. GRAHAM. Not very good. I had a shell fragment in the brain until I returned to the United States, and it was removed after I returned.

Senator FRELINGHUYSEN. Did they make an effort to operate on you?

Lieut. GRAHAM. No, sir; not until about the time of the armistice. They started to operate on me in the German camp, but an American major in the Medical Corps who was in the camp refused to let them operate on me and recommended my exchange, which was to be negotiated through the Spanish Embassy, but the armistice came before my exchange was effected.

Senator FRELINGHUYSEN. Were there many Americans in this camp—was it a hospital or prison camp?

Lieut. GRAHAM. A regular prison camp of American officers. There were probably 200 at the end of the war.

Senator FRELINGHUYSEN. Did they take care of you in any way—have any doctors attending you?

Lieut. GRAHAM. We were treated by Germans in some places, but the treatment was very poor. I have seen men starve to death—practically die from starvation, from diarrhea and dysentery. I have seen men whose wounds were not treated for days and days at a time and

that became infected with bugs and worms, etc. I had a dressing on my arm for six weeks at one time before it was changed.

Senator SPENCER. Was that treatment the result of negligence or was there a lack of medical assistance?

Lieut. GRAHAM. The Germans were very poorly equipped, and there was a great lack of personnel. We were not given the same treatment as the Germans. Our ration in one prison camp was one-sixth of a loaf of bread a day and two bowls of soup.

Senator SPENCER. Did the German invalids get better treatment?

Lieut. GRAHAM. They got some solid food.

Senator FLETCHER. Where were you wounded?

Lieut. GRAHAM. At the Battle of the Marne on the 15th of July. I served with the Twenty-eighth Division of the Pennsylvania National Guard. The treatment that you received depended largely upon the commandant and the staff in the hospitals. Some of the German doctors were, so far as I was concerned, perfect gentlemen and fine men in all respects, and others were simply brutes.

Senator SPENCER. Brutes to all?

Lieut. GRAHAM. Brutes to all, including their own men. As compared with our treatment of prisoners of war it was different. I know upon my return to France I found a regiment of prisoners, of enlisted men with rubber boots, rubber capes, rubber rain hats and overcoats, overcoats, and everything, and I had worn a towel tacked over the end of a board for a shoe from the 15th of July until the week of the armistice, when I received a pair of shoes from the Red Cross.

That is the kind of treatment these officers went through.

Here was a first lieutenant who is in the hospital yet. He is getting now his insurance, \$57.50 a month. When he is discharged from the hospital, if he is declared totally disabled, he will receive \$100 a month. He is allowed to retire under this bill. He will receive \$1,500 a year instead of \$1,200. That is the difference; but it amounts to quite a good deal to a man in those circumstances.

He says, speaking further with reference to his experience:

The Regular Army officer who is retired is permitted to purchase supplies from the commissary for his living necessities at actual cost. The discharged emergency officer can not.

That is another privilege that these officers would have, and it seems to me they deserve it.

In addition to that, if I have to go to the hospital, which I do, for three more operations, I have to go to a Public Health hospital. The Regular Army officer is permitted to go to the Army hospital and also his family are entitled to that treatment. I am not entitled to go into an officers' ward. If I wish a private room in the Public Health hospital I have to pay for it myself. If my disability is 50 per cent and I am discharged and if I have to go back to a Public Health hospital I receive only \$80, which is a "temporary total" rating during the time I am in the hospital.

Senator FRELINGHUYSEN. If this bill were passed, would you be entitled to a Regular Army hospital?

Lieut. GRAHAM. I would.

Senator FRELINGHUYSEN. And you could go into an officers' ward?

Lieut. GRAHAM. Yes, sir.

Senator FLETCHER. The Regular retired Army officer goes to the Army hospital.

Lieut. GRAHAM. Yes, sir; and his family is also entitled to treatment in that hospital. If his wife is sick, or gives birth to a child, she can go to the Regular Army hospital, for which he pays a dollar a day, I think.

Those are somewhat additional privileges to the total amount of pay which the retired officer receives; but take a case like this, Mr. President. Here is the statement of Capt. Robert Bunge:

In regard to the question of discrimination against emergency officers, I might cite my own case.

In the last two months before I was wounded in France I commanded a battalion. The very day I was wounded I received notice of my promotion to major to take command on the field. I had been removed wounded from the field, and when I tried to pass my physical examination for promotion, of course, I failed.

That is, he could not go up to major when the time came to pass his examination because he was wounded.

I have spent 11 or 12 years fooling around with military service, mostly in the National Guard, and I am going out just the way I went in. I am proud to have had the privilege of serving, but I do feel this, that it is justice we are asking for; to be retired; to be handled in the same way that every other class is handled. I feel that we have lost, all of us, a great deal in life. I do not like to be personal in my remarks, but I practice mechanical and structural engineering in civil life, and I am now under the orders of the Army doctors to do no studying and no work of any kind, due to the fact that I have a fracture of the skull and a fracture of the spine, and I am in a steel cage that I will stay in all my life.

I was shot through the shoulder and shot through the stomach, and I can not go back to the practice of engineering for the simple reason that it is a mental strain in that profession, and I can not go out and do the construction part of the work because that means climbing around over buildings and structures, and my physical strength will not permit it. I am told that I must avoid all excitement of any kind because I am liable to receive a stroke and probably would never come out of it. I am in the position of just a sort of useless and worthless part of society, as regards my former profession. I am 38 years of age, I am forbidden study, and what am I going to do? I have a family and I have a home to keep up.

There is a case somewhat typical of these retired emergency officers—a man who was a civil engineer and structural engineer, a strong, robust, healthy man, a captain, promoted to major temporarily on the field in action, wounded, shot through the shoulder and shot through the stomach. He goes about now in a steel brace or frame, and he is in a hospital getting \$57.50 a month, 38 years old, with a family on his hands. If he is pronounced totally disabled when he is discharged, he

will receive \$100 a month and that ends it. If he should be allowed to retire, he would get \$1,800 a year instead of \$1,200. Unquestionably he will be declared totally disabled. He has nothing of that kind yet. When he comes out, he will be classed as totally disabled and entitled to the maximum compensation of \$100 a month. That will mean \$1,200 a year upon which he must support this family that he has and feed himself. Under this bill he would receive \$1,800 a year, as I say, instead of \$1,200. Is he not entitled to it?

This man had to do with the National Guard for 11 or 12 years before the war came on, and when the time came when he was called to serve his country he went boldly to the front and was wounded in battle on the field, just as he has stated here. Now he is an absolute wreck, wounded, disabled permanently and forever in line of battle. Why should he not be permitted to retire just like a captain of the Regular Army? He was performing the same service in the same way and received these injuries, disabling him for life. He is simply asking that he be put upon the same basis that any other officer, whether in the Navy or the Marine Corps or in the Army, would be entitled to under those circumstances.

There are numerous other cases. He said, very forcefully:

I think there is a little moral side of this thing that perhaps has slipped the minds of most Members who are here to-day. The emergency officer, whether a Reserve officer, National Guard, or from the training camp, received his disability because he was sent into a position where he received it by the orders of a man who was entitled to the privileges of retirement should he become injured.

The man who ordered him in would be entitled to these privileges.

Can that man, no matter whether a colonel, a major, or what rank in the Regular Army, satisfy himself in his own mind that he was doing the right thing in sending men out there who did not have the same privileges that he had if he should become wounded? I can not believe that the men in the Regular Army had any other idea than that we were to be taken care of in the same way that they were. I think there is that moral side of this thing. We have received our wounds because we were sent into a position to get them by men who had the privilege of retirement, while we did not have. I think that is something that probably should have a little weight.

There has been a great deal of talk here this morning about the Army officer making it his life calling. Well, we made it our life calling. There was nobody who could stipulate whether our life was to be one day, two days, or three weeks when we were over on the other side. Therefore I contend that it was our life calling while we were over there, because we were ready to give our lives if we had to.

This law applies only to officers who were disabled in line of duty, and, as he very properly said, it was a life calling to them.

Mr. SHEPPARD. They must be disabled to the extent of at least 30 per cent.

Mr. FLETCHER. Yes; that is true. Mr. Patrick F. Shea, second lieutenant, testified as follows:

Mr. SHEA. I went to France with the Twenty-sixth Division. I was sent back from the lines to the school and got my commission and was assigned to the Eighty-ninth Division. I was wounded in the Meuse-Argonne offensive on the 21st of October, 1918. Since then I have had 18 operations and 7 blood transfusions, had my leg taken off, and have developed a kidney condition, and they are not through yet. I still have chronic osteomyelitis of the hip.

Senator FLETCHER. Where were you wounded?

Mr. SHEA. I got a bullet hole in the hip joint.

The CHAIRMAN. What was your occupation before the war?

Mr. SHEA. I was a policeman.

The CHAIRMAN. What were you getting then?

Mr. SHEA. Thirty dollars a week.

The CHAIRMAN. Have you any family?

Mr. SHEA. I lost my mother lately. I was her support until she died the 1st of November.

Senator FLETCHER. Where was your home?

Mr. SHEA. In Waterbury, Conn.

Senator FLETCHER. What is your age?

Mr. SHEA. Twenty-eight.

Senator FLETCHER. You get a hundred dollars a month, I suppose?

Mr. SHEA. I expect to get a hundred dollars a month on my discharge.

He is still in the hospital, poor fellow, and when he is discharged, if he is declared totally disabled, the maximum he can get will be \$100 a month. Being a second lieutenant, under this bill he would get \$1,275 a year, \$75 more than he would get under the compensation act, with the privilege of hospital treatment in an Army hospital if he should need it. That is another case. Lieut. Alfred J. Bartram testified:

Lieut. BARTRAM. I went to the first training camp at Fort Snelling, Minn., and being a Yankee myself, I joined the Yankee Division just after the expiration of the first training camp and was sent over as a casual officer attached to the Twenty-sixth Division, overseas, in October, 1917. I was attached to that division in October and I went into the lines in February, and I was there until September 26, when I was wounded in the Meuse-Argonne offensive. The wound I received then was a shrapnel, high-explosive machine-gun bullet wound; one broke my left arm, another piece of shrapnel cut through my left foot, still another piece cut through my left hand, and a machine-gun bullet broke my left hip. Outside of that, I am all right.

The CHAIRMAN. What was your occupation before the war?

Lieut. BARTRAM. Just before I entered the service I was in college. I was at that time preparing myself for the medical profession.

Now he is at Walter Reed Hospital. He continued:

I am in Walter Reed Hospital now, and I have been all over the country. I was first at the Polytechnic Hospital in New York, from there to Fort McPherson, Ga., and from there to Fort Sheridan, Ill., and finally, when Fort Sheridan was closed, I was sent to Walter Reed.

The CHAIRMAN. Do you expect to get a hundred dollars when you are discharged?

Lieut. BARTRAM. Yes; unless my disability is reduced so that I get less.

That man is a first lieutenant. If he is discharged with a maximum disability, his compensation will be \$100 a month, or \$1,200 a year. Under this bill he would receive \$1,500 a year retirement pay, in lieu of all other allowances. This is not in addition to compensation he is getting, insurance, or anything else. He must give up everything else and stand on his retirement status solely. He would get \$1,500 a year as retirement pay under this bill. As I said, he would have the right to be admitted to an Army hospital and be treated there in case he had to have further treatment.

Lieut. John J. Redfield testified:

I am attached to the Air Service. I have two older brothers—one is a graduate of the Naval Academy and the other of West Point. I was in college when war was declared, and I went in from college. Both of my brothers, of course, were already in the Army and Navy.

Senator FLETCHER. From what State are you?

Lieut. REDFIELD. New Jersey. If either one of my brothers had been disabled, he would have been retired. It is the same family, and we were in the same war, and I was the one that was disabled. I went to the first training camp at Fort Myer, Va., and was commissioned in the Field Artillery. I was stationed there for a while and then sent overseas. I was trained in England for air service and transferred to the Air Service and went to France with the Royal Air Force. I served with them at long-distance bombing on the different Rhine cities, and on the 22d of August, on a bomb raid on Mannheim, we were attacked by 27 German planes. I was brought down and received a bullet in the left leg, shattering the shin bone. I was a prisoner in Germany until a month after the armistice, getting out on the 8th of December. I was at the prison hospital at Rastadt in the Province of Baden. I lost 50 pounds in weight there, and my leg got in very bad condition, which is still with me.

Then he spoke about trouble with his leg, and said:

I have osteomyelitis of the bone. I have been in hospitals ever since and have submitted to 16 operations.

If anything had happened to his two brothers, they would have been permitted to retire and enjoy retirement status. He is not permitted to retire. He can take his insurance, he can get his compensation, whatever it may be, but he can not have these privileges which an officer serving in the same war, one of his own brothers, would be entitled to if he had had a similar disability. I can not see the justice of discriminating against this man. It seems to me this bill is intended to and does accomplish a discontinuance of a discrimination in the retirement of officers. That is the purpose of it. So far from enacting a law that will provide for a discrimination, the law would do away with a discrimination which now exists.

He spoke about his experiences, how he was operated on four times in Germany, one time without any anesthetic at all. He said:

I do not know exactly what kind of a leg I am going to have until it is determined, but it will be safe to say that I won't get over 50 per cent.

In that case he will get \$40 a month compensation, if he is declared 50 per cent disabled. Under this bill he would be allowed to retire on three-quarters of the pay of a first lieutenant.

Lieut. P. D. Hopper stated:

When I came back from the Philippines, before my enlistment expired, we had trouble with Mexico.

This man had been formerly enlisted in the Regular Army, and his term had expired. He had some twelve or more years' experience in the Regular Army. His term expired, but he reenlisted. He said:

I went to the Philippines and served over there and intended to get out of the service and go into the import and export business with my father. When I came back, before my enlistment expired, we had trouble with Mexico and the majority of the Army was moved to the Mexican border, so that I kept going rather than get out when it looked like there might be something doing. I reenlisted, and before that enlistment expired the present war came on—the European war. Then I was given a temporary commission in the Regular Army and sent to the training camp at Plattsburg. There I was assigned to duty with the Seventy-seventh New York Division and served overseas with that division. I was wounded in the Argonne on September 28, and I have since been in the hospital.

Senator SPENCER. What noncommissioned rank did you have in the Regular Army?

Lieut. HOPPER. I was first sergeant, sir.

Senator FLETCHER. And how were you wounded?

Lieut. HOPPER. I was wounded by a piece of high explosive going through my femur, knocking out about four and a half inches of the bone and necessitating a 7-inch inlay of the bone, and it also severed the sciatic nerve.

The CHAIRMAN. Do you expect to receive \$100 compensation when you are discharged?

Lieut. HOPPER. Hardly, sir. I will be rated upon the possibility of my case at the time of discharge. The surgeon has not just yet been able to determine what functioning I will be able to get out of my leg at the time of discharge.

Under this bill he would be eligible to retirement at three-quarters pay. He was asked:

Senator FLETCHER. Then you went into the emergency army?

Lieut. HOPPER. Yes, sir. I am disabled to such an extent that I can not reenlist after discharge and get back and serve my remaining 14 years and be eligible for retirement as an enlisted man or as a warrant officer.

Lieut. GRAHAM. There was one point mentioned by a gentleman here bearing on the question of a man entering the Army as a "life profession," as an enlisted man. Perhaps he has served nearly his full time and has been disabled. Although he may have served as a sergeant and would have been entitled to a sergeant or warrant officer's pay upon retirement normally, he is discharged as though he were a simple private—

That would be the effect of the law as it stands now, in the case of this officer. He continued—

His wounds have disabled him to such an extent that he can not reenlist in the Army and serve out his normal time as an enlisted man. He has served as an officer perhaps during the war, but he can not reenlist and get advantage of his retirement status. Simply because he was an emergency officer during the war and was discharged for disability he is cut off from his Regular Army retirement status and it has made it impossible for him to get the advantage of it.

That is where Lieut. Graham cites the instance of Lieut. Hopper as illustrative, and that would be the situation without this legislation.

I do not feel that we could do less for these emergency officers than to grant this relief. Some of them it will not help at all; others it will help very materially. It is not playing favorites with them. It is not giving them any advantage whatever over any other class of officers in the service. It does not favor them over other officers of the Navy or the Marine Corps or the Army in any respect. It simply places them upon an equal footing with the other officers who rendered the same service, in the same Army, under the same conditions, and who are affected as they are as the result of that service. I think the bill ought to pass.

Mr. LENROOT obtained the floor.

Mr. WADSWORTH. Will the Senator yield?

Mr. LENROOT. Certainly.

Mr. WADSWORTH. In view of the importance of this discussion I think the paucity of attendance has been very unfair to the Senator from Florida, as it would be to others. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Brandegee	Harrison	McNary	Spencer
Bursum	Heflin	Moses	Stanfield
Cameron	Hitchcock	Myers	Sterling
Capper	Johnson	Nelson	Sutherland
Dial	Jones, N. Mex.	New	Swanson
Edge	Kellogg	Newberry	Trammell
Ernst	Kendrick	Norris	Underwood
Fernald	Keyes	Oddie	Wadsworth
Fletcher	King	Overman	Warren
France	Ladd	Page	Watson, Ga.
Gerry	Lenroot	Poindexter	Williams
Gooding	Lodge	Sheppard	Willis
Hale	McCormick	Simmons	
Harris	McKellar	Smith	

Mr. NORRIS. I wish to state that the Senator from Wisconsin [Mr. LA FOLLETTE] is detained on account of a death in his family.

Mr. MOSES. I was requested to announce that the Senator from North Dakota [Mr. McCUMBER], the Senator from Kansas [Mr. CURTIS], the Senator from Vermont [Mr. DILLINGHAM], the Senator from Utah [Mr. SMOOT], the Senator from New York [Mr. CALDER], and the Senator from Connecticut [Mr. McLEAN] are detained at a hearing before the Committee on Finance.

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

Mr. LENROOT. Mr. President, in opposing the bill I am not animated by any spirit of hostility to the emergency officers. As the Senator from New York [Mr. WADSWORTH] said, they have my admiration and respect, as I believe they have of all of the people of the country. My opposition to the bill is based principally on two propositions—first, the discrimination against the private soldier, and, secondly, the discrimination against officers of lower rank in favor of officers of higher rank. At the very beginning I wish to impress upon the Senate exactly what the bill does in the way of discrimination.

Repeating what I said last night, if the bill shall become a law, a colonel with a 30 per cent disability will receive compensation for life of \$3,000 per year, while a private with the same disability will receive a compensation of \$360 per year,

the colonel receiving almost ten times as much compensation as that of the private.

A colonel, as I have said, with a 30 per cent disability, will receive a compensation of \$3,000 per year, while a second lieutenant with the same disability will receive a compensation of \$1,255 per year, the colonel receiving almost three times as great compensation as would the second lieutenant.

Mr. BURSUM. Mr. President, does not the statement which has been made by the Senator from Wisconsin apply precisely and identically and in the same way to officers of the Regular Army?

Mr. LENROOT. Has that anything to do with the statement I have just made? I am drawing the distinction between what a private or a second lieutenant would receive, if the bill becomes a law, and what a colonel would receive. Does the Senator deny it?

Mr. BURSUM. Oh, well—

Mr. LENROOT. Does the Senator deny the statement I have made?

Mr. BURSUM. No.

Mr. LENROOT. Very well, then, I do not yield further.

Mr. BURSUM. But I also ask—

Mr. LENROOT. I do not yield further to the Senator. The Senator admits the accuracy of my statement.

Mr. BURSUM. Why does not the Senator compare the emergency officers with the officers of the Regular Army?

Mr. LENROOT. I am going to do that if the Senator will be patient. The Senator admits the statement I have made. The Senator admits that he is willing to go before the private soldier of New Mexico and say that he favors and was the author of a bill that proposes to give to a colonel \$3,000 a year for what the private soldier in his own State will get only \$360 a year. The Senator may take that position. I will not, and I can not see how any Senator can face the private soldier in his own State and take any such position as that.

Mr. BURSUM. Mr. President, the private is a very intelligent man. He is a good citizen, as well as a broad-minded man. He understands these questions possibly as well as, if not better than, any of us in the Senate. He has expressed his opinion in conventions assembled all over the United States. The American Legion has indorsed this legislation and asked Congress to pass it.

Mr. LENROOT. The Senator will have an opportunity to make his statement. I do not yield further for the Senator to make a speech.

Mr. MYERS. Mr. President, will the Senator yield for just a suggestion?

Mr. LENROOT. I yield for a question.

Mr. MYERS. The statement which the Senator from Wisconsin has made I take to be undoubtedly true, but I wish to call attention to the fact that he bases his statement on a 30 per cent disability. If a colonel were 100 per cent disabled he would still only get \$3,000 per year, but if the private were 100 per cent disabled he would then get \$1,200 per year, would he not?

Mr. LENROOT. Yes; he would.

Mr. MYERS. So the statement of the 30 per cent basis does not include all the compensation the private would get.

Mr. LENROOT. Certainly not; but I compare the 30 per cent disability for the private with the 30 per cent disability for the colonel. I use the same disability in both cases, and my statement is correct. Now I desire to ask the Senator from Montana whether he is willing to go to the private soldier of his State and say that he voted for legislation providing that where the private soldier, having a college education, making the same sacrifices as the colonel, will only get \$360 a year for a 30 per cent disability the colonel will get \$3,000 a year for the same disability?

Mr. MYERS. Yes; on a 30 per cent disability, but on a 100 per cent disability he would get \$1,200 a year. I have had no remonstrance against the bill from my State from private soldiers. Open public hearings were held by the Committee on Military Affairs, and I believe no private soldier appeared to protest against the bill. Nor have I had a protest from any private soldier anywhere.

Mr. LENROOT. The Senator is correct. The American Legion has indorsed the proposition. The propaganda has been conducted by the officers. I undertake to say there is not one private soldier in 10,000 who voted to indorse the bill who knows what the bill is.

Mr. WADSWORTH. The bill was not drafted at the time they indorsed it.

Mr. LENROOT. Ever since the bill has been before the Committee on Military Affairs I have taken occasion, whenever opportunity has offered, to explain the provisions of the bill to

private soldiers, and after it has been explained in exactly the way that I have just now stated its terms, I have not found one private soldier to indorse it. One private soldier appeared before the committee. I could not be present at that hearing, but it is worthy of note that in the short statement made by that private soldier—and it was very short and did not attempt to go into detail—he disclosed that he knew nothing about the details of the bill. What did he say? He said:

This was brought to my attention just a few days ago by Maj. Stewart.

It is very clear how this private soldier came to appear before the Committee on Military Affairs. I am very sorry that I did not happen to be present; I am very sorry that somebody on that occasion did not explain to that private soldier who appeared before the committee just what the bill would do.

Mr. BURSUM. Mr. President—

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. LENROOT. I yield.

Mr. BURSUM. Does not the Senator think that Maj. Stewart had just as much right to interview private soldiers about this bill as the Senator from Wisconsin has to give expression to his opinion of the bill?

Mr. LENROOT. I am not complaining about Maj. Stewart; I am not criticizing him for wanting this bill passed.

Mr. BURSUM. The Senator appears to wish to capitalize that fact.

Mr. LENROOT. There was nothing illegitimate in any officer trying to get a private to come before the committee; the officers want the bill passed; but when the Senator from New Mexico called attention to the fact that a private soldier came before the committee and pleaded for the passage of the bill, it is very proper to call attention to the manner in which the private soldier's attention was brought to the bill. That is all that I have done.

I am going to take this opportunity to make another observation. Mr. President and Senators, consider the report of the committee on this bill. One would suppose that the War Department, which is presumed to pass its opinion upon all measures of policy as to the Army, had never said anything concerning this bill. Read the hearings before the committee, and you can not find anything either in the report or in the hearings showing that the Secretary of War has ever expressed any opinion upon the bill; yet the distinguished Senator from New Mexico when he made the report knew that there was a report of the Secretary of War adverse to his bill. Just why that information was kept from the Senate, I do not know.

Mr. BURSUM. The fact that the Secretary of War had made a report adverse to the bill was well known by the committee. It was considered and passed upon.

Mr. LENROOT. Yes; but the Senators who are not members of the committee did not know it and could not ascertain it from the report which the Senator from New Mexico has made on the bill.

Mr. BURSUM. Everybody knew it; the reports were published and every Senator in the Chamber might have had a copy of them.

Mr. LENROOT. Where were they published?

Mr. BURSUM. They were printed by the Committee on Military Affairs.

Mr. LENROOT. I beg the Senator's pardon; they have never been printed by the Committee on Military Affairs, and for some reason they were not printed in connection with the hearing upon the bill.

Mr. BURSUM. I am sure, so far as I am concerned, that I have no desire to prevent the presentation of the report of the War Department. It is well known that the War Department is opposed to this bill.

Mr. LENROOT. Why did not the Senator from New Mexico include the report of the Secretary of War in his report upon this bill, which is the custom in all such cases?

Mr. BURSUM. Why did not the distinguished Senator from Wisconsin, who is opposed to this bill, and who tried to defeat the bill all through its consideration by the committee, and up to the present time, if he was interested in it, submit a minority adverse report?

Mr. LENROOT. Oh, Mr. President—

Mr. BURSUM. Oh, the Senator from New Mexico is not interested, of course, in defeating his own bill, as is the Senator from Wisconsin interested in defeating it.

Mr. LENROOT. Now, of course, Mr. President, we get the facts. The Senator from New Mexico certainly is not interested in defeating his own bill; and therefore he was not interested

in the Senate having the information that is usually furnished by a committee report.

Mr. KELLOGG. Mr. President, will the Senator from Wisconsin yield to me?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LENROOT. I yield.

Mr. KELLOGG. If there is such a report of the Secretary of War as that to which the Senator from Wisconsin alludes, will he not put it in the Record?

Mr. LENROOT. I am about to read that report now.

Mr. President, the Committee on Military Affairs did have a report upon this bill by the Secretary of War, and because I may take occasion to comment upon it as I go along, I shall take the liberty of reading it myself. It is dated June 13, is addressed to the chairman of the Committee on Military Affairs, and is signed by Secretary Weeks. It is as follows:

SIR: I have the honor to acknowledge the receipt of S. 1565—

Being the bill now under consideration—

a bill 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 disability in line of duty, with indorsement thereon requesting that the Senate Committee on Military Affairs be furnished with the views of the War Department relative to this measure.

In reply I beg to advise you that prior to the receipt of your request for report on this bill I had occasion in my letter to you dated May 9, 1921, to invite the attention of your committee to the opinion of the War Department concerning any measures of this character, and with that end in view I forwarded copies of my letter dated May 4, 1921, to Capt. Victor Heintz.

As the enactment of this bill would have far-reaching effects of an unfavorable nature, I gave this subject most careful consideration when my attention was called to it by Capt. Heintz, and in reply to his letter I covered the subject in considerable detail, setting forth therein the views of the War Department, as well as my own concerning any legislation such as is contemplated in the bill herein referred to.

In connection with the letter to Capt. Heintz I have received a letter, a copy of which I inclose, from Mr. William H. Gilmore, a discharged soldier now undergoing treatment at Seneca Lake, which will, I believe, be of some value to your committee. For ready reference and for the use of your committee I also inclose herewith a copy of the letter to Capt. Victor Heintz, as it fully sets forth my reasons for believing that S. 1565 should not be favorably reported upon, and I earnestly recommend that no legislation be enacted such as is contemplated in S. 1565.

Before I read the report, however, Mr. President, and because there is now quite a goodly attendance of Senators in the Chamber, I wish to read the letter addressed to Secretary Weeks by a private soldier to which the Secretary refers, and which letter he submits to the committee, because it gives the view of the average private soldier concerning this legislation. I want to say that I do not agree with all of the statements contained in this letter with reference to the emergency officers, for I do think that they were high-class, patriotic men. The letter was written on May 5 last from Saranac Lake, where this private soldier evidently was undergoing treatment for tuberculosis, and is as follows:

HON. JOHN WEEKS,
Secretary of War, Washington.

SIR: Permit me to express my appreciation of your attitude in regard to the retirement of disabled emergency officers, as stated in your letter to Capt. Victor Heintz printed in the New York Times. As one of the many disabled ex-service men here at Saranac Lake undergoing treatment, I feel that you have expressed the feelings of every man who served in the ranks during the war.

Many of us who are now totally disabled were only too glad of the opportunity to serve the country in any capacity during the emergency, without wasting much time hunting for commissions; others were either physically or mentally unable to qualify for commissions. We all served in an emergency citizen army and some of us gave up positions in civil life superior to those held by the officers commanding us.

If we must have discrimination, and I believe that any such legislation is absolutely un-American and violates every principle of democracy, let us have it on the proven worth of every man disabled on the basis of his earning power before entering the service. That would be more along the lines of justice than any legislation having for its purpose the idea of perpetuating an officer caste, something that is distasteful to every man who served in the ranks.

The men who did the real fighting, the dirty work, and who suffered every conceivable form of indignity for the good of the country were the men who served in the ranks. The officers had every advantage while in the service; were looked upon by the public as very superior persons and had the power of life and death over the men under their command. If any of our disabled should have legislation passed for their benefit it is the second-class private who suffered every conceivable indignity. (I was several grades above that rank, thank God.)

The idea of retiring professional soldiers who are officers is absolutely right, as it is only just to pension men who devote their entire lives to the service of the country; but the placing of emergency officers on the same footing with permanent officers is nothing more or less than another effort to loot the Treasury.

Although the American Legion is pushing this discriminatory legislation in favor of disabled ex-officers, I feel that the rank and file who are members of the legion are absolutely opposed to the idea. After attending a few legion meetings I find that practically every resolution proposed by a good talker is adopted unanimously and without consideration by the members present.

If you want the real opinion of the disabled ex-service men in regard to this disabled officer legislation, why not make a quiet canvass of the

men at the Walter Reed Hospital? I would suggest that the man making this canvass first qualify for the job by doing 100 yards in 10 flat. He will need his speed on his way out of the hospital.

I had a lot of these emergency officers working for me before entering the service; had to put up with a lot of their airs when in the ranks, but now that I am down and out I don't feel like having a lot of recently hatched college boys who happened to get commissions strutting around and starting that superior stuff all over again.

That paragraph, Mr. President, I think, is uncalled for and unjust to the emergency officers, because I do not believe that is their general attitude at all.

Since the disabled second lieutenants have been getting their \$80 per month compensation, the same as a rear-rank private, they've become quite bearable and almost human. For heaven's sake, don't elevate them again! Let them all have a chance to get well enough to go out again in civil life, both officer and private, and prove which is the better man.

Respectfully,

WILLIAM H. GILMORE.

I am glad to read that letter, because it is exactly the reaction and response that I have gotten from every private soldier to whom I have explained the details of this bill. I want to suggest to Senators present that if they vote for this bill they will have something to explain to the private soldier in their States when the private soldier finds out that a commissioned officer, we will say a lawyer, who lost an arm, but is able to go back to the practice of his profession and make as large earnings as he did before the war, gets \$3,000 a year from his Government, while the private soldier with both feet off, living, perhaps, next door to him, gets \$1,200 per year.

This is the letter of the Secretary of War to Capt. Heintz referred to in his report. The letter is dated May 4 last:

MY DEAR CAPTAIN: I have before me your letter dated April 20, 1921, concerning the proposal to obtain retirement privileges for disabled emergency officers who served during the World War. Before proceeding with a reply thereto I desire to tell you that I am sorry I did not see you when you called and assure you that I hope to be less pressed for time at the next opportunity you may have to come to my office.

In connection with your letter, I wish to assure you that I have made a careful study of the contents thereof and the problem involved, which required a thorough investigation as to the viewpoint of the War Department pertaining to the proposed legislation to which you refer. As a result of my perusal of this subject I am convinced that the remedy to be sought in this matter does not properly pertain to a question of retirement, but it does fall under one of adequate compensation. I am not prepared to admit that the war risk insurance act does not provide adequate compensation to all disabled officers and enlisted men who come within its provisions, but I feel that if the war risk insurance act and subsequent acts amendatory thereto do not provide adequate compensation our efforts should be devoted to securing a further amendment to that act, as it is the law which was designed to meet the needs of all who served in the Army or Navy during the World War, as well as the temporary officers to whom you refer. On the other hand, the laws pertaining to retirement are separate acts necessary and essential to the War Department if it is to secure suitable types of officers for the Regular Army and induce them to continue permanently in the profession of arms by providing an inducement that it will care for them should misfortune overtake them and will assure adequate protection during their old age.

In this connection I want to indorse all that the Senator from New York has said with reference to any additional relief that is necessary; and I think additional relief is necessary. It should be given, however, through amendment of the compensation act, and I, as a member of the Committee on Military Affairs, am perfectly willing so to amend that act as to give to these disabled soldiers who are seeking this relief all proper relief, but at the same time give the same kind of relief to a private soldier who is situated exactly as the officer is situated.

Mr. WILLIAMS. Mr. President—

Mr. LENROOT. I want to finish this letter, and I can not yield now, if the Senator please.

It is the opinion of the War Department, with which I concur, that the cost of a measure such as has been proposed and is now under consideration would be far in excess of the figures that you conclude to be maximum. In this connection, it must be borne in mind that the available field from which it is possible such retirement might be drawn is about 200,000 officers alone, and if such legislation pertaining to officers is enacted it is apparent to me that the enactment of such legislation would with equity eventually necessitate the enactment of further legislation providing for a like increased compensation for all enlisted men who served during the World War, as otherwise undoubtedly there would exist unjust discrimination against such enlisted men and in favor of the emergency officer; in fact, many enlisted men apparently feel themselves entitled to retirement and retired pay as officers. In some cases the War Department has been urged to give noncommissioned officers appointments as officer and to place them on the retired list as such. The basis of such claims is, in general, that due to casualties the noncommissioned officer was thrown into the position and command of an officer, and while so serving incurred wounds or disability. Such occurrences are common in active operations; in fact, many cases have been presented in which privates have assumed command of platoons and companies. The claims of such men, or the expense incident to them, can not be overlooked if a principle is to be adopted of basing retirement and retired pay on the rank or office held in the Army. Equity in this matter would also eventually necessitate the enactment of some legislation such as is contemplated in S. 991, Sixty-seventh Congress, which has for its objects the appointment and retirement of those persons who served in the volunteer armies of the United States in the Civil War, the War with Spain, and the Philippine insurrection in the ranks held by them during such service.

In connection with this question, due consideration should be given to the unsuitability of the retirement laws for the purpose. For reasons which you can easily appreciate, the retirement law applicable to the

professional soldier of the Regular Army causes his retired rank, and consequently his pay, to be proportional to his length of service. It takes no account of the degree or nature of his disability. Essentially, and in theory, the existing scheme of retired pay for officers of the Regular Army constitutes, in effect, a system of deferred payments for and in consideration of a lifetime of military service under a life contract between the officer and the Government, payable after inception of the statute-fixed period of unfitness for military duty and in the relatively small number of cases of premature disability retirement, payable in equitable specific performance by the Government of its monetary obligation in consideration of the aforesaid life contract of officer, in the performance whereof the disability occurred.

It is not believed that the retirement proposed would be a fair system of compensation for persons who were in the military service but temporarily during the war. All such persons come into the military service practically on an equality. The remuneration which they should receive for disability should be in accord with the degree of their disability and the extent to which it impairs their earning power, rather than to be based upon accidents of the service. The proposed Johnson bill would not only create an unjustifiable discrimination between officers and enlisted men who served during the war, as I have pointed out in the foregoing, but would also discriminate among the officers themselves. These officers were given varying ranks when they came into the Army, and such rank was subject to change due to accidents of promotion. It does not appear, for example, just that two officers of the same length of service and suffering from equal disability, one of whom happened to be a major and another who happened to be a first lieutenant, should receive different compensation for their disabilities.

It should be well understood in this matter that the War Department is in no way opposed to proper and adequate compensation to persons who served during the war. It is merely opposed to the manner in which it is proposed to grant such compensation, this matter placing a burden of expense upon the Army which does not belong there in addition to making unjust discriminations among the persons who came in for temporary service during the war. The War Department realizes the necessity for economy in making appropriations and it also realizes that appropriations for the pay of retired officers will always be considered a charge against the Army.

It is only fair to say that with the amendment that has been proposed by the committee, the money necessary will not be a charge against the Army. I will therefore omit the balance of the paragraph relating to that subject.

Concerning the law which provided for the retirement of officers of the Naval Reserve Force and the temporary officers of the Navy to which you refer, I see, of course, the point you make; but in this connection the number of officers retired under the provisions of that law is by comparison so small in connection with the number that would ultimately become eligible to retire under the provisions of the Johnson bill or similar bills—

Referring to a bill in the House of Representatives—

that the War Department, in view of this fact and the other important considerations which I have touched upon, is firmly of the conviction that legislation such as that herein discussed is not legislation which will be for the best interests of the Government should it be enacted.

It should be remembered when comparison is made between the emergency officer and the Regular officer during this war that practically all of the junior officers of the Regular Army were commissioned in advanced grades as temporary officers during the war. In fact, some first lieutenants held the temporary grades of colonel; yet under the existing law for the Regular Army when such officer was disabled he is retired not as a colonel but as a first lieutenant.

It should also be remembered that the law relating to compensation for emergency personnel, which was enacted before the emergency officers accepted their commissions, makes no distinction between commissioned officers and enlisted men of the emergency forces as to disability compensation. The commissioned officers understood these conditions when they accepted their commissions, and as a matter of fact they were apparently glad to accept them under these conditions. Most of them, especially the junior officers, were subject to the draft, and many of them would have been drafted as enlisted men had they not volunteered and qualified as commissioned officers. It is, then, a question about which I have in my mind a great deal of doubt as to whether any distinction should be made in regard to benefits that should be given to the temporary commissioned officers from that which is given to the temporary enlisted men. Certainly it was perfectly clear in the minds of Congress when it enacted the laws that there should be no distinction.

My view of the matter is that the Government has entered into contracts with the personnel of the Regular Army as well as with the officers to whom you refer, and that these contracts vary in character, but that under them the Government has performed its full duty with respect to the personnel of both classes when it has fulfilled these contracts. I believe that the Government can afford to be generous toward any special cases concerning which it is shown that the rights accruing under such contracts have not been fulfilled, and, as I have herein indicated, the War Department will look with favor upon any reasonable and necessary modifications of the war risk insurance act as amended if the law established thereby does not provide the generous compensation I have mentioned.

Sincerely, yours,

JOHN W. WEEKS,
Secretary of War.

Mr. President, that is the attitude of the War Department; and it does not seem to me that after the very clear and conclusive statement made by the Secretary of War as to the distinction between the Regular Army officer and the emergency officer we should hear again on the floor of the Senate that there ought to be equality between the two classes with reference to disability compensation.

Mr. President, I desire to ask the Senator from New Mexico [Mr. BURSUM] a question. In a colloquy had last night the Senator from New Mexico undertook to state what this bill would cost. He made the statement that the total cost would be \$1,600,000.

Mr. BURSUM. Yes, sir.

Mr. LENROOT. And I asked the Senator this question:

The Senator can not refer to any official estimate of that kind?
Mr. BURSUM. Oh, yes.

Now, I should like to have the Senator from New Mexico furnish to the Senate the official estimate of which he speaks.
Mr. BURSUM. I have the figures—estimates from the Veterans' Bureau made up last summer. We had them before the committee.

Mr. LENROOT. Is it a statement of the Veterans' Bureau—an official estimate?

Mr. BURSUM. It was taken from the Veterans' Bureau.

Mr. LENROOT. Taken from it? I want to know whether there is an official statement over the signature of somebody in authority.

Mr. BURSUM. If the Senator means to say over the signature of Mr. Forbes, no.

Mr. LENROOT. Well, anybody that is in authority?

Mr. BURSUM. It was taken from the Veterans' Bureau. I have a memorandum of it here. It was used during the hearings.

Mr. LENROOT. I shall be very glad indeed if we can have it. [A pause.] Mr. President, while the Senator is finding those figures I want to call attention to another feature before I discuss the question of cost.

A great deal has been said about the age of these emergency officers, they being on the average 10 years older than the enlisted men. That is true, no doubt; but it must be remembered that when a comparison is made between the emergency officer and the Regular Army officer the very fact that the emergency officer is of an average age of 36, I believe, means that he has had at least 10 years of opportunity to establish himself in civil life, where the Regular Army officer has had no such opportunity at all.

It means that the emergency officer, if his age was 36, has become established in his profession, and unless there be a total disability he will be able, presumably, to return to that profession, where a Regular Army officer when he is disabled is not fitted for any vocation in private life, which makes a very clear distinction between the two classes.

Another distinction must be borne in mind. While this bill proposes to give these emergency officers all the privileges of retirement which Regular officers have, it does not propose to place upon them the obligations which retired officers of the Regular Army bear. Under the general retirement law Regular Army officers are subject to be recalled to duty under certain circumstances, but under this bill, while getting the same pay as a retired Regular Army officer, none of these emergency officers will be subject to call to duty as a retired officer of the Regular Army is subject to such call.

Mr. BURSUM. Is it not true that when the emergency officer took his oath and proceeded to the battle field, he was obligated to either bring back victory or to come back in a coffin?

Mr. LENROOT. Certainly.

Mr. BURSUM. Was not that an obligation quite as serious as any officer of the Regular Army had?

Mr. LENROOT. The Senator evidently misunderstood what I said. I did not say that the emergency officer was under no obligation to his Government while in the service. I have repeatedly said that the emergency officer is entitled to the very highest praise and to the very greatest credit. What I did say was that under the Senator's bill, while he proposes to give them the compensation of retired Regular Army officers, he does not propose to also carry with it the obligation which a retired Regular Army officer has.

Mr. BURSUM. Mr. President, does not the Senator from Wisconsin appreciate a difference between a service retirement or compensation and a retirement on account of disability suffered in action? Service retirement, I take it, is on account of the length of service or on account of age. There is no principle involved in this bill which contemplates any such compensation to emergency officers on account of length of service or on account of age. It is purely on account of injuries, wounds suffered in action.

Mr. LENROOT. Does not the Senator know that under the retirement act applying to Regular Army officers an officer may be retired for disability, but under certain circumstances he is subject to call for some active duty which he may be able to perform?

Mr. BURSUM. If he is not able, he can not.

Mr. LENROOT. That begs the question. I said if he was able.

Mr. BURSUM. Under this bill no officer is eligible to retire unless he has a permanent disability rated at not less than

30 per cent, much higher than is required in the case of a Regular Army officer.

Mr. WADSWORTH. It is 10 per cent.

Mr. LENROOT. The Senator means for compensation.

Mr. BURSUM. No; for retirement.

Mr. LENROOT. It is 10 per cent for retirement.

Mr. BURSUM. No; under the bill it is 30 per cent.

Mr. LENROOT. Ten per cent for retirement.

Mr. BURSUM. Not under this bill.

Mr. WADSWORTH. Under this bill.

Mr. LENROOT. The Senator must be familiar with his own bill, certainly.

Mr. BURSUM. It is 30 per cent.

Mr. LENROOT. No; 10 per cent for retirement and 30 per cent for compensation.

Mr. WADSWORTH. Will the Senator from Wisconsin allow me to read the language to the Senator from New Mexico?

Mr. LENROOT. Certainly.

Mr. WADSWORTH. Commencing with line 12, page 2, the bill provides:

That such officers of the United States Army as shall have incurred disability of less than 30 per cent and more than 10 per cent permanent disability as may have been, or may hereafter be, rated by the Bureau of War Risk Insurance, shall, on application, be retired under the same conditions as now provided by law for officers of the Regular Army.

That is in the Senator's own bill.

Mr. LENROOT. I hope we will not get into any controversy with the Senator from New Mexico as to what the bill contains. I am sure the Senator from New Mexico will find, upon investigation, that that is in his bill, as stated by the Senator from New York.

Now, I want to ask the Senator whether he has found the official estimates to which he referred?

Mr. BURSUM. No; I have not.

Mr. LENROOT. I shall, then, defer any discussion of the cost to the Government if this bill should pass until the Senator has produced the estimate which he stated he had.

Mr. BURSUM. I stated I had an estimate taken from the figures of the Veterans' Bureau.

Mr. LENROOT. Will the Senator state what figures those were?

Mr. BURSUM. I stated to the Senate last night and to-day that the net result of those statistics was that 1,906 officers were affected by this bill.

Mr. LENROOT. Did the Senator get all the figures which led him to that conclusion from the Veterans' Bureau?

Mr. BURSUM. Yes; from the Veterans' Bureau.

Mr. LENROOT. Does the Senator still insist that those figures will show the total cost of this bill?

Mr. BURSUM. Yes; approximately. They do not give the figures accurately to a man.

Mr. LENROOT. Does not the Senator know we still have a great many emergency officers in hospitals, who are still upon the active list, who are not drawing compensation at all, and whose names are not in the Veterans' Bureau?

Mr. BURSUM. That is true.

Mr. LENROOT. So the Senator does admit that his figures are not accurate as to the cost?

Mr. BURSUM. We can not tell to a man, that is very true.

Mr. LENROOT. The Senator last night gave the number of men down to the odd figures—1,906—and he undertook to state to the Senate that the total cost of this bill would be \$1,600,000 a year, and now the Senator admits that he knows there are a great many emergency officers still in hospitals on the active list. The Senator knows that every one of those will come under the provisions of this bill.

Mr. BURSUM. But those estimates were based upon the disabilities which they were drawing money for. The chances are that there will be a decrease in that number, and not an increase.

Mr. LENROOT. Does not the Senator know that those upon the active list are not drawing that disability compensation now?

Mr. BURSUM. Yes; I suppose that is true.

Mr. LENROOT. They are drawing the pay of their grades. So the Senator will admit now that he must revise his estimate, because the last figures I can find in the hearings show that there were 1,200 of these officers in hospitals. That was over a year ago, and I assume there are not so many now. I do not know where the Senator got his figures, but when the hearings were had, which was last summer, the officers of the American Legion estimated, instead of 1,906, somewhere around 4,000; and they stated, by the way, that they had endeavored

to secure figures but were utterly unable to secure any figures from any department of the Government.

Mr. BURSUM. That was on the basis of the bill as first introduced.

Mr. LENROOT. I understand that.

Mr. BURSUM. The total number of officers who were drawing disability compensation at that time was 6,300, of all grades.

Mr. LENROOT. Which, with the 1,200 in the hospitals, made 7,500.

Mr. BURSUM. No; that included the 1,200.

Mr. LENROOT. The Senator is mistaken about that.

Mr. BURSUM. I may be, but I think not. It is estimated that out of the 6,300 there would be 1,906 who would fall within the 30 per cent rating.

Mr. LENROOT. I have a letter by the author of the House bill, Mr. STEPHENSON, and he stated on May 10 last that on June 30, 1920, there were 6,786 officers drawing compensation; on March 8, there were 1,261 emergency officers in Army hospitals, which makes about 7,500.

However that may be, Mr. President, if we could have an estimate from some official source, we would find that this bill, instead of costing \$1,600,000 a year, as stated by the Senator from New Mexico, would cost at least twice that sum. In addition, if we are going to do this for the emergency officers in the late war, how can we decline to do the same thing for all of the Spanish War officers, and how can we decline to do the same thing for all of the Civil War officers?

Mr. BURSUM. Mr. President, the Senator must know that it would be of no serious consequence to this country if we permitted every Civil War officer who is suffering from a disability incurred in the service to share in the benefits of this bill. There are only 91 pensions being drawn by officers of the Civil War on account of disability.

Mr. LENROOT. How many Spanish War officers?

Mr. BURSUM. We would have about 400. I can give the Senator the exact number if he desires. I have it here.

Mr. LENROOT. Does the Senator think they should be included?

Mr. BURSUM. I have no objection.

Mr. LENROOT. Does the Senator think they should be included?

Mr. BURSUM. Yes; I am perfectly willing to have them included.

Mr. LENROOT. So that the Senator would at once increase his estimate of what this bill ought to cost, on his own figures, by at least \$600,000?

Mr. BURSUM. I should say that was about right.

Mr. LENROOT. I am very sorry to find any Senator speaking so lightly of millions of dollars. Of course, if the Senator belonged on the other side of the aisle it might not be so surprising, but he does not belong there.

Mr. BURSUM. Pension money is the best money in the world; the most sacred money. It does more good than any other disbursement of the Government. It helps more needy people; it permeates a greater area all over the land. There is nothing like pension money for doing good.

Mr. LENROOT. I want to ask the Senator if he is willing, if this bill shall become a law, to favor legislation that will give private soldiers the same rate of compensation which this would give to the officers?

Mr. BURSUM. We will take that question up when we get to it.

Mr. LENROOT. It is very important in connection with this bill.

Mr. BURSUM. Would the Senator from Wisconsin be willing to repeal the law now on the statute books retiring Regular Army officers?

Mr. LENROOT. No; of course not.

Mr. BURSUM. Would the Senator from Wisconsin be willing to give the enlisted men of the Regular Army the same compensation which the officers get?

Mr. LENROOT. No; of course not.

Mr. BURSUM. The Senator from Wisconsin desires to draw his lines between the officers and men in the Regular Army, but whenever it comes to the emergency officers, the men who came from civil life and who bared their breasts to the enemy on the field of battle, and made it possible for this country to be supreme in the recent great crisis, he is not willing to give them an equal chance with the men who happened to come from West Point, or who happened to belong to the Regular Army.

Mr. LENROOT. Now, let us see what the Senator wants us to do. The Senator wants to take the case of two men from his own State of New Mexico who go from the same office. One of them enters an officers' training camp. The other one says, "I

do not want any special honors, I am going to enlist as a private, and I will go into the trenches." The one gets a position down here in the department in Washington throughout the war, and is promoted, we will say, to the office of colonel, possibly in the Judge Advocate General's office. The other, with the same education, receiving the same income before the war, goes through battle and is wounded in the trenches or going over the top. The one in Washington has the "flu" during the "flu" epidemic.

They each have a 30 per cent disability. They go home to New Mexico. They go back to the same office and hereafter pursue the same work. The Senator from New Mexico says, "I want the private to get \$360 a year, but I want the swivel-chair officer to have \$3,000, and that is what my bill does."

Mr. LODGE. Mr. President, will the Senator from Wisconsin yield to me to make a request? I ask unanimous consent that when the Senate adjourns this afternoon it be to meet on Monday next.

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

Mr. LENROOT. Mr. President, I am not going to pursue the matter further. With reference to the bill, I understand the embarrassment under which some Senators rest when it comes to a vote upon it. I can understand how some Senators, the measure being indorsed by the American Legion, committed themselves to it without understanding it, its effect, and its discriminations. But I want to say that no Senator can afford, in my judgment, to vote for the bill, either from the standpoint of the Treasury of the United States, from the standpoint of the private soldier, or from the standpoint of the officer of lower rank as against the officer of higher rank.

The bill is grossly discriminatory. It can not be justified. There will be only one thing that Congress can do hereafter, if the bill shall become a law, to rectify the error it has made in its enactment, and that would be to give to all private soldiers the same compensation this bill will give to officers.

Mr. President, I think there are thousands of disabled soldiers, officers and privates, who are not receiving anything like what they ought to receive to-day. Some of these officers came before the committee, disabled for life and crippled. They ought to receive more than they are getting, and I am willing to vote for legislation that will give to every man a higher compensation where he has made a greater sacrifice or has lost earning power, but I should want to treat the first and second lieutenants, the captains, and the colonels all alike. If there is a private who makes the same sacrifice as did the officer, who is disabled to the same extent as the officer, I want that private to get the same compensation that the officer receives. Then we will do justice to both officer and private alike, but the bill, it seems to me, can not be defended before the private soldiers of the United States or before the American people.

Mr. WILLIAMS. Mr. President, this is not a bill to advance the officer before the private soldier. It has nothing in the world to do with that question. That may or may not come up later. When it does come up, if it ever shall come up, we will deal with it. This is merely a bill—

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.

That is all. The balance of the talk of the Senator from Wisconsin [Mr. LENROOT], if one would call it a talk, has been broadspread in the wrong direction. He attempted to arouse the animosity of the Senate toward some sort of future pensioning of private soldiers that might be proposed. This is merely a bill to put upon equal footing with disabled Regular Army officers the Army officers of equal rank who are not Regular Army officers, but who were in the service as commissioned officers. That is all. The balance of the Senator's talk is a mere camouflage charge to that part of the world that is willing to listen to it.

Mr. President, there has been a long, long row going on in the United States, from Andrew Jackson's day down to now, between the officers of the Regular Army and the officers of the Volunteer Army, who have presumably done equal service to the Republic. My old friend John Williams long ago left the Jeffersonian Democracy and went into the Whig Party because he thought that Andrew Jackson and the Regular Army officers received some benefits the others did not receive; I mean, that as a Regular Army officer he had not received a benefit which the Volunteer Army officers had received. At the battle of Horseshoe Bend John Williams was in command of the Regulars and Andrew Jackson was in command of the Volunteers. The Volunteers got all the credit and the Regulars were left outside as usual.

Mr. President, the bill before the Senate right now, and we have to come back to the bill, is for the purpose of—

Making eligible for retirement—

For retirement—

under the same conditions—

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.

Let us keep that in mind, notwithstanding the camouflage of the Senator from Wisconsin, which is a curious camouflage, a camouflage appealing to the private soldier in behalf of the Regular Army officer against the officer who did an equal duty with an equal disability outside of the Regular Army.

I have no prejudice against the Regular Army. On the contrary, I have a prejudice in its favor. From the revolutionary times down to now I have a family interest in favor of the Regular Army. But this is a bill—

Making eligible for retirement—

And please remember that it is for retirement—

under the same conditions—

And please remember it is 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.

Let us suppose the case of two men who went to France. One happened to be a Regular Army officer who had been educated at the expense of the United States Government, noble and brave and true, as they nearly all have been, including Robert E. Lee and Ulysses S. Grant. Another happened to be a man who got exactly the same position in exactly the same Army, but who came out of civil life. The purpose of the pending bill is simply to put them both upon the same footing. Now, why is there any reason, or where is there any reason why a West Point graduate—and I have no prejudice against them, but on the contrary I have an immense love for them—equipped at the expense of the United States Government, should have any advantage in retirement from the Army over the man who was not graduated at the expense of the United States Government, but who graduated at his own expense and went to France and went to Flanders and fought, and, Mr. President, was disabled—now, do not forget that—was disabled.

I am the last man in the world on either side of the Chamber who would contend for a service pension to reward a man merely because he had worn the uniform. But when a man has been disabled, why should not the man who went out of civil life and served with equal credit in the Army of the United States, and who was equally disabled, receive exactly the same retirement pension as the man who was educated at the expense of the United States at West Point and who received the same disability?

I can not understand the circumlocution and the crooked route of the argument of the Senator from Wisconsin. It may be my fault in receptivity. It may be his fault in initiation. I do not know which it is. At any rate, I can not understand why, if two of my boys went out in the service of the United States and one of them had been a graduate from West Point or from Annapolis and the other had entered the service from civil life, and both had done equal duty and both had incurred equal disability, that the one should not receive exactly the same pay on retirement as the other receives.

I may be a fool; I sometimes think I am; but I can not understand that distinction. Why should a man who did not graduate from West Point or from Annapolis but who served in the Army or the Navy and suffered exactly the same wounds and incurred exactly the same hospital disabilities as the West Point or Annapolis graduate be required to come to this body and say, "Somehow, I do not understand how, I am inferior to this other fellow, and while he is to receive a retirement pension of — dollars, I ought to receive a retirement pension of — minus dollars." How can that be true? How can that be just? How can that be really patriotic?

Oh, the Senator tells me that perhaps following all this there may be some other legislation. Yes; and I see all the other legislation, too, as well as he does. I see the bonus bill staring me in the eyes, and I see a whole lot of political cowards who are going to vote for it in order to be reelected to the House of Representatives or to the Senate. That does not make any point with me.

This bill is simply designed to put upon an equal footing all the officers who went to Flanders or to France and who, while they did not die, were willing to die and were disabled; to put

them upon an equal footing with equal rank, and to say that all officers of the United States Army who served in Europe, fighting for civilization and for the democracy of the world, should stand upon an equal footing in the Congress of the United States and in the legislation of the United States. Can the Senator from Wisconsin give me one single reason why a Regular Army officer ought to obtain a higher retirement pay than an emergency officer who went to France outside the Regular Army and performed equal service and incurred equal disability?

Mr. LENROOT. The Senator from Mississippi was nodding in his chair when I discussed that very completely, and I do not care to take the time of the Senate to go over it again.

Mr. WILLIAMS. I heard the Senator's attempted or alleged discussion of the question, and I have asked him this question with a view to getting him to give a real discussion of it.

Now, I again ask, is there a Member of this body who can give a single, valid reason why a graduate of West Point in the Regular Army should receive higher retirement pay for exactly the same disability than another officer of equal rank in the Army of the United States who served in Flanders or in France? The Senator tells me that he has discussed that and he declines to discuss it any further.

Mr. President, I remember that soon after the Spanish-American War somebody stated in some newspaper in the United States that a woman went into a hospital and saw a man with one arm off and a leg off, and she said, "My dear hero, I love you so and I want to help you." She further asked, "My dear hero, what is your name?" The soldier said, "My dear child, I am not a hero; I am a Regular." [Laughter.]

If I have a prejudice in the world in the fight between the Volunteers and the Regulars, I have it on the side of the Regulars, because, even in the Revolutionary Army, we were the Continentals and not militia. Later on in the Mexican War we were Regulars, and later on in the war between the States, while we were not United States Regulars, we were at least Confederate Regulars; but I have no sort of sympathy with an argument that says that because a man is a graduate of West Point and is a Regular Army officer he should, upon retirement, receive a higher degree of pay than the man who performed equal service and incurred equal disability.

Mr. President, moreover I want to call your attention and the attention of the Senate and the attention of the country to the fact that the pending bill does not affect anybody except those who have incurred disability. Two men went to France; one went as a Regular Army officer and the other went as an emergency officer of the American Expeditionary Forces. They were each shot in the left arm or they were each shot in the right arm or they were each shot in the leg and each of them recovered, but they are now disabled. Will you tell me why the man who had the advantage of being educated at the expense of the United States Government should be retired on account of exactly the same disability at a higher rate than the man who happened not to be appointed to West Point as a cadet by a Representative or a Senator? Oh, Mr. President, what absurd nonsense that is; that mere political favoritism away back yonder in the past, making a man a cadet at West Point, is to be the reason why he should now receive a larger amount of money upon retirement than a man who happened not to enjoy the favoritism of a Representative or a Senator, when, perhaps, he applied to be appointed to West Point or when he did not apply—and most of the good people of the United States never did apply; most of them never wanted to go to West Point or to Annapolis and never asked to go there. Yet when the tocsin of war sounded they responded to the call.

Mr. President, from the early days of the Roman Empire and during the succeeding days of the monarchies of Europe down to the American Republic the most magnificent picture in the world is the picture of the English-speaking race—derided and denounced by German junkers as being degenerate, as being in old England merely degenerate and as being in the United States of America merely dollar hunters—when the time came all going to the front, 5,000,000 of volunteers from England and 4,000,000 of conscripts from the United States, a great part of whom would have been volunteers, and facing the world.

Are you going to tell me now, Mr. President, that amongst those of my sons and other people's sons who faced that music, the Regular Army officer who happened to be a graduate of West Point is to receive a higher retirement pay than the man who, without that obligation, still went to the front as a volunteer? By the way, all of the commissioned officers went as volunteers; many of the privates went as conscripts; but the commissioned officers went as volunteers. Are you going to tell

me that merely because a man never happened, by the favoritism of a Representative or a Senator, to be appointed to West Point, therefore he has got to sink to a lower level than the man who without any obligation from West Point or elsewhere faced the music and lost his leg or his arm or his eye? Mr. President, I can not understand the position which the Senator from Wisconsin assumes, unless I believed—and I do not believe it; I deny that I believe it—that it is merely appealing to a future demagogy in favor of private soldiers; and I can not believe that without losing my respect for him.

This bill does not affect any private soldier. It has nothing to do with him. When future legislation shall present itself to do justice to him, I think I shall be ready to do it, whatever the future justice may be. This bill merely implies the idea that a boy who volunteered—my son or yours—and lost his leg or his arm after good service in Flanders or France, who came back to the United States and was retired from the Army on account of his disability, shall receive exactly the same pay that a man of equal rank and equal disability in the Regular Army shall receive. Is there anything else to it? And, by the way, I ask the Senator from Wyoming [Mr. WARREN], who knows more about this sort of legislation than anybody else in this Chamber, if there is any other distinction. [Applause.]

After a sacredly private conversation between the Senator from Wyoming and me, I am willing to quit talking right now; but I now say, I now announce, I now declare, I now challenge the Senator from Wisconsin or anybody else to tell me any objection he has to this bill except an objection to a boy who went to France or to Flanders without West Point rank and without Regular Army insignia receiving the same pay, with equal disability and with equal service, that a boy receives who went with a West Point appointment.

Mr. President, I do not want to be misunderstood. I have no prejudice against the Regular Army. On the contrary, I have a very high prejudice in its favor. One of the very first things in the history of the Williams clan in the State of Mississippi was the fact that they thought Andrew Jackson got the credit of winning the Battle of Horseshoe Bend because he was a volunteer, while Col. John Williams, who commanded the only Regulars there, really won the battle. I am not talking about that. I looked into all that later on, and I thought the battle was really won by the strategy of Andrew Jackson, and not by the courage of Col. John Williams; but I merely want to cite a fact showing that I have no prejudice against the Regular Army. I love Regular Army men, from Robert E. Lee down to J. E. B. Stuart, and all the others who illustrated to all the world how brave and how true was the education given at West Point to the man who took his place to fight for his country; but as far as I can see through this bill—and I have an intellect at least equal to that of the Senator from Wisconsin; I would not say it was greater, because that would nearly amount to blasphemy in this body as at present organized—I can not see any reason in the world why a man of the Regular Army doing the same duty, incurring the same risks, suffering the same disability, should receive a higher retirement pay than should be received by his fellow standing right by his side in the charge upon the Germans or in the resistance to the Germans. I can not understand for the life of me, Mr. President, why any man pretending to represent peculiarly the common people of America should appear resisting a bill which merely puts upon an equal footing the men of equal service and of equal disability, facing our enemies in Europe in a war which would have resulted, if they had been victorious, in the destruction of civilization and of democracy.

It is so hard for me to see what the Senator from Wisconsin means that I am at a loss to argue against him; so I close up what I have to say by saying this, and this in one sentence:

I say, and I defy any man to deny, that there is no reason in law, in right, in equity, or in justice why the man who went to Europe and fought our battles without a West Point commission, who suffered equally, who had exactly the same disability and exactly the same length of service as the man with a West Point commission, should not be entitled to exactly the same pay.

THE MUSCLE SHOALS PLANT.

Mr. HARRIS. Mr. President, in January I offered a resolution, Senate resolution 227, to investigate the lobbying activities against the Muscle Shoals power plant on the part of the Fertilizer Trust and the Power Trust. I asked that the resolution might lie on the table. Since that time the Muscle Shoals matter has been referred to the Committee on Agriculture and Forestry, and I now request that the resolution, as modified by me, be referred to that committee.

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

TOMBIGBEE RIVER BRIDGE.

Mr. LENROOT. From the Committee on Commerce I report back favorably House bill 10009, to authorize the State of Alabama through its highway department to construct and maintain a bridge across the Tombigbee River at or near Moscow Landing, in the State of Alabama, and I submit a report (No. 505) thereon. I ask unanimous consent for the immediate consideration of the bill.

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

Mr. BURSUM. Will it lead to any debate?

Mr. LENROOT. No; it is just a formal 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 State of Alabama through its highway department be, and is hereby, authorized to construct and maintain a bridge and approaches thereto across the Tombigbee River at a point suitable to the interests of navigation at or near Moscow Landing, about 14 miles south of the city of Demopolis, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

WACCAMAW RIVER BRIDGE.

Mr. LENROOT. From the Committee on Commerce I report back favorably House bill 9386, to grant the consent of Congress to the Whiteville Lumber Co. to construct a bridge across the Waccamaw River at or near Pireway Ferry, county of Columbus, N. C. I ask unanimous consent for the immediate consideration of the bill.

The VICE PRESIDENT. Is there objection?

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 consent of Congress is hereby granted to the Whiteville Lumber Co., and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Waccamaw River at a point suitable to the interests of navigation, at or near Pireway Ferry in the county of Columbus, State of North Carolina, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

MONONGAHELA RIVER BRIDGE.

Mr. LENROOT. From the Committee on Commerce I report back favorably House bill 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, and I submit a report (No. 504) thereon. I ask unanimous consent for the consideration of the bill.

The VICE PRESIDENT. Is there objection?

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 consent of Congress is hereby granted to the city of Pittsburgh, a municipal corporation of the Commonwealth of Pennsylvania, and its successors and assigns, to construct, maintain, and operate a bridge, with approaches thereto, across the Monongahela River at a point suitable to the interests of navigation, at or near its junction with the Allegheny River, in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

BLANCHE WINTERS.

Mr. STANFIELD. I ask unanimous consent for the reconsideration of the vote whereby Senate bill 2024, for the relief of Blanche Winters, passed the Senate, and that the Secretary of the Senate be instructed to request the House of Representatives to return the bill to the Senate. It is a claim bill that was amended on the floor here hurriedly the other day, and those interested in it would like to have it further considered.

The VICE PRESIDENT. The Senator from Oregon requests that the Secretary of the Senate be requested to secure the return of the bill from the House of Representatives. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. LODGE. 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 5 o'clock and 45 minutes p. m.) the Senate, under the order previously made, adjourned until Monday, February 20, 1922, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 17, 1922.

UNITED STATES ATTORNEY.

Charles F. Cole, of Arkansas, to be United States attorney, eastern district of Arkansas, vice June P. Wooten, resigned.

UNITED STATES MARSHAL.

Roy B. Williams, of Kentucky, to be United States marshal, eastern district of Kentucky, vice Henry M. Cox, whose term will expire March 4, 1922.

POSTMASTERS.

ALABAMA.

Leander Isbell to be postmaster at Albertville, Ala., in place of A. M. Espey. Incumbent's commission expired January 24, 1922.

CALIFORNIA.

Miriam I. Paine to be postmaster at Mariposa, Calif., in place of M. I. Paine. Incumbent's commission expired July 21, 1921.

CONNECTICUT.

William J. Phillips to be postmaster at Woodmont, Conn., in place of C. F. Farren. Incumbent's commission expired January 13, 1921.

GEORGIA.

Jessie I. Crichton to be postmaster at Camp Benning, Ga. Office became presidential January 1, 1921.

IDAHO.

Charles A. Johnston to be postmaster at Cottonwood, Idaho, in place of J. V. Nash. Incumbent's commission expired March 16, 1921.

ILLINOIS.

William B. Rasplca to be postmaster at Glen Carbon, Ill. Office became presidential January 1, 1921.

Arthur J. Mollman to be postmaster at Millstadt, Ill. Office became presidential January 1, 1921.

Robert M. Farthing to be postmaster at Mount Vernon, Ill., in place of J. J. Baker, resigned.

Isaac D. Gum to be postmaster at Pochontas, Ill., in place of J. H. Knebel. Incumbent's commission expired August 7, 1921.

INDIANA.

Guy F. Johnson to be postmaster at Ewing, Ind. Office became presidential January 1, 1921.

Dean W. White to be postmaster at Vallonia, Ind. Office became presidential April 1, 1921.

IOWA.

Vellas L. Gilje to be postmaster at Elkader, Iowa, in place of A. J. Palas, resigned.

Boyd W. Smith to be postmaster at Waukon, Iowa, in place of E. F. Medary. Incumbent's commission expired July 15, 1920.

KANSAS.

K. Leonor Lee to be postmaster at Portis, Kans., in place of E. R. Lemon, resigned.

KENTUCKY.

Oscar W. Gaines to be postmaster at Oakland, Ky. Office became presidential January 1, 1921.

LOUISIANA.

Nathan R. Funderburk to be postmaster at Wisner, La. Office became presidential January 1, 1921.

MAINE.

Charles A. Robinson to be postmaster at Portland, Me., in place of O. R. Wish. Incumbent's commission expired January 24, 1922.

MARYLAND.

Charles D. Routzahn to be postmaster at Mount Airy, Md., in place of R. L. Runkles, resigned.

MICHIGAN.

Charles Dufty to be postmaster at Caseville, Mich. Office became presidential July 1, 1921.

Elmer M. French to be postmaster at Hersey, Mich. Office became presidential April 1, 1920.

Edna A. Gorton to be postmaster at Lexington, Mich. Office became presidential July 1, 1921.

Hercules Rice to be postmaster at Muir, Mich. Office became presidential January 1, 1921.

Russell S. Kendrick to be postmaster at New Haven, Mich. Office became presidential April 1, 1921.

George H. Poskitt to be postmaster at Prescott, Mich. Office became presidential October 1, 1920.

Herbert T. Trumble to be postmaster at Elkton, Mich., in place of George Arthur, resigned.

Claude B. Van Wert to be postmaster at North Adams, Mich., in place of M. N. Wolcott, resigned.

MINNESOTA.

Samuel A. Terrell to be postmaster at Elysian, Minn. Office became presidential April 1, 1921.

James J. Lannon to be postmaster at Prior Lake, Minn. Office became presidential April 1, 1921.

Erick L. Slindee to be postmaster at Adams, Minn., in place of E. L. Slindee. Incumbent's commission expired February 16, 1922.

MISSISSIPPI.

James C. Reddoch to be postmaster at Quitman, Miss., in place of C. B. Wier, removed.

MISSOURI.

Morris W. Ledbetter to be postmaster at Marble Hill, Mo. Office became presidential July 1, 1920.

James P. Scott to be postmaster at Kahoka, Mo., in place of S. S. Ball. Incumbent's commission expired January 24, 1922.

Thomas G. Buxton to be postmaster at Seneca, Mo., in place of J. E. Shepherd. Incumbent's commission expired April 24, 1921.

MONTANA.

Rose M. Sargent to be postmaster at Nashua, Mont., in place of R. M. Sargent. Incumbent's commission expired February 5, 1922.

Marie I. Moler to be postmaster at Reedpoint, Mont., in place of S. J. Guthrie, resigned.

NEW JERSEY.

William A. Tripp to be postmaster at Millington, N. J., in place of W. A. Tripp. Incumbent's commission expired April 24, 1921.

Robert J. Vanderhoff to be postmaster at Newfoundland, N. J., in place of E. T. Van Horn. Incumbent's commission expired August 6, 1921.

NEW MEXICO.

Gertrude Warrender to be postmaster at Logan, N. Mex. Office became presidential July 1, 1921.

NEW YORK.

Wilfred D. Cheney to be postmaster at Newton Falls, N. Y. Office became presidential July 1, 1921.

Horace B. Fromer to be postmaster at Hunter, N. Y., in place of A. B. Taylor. Incumbent's commission expired July 21, 1921.

NORTH CAROLINA.

Judson D. Albright to be postmaster at Charlotte, N. C., in place of J. H. Weddington, deceased.

NORTH DAKOTA.

Catherine Ross to be postmaster at Arthur, N. Dak. Office became presidential July 1, 1921.

Flora Walker to be postmaster at Kathryn, N. Dak. Office became presidential January 1, 1921.

OKLAHOMA.

John K. Miller to be postmaster at Apache, Okla., in place of C. W. Amspacher, resigned.

James W. Hinson to be postmaster at Fletcher, Okla., in place of J. W. Hinson. Incumbent's commission expired February 4, 1922.

PENNSYLVANIA.

Harry A. Bucher to be postmaster at Cashtown, Pa. Office became presidential July 1, 1921.

Wharton M. Oswalt to be postmaster at Clarence, Pa. Office became presidential October 1, 1920.

Ethel O. Lakin to be postmaster at Grassflat, Pa. Office became presidential January 1, 1921.

William C. Hunter to be postmaster at Meadville, Pa., in place of A. J. Palm, resigned.

SOUTH CAROLINA.

Mark D. Batchelder to be postmaster at Frogmore, S. C. Office became presidential April 1, 1921.

SOUTH DAKOTA.

Chris Wittmayer to be postmaster at Eureka, S. Dak., in place of G. C. Knickerbocker, deceased.
Robert C. Van Horn to be postmaster at Kennebec, S. Dak., in place of Agnes McCue, resigned.

TENNESSEE.

Robert H. Hurst to be postmaster at Grand Junction, Tenn., in place of L. E. Stroup. Incumbent's commission expired October 4, 1921.

TEXAS.

Sam H. French to be postmaster at Purdon, Tex. Office became presidential April 1, 1921.
Michel Abdelmessih to be postmaster at Seminary Hill, Tex. Office became presidential July 1, 1921.
Fred P. Ingerson to be postmaster at Barstow, Tex., in place of F. P. Ingerson. Incumbent's commission expired July 21, 1921.
Horace H. Watson to be postmaster at Orange, Tex., in place of J. J. Ball. Incumbent's commission expired July 21, 1921.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 17, 1922.

RECEIVER OF PUBLIC MONEYS.

John W. Scott to be receiver of public moneys, El Centro, Calif.

COAST AND GEODETIC SURVEY.

Charles Henry Wright to be aid, with relative rank of ensign in the Navy.
Albert J. Hoskinson to be aid, with relative rank of ensign in the Navy.
Frederick Estill Joekel to be hydrographic and geodetic engineer, with relative rank of lieutenant (junior grade) in the Navy.

POSTMASTERS.

ARIZONA.

Charles A. Narramore, Buckeye.

COLORADO.

Albert Neuman, Elbert.

CONNECTICUT.

James E. Usher, Plainville.

FLORIDA.

William B. Wingate, Callahan.
Effie M. Robinson, Coleman.
Elmer J. Roux, Fernandina.
Pearl E. Graham, Orange City.

GEORGIA.

Jackson C. Atkinson, Midville.

ILLINOIS.

Lillian M. Dilg, Morton Grove.

KANSAS.

Isabel Brown, Lansing.

MICHIGAN.

E. Harold Ormes, Marenisco.

MISSISSIPPI.

Charles F. Harris, Bentonia.
Fred E. Brister, Bogue Chitto.
George H. Holley, Booneville.
Matt Sheppard, Braxton.
Georgia A. McCuen, Brookville.
Edward M. Fant, Coahoma.
Andrew McD. Patterson, Como.
Clara L. Wright, Enterprise.
Mary U. Dollins, Glendora.
Richard K. Haxton, Greenville.
Mable C. Brashears, Gunnison.
Edward A. Kernaghan, Hattiesburg.
Suggs S. Matthews, Hazlehurst.
Maude D. Montgomery, Hermanville.
Elizabeth Connelly, Lexington.
William X. Casanova, Logtown.
Hammond H. Hinton, Lumberton.
Charles J. Hyde, Meridian.
Lottie S. Smith, Pittsboro.
Henry Boswell, Sanatorium.
Dora McCurley, Stephenson.

Monroe L. Lott, Sumrall.
Charles P. Chappell, Tupelo.
Lemuel S. Jones, Yazoo City.

MISSOURI.

William H. Lerbs, Berger.
Colmore Gray, Billings.
Louis E. Meyer, Bowling Green.
Elias K. Horine, Cassville.
Alfred G. Neville, Eldon.
Glen Kingen, Ellsinore.
Oliver M. Silsby, Flat River.
Archie C. Witt, Gower.
Leonard Ancell, Higbee.
Archie P. Myrick, Hunter.
Julia Durham, Jacksonville.
William S. Tabler, Jasper.
Carl F. Sayles, Laclede.
Charles B. Genz, Louisiana.
John H. Jones, Marshall.
Frank J. Black, Meadville.
Herbert H. A. Redeker, Morrison.
Mattie Deball, Pomona.
James D. A. Hood, jr., Republic.
Harland F. Kleppinger, Rockville.
Estella Marquis, Shell City.
Zack R. Baskett, Summersville.
Benjamin F. Northcott, Sumner.
Knox G. Thomas, Verona.
Charles O. Vaughn, Weaubleau.
Horace P. Bassett, Wheeling.

NEBRASKA.

Henrietta Andrews, Bellwood.
Donald D. Price, Gothenburg.

NEW JERSEY.

Jeanette H. Claypoole, Cedarville.
James H. Fullerton, Fords.
Charles J. Draude, Laurel Springs.
Ross E. Mattis, Riverton.

OHIO.

Helen M. Roley, Basil.
Myrtle M. McCreery, Brecksville.
Edwin E. Cook, Huron.
Benjamin S. Dillehay, Waterford.

UTAH.

Frank M. Shafer, Moab.

WYOMING.

John W. Hullett, Chugwater.

WITHDRAWAL.

Executive nomination withdrawn from the Senate February 17, 1922.

POSTMASTER.

John W. Sample to be postmaster at Marble Hill in the State of Missouri.

HOUSE OF REPRESENTATIVES.

FRIDAY, February 17, 1922.

The House met at 12 o'clock noon.

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

Glory be to Thee O Lord most High! Vouchsafe to keep us this day without sin. Open up the wells of human consciousness and may there come help divine. O Light of Life, shed upon our homes and our loved ones away the blessings of good health and comfort, and give the fullest cup of earthly cheer. If any must walk the shores of life in sorrow, or thread the shadows all alone, or endure the aches which can not be revealed, give them the unfailing secrets of a happy life. In our conduct and in our duties manifest Thy wisdom and give direction to all problems of legislation. Extend the blessings of good will and the spirit of cooperation throughout our broad land, and more and more teach men everywhere that the paths of patient labor lead to the paths of peace and prosperity, and that it is righteousness that exalteth a nation. Through Christ. Amen.

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

APPROPRIATIONS FOR THE INTERIOR DEPARTMENT.

The SPEAKER. The unfinished business is the motion of the gentleman from Oklahoma [Mr. CARTER] to recommit the appropriation bill, which motion the Clerk will report.

The Clerk read as follows:

Mr. CARTER moves to recommit the bill to the Committee on Appropriations, with instructions to report the same back forthwith, with the following amendments: On page 13 strike out lines 8, 9, 18, 19, 22, 23, 24, and 25, said lines providing appropriations for the surveyors general in the States of Colorado, Oregon, Washington, and Wyoming.

The question was taken; and on a division (demanded by Mr. BYRNES of South Carolina) there were 13 ayes and 43 noes.

Mr. BYRNES of South Carolina. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from South Carolina makes the point that no quorum is present. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 102, nays 218, answered "present" 2, not voting 108, as follows:

YEAS—102.

Aswell	Drane	Lanham	Rankin
Bankhead	Drewry	Larsen, Ga.	Rayburn
Barkley	Dupré	Lazaro	Rouse
Bell	Favrot	Lee, Ga.	Rucker
Black	Fisher	Logan	Sabath
Bland, Va.	Fulmer	London	Sanders, Tex.
Blanton	Gallivan	Lowrey	Sandlin
Bowling	Garner	Lyon	Sears
Box	Garrett, Tenn.	McClintic	Sisson
Brand	Garrett, Tex.	McDuffie	Smithwick
Briggs	Gilbert	McSwain	Stegall
Buchanan	Goldsborough	Martin	Stedman
Bulwinkle	Griffin	Mead	Stevenson
Byrnes, S. C.	Hammer	Montague	Stoll
Byrnes, Tenn.	Hardy, Tex.	Moore, Va.	Summers, Tex.
Cantrill	Hawes	O'Connor	Swank
Carew	Hooker	Oldfield	Taylor, Ark.
Clark, Fla.	Huddleston	Oliver	Thomas
Collier	Hudspeth	Overstreet	Tillman
Collins	Humphreys	Padgett	Tyson
Connally, Tex.	Jacoway	Park, Ga.	Vinson
Crisp	Jeffers, Ala.	Parks, Ark.	Weaver
Cullen	Johnson, Miss.	Pou	Wilson
Davis, Tenn.	Jones, Tex.	Quin	Wright
Dominick	Kincheloe	Rainey, Ill.	
Doughton	Kindred	Ramseyer	

NAYS—218.

Ackerman	Fairfield	Larson, Minn.	Roach
Andrew, Mass.	Fenn	Layton	Robertson
Andrews, Nebr.	Fess	Lea, Calif.	Robison
Anthony	Fish	Leatherwood	Rodenberg
Appleby	Fitzgerald	Lehlbach	Rose
Arentz	Fordney	Longworth	Rosenbloom
Atkeson	Foster	Luce	Rossdale
Bacharach	Frear	Lubring	Sanders, Ind.
Barbour	Free	McArthur	Sanders, N. Y.
Beck	Freeman	McCormick	Scott, Mich.
Beedy	French	McFadden	Scott, Tenn.
Begg	Frothingham	McLaughlin, Mich.	Shelton
Benham	Fuller	McLaughlin, Nebr.	Shreve
Bixler	Funk	McPherson	Sinclair
Blakeney	Gahn	MacGregor	Sinnott
Blaid, Ind.	Gerner	Magee	Slem
Bowers	Glynn	Maloney	Smith, Idaho
Brooks, Ill.	Goodykoontz	Mann	Smith, Mich.
Brooks, Pa.	Gorman	Mapes	Snell
Brown, Tenn.	Graham, Ill.	Merritt	Snyder
Browne, Wis.	Green, Iowa	Michener	Sproul
Burdick	Greene, Mass.	Mills	Stafford
Burroughs	Greene, Vt.	Millsbaugh	Steenerson
Burtness	Griest	Mondell	Stevens
Burton	Hardy, Colo.	Montoya	Strong, Kans.
Butler	Haugen	Moore, Ill.	Summers, Wash.
Cable	Hawley	Moore, Ohio	Sweet
Campbell, Kans.	Hayden	Moore, Ind.	Swing
Campbell, Pa.	Herrick	Morgan	Taylor, N. J.
Chalmers	Hickey	Morin	Timberlake
Christopherson	Hicks	Mott	Tincher
Clague	Himes	Murphy	Towner
Clarke, N. Y.	Hoch	Nelson, A. P.	Treadway
Classon	Hull	Nelson, J. M.	Underhill
Clouse	Hutchinson	Newton, Minn.	Valle
Cole, Iowa	Johnson, S. Dak.	Newton, Mo.	Vestal
Colton	Johnson, Wash.	Norton	Voigt
Connell	Jones, Pa.	Olpp	Volstead
Cooper, Wis.	Kearns	Osborne	Walsh
Copley	Kelly, Pa.	Parker, N. Y.	Walters
Crago	Kendall	Patterson, N. J.	Watson
Dale	Ketcham	Perkins	Watson
Dallinger	Kiess	Petersen	Webster
Darrow	King	Porter	White, Kans.
Davis, Minn.	Kinkaid	Pringey	White, Me.
Dempsey	Kirkpatrick	Purnell	Williams
Denison	Kissel	Radcliffe	Williamson
Dickinson	Kieczka	Raker	Wingo
Dowell	Kline, N. Y.	Ransley	Woodruff
Dunn	Kline, Pa.	Reavis	Woodyard
Echols	Knutson	Reece	Wyant
Elliott	Kopp	Reed, N. Y.	Young
Ellis	Kraus	Reed, W. Va.	Zihlman
Evans	Lampert	Rhodes	
Fairchild	Langley	Ricketts	

ANSWERED "PRESENT"—2.

Cockran
Cramton
NOT VOTING—108.

Almon	Faust	Lankford	Schall
Anderson	Fields	Lawrence	Shaw
Ansorge	Focht	Lee, N. Y.	Siegel
Bird	Gensman	Lineberger	Speaks
Boies	Gould	Linthicum	Stiness
Bond	Graham, Pa.	Little	Strong, Pa.
Brennan	Hadley	McKenzie	Sullivan
Brinson	Harrison	McLaughlin, Pa.	Tague
Britten	Hays	Mansfield	Taylor, Colo.
Burke	Hersey	Michaelson	Taylor, Tenn.
Cannon	Hill	Miller	Temple
Carter	Hogan	Mudd	Ten Eyck
Chandler, N. Y.	Houghton	Nolan	Thompson
Chandler, Okla.	Hukriede	O'Brien	Tilson
Chindblom	Husted	Ogden	Tinkham
Codd	Ireland	Paige	Upshaw
Cole, Ohio	James	Parker, N. J.	Vare
Connolly, Pa.	Jeffers, Nebr.	Parrish	Volk
Cooper, Ohio	Johnson, Ky.	Patterson, Mo.	Ward, N. C.
Coughlin	Kahn	Perlman	Ward, N. Y.
Crowther	Keller	Rainey, Ala.	Wheeler
Curry	Kelley, Mich.	Reber	Winslow
Deal	Kennedy	Riddick	Wise
Driver	Kitchin	Riordan	Wood, Ind.
Dunbar	Knight	Rogers	Woods, Va.
Dyer	Kreider	Ryan	Wurzbach
Edmonds	Kunz		Yates

So the motion to recommit was rejected.

The following pairs were announced:

Mr. CARTER (for) with Mr. CRAMTON (against).

Mr. RIORDAN (for) with Mr. WINSLOW (against).

General pairs:

Mr. PATTERSON of Missouri with Mr. O'BRIEN.

Mr. CANNON with Mr. FIELDS.

Mr. STRONG of Pennsylvania with Mr. TAGUE.

Mr. COUGHLIN with Mr. LANKFORD.

Mr. REBER with Mr. PARRISH.

Mr. THOMPSON with Mr. JOHNSON of Kentucky.

Mr. VARE with Mr. DEAL.

Mr. WOOD of Indiana with Mr. WISE.

Mr. CODD with Mr. LINTHICUM.

Mr. CHINDBLOM with Mr. KITCHIN.

Mr. KELLER with Mr. ALMON.

Mr. HUKRIEDE with Mr. TEN EYCK.

Mr. BIRD with Mr. WOODS of Virginia.

Mr. TILSON with Mr. DRIVER.

Mr. GRAHAM of Pennsylvania with Mr. KUNZ.

Mr. CHANDLER of Oklahoma with Mr. LEA of California.

Mr. FAUST with Mr. BRINSON.

Mr. OGDEN with Mr. RAINEY of Alabama.

Mr. LAWRENCE with Mr. TAYLOR of Colorado.

Mr. PERLMAN with Mr. UPSHAW.

Mr. BRENNAN with Mr. WARD of North Carolina.

Mr. IRELAND with Mr. MANSFIELD.

Mr. TAYLOR of Tennessee with Mr. SULLIVAN.

Mr. HOGAN with Mr. HARRISON.

Mr. CRAMTON. Mr. Speaker, I voted "no." I am paired with the gentleman from Oklahoma [Mr. CARTER]. I wish to withdraw my vote and answer "present."

Mr. CRAMTON answered "present" as above recorded.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 5659. An act for the relief of Ellen M. Willey, widow of Owen S. Willey.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2993. An act authorizing a modification of the adopted project for Indiana Harbor, Ind.; and

S. 2024. An act for the relief of Blanche Winters.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2024. An act for the relief of Blanche Winters; to the Committee on War Claims.

S. 2993. An act authorizing a modification of the adopted project for Indiana Harbor, Ind.; to the Committee on Rivers and Harbors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that February 16 they had presented to the President of the United States for his approval the following bills:

H. R. 1268. An act for the relief of the Six Minute Ferry Co., of Vallejo, Calif.;

H. R. 1362. An act for the relief of M. Fine & Sons;

H. R. 1370. An act for the relief of Col. Herbert Deakayne, Corps of Engineers, United States Army;

H. R. 1372. An act for the relief of the M. Feitel House Wrecking Co.;

H. R. 1721. An act to authorize the refund of a part of the purchase price of Camp Mills to the Buffalo Housewrecking & Salvage Co.;

H. R. 1733. An act for the relief of W. R. Grace & Co.;

H. R. 2144. An act for the relief of the owners of the schooner *Charlotte W. Miller*;

H. R. 3249. An act for the relief of certain employees of the Bureau of Lighthouses;

H. R. 5597. An act granting an increase of pension to N. May Jernegan;

H. R. 6437. An act for the relief of the Cleveland Trinidad Paving Co., of Cleveland, Ohio;

H. R. 6622. An act for the relief of Gaetano Davide Olivari fu Fortunato;

H. R. 8217. An act to authorize the payment of \$872.96 to the Government of Italy for the relief of the heirs and assigns of N. Ferro;

H. R. 9031. An act to extend the time for completing the construction of a bridge across the Delaware River;

H. R. 2373. An act to authorize association of producers of agricultural products;

H. R. 9724. An act making appropriations for the Treasury Department for the fiscal year ending June 30, 1923, and for other purposes; and

H. R. 7077. An act to increase the force and salaries in the Patent Office, and for other purposes.

BONUS LEGISLATION.

Mr. GARNER. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

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

There was no objection.

Mr. GARNER. Mr. Speaker, it was not my purpose during the preliminary consideration of the bonus bill to mention the subject in the House of Representatives, but a matter has occurred this morning which I think the House is entitled to know about, and against which I for one want to protest. It is all right, so far as I am concerned, and I think so far as the country is concerned, for the Republican membership of the Committee on Ways and Means to have their executive sessions without the Democrats being present. That has been done and will be done as long as we are organized as parties in this country, but what I want to call the attention of the House to and protest against is the Republicans having an executive session and calling witnesses before them in order to determine upon legislation pending before the Committee on Ways and Means. I say frankly that that ought not to exist, and that the House ought to take some action to prevent it, if need be. The Republicans of the Ways and Means Committee, if I am correctly informed by gentlemen outside of the committee, and the gentlemen of the committee are here and they can tell me whether I am correct or not, held a meeting this morning at which they called before them representatives of the American Legion to advise them concerning the report of the so-called bonus bill. If that information is correct, it is an outrage on the House of Representatives. It is not fair play, because you will undertake to quote on the floor of this House, as you did touching another bill, what they said touching the measure which you may report. If I am correctly informed, you called before you the representatives of the American Legion, the legislative members of the American Legion, whose duty it is to advise Congress, and they are undertaking to advise you in secret session without giving the country or the entire membership of the House of Representatives an opportunity to know what is going on with reference to information upon which you are going to base legislation. I do not object to them being called, but the minority members have a right to be present. You have a right after you get all of your information to go into secret session. It is your business to do that, if you see proper to legislate in that manner, but you have not the right to have secret sessions and invite representatives of the American Legion or representatives of any other class before you and have them under-

take to tell you the character of legislation that you shall report without having anyone else there or at least having a stenographic report of it, so that this House may have the benefit of it. [Applause on the Democratic side.]

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I am a little surprised at the statement of the gentleman from Texas [Mr. GARNER]. The gentleman is generally moderate and reasonably accurate in his statements, but I think the gentleman has been neither moderate nor accurate this morning. The gentleman admits that it has been the practice for a very long time and will be so long as party responsibility is recognized in the House for the majority members of committees to meet to discuss matters pending before the House, proposals of legislation. It is not only usual but it is entirely logical that at those meetings they shall hear anyone they may desire to hear on matters pending before the House on legislative suggestions. Those are not official meetings of the Ways and Means Committee to which he refers.

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

Mr. MONDELL. In just a moment. They are unofficial meetings of the majority members of the committee, seeking information with regard to propositions and problems before the House, and it is entirely proper, it is usual, that they shall seek such information and expression of opinion as may seem wise and proper to them to get. I yield to the gentleman from Texas.

Mr. GARNER. The gentleman speaks about my inaccuracy. He has been here for nearly a quarter of a century. I ask the gentleman to name one single instance in that time where the partisanship of a committee has summoned witnesses before it to consider legislation in executive session.

Mr. MONDELL. Oh—

Mr. GARNER. Name it; name it. The gentleman says that I am inaccurate, and he also says that it is usual to do this very thing. Name a single instance in a quarter of a century.

Mr. MONDELL. I do not happen to remember the particular occasion, the particular hour or the particular day, but I know there have been many such occasions.

Mr. GARNER. Name a single one.

Mr. MONDELL. The gentleman from Texas knows—

Mr. GARNER. Oh, name a single one.

Mr. MONDELL. Oh, the idea of asking me to recall some hour of some particular day when a thing of that kind might have occurred! I know that the majority members of committees of which I have been a member, of committees of which the gentleman himself is and has been a member, have had people before them asking their opinion with regard to legislation. The Democratic members of the Committee on Ways and Means did that in the preparation of the Underwood tariff bill.

Mr. GARNER. Never since I have been a member of that committee have the Democrats in secret session summoned evidence to make up a bill.

Mr. GREEN of Iowa. The gentleman must have been absent.

Mr. GARNER. No; I was not absent.

Mr. MONDELL. The gentleman's memory is very convenient.

Mr. GARNER. Oh, my memory is correct.

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

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes more.

The SPEAKER. Is there objection?

There was no objection.

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

Mr. MONDELL. Yes.

Mr. FORDNEY. If the gentleman from Texas [Mr. GARNER] was a member of the Committee on Ways and Means when the Underwood bill was being prepared and the rates being fixed, he will recall that the Democrats, in executive session, called in a man from New York to give them information on lemons, and that they took his advice and wrote it into the bill. [Applause on the Republican side.]

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

Mr. MONDELL. Since the gentleman has been handed that lemon, I am perfectly willing.

Mr. GARNER. Mr. Speaker, the gentleman from Michigan is just about as accurate in that statement as he was touching the prices that Field & Co., in Chicago, paid for certain articles. [Laughter and applause on the Democratic side.] I challenge the gentleman from Michigan to show by a single member that—

Mr. MONDELL. Oh, well, Mr. Speaker—

Mr. GARNER. Oh, wait a moment. There never has been a man before a secret session of the Democratic members of the Committee on Ways and Means since I have been a member of that committee, and I was a member of the committee when it made up the Underwood bill.

Mr. MONDELL. Mr. Speaker, I do not know what the gentleman refers to as secret sessions, but it is a well-known fact, and I think the gentleman will not deny it, that in their conferences on the tariff and other bills the Democratic Members had experts or so-called experts from the Treasury Department and others before them, giving them their opinion and testifying with regard to matters before the committee.

That was done repeatedly, and it is entirely proper that it should be done. The majority is responsible, and under its responsibility the majorities on the Ways and Means Committee on both sides of the House have made a practice of having certain matters first considered by the majority members of committees, and they have heard anyone they thought could give them useful information in regard to the matters before them.

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

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Speaker, I wish to say to gentlemen of the House that the gentleman from Texas [Mr. GARNER], at the time we had hearings upon the bonus bill, freely and fully expressed himself in opposition to a bonus bill. The Republican members of the Ways and Means Committee have not thought it wise to call into their confidence men to help to prepare that bill whom we knew were unalterably opposed to a bonus bill. [Applause.] We judged so from their expression. And the Ways and Means Committee and other committees of this House have always had Treasury experts and other officials before the committee when the majority members of the committee were considering the making of rates in a revenue bill. The Republican members of the Ways and Means Committee are doing that same thing now. We had before us this morning a man connected with the American Legion and asked him for expert information, which he gave. And I will say to the gentleman from Texas the Republican members of the Ways and Means Committee are at work every minute preparing a bonus bill, and we will present that measure to a conference of Republican Members of this House within the next 10 days, in my opinion [applause], and the Republican Members of this House will pass a bonus bill. That is what we will do, but will give gentlemen on the Democratic side of this House a chance to vote for or against that bill. [Applause.] We are using every honorable effort to prepare that bill so that when it is presented to the House the Republicans of this House will agree with the committee; if not, we want the Republican Members to direct Republican members of the Ways and Means Committee how to prepare that bill and how to bring it in here for final action. [Applause.]

The SPEAKER. The time of the gentleman has expired.

PRINTING OF THE REPORT OF NATIONAL AGRICULTURAL CONFERENCE.

Mr. HAUGEN. Mr. Speaker, by direction of the Committee on Agriculture I ask unanimous consent that the report of committees and resolutions and the report of the National Agricultural Conference, held January 23 to 27, be printed as a public document.

The SPEAKER. The Chair could not hear the last few words.

Mr. HAUGEN. That the report of the National Agricultural Conference be printed as a public document.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the report of the National Agricultural Conference be printed as a public document. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, how many of these will be available? It is quite a voluminous volume.

Mr. HAUGEN. If printed as a document, it will make 280 pages, 1,370 copies will be available, and will cost \$954.87.

Mr. WALSH. One thousand three hundred copies will not give the men representing agricultural districts very many. Why does not the gentleman offer a resolution and let it go to the Committee on Printing in the ordinary course?

Mr. HAUGEN. We are pursuing the ordinary course, and if this request is granted I intend to request that the additional copies be printed. The limit of cost on additional copies, I understand, is fixed at \$500, will cost \$92.24 a thousand.

Mr. HUMPHREYS. Reserving the right to object, I could not hear the answer of the gentleman from Iowa. How many of these reports are going to be printed?

Mr. HAUGEN. Under the rule we will have 1,370 copies, and if the request is agreed to I will ask unanimous consent that additional copies be printed, costing \$92.24 a thousand.

Mr. HUMPHREYS. The gentleman will ask to have them distributed through the folding room?

Mr. HAUGEN. Yes.

The SPEAKER. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, for the time being, I object.

The SPEAKER. Objection is made.

ORDER OF BUSINESS TO-MORROW.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, I would like to ask the gentleman from Wyoming about the program for to-morrow.

Mr. MONDELL. Mr. Speaker, we hope to take up for consideration to-day bills on the Private Calendar unobjected to. My thought is if we make good progress to-day, if the majority of the gentlemen seem to desire it, we might stand in recess to-morrow and give gentlemen an opportunity to catch up with committee work and their correspondence. I think it is highly important that we shall give careful consideration to the Private Calendar. It has not been considered for quite a long time. If we make very good progress on the Private Calendar, I am in hopes we may stand in recess for to-morrow.

Mr. GARRETT of Tennessee. Of course, the Private Calendar could only come up to-morrow by unanimous consent, so I do not see why to-morrow's program should be dependent upon the progress made to-day.

Mr. MONDELL. Possibly not.

Mr. GARRETT of Tennessee. So far as I know there is no disposition to obstruct consideration of bills on the Private Calendar to-day. There is a very general desire, I think, that there shall not be a session of the House to-morrow, and I had hoped the gentleman could see his way clear to ask unanimous consent now.

Mr. MONDELL. We are always anxious to know the view of the minority leader, and the view he has just expressed will very largely influence me with reference to to-morrow's program, and I hope we may see our way clear to stand in recess to-morrow. I do not particularly care to submit that request now, Mr. Speaker.

Mr. GARRETT of Tennessee. Mr. Speaker, so far as that is concerned, it is not the minority request, let me say to the gentleman. If the gentleman has important business that he wants to pursue to-morrow, the minority will throw nothing in the way, but there is a feeling among Members generally, on the gentleman's side as well as on this, that it might be very desirable to have a recess to-morrow.

Mr. MONDELL. If the gentleman will allow, I will submit a unanimous-consent request, Mr. Speaker, that we consider to-day in the House, as in Committee of the Whole, bills on the Private Calendar unobjected to, and that when we adjourn to-day we adjourn to meet on Monday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that to-day bills on the Private Calendar unobjected to be considered in the House as in Committee of the Whole, and that when we adjourn to-day we adjourn to meet on Monday next. Is there objection?

Mr. SEARS. Reserving the right to object—I object.

The SPEAKER. The gentleman from Florida objects.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to take up for consideration in the House as in Committee of the Whole bills on the Private Calendar unobjected to.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to take up for consideration in the House as in Committee of the Whole bills on the Private Calendar unobjected to. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. SPROUL. Mr. Speaker, I ask unanimous consent that indefinite leave of absence be granted my colleague, Mr. CHINDBLOM, who is at home on account of illness.

The SPEAKER. The gentleman from Illinois asks unanimous consent that his colleague, Mr. CHINDBLOM, be given indefinite leave of absence on account of illness. Is there objection?

There was no objection.

ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

Mr. SEARS. Reserving the right to object, Mr. Speaker, what is the request?

The SPEAKER. That when the House adjourns to-day it adjourn to meet on Monday next. Is there objection?

Mr. SEARS. I object for the present.

The SPEAKER. The gentleman objects for the present.

Mr. MANN. That will not pass your Florida bill. [Laughter.]

THE PRIVATE CALENDAR.

The SPEAKER. The Clerk will report the first bill on the Private Calendar.

LUKE RATIGAN.

The Clerk read the title, as follows:

A bill (H. R. 2614) for the relief of Luke Ratigan.

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

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I believe this bill is of more than local concern, and I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the next bill.

DR. O. H. TITTMANN.

The next business on the Private Calendar was the bill (H. R. 6245) for the relief of Dr. O. H. Tittmann, former superintendent of the United States Coast and Geodetic Survey.

The title of the bill was read.

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

Mr. MANN. I object.

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

LLOYD E. GANDY.

The next business on the Private Calendar was the bill (H. R. 2861) authorizing the Secretary of War to grant to Lloyd E. Gandy, of Spokane, Wash., his heirs and assigns, the right to overflow certain lands on the Fort George Wright Military Reservation, at Spokane, Wash., on such terms as may be prescribed by the Secretary of War, and for other purposes.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I have objected to this measure heretofore when it was up previously, and unless there is some other information beyond what is contained in the report, I feel that I must insist upon my objection. If the gentleman from Washington [Mr. WEBSTER] has additional arguments in support of the matter or any further information, I will be glad to hear him.

Mr. WEBSTER. Mr. Speaker, the history of this measure very briefly is this: It has been before the Congress for a number of years. It has been referred to several Secretaries of War. It has been approved by all of them. It has twice passed the Senate. It was passed there very recently in the exact form in which it appears in the House bill.

The purpose of the legislation is to permit the development of a valuable water-power site on the Spokane River. The interests of the Government are amply safeguarded. The Secretary of War has plenary power to enforce compliance with any conditions that he may see fit to impose.

It is not a private enterprise in the sense of its being altogether free of public interest. The public is vitally concerned in the development of these water powers, and it will enable this gentleman to develop a water power which will come in competition with a large company that now enjoys a monopoly in Spokane and that vicinity. I am persuaded that every possible and conceivable interest of the Government is protected by the bill. If it were not so, I certainly would not be advocating its passage.

Mr. WALSH. Well, of course, I appreciate the fact that the gentleman from Washington would not be urging a matter which he felt was detrimental to the interests of the Government. But it is rather a new departure in permitting a Government reservation, set aside for military purposes, to be overflowed, and structures to be erected there upon it or adjacent to it by a private enterprise.

Mr. WEBSTER. If the gentleman will permit me, it is hardly fair to characterize this as a private enterprise. It is an enterprise to develop a valuable water-power site and devote it to a beneficial use by generating electrical energy for the benefit of the public. The land involved here is a precipitous bank of the Spokane River, upon which there is a growth of a small amount of timber valuable only for firewood.

The land involved, which will be utilized if this bill passes, is a steep bank on the Spokane River, so precipitous as to make it impossible to reclaim the few trees that are now growing on it for any other purpose except for firewood. The bill requires the grantees to convey to the Government suitable land of the Government's own selection to be added to the reservation to compensate for the portion that is flooded, and the Secretary of War has the privilege of selecting the land and to impose upon these men any conditions which he thinks are requisite to protect the interests of the Government, and these men stand ready to convey to the Government any amount of land which the Government may say is fair and right to compensate the Government for the privilege of overflowing this river bank.

Mr. WALSH. Mr. Speaker, I appreciate the gentleman's interest in the matter, and realize that to the extent which he has suggested it is not a private enterprise; but I do not believe that we should establish the precedent in this particular instance, and highly as I regard the gentleman—

Mr. WEBSTER. I understand—

Mr. WALSH. And his interest in the matter—

Mr. WEBSTER. Will the gentleman withhold his objection for a moment? There has already been invested in developing this water-power site a considerable amount of money, involving perhaps \$250,000, and the whole enterprise is now stopped because of the inability to get this right to flood the banks of this river. It does seem to me that the development of a water-power site should not be held up under these conditions. This is not a case where we are taking from the Government some valuable land on a military reservation. This involves the granting of an easement to flood some land on a precipitous river bank, and the necessity for doing this is obvious. It is absolutely essential that this privilege be granted. You are retarding and holding up the development of this enterprise altogether, because we all know that the construction of the dam proposed will flood this property, and unless the Government grants this concession it makes it absolutely impossible to devote to a beneficial use a valuable water-power site almost within the city limits of a city of more than 100,000 population.

Mr. SANDERS of Indiana. If this were private property they would condemn it and go ahead with their enterprise?

Mr. WEBSTER. Undoubtedly. If—

Mr. SANDERS of Indiana. But being Government property and happening to be within the area affected by the improvement, they can go no further unless the Government is willing to allow them to make the slight damage that will be made.

Mr. WEBSTER. That is the situation, and I want to say to the gentleman from Massachusetts that I do not in any way consider his objection as personal. I have no doubt that he is guided by what he considers to be his duty, but I am convinced that if the gentleman knew this situation, knew it in its details as I know it, being right on my doorstep as it is, he would not object to it. I am certain that every interest of the Government has been protected by the provisions of the bill. I have recognized throughout my service here that my first duty is to the Government, and I do not believe any Member of this Congress will attribute to me an effort to "put over" anything in this body. I am interested in this bill because it is essential to the development of a great water-power site near my home city in which some of my people have invested large sums of money in order to enable them to go into the making of electrical energy to compete with what is now a monopoly in that city. If this were land in private ownership, it would be subject to condemnation for a public use. Obviously that can not be done when the title is in the Government. These men stand ready now to do anything that the Secretary of War may say is reasonable and proper to be done, to compensate for the privilege of flooding this river bank. I hope the gentleman will not object.

Mr. WALSH. I trust the gentleman did not find in anything that I have stated any reason to suppose for a moment that I felt that he was trying to put over anything in the way of legislation.

Mr. WEBSTER. No; I did not.

Mr. WALSH. I know that the gentleman would not endeavor to do anything of that sort. Is it a fact that there is no place in this immediate vicinity where this development can be undertaken under the general water power act?

Mr. WEBSTER. That is precisely the situation, for the reason that others have acquired a monopoly of these water-power sites and are now in the enjoyment of a practical monopoly in supplying electrical energy to that community, and this will tend to break it up. I hope the gentleman will not object. This bill is really meritorious. It has had a tremendously rough voyage. On two or three occasions it has been submitted to the War Department, both under the former administration and the present administration. Every Secretary who has had his attention directed to it has approved it. It has been reported unanimously three times by the House Committee on Military Affairs.

Mr. WALSH. Mr. Speaker, I withdraw my objection.

Mr. MANN. Mr. Speaker, reserving the right to object, I understood the gentleman to say that the Senate has passed an identical bill.

Mr. WEBSTER. It has.

Mr. MANN. Then, why are we fooling with the House bill?

Mr. WEBSTER. I was going to try to get unanimous consent to substitute the Senate bill, which is precisely the same, but I have got to get the right to consider my bill first, I assume.

Mr. MANN. No; the gentleman could make both requests at the same time, but I have no objection to having two requests made.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. WEBSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill, which is identical with the House bill, to discharge the Committee on Military Affairs from the further consideration of that bill, and substitute it for the House bill now on the Private Calendar.

Mr. MANN. The question is, Where is the bill? The gentleman first asks unanimous consent to take it from the Speaker's table and then to discharge the Committee on Military Affairs from further consideration of it. It is not before the Committee on Military Affairs if it is on the Speaker's table.

The SPEAKER. The Chair is informed that it is in the Committee on Military Affairs although the bill physically is here. The gentleman from Washington asks unanimous consent to discharge the Committee on Military Affairs from the further consideration of the bill S. 29, and that it may be considered in lieu of the House bill. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and empowered to grant an overflow right and easement to Lloyd E. Gandy, of Spokane, Wash., as grantee, his heirs and assigns, to raise the waters of the Spokane River along the east shore line of the Fort George Wright Military Reservation at Spokane, Wash., to such an extent, in such manner, and on such terms and conditions as the Secretary of War may prescribe: *Provided*, That the Secretary of War may require, in his discretion, as a condition precedent to the overflow of the said lands, either that the said Lloyd E. Gandy, the grantee under the act, shall fill the overflowed lands to such an extent as may be necessary to permanently establish the target range above high-water level in its present location on the reservation, or that he shall convey to the United States in exchange for the said overflow right and easement other lands for a target range for the reservation of such area and extent and in such location as in the judgment of the Secretary of War may be satisfactory for the said purpose, and the Secretary of War is hereby authorized to accept on behalf of the United States title to such lands as may be conveyed: *Provided further*, That the grantee, the said Lloyd E. Gandy, shall construct to the satisfaction of the Secretary of War, or such officer or officers as he may designate, either on the lands filled in on the reservation, or on the lands conveyed to the United States in exchange for the overflow right and easement granted by this act, as the case may be, such target butts, pits, buildings, and other necessary accessories as may be required to replace the existing Government range on the reservation: *And provided further*, That the Secretary of War be, and he is hereby, authorized to condemn, at the expense of the grantee herein, and so far as may be found expedient, any land advantageous or desirable for target-range purposes.

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

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

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

Mr. MANN. I ask unanimous consent that the bill H. R. 2861 be laid on the table.

The request was agreed to.

GEORGE VAN DERBURGH BROWN.

The next business on the Private Calendar was the bill (H. R. 3057) for the relief of George Van Derburgh Brown.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire of some member of the committee upon what

is predicated the statement in the bill that this accident was the result of the gross negligence on the part of the driver?

Mr. BULWINKLE. If the gentleman would read the report he would see that the driver went on a different street from that which he was directed to go on and that he did not have a light only on one side of the truck, a small kerosene lamp, and that he turned the corner without blowing his horn.

Mr. STAFFORD. I wish to say to the gentleman from North Carolina that I have read the report in full. I read it some months ago, and my impression is that I came to the conclusion that the driver was not grossly negligent. Emphasis is laid on the statement in the report that the truck had kerosene lamps. It is known by any person acquainted in the slightest degree with the motor industry that motor trucks do not have electric lights; they have kerosene lamps.

Mr. BULWINKLE. This was a side light, and the other had no oil in it and, of course, was not lighted.

Mr. STAFFORD. I wish to inquire of some gentleman present whether there is a sidewalk on Garden Street leading across Mason Street, where the accident occurred?

Mr. LUCE. My recollection is that there are sidewalks on both sides.

Mr. STAFFORD. Is there any pathway on the street proper distinguishing the place where pedestrians are to walk?

Mr. LUCE. I do not remember any such.

Mr. STAFFORD. The report says that the locality where the woman was killed as a result of this motor-driven post-office vehicle was poorly lighted. There is nothing in the report so far as I have been able to find showing that this driver of the motor truck was grossly negligent.

There is nothing to show that the person killed or her husband was exercising ordinary care and that the accident might not be due to some negligence on their part—getting confused by seeing an approaching truck. The speed that the truck was going was not so tremendously out of the ordinary.

Mr. LUCE. Mr. Speaker, the questions which the gentleman raises have been threshed out in two of our Massachusetts courts. In the lower court the chauffeur was found guilty and upon appeal to the superior court that court came to the same conclusion and the penalty was imposed.

Mr. STAFFORD. What penalty was imposed?

Mr. LUCE. A fine.

Mr. STAFFORD. Merely a fine; if he had been grossly negligent he should have been convicted of manslaughter, but there was only a minor fine.

Mr. LUCE. I agree with the gentleman. I am one of those who believe that while we are coming slowing to the point of adequately punishing reckless automobile drivers and while I am almost tempted to criticize our courts in this particular I recognize the fact that apparently as yet public opinion does not justify the imposition of punishment proportionate to the misery wrought by the careless and indifferent drivers. So I am obliged to take the situation as I find it and recognize that there may be gross negligence and yet not a penalty such as I personally believe ought to be imposed.

Mr. STAFFORD. Will the gentleman permit me to call the attention of the House to this testimony of the driver who noticed the two pedestrians approaching the crossing and stated that he figured that if he sounded the horn it would naturally cause them to walk faster, leaving him ample room to pass behind, but in some manner they became confused, did not go forward, stopped, and the next thing he knew the left front wheel of the truck passed over the woman's body. Now, this driver apparently was exercising ordinary care. Where is there anything in the report to show that the pedestrians, one of whom was unfortunately killed, were exercising reasonable care?

Mr. LUCE. The testimony before the court proved that conclusively. The gentleman has given the driver's statement and naturally he made it to his own advantage as far as he could make it.

It is disproved by the testimony of all of the others who had anything to do with the affair, or who were in the neighborhood, and the court evidently believed that the contention of the defendant was untrue.

Mr. STAFFORD. Where is the testimony, as shown by the report, which shows that the pedestrians were using reasonable care?

Mr. LUCE. While I am not speaking for the committee, I presume they did not think it wise to embody in a report all of the testimony in the case.

Mr. STAFFORD. This report is rather extensive, consisting of 12 pages of finely printed matter.

Mr. LUCE. Of course, it is not my function to explain the gross negligence of the defendant in the matter, but there has

just been handed to me the testimony which I have previously examined, and if the gentleman thinks it worth while to go into the matter and try the case over again—

Mr. STAFFORD. Oh, I am not seeking to try the case again. I am seeking information which I assumed the gentleman would have, as to whether these pedestrians were using ordinary care, not basing my conclusion upon the finding of the trial courts, which merely fined this man \$200 for killing a woman. There is nothing in the report to show that these persons were using ordinary care in crossing this poorly lighted street in Cambridge.

Mr. BULWINKLE. On the other hand, there is no evidence to show that the pedestrians did not use ordinary care. They were on the sidewalk, where they had a right to be; they went across the street, where they had a right to go; there was the automobile truck with no light upon it.

Mr. STAFFORD. Oh, there was a kerosene light.

Mr. BULWINKLE. It was a small kerosene light, and it was on the left side of the car, the side opposite from which they were.

Mr. STAFFORD. Of course, the truck was not going noiselessly.

Mr. BULWINKLE. They heard the truck. It turned the corner without blowing the horn. That was the evidence in the case. The woman was struck down and killed. If it had been as the gentleman contends, does he think that the court in Massachusetts would have convicted this man?

Mr. STAFFORD. Oh, while the court convicted him, he was fined only \$200. Think of it, \$200 for killing a woman! The action of that superior court in the classical town of Cambridge does injustice to the gentleman in compelling him to say that it was a conviction.

Mr. SANDERS of Indiana. What is the rule as to the burden of proof on contributory negligence in Massachusetts? Is it with the plaintiff?

Mr. LONDON. In a case like this it is up to the defendant to prove that the plaintiff was guilty of gross negligence.

Mr. LUCE. Oh, it is the other way around.

Mr. LONDON. The plaintiff, who was dead, could not prove that she was free from negligence. It is the estate that is suing here, is it not?

Mr. LUCE. No; the husband and wife were struck. The wife was killed, and the husband is petitioning by reason of the death of his wife.

Mr. SANDERS of Indiana. The burden of proof on contributory negligence is on the defendant in Indiana. I do not know how it is in the gentleman's State.

Mr. LUCE. Mr. Speaker, I want now to read the testimony from the trial. Mr. Brown was asked what the conditions were that evening, and he answered that it was absolutely dark at that corner.

Q. Did you hear anything before it struck you?—A. Absolutely nothing.

The person who was nearest to the scene of the accident at the time was asked the same question, and as to whether the horn was blown. He neither heard the horn nor did he see the truck. There is no shadow or indication in the testimony, I assure my friend from Wisconsin [Mr. STAFFORD], that the chauffeur was not guilty of the grossest negligence. I have examined the testimony very carefully in order to find if there were an iota of defense for the chauffeur, and none whatever appeared in the testimony as of record.

Mr. STAFFORD. Mr. Speaker, I am somewhat in doubt as to whether the claimant and his wife were using the care that reasonable persons should use, but I am certainly positive that there was not any gross negligence upon the part of the driver.

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

Mr. STAFFORD. Yes.

Mr. LONDON. I believe that the gentleman should not measure this case by the test of gross negligence. It is an ordinary case, and it is our common experience with drivers of mail trucks that they are rather careless.

Mr. STAFFORD. I intend to withdraw my objection, but I intend to move to strike out the word "gross" if somebody else does not, because I do not think that the record shows that there was gross negligence on the part of the driver.

Mr. MANN. I think it ought to go out.

Mr. STAFFORD. The report does not show that he was guilty in that particular.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Van Derburgh Brown, of Brookline, Mass., whose wife was killed and he was severely in-

jured by being struck by a mail truck in use in the Boston postal district and operated by the Post Office Department, as a result of gross negligence on the part of the driver, on the night of Sunday, January 2, 1921, the sum of \$12,000 from any money in the Treasury not otherwise appropriated.

With the following committee amendment:

Line 10, strike out the figures "\$12,000" and insert in lieu thereof the figures "\$5,000."

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

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the word "gross" in line 8.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: Line 8, strike out the word "gross."

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

The amendment was agreed to.

Mr. SANDERS of Indiana. Mr. Speaker, I move to strike out the last word. I do this for the purpose of asking if in the sixth line the use of the words "and he was severely injured" should not be changed. Should it not read in this way, "who was severely injured and whose wife was killed"?

If the gentleman were not from Massachusetts, I would not make that suggestion, but since Massachusetts has taken charge of the grammar of the Post Office Department, I do not want anything like this to go through.

Mr. LUCE. The gentleman being from Massachusetts hesitates to oppose any such suggestion.

Mr. SANDERS of Indiana. Then I move to strike out in line 6 "and he was severely injured" and to insert after the word "Massachusetts," in line 5, the words "who was severely injured and."

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

The Clerk read as follows:

Page 1, line 5, after the word "Massachusetts," insert the words "who was severely injured and," and in line 6 strike out the words "and he was severely injured."

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. LUCE, a motion to reconsider the vote by which the bill was passed was laid on the table.

STEVENS INSTITUTE OF TECHNOLOGY.

The next business in order on the Private Calendar was the bill (S. 52) for the relief of the Stevens Institute of Technology, of Hoboken, N. J.

The Clerk read the title of the bill.

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

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to the trustees of the Stevens Institute of Technology, of Hoboken, N. J., out of any money in the Treasury not otherwise appropriated, the sum of \$45,750, being the sum paid to the United States January 28, 1879, as a collateral inheritance tax upon the bequest which provided for the establishment and endowment of said institute.

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

On motion of Mr. LEHLBACH, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRITISH STEAMSHIP "CLEARPOOL."

The next business in order on the Private Calendar was the bill (H. R. 6628) for the relief of the owners of the British steamship *Clearpool*.

The Clerk read the title of the bill.

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

The Clerk read as follows:

Be it enacted, etc., That the claim of the Pool Shipping Co. (Ltd.), owner of the British steamship *Clearpool*, against the United States for damages alleged to have been caused by collision between the said steamship and the United States Coast Guard cutter *Apache* in Chesapeake Bay on the 13th day of November, 1914, may be sued for by the said Pool Shipping Co. (Ltd.) in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Pool Shipping Co. (Ltd.) or against the Pool Shipping Co. (Ltd.) in favor

of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

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

On motion of Mr. MONTAGUE, a motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD J. SCHAEFER.

The next business in order on the Private Calendar was the bill (H. R. 1723) authorizing the payment of compensation to Edward J. Schaefer for the death of Ruth Stone Schaefer through an unlawful shot fired by a soldier in the service of the United States at Camp Alexander, Va.

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

Mr. SNELL. Let the bill be reported so we may know about it.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, to Edward J. Schaefer the sum of \$5,000 in full settlement of damages for the death of his wife, Ruth Stone Schaefer, who was accidentally shot by a soldier in the service of the United States at Camp Alexander, Va., on July 7, 1919.

The committee amendments were read, as follows:

On page 1, line 6, strike out "\$60,000 as compensation" and insert in lieu thereof "\$5,000 in full settlement of damages." Page 2, line 2, strike out the word "unlawfully" and insert the word "accidentally."

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, I think the principle of this legislation is a very important one and I think it should be carefully considered at this time. I am especially interested in these matters because we have several claims of a similar character before the Committee on War Claims at the present time, and I think the House should be very careful in what it does, especially what it intends to do in regard to these claims, this being the first one. I would like to hear some explanation from some gentleman.

Mr. MACGREGOR. Mr. Speaker, I find on the last Private Calendar day as far as any precedent is concerned we established it by passing a bill for the payment of damages by reason of a person in the Navy throwing a person overboard and drowning him.

Mr. SNELL. If the gentleman will yield just a moment, I want some man on the Committee on Claims to give the House the information in regard to the policy of the committee in regard to claims of this character because we are going to have a great many of them before the House during the present session.

Mr. STAFFORD. If the gentleman will permit, the bill cited by the gentleman from New York was not considered at all. I think the gentleman's position is well taken, that the House should establish a policy to be followed in all of these bills rather than merely take some haphazard action on a bill that goes through to reward the widow of a dead Chinaman in the sum of, I think, \$100.

Mr. SNELL. I am specially interested because we have a great many of these claims to consider before the Committee on War Claims at the present time.

Mr. BULWINKLE. Mr. Speaker, in reply to the gentleman the chairman of the committee is not here to-day, but my understanding of the policy is that where the claimant was injured by some act of any employee of the United States Government, some act bordering on negligence or negligence itself, through no fault of the claimant, then it has been the policy of the committee since I have been on it to allow them certain amounts dependent upon whether death ensued or they are wounded or disabled.

Mr. SNELL. What is the amount that the committee has allowed in the case of death?

Mr. BULWINKLE. Five thousand dollars, not exceeding that amount; that is the maximum.

Mr. SNELL. To allow any one killed through any Federal agency regardless of negligence or anything else in case of death?

Mr. BULWINKLE. There are two cases like this, and the case of another one of this kind. The other case is where a man was sitting in a dining room in New York City, and the sentry, evidently through carelessness, no one knows, he and two girls were at one of the posts, and his rifle went off and the

bullet went through the window and killed the man who was eating his supper. In that case we allowed \$5,000.

Mr. SNELL. I want to get this matter before the House, and I think the House should adopt some policy so that everyone should be treated alike. I do not want it disallowed for one claimant who lost his life where others are granted relief.

Mr. STAFFORD. Would it not be possible before the House commits itself to the policy to hold a conference with the chairman and the other members of the Committee on Claims?

Mr. SNELL. I am very anxious to adopt some policy of some definiteness.

Mr. STAFFORD. As far as this bill is concerned, the occupant of the automobile passed by against the objection of the sentry, and I would feel constrained, if I am correct in that position, to object to this bill, but I think it is a good policy to have the chairman of the War Claims Committee confer with the chairman of the Claims Committee and determine on a policy which the Congress should follow.

Mr. MANN. You had better get at the facts first. In this case it is apparent that the occupants of the automobile did not know that the sentry made any objection, traveling over a road where people frequently travel, with nothing to indicate either from the sentry or by notice that there was any objection to people traveling there. The sentry evidently did not desire to kill the people, but it may be possible that he did desire to cripple the automobile. At any rate, he fired a shot, contrary to the regulations, and killed the person. The person is dead. Now, I apprehend that if myself or the gentleman from Wisconsin walked into any camp of the country and received no notice that there was any objection to our going over the road, at any time before or after the armistice, and there was nothing to keep us from going over the road or the path, we would not expect that some sentry would shoot us dead; and where he does, is it not the reasonable thing for the Government to pay something?

Mr. COOPER of Wisconsin. Mr. Speaker, will the gentleman permit an interruption?

Mr. STAFFORD. Surely.

Mr. COOPER of Wisconsin. This was 18 months after the armistice. It was not in war time at all.

Mr. STAFFORD. Yes; and during that time they had much trouble, as will be seen if my colleague will read the report, with disturbers about that place.

I think, Mr. Speaker, that under the circumstances this matter should go over, and for the time being I object, largely for the reason that the chairmen of the respective committees should get together.

The SPEAKER pro tempore (Mr. WALSH). The gentleman from Wisconsin objects. The Clerk will report the next bill.

OLD DOMINION PIER A.

The next business on the Private Calendar was the bill (H. R. 369) for the relief of the owner of Old Dominion Pier A.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the claim of the legal owner or owners of the Old Dominion Pier A at Newport News, Va., alleged to have been injured by collision with the U. S. S. *West Corum* on or about June 7, 1919, be referred to the Court of Claims to hear and determine the same to judgment with the right of appeal as in other cases: *Provided*, That no suit shall be brought under the provisions of this act after six months from the date of the passage thereof.

With a committee amendment, as follows:

On page 1, after the word "judgment," in line 7, insert "upon the same principles and measures of liability as in like cases in admiralty between private parties."

Mr. MANN. Mr. Speaker, I do not know just what the policy of the Committee on Claims may be. I think it has not any policy on this subject. Probably this bill was reported by some subcommittee that is not familiar with the practice of the Committee on Claims. It certainly has not been the policy of the committee to refer admiralty cases to the Court of Claims. What does the Court of Claims know about admiralty law? Not a thing. It has been customary, however, to put in the names of owners who have a right to sue.

Mr. BLAND of Virginia. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. BLAND of Virginia. I introduced this bill. I will say to the gentleman that when I introduced it it had been prepared by the attorney representing the owner of the pier. There is no objection to inserting the name of the owner of the pier, the Old Dominion Land Co., a corporation existing under the laws of Virginia. I asked the attorney why the matter had

been referred to the Court of Claims. He said he had looked up the precedents and found admiralty cases had been referred to the Court of Claims. As a matter of fact, I am advised that it will suit the convenience of my people a great deal better if the matter should be referred to the United States District Court for the Eastern District of Virginia.

Mr. MANN. That is where it should be referred. We have not for years referred these claims to the Court of Claims.

Mr. STAFFORD. Perhaps the Committee on Claims referred it to the Court of Claims because there is no dispute as to the liability of the Government for this accident.

Mr. MANN. There is no provision for referring it to any court.

Mr. STAFFORD. When this bill was last up for consideration on the Unanimous Consent Calendar I suggested that we vote an outright amount instead of putting the Court of Claims to the expense of considering it, but there was an objection to that policy by a distinguished Member of this House, and, of course, I did not press it any further.

Mr. BLAND of Virginia. If the gentleman will yield further, I would like to say that I understood from the attorney that it might be more convenient for the Government to have the matter passed upon by the Court of Claims than by the United States district court. However, I do not think that he said that the question of jurisdiction for suit had been considered by the Government at all.

Mr. MANN. We have had a great many of these claims in recent months and years, and all of them have been referred to the district courts, admiralty courts, and generally to district judges along the coast who are familiar with admiralty law. It may be there is no contest about this, but it is not a good precedent to set to send it to the Court of Claims. The Court of Claims is not constituted for hearing admiralty cases.

Mr. BLAND of Virginia. I desire to make it clear to the gentleman from Illinois that there may be a contest. So far as the Government is concerned, it may defend on the ground that the collision was an unavoidable accident. Mr. Roosevelt, the Assistant Secretary of the Navy, says in his letter set out in the report that it was an unavoidable accident. My people claim that it was negligence on the part of the operators of the steamship, so that that question is to be determined by the court. I think that question will arise.

Mr. MANN. If the gentleman will offer an amendment to insert the name of the owner and also insert the district court of Virginia, I shall have no objection.

Mr. BLAND of Virginia. The gentleman is well skilled in parliamentary law, and if he is satisfied that it is in order for me to move an amendment whereby this matter will be referred to the United States district court I am entirely agreeable to offer it.

Mr. MANN. It is in order right now.

Mr. BLAND of Virginia. The committee amendment is pending.

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BLAND of Virginia. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

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

The Clerk read as follows:

Amendment by Mr. BLAND of Virginia: On page 1, line 6, strike out the words "be referred to the" in said line and the rest of the bill, and insert in lieu thereof:

"May be sued for against the United States by the Old Dominion Land Co., a corporation created by and existing under the laws of the State of Virginia, legal owner of said pier, in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and the costs, if any, as shall be found to be due against the United States in favor of the said Old Dominion Land Co., a corporation, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That notice of the suit shall be given to the Attorney General of the United States as may be provided by order of said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. SANDERS of Indiana. Mr. Speaker, I move to strike out in line 3 the words "or owners."

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

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 1, line 3, strike out the words "or owners."

The amendment was agreed to.

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

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

On motion of Mr. BLAND of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRED H. GALLUP.

The next business on the Private Calendar was the bill (H. R. 6966) to authorize the President of the United States to appoint Fred H. Gallup, major of Field Artillery in the United States Army.

The Clerk read the title of the bill.

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

Mr. MANN. I object.

Mr. KEARNS. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. MANN. Yes. I reserve it.

The SPEAKER pro tempore. The gentleman from Illinois reserves the right to object.

Mr. KEARNS. Mr. Speaker, this officer entered West Point Military Academy in 1885 as a cadet, and graduated from that school and was in the service for 31 years. In 1904 he was sent back to West Point as a teacher of mathematics. In 1916, while attending the Army Service School at Fort Leavenworth, it is claimed that he overworked himself and became very nervous. While in this condition he was given a map to study and then reproduce it from memory. He did reproduce this map, or did the greater part of the work, and when he had it nearly done and being in a hurry to finish up, he copied the rest of it, copied possibly a fourth of the map. Of course, this deceit was very apparent on the face of the work, and was at once detected. Two other officers did the same thing. The next day when he was confronted with this charge he immediately acknowledged his guilt. There were two other officers charged with the same offense. One of them denied that he had practiced this deceit and demanded a court-martial. He was court-martialed and found guilty. That was Capt. Graham. Some two years ago this Congress passed a law to reinstate Capt. Graham, and he is now a major in the United States Army. This man Gallup acknowledged his guilt, and all of the officers who outranked him there have united in asking for clemency and that he be restored to the service. During the war he performed valuable services for his country, and in view of the fact that this Congress has reinstated Capt. Graham, who denied that he had done this when it was claimed that guilt was apparent upon the face of the work itself, it seems to me that both are not receiving like treatment if you deny him reinstatement. In view of the fact that we have reinstated one of these men it seems to me we ought to reinstate the other.

Mr. KNUTSON. Did the officer admit his guilt?

Mr. KEARNS. He did the next morning immediately upon being accused.

Mr. KNUTSON. And Gen. Green, who was commandant at the school at the time, recommended that he be restored?

Mr. KEARNS. Yes.

Mr. KNUTSON. As also did Gen. Menoher?

Mr. KEARNS. Yes.

Mr. KNUTSON. He had a splendid, unblemished record?

Mr. KEARNS. Yes.

Mr. KNUTSON. We have already done the same thing for another officer who denied it?

Mr. KEARNS. Yes; and who was found guilty by court-martial.

Mr. DICKINSON. It was on account of the denial made by the man who has since been restored that this severe penalty was imposed upon these men. Otherwise it would have been a matter of slight punishment of some kind; but when it was denied by one man, all of them were dismissed from the service, and this is the only man who in the sentence of the court-martial was recommended for clemency.

Mr. MANN. Do I understand from the gentleman from Iowa that where a man is required to copy a map from memory and instead of that uses the map itself to make a copy it is a slight violation of the rules?

Mr. DICKINSON. I would not say it was a "slight" violation.

Mr. MANN. I am glad the gentleman modifies his statement.

Mr. DICKINSON. I do not think he ought to be dismissed from the service.

Mr. KEARNS. I would like to add this one statement. I have no interest in the case, but I have become convinced—

Mr. MANN. They have surrounded the gentleman.

Mr. KEARNS. I do not think anybody has surrounded me. I have studied the case carefully and I came to a conscientious conclusion. Now here is another thing: This man was to be graded upon this map that he made, and if he had made a perfect map from memory it would not have advanced him one point in the grade.

Mr. MANN. What has that got to do with stealing the map?

Mr. KEARNS. It has this effect on the case. He knew at the time he was doing it that he was not defrauding anyone else. And if he had made an entire failure he would not have gone below anyone else.

Mr. MANN. Suppose that is true, what was he making the map for—because he was directed to? And then after he stole the map or the knowledge of it, the gentleman says it would not have made any difference. Many a man who has been a thief has said that same thing. I do not say that this man was a thief.

Mr. KEARNS. When a man steals he takes something of value.

Mr. MANN. Not always.

Mr. KEARNS. This man did not take anything of value from anyone else. He did not take anything of value because if the map had been perfect it would not have raised him above anybody else, and if it had been an entire failure it would not have put him below anyone else.

Mr. STAFFORD. Will the gentleman yield?

Mr. KEARNS. Yes.

Mr. STAFFORD. I recall that one of these offenders made application when the war was on, when we were hard pressed for officers, and applied to Congress to be reinstated. I have given more than the ordinary consideration to this bill. Will the gentleman state why this man did not apply for reinstatement when we were in need of officers during the World War?

Mr. KEARNS. I think his case has been pending.

Mr. STAFFORD. No; he was engaged in civilian employment and did not make application when the country needed officers the most.

Mr. McKENZIE. Will the gentleman yield?

Mr. KEARNS. Yes.

Mr. McKENZIE. Mr. Speaker, in justice to Maj. Graham I am sure the gentleman from Ohio does not intend to reflect on the character of Maj. Graham.

Mr. KEARNS. No.

Mr. McKENZIE. This should be said in justice to Maj. Graham. When accused he asked for a trial on the charges. He took the position that he should be acquitted or dismissed, and demanded a court-martial. Our good friend Gordon, of Ohio, said that they did not have enough evidence to insult him, and on that ground I took the position that Maj. Graham should be reinstated, and I am always glad of it. This case I am not familiar with except that this man admitted that he was guilty. Maj. Graham maintained from the beginning that he was not guilty.

Mr. KEARNS. I have no censure to make of Maj. Graham. But I do think both should receive a like treatment at the hands of Congress. I think one is as deserving as the other, and we have corrected the record of one already.

Mr. MANN. If that is the case does not that prove that the reinstatement of men in the Army by the House of Representatives, which knows very little about it, ought never to be done? It is the duty of the Army to reinstate men.

Mr. KEARNS. Here is a man who admitted that he had committed this wrong, if, indeed, it is a wrong at all—

Mr. MANN. We have need to reduce the number of officers in the Army. Does my friend from Ohio think it a wise policy to put men out of the Army who are now officers in the Army, who never did anything disreputable, in order to put men back in the Army who are certainly subject to criticism?

Mr. KEARNS. No.

Mr. MANN. That will be the result of this.

Mr. KEARNS. No; we need officers—

Mr. MANN. We do not need any Army officers of the grade of major. You propose to reinstate this man, who very likely did something foolishly—and I suppose he would not be the first man that ever cheated in examinations. If every man who cheated in examinations were punished, there would be less men in high places.

Mr. KEARNS. You do not reinstate him; you give the President the right to appoint him in his discretion.

Mr. MANN. That is the same thing as reinstating him, as far as we are concerned. I do not think we ought to do that

while we are intending to decrease the officers in the Army. He is out. Very likely he would make a good Army officer, but we have to put a lot out who are now in the Army, I think.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

CONSOLIDATION OF CERTAIN FOREST LANDS.

Mr. SINNOTT. Mr. Speaker, I submit for printing under the rule the conference report upon the bill (H. R. 77) for the consolidation of forest lands within the Clearwater, St. Joe, and Selway National Forests.

THE PRIVATE CALENDAR.

The SPEAKER pro tempore. The Clerk will report the next bill on the Private Calendar.

TORAHACHI URATAKE.

The next business on the Private Calendar was the bill (S. 1077) to authorize the payment of \$5,000 to the Government of Japan for the benefit of the family of Torahachi Uratake, a Japanese subject, killed at Schofield Barracks, Hawaii, on November 25, 1915.

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

Mr. SNELL. Mr. Speaker, I reserve the right to object.

Mr. HERRICK. Mr. Speaker, I reserve the right to object, and I would like to know something about the bill. Let us have the bill reported.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That there is authorized to be paid, out of any money in the Treasury not otherwise appropriated, as a matter of grace and without reference to the question of liability therefor to the Government of Japan, \$5,000 for the benefit and consolation of the family of Torahachi Uratake, a Japanese subject killed on November 25, 1915, at Schofield Barracks, as set forth in the letter from the Acting Secretary of War dated February 19, 1916, and printed as House Document No. 785, Sixty-fourth Congress, first session.

Mr. BLANTON. Mr. Speaker, I reserve the right to object.

Mr. HERRICK. Mr. Speaker, it appears to me that the House of Representatives of the United States Congress has today been engaged in the historic and laudible, or otherwise—I shall not undertake to say which—business of definitely, conclusively, irrevocably setting a financial estimate upon the value of the life of a white person, male or female—and that is irrelevant and immaterial—and in view of the fact that a Japanese can subsist on one-fourth of what it takes to sustain a white person, I feel, if this bill is passed at all, that it ought not to be passed for any sum to exceed \$1,000.

The SPEAKER pro tempore. Is there objection?

Mr. JOHNSON of Mississippi. Mr. Speaker, I object.

Mr. BLANTON. I object.

Mr. SNELL. Mr. Speaker, will the gentlemen reserve the objection for a moment?

Mr. BLANTON. I reserve the right to object.

Mr. SNELL. Mr. Speaker, I would like to know, in the first place, why a bill of this kind is not referred to the Committee on War Claims?

Mr. BLANTON. Mr. Speaker, I do not believe we ought to waste time in discussing that question. I object.

The SPEAKER pro tempore. The gentleman from Texas objects, and the Clerk will report the next bill.

TATSUJI SAITO.

The next business on the Private Calendar was the bill (S. 1078) to authorize the payment of \$2,000 to the Government of Japan for the benefit of the family of Tatsuji Saito, a Japanese subject, killed at Camp Geronimo, Mexico, May 25, 1916.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

J. W. LA BARE.

The next business on the Private Calendar was the bill (H. R. 4845) for the relief of J. W. La Bare.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to have some explanation of this bill, as to the reason why we grant a pensionable status to this soldier who has been guilty of desertion in the Civil War. Nobody seems to respond, Mr. Speaker, and I object.

IMMIGRATION.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent that I may have until midnight to-night to file a report on House joint resolution 268.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent that he may file at any time before midnight to-night a report upon House joint resolution 268. Is there objection?

Mr. GARRETT of Tennessee. Is that the immigration measure?

Mr. JOHNSON of Washington. Yes. The reason I am asking for the extension is that I am anxious to appear before the Committee on Appropriations this afternoon, and also anxious to get the report in within the time of adjournment of the House, if possible.

Mr. GARRETT of Tennessee. Has the gentleman conferred with the gentleman from Texas [Mr. Box] in regard to this request?

Mr. JOHNSON of Washington. Not in regard to the request. However, I have the views of the gentleman from Texas [Mr. Box] in my possession, ready to attach to the report that I shall make at the earliest possible moment this afternoon or to-night.

Mr. GARRETT of Tennessee. Has the gentleman conferred with the gentleman from California [Mr. RAKER]?

Mr. JOHNSON of Washington. Yes. If the House should not be in session to-morrow, it would be necessary for the information of Members to have the report in print in case action should be taken Monday, and for fear I shall be too busy this afternoon, I make the request, in which I am sure the gentleman from California shares.

Mr. GARRETT of Tennessee. It is satisfactory to the gentleman from Texas and to the gentleman from California?

Mr. JOHNSON of Washington. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

THE PRIVATE CALENDAR.

The SPEAKER pro tempore. The Clerk will report the next bill on the Private Calendar.

BENJAMIN R. BUFFINGTON.

The next business on the Private Calendar was the bill (H. R. 3425) for the relief of Benjamin R. Buffington.

The SPEAKER pro tempore. Is there objection. (After a pause.) The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Benjamin R. Buffington, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and honorably discharged therefrom February 24, 1863, and later, October 27, 1863, enlisted as a private in the Twenty-fifth Regiment Ohio Volunteer Infantry, from which the records of the War Department do not show that he has been regularly discharged, nor is he marked as a deserter, being absent from his regiment when it was mustered out of service, June 18, 1866, shall hereafter be held and considered to have been discharged honorably from the military service of the United States on the 18th day of June, 1866: *Provided,* That no pension shall accrue prior to the passage of this act, and no pay nor bounty shall become due or payable by virtue thereof.

The SPEAKER pro tempore. 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. MURPHY, a motion to reconsider the vote by which the bill was passed was laid on the table.

HERBERT LANGLEY.

The next business on the Private Calendar was the bill (H. R. 7415) to correct and amend the service and military record of Herbert Langley, United States Marine Corps.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, when this bill was last under consideration some information was furnished to the House as to the physical disability under which this marine was laboring at the time of his disappearance from the post at Santo Domingo. I wish to make inquiry of the gentleman from Missouri as to whether the purpose of this bill is to enable the heirs to obtain war-risk insurance?

Mr. McPHERSON. Originally that was not the purpose of the bill. The family of this man are right well-to-do people, and they feel keenly the humiliation of the unjust charge that the soldier is a deserter. He did not desert, but died in the line of duty in February, 1919. The soldier carried war-risk insurance, and that insurance may be collected whether this bill becomes a law or not. The object of this bill is to remove the charge of desertion. The bill was introduced by me in the Sixty-sixth Congress, and the circumstances and facts were shown and the Secretary of the Navy and the commandant of the Marine Corps were convinced that on the facts and circumstances concerning the disappearance of this man that he had committed suicide while insane, or that he had accidentally fallen off the sea wall and was drowned. In either case, he died in the line of duty and was not a deserter. When this bill was reached before, an objection was made to its consideration. I have taken up the matter with the Bureau of War Risk Insurance and tried to find some direct cut to relieve this soldier of this stain which the family believes unjust, and I have pre-

sented the matter to the court down in Missouri, which has jurisdiction of the case on an application for letters of administration, and the court has rendered judgment that this marine died from accidental causes on February 24, 1919, while in the line of duty at Santo Domingo City. He very likely committed suicide while insane, and suicide under such circumstances is an accident within the meaning of the law. Suicide by the insane is an accident which matures an accident insurance policy, as all courts and law writers hold. A soldier who dies by his own hand while insane dies in the line of duty. He is not a deserter within the meaning of the law.

Mr. STAFFORD. Can the gentleman inform the House if a soldier during enlistment in the World War having war-risk insurance committed suicide, whether sane or insane, the beneficiaries would, under the law, be entitled to the principal of the policy?

Mr. McPHERSON. He would be if he were insane. I doubt if he would be if he were not insane. In other words, if a soldier who was sane should commit suicide, his beneficiary could not likely collect his war risk insurance. Recovery in such case would perhaps be precluded by the act. But in this case the insurance carried by this soldier is clearly recoverable under the facts and circumstances of the death of Mr. Langley, for the proof shows and the Missouri court has adjudged that Mr. Langley died of accident. The provisions of the war risk insurance act bind the Government to pay the insurance carried in this case. The right arises out of the contract of insurance without regard to the passage of this bill. I have taken the matter up with the general counsel of the Veterans' Bureau and have filed there a certified copy of the judgment of the Missouri court.

Mr. STAFFORD. Of course, if the Veterans' Bureau in the administration of the war risk insurance act considered that the beneficiaries are entitled to the principal when a person commits suicide, then I have no objection.

Mr. MANN. There is no proof of suicide in this case.

Mr. STAFFORD. That is the position I took the last time, that there was no proof of it. The gentleman from Missouri expressly controverted that proposition.

Mr. McPHERSON. The proof shows the man is dead either from falling off the sea wall or from suicide, probably the latter. That fact has been determined judicially by the only court that had jurisdiction, and in a proper proceeding.

Mr. SANDERS of Indiana. If there is death, the presumption is it was accidental and not suicide.

Mr. MANN. What is the meaning of this language:

And that the charge of desertion was erroneously entered upon said service and military record, and the same shall be hereafter disregarded.

What is the meaning of the last sentence?

Mr. McPHERSON. The meaning is that this man disappeared from the island under circumstances that exclude every other theory but that of death by accidental means. In some way he fell into the sea and was drowned and his body carried out to sea so that it was never found.

Mr. MANN. I know what the facts are.

Mr. McPHERSON. Now, then, the military authorities treat the question of absence as desertion. If a man is absent so many days they mark him a deserter.

Mr. MANN. But what is the purpose of this clause? What effect will it have—and the same shall be hereafter disregarded?

Mr. McPHERSON. It will be disregarded because it is not true. Congress finds the facts—

Mr. MANN. You can not change it; it is here.

Mr. McPHERSON. They can disregard it.

Mr. MANN. How?

Mr. McPHERSON. In the administration of the law. This is the substance of every one of these bills that remove the charge of desertion.

Mr. MANN. That is evidently where the gentleman is mistaken. The substance of those bills removing charge of desertion specifically provides that in the construction of certain laws the same shall not be considered to have had a dishonorable discharge. Now, the gentleman introduces new language. I am sure I do not know what it means. I think if the gentleman is going to pass his bill for a certain purpose it ought to be fixed to do what he wants to do if it is to have what he desires to effect.

Mr. McPHERSON. I want to state further that the bill is not in the language I introduced it. But this bill as now reported by the committee was prepared by the Navy Department.

Mr. MANN. And they suggested some changes from the original bill?

Mr. McPHERSON. The committee substituted the bill prepared by the department for the bill I introduced.

Mr. MANN. The gentleman has not been here quite as long as I have, but he ought to know that he should never trust any department in the preparation of a bill. They do not know how to draw a bill particularly well. They make good stagers at it.

Mr. McPHERSON. I went before the Committee on Naval Affairs with my bill, and the committee substituted for the bill that I introduced a bill that the department had submitted in lieu of it.

Mr. MANN. They probably will not veto it; but if I recollect correctly, President Roosevelt vetoed bills of this kind that had been substantially prepared by the War Department in accordance with the practice that had been carried on for years. It would not be the first time that a President has vetoed a bill prepared by a department.

Mr. CAMPBELL of Kansas. Mr. Speaker, I suggest to the gentleman from Missouri that in order to get unanimous consent for the consideration of the bill it be amended so that the language will make it clear that the soldier did not desert.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the charge of desertion upon the service and military records of Herbert Langley, late a private in the One hundred and fifteenth Company, Second Provisional Brigade, United States Marine Corps, and also late of headquarters detachment, Third Regiment, Second Provisional Brigade, United States Marine Corps, shall henceforth be treated and considered as removed, and the Secretary of the Navy is hereby ordered and directed to correct and amend the said service and military record of the said Herbert Langley by entering upon the said service and military record of said Herbert Langley, in appropriate words, the fact that said Herbert Langley died on February 24, 1919, at Santo Domingo City, Dominican Republic, by accident while in the line of duty, and that the charge of desertion was erroneously entered upon said service and military record, and the same shall be hereafter disregarded.

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

Mr. CAMPBELL of Kansas. Mr. Speaker, I want to offer an amendment, if the gentleman from Missouri does not.

The SPEAKER. The gentleman from Kansas offers an amendment.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to amend the bill, on lines 5 and 6, so that it shall read "and hereafter the charge of desertion shall not be considered as entered against the marine."

Mr. McPHERSON. I accept that amendment, Mr. Speaker.

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

Mr. CAMPBELL of Kansas. After the word "record," strike out "and the same shall be hereafter disregarded" and insert in lieu thereof the language I have given.

The Clerk read as follows:

Amendment offered by Mr. CAMPBELL of Kansas: Page 2, lines 5 and 6, strike out "and the same shall be hereafter disregarded" and insert in lieu thereof the following: "and hereafter the charge of desertion shall not be considered as entered against the marine."

Mr. MANN. I suppose that requires an honorable discharge or death in the service. I am not sure. Neither the original bill nor the amendment covers that.

Mr. CAMPBELL. He will be presumed to have had an honorable discharge.

Mr. MANN. No; he will not. Our form of bill is that in the consideration and construction of certain laws the soldier shall be considered to have received an honorable discharge. That is necessary in order to get a pension. It is not sufficient to say that he did not desert.

Mr. STAFFORD. Mr. Speaker, may we have the amendment reported again?

Mr. McPHERSON. Mr. Speaker, I think the whole controversy about the amendment is unnecessary. The bill provides that this soldier, against whom this charge of desertion is entered, shall hereafter be considered as having died in the line of duty at Santo Domingo City on a certain day, and that this charge of desertion against him shall be disregarded. I think the amendment is unnecessary, but I do not think it changes the provision in any respect.

Mr. CAMPBELL of Kansas. Well, if the gentleman from Missouri is satisfied, and the bill was prepared by the Navy Department, it might be that it would raise some question when the bill was referred by the Executive to that department for a report, and I withdraw the amendment.

The SPEAKER. The gentleman from Kansas withdraws his amendment. 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. McPHERSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ALBERT HAMILTON.

The next business on the Private Calendar was the bill (H. R. 5820) to place Albert Hamilton on the retired list of the United States Marine Corps.

The title of the bill was read.

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

Mr. MANN. I object.

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

CAPT. D. H. TRIBOU.

The next business on the Private Calendar was the bill (H. R. 3509) for the relief of Capt. D. H. Tribou, chaplain, United States Navy.

The title of the bill was read.

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

Mr. MANN. I reserve the right to object.

Mr. STEPHENS. Mr. Speaker, this is a case in which Capt. Tribou was appointed March 29, 1919, as a Victory loan officer for the Naval Home at Philadelphia, Pa., by the governor of the home, with the request that he take the necessary steps to inaugurate a detailed campaign with a view to obtaining as large a subscription as possible for the loan. In the course of the prosecution of the campaign for the fund in connection with the home it became necessary for the officer to keep a considerable sum in bonds in an iron safe, which was located in his quarters at the home, and while he was temporarily absent in Washington with the Board of Award the safe was broken into and the bonds and other funds deposited therein were stolen. An investigation was held at the Naval Home in Philadelphia by order of the commandant of the fourth naval district to inquire into the theft of the Liberty bonds and cash that had been taken from the safe. It was found that this officer was in no wise liable for the theft. Yet he insisted that he be permitted to make restitution in the amount of the Victory bonds and funds deposited therein by the beneficiaries of the home and others. He made this restitution, and in furnishing the money to do so it was necessary for him to mortgage his home, and, I am told—

Mr. MANN. I had read the report previously. Why did the committee propose to strike out the word "bonds" and insert the word "notes"? There is nothing in the report about notes.

Mr. STEPHENS. I suppose that ought to be "notes" in the report.

Mr. MANN. It is not "notes" in the report. What notes does a man get in getting bonds? I never heard of any, although I have subscribed for bonds.

Mr. STEPHENS. I presume it was just simply a matter of opinion as to whether the bonds were considered as notes, or whether they were additional security.

Mr. MANN. Victory bonds and Liberty bonds are bonds. They are not notes. Now, I am curious, and I want to learn something. Why did the Committee on Naval Affairs change the word "bonds" to "notes"?

Mr. STEPHENS. I do not know why they changed it.

Mr. MANN. The gentleman made the report. Who would know? The gentleman introduced the bill and made the report.

Mr. STEPHENS. I presume it is simply a matter of opinion as to whether Liberty loan bonds would be called Liberty loan bonds or Liberty loan notes.

Mr. MANN. It is not a matter of opinion. Everybody who knows anything about it knows that they are not notes. They were called bonds when they were issued.

Mr. STEPHENS. I presume there had been some notes and other securities and also cash. They were not all Victory loans. Some of the securities perhaps were notes and some were cash.

Mr. MANN. That is covered by the word "funds" and would not be covered by the word "notes."

Mr. STEPHENS. We might say that he had Victory notes, Victory bonds, cash, funds, and other securities. We could incorporate all of them if we wanted to cover it all.

Mr. MANN. I am not going to object. I have a curious and inquiring mind, and it has not been satisfied yet.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Capt. D. H. Tribou, chaplain, United States Navy, out of any funds in the Treasury not otherwise appro-

printed, the sum of \$2,667, said sum being the amount of restitution made by the said chaplain out of his private funds on account of Victory loan bonds and other funds stolen from the safe in the said chaplain's quarters at the naval home, Philadelphia, Pa., without collusion on the part of said chaplain, which bonds and other funds had been deposited in said safe by beneficiaries of said home, and others, for safe-keeping.

With the following committee amendment:

Page 1, line 8, strike out the word "bonds" and insert the word "notes."

Page 2, line 1, strike out the word "bonds" and insert the word "notes."

The amendment was agreed to.

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

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

REQUEST TO ADDRESS THE HOUSE.

Mr. RAINEY of Illinois. Mr. Speaker, I ask unanimous consent to speak out of order for three minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed out of order for three minutes. Is there objection?

Mr. WALSH. Reserving the right to object, what is the gentleman going to discuss?

Mr. RAINEY of Illinois. I just wanted to submit an observation to the Ways and Means Committee on their next visit to the White House.

Mr. WALSH. I object.

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

CORNELIUS DUGAN.

The next business on the Private Calendar was the bill (H. R. 1290) for the relief of Cornelius Dugan.

The Clerk read the title of the bill.

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

Mr. MANN. I object.

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

LIEUT. COL. HENRY C. DAVIS.

The next business on the Private Calendar was the bill (H. R. 5210) for the relief of Lieut. Col. Henry C. Davis.

The Clerk read the title of the bill.

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

Mr. MANN. I object.

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

ALVAH B. DOBLE.

The next business on the Private Calendar was the bill (H. R. 5768) to amend and correct the military record of Alvah B. Doble.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, the bill certainly should be amended so that no pension should accrue to this soldier prior to the passage of this act. The bill as reported does not contain the customary phraseology limiting the pension to take effect after the passage of the act. I assume there will be no objection to that suggested amendment.

Mr. MANN. If the gentleman will permit, this bill in its present form is designed to prevent any pay or bounty for service which might otherwise be due to the man. I think, as a matter of fact, no pension can accrue back of the date of the application for pension, anyway.

Mr. STAFFORD. No; but suppose this soldier made an application for a pension many years back, and now we grant him a pensionable status under this bill?

Mr. MANN. Who has charge of this bill?

Mr. MCKENZIE. Mr. Speaker, a number of these bills reported from the Committee on Military Affairs have been reported by members of the subcommittee in charge of desertion cases and the correction of military records, and, as you all know, the Committee on Military Affairs are having a hearing on the Muscle Shoals proposition, and that accounts for the absence of the members of this committee. I am sure if they were present they could explain these matters. I have not had an opportunity to look into them, because they have not come under my jurisdiction.

Mr. MANN. Will my colleague from Illinois explain to me as to whether we have ever passed a bill in recent years which provided for the granting of an honorable discharge of a date during the Civil War?

Mr. MCKENZIE. I will say to my colleague that the form that we agreed upon when I was a member of that committee ran something like this, that in the administration of the pension laws Mr. So-and-so shall be held to have been honorably discharged on such a date, and that no back pay, bounty, or emolument shall accrue.

Mr. MANN. That is not my question. That is already covered in the bill; and then it goes ahead and says—

That the Secretary of War be, and he is hereby, authorized and directed to issue to the said Alvah B. Doble an honorable discharge as of that date—

which is a date during the Civil War.

Mr. MCKENZIE. I think that should be stricken from the bill.

Mr. MANN. I do not think we should pass bills like that.

Mr. MCKENZIE. Furthermore when a soldier loses his original discharge he simply gets a certificate in lieu thereof.

Mr. MANN. He does not get a second discharge.

Mr. MCKENZIE. And that direction to the Secretary of War, it seems to me, would be improper.

Mr. STAFFORD. I object to the consideration of this bill because of the fact called to the attention of the House by the gentleman from Illinois.

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

OLIVER A. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 5125) for the relief of Oliver A. Campbell.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Oliver A. Campbell, who was a second lieutenant of Company E, Eightieth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 9th day of January, 1863.

With the following committee amendment:

On page 1, line 10, strike out the period and insert a colon and insert the following:

Provided, That no pension pay or bounty shall be held to have accrued prior to the passage of this act."

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

AUTHORIZING THE SECRETARY OF THE INTERIOR TO SELL CERTAIN LANDS ON THE WIND RIVER RESERVATION, WYO.

The next business on the Private Calendar was the bill (H. R. 4069) authorizing the Secretary of the Interior to sell certain lands on the Wind River Reservation, Wyo.

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

Mr. STAFFORD. Reserving the right to object, I would like to inquire of the gentleman from Wyoming if this is mineral land?

Mr. MONDELL. It is not.

Mr. STAFFORD. No mineral or oil of any character. What are the rights of the trading company to this land?

Mr. MONDELL. The Arapahoe subagency was established many years ago, and in those days it was common to have traders in the vicinity of Indian agencies. This was a trading camp. There was a log corral and the ordinary log building of a frontier trading establishment, also a place where travelers were entertained as they came through the country. They have kept those premises for at least 35 years. In the course of time towns were built up in the vicinity and the trading business fell away so that it did not amount to much. These people occupied 7 or 8 acres of land upon the high land above the agency where they have their buildings, a store, a corral, and a cottage or two.

Mr. STAFFORD. Are they occupying the land under a leasing system at present?

Mr. MONDELL. I do not know under what plan the lands have been occupied. They were established there by the consent of the Indian office many years ago, and have been there all this time. I do not know whether they have been paying rent or not.

Mr. STAFFORD. Why do we not carry a provision in the bill requiring them to pay a nominal amount or an appraised value?

Mr. MONDELL. Oh, they will pay more than a nominal amount; they will pay what the lands are worth, and I should imagine that they will sell for quite a little sum.

Mr. STAFFORD. I withdraw the reservation of the objection.

The SPEAKER. Is there objection?
There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell to the Arapahoe Trading Co., Yellowstone Sheep Co., and Patrick A. McGovern, bishop of the Catholic Church for Wyoming, for an adequate consideration, not to exceed 40 acres of land on which is located valuable improvements at the Arapahoe subagency, on the Wind River Reservation, Wyo., being the southeast quarter of the northwest quarter, section 23, township 1 north, range 3 east, Wind River meridian, and to convey the same by patents in fee to the interests herein named, the said patents to include the lands on which the improvements are located.

The following committee amendment was read:

On page 2, line 3, after the colon, insert: *Provided*, That the cost of any special survey required for issuing the patents shall be paid by the purchaser.

The committee amendment was agreed to.

Mr. SNYDER. Mr. Speaker, I offer the following amendment:

On page 1, line 11, after the word "one" strike out the word "north" and insert the word "south."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 11, after the word "one" strike out the word "north" and insert the word "south."

The amendment was agreed to.

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

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

ALBERT H. RAYNOLDS.

The next business on the Private Calendar was the bill (S. 901) for the payment of certain money to Albert H. Reynolds.

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

Mr. STAFFORD. Reserving the right to object, I think we ought to have some explanation here why the Government should bear the responsibility of cashing these vouchers when the banks incur that liability.

Mr. LEATHERWOOD. Mr. Speaker, in the spring of 1877 Albert H. Reynolds was engaged in conducting a small trading store at Sidney, Nebr., and a contractor by the name of McCann was engaged in the transportation of supplies to Indian and military posts in the State of Nebraska. McCann, as was the custom of conducting the business, issued two vouchers to pay the teamster for material which had been hauled to certain Indian agencies in Nebraska. The regularity of the vouchers never was questioned. They were certified to as being correct by Lieut. Johnson, who had charge of the Red Cloud and Spotted Tail Indian Agencies and also had supervision of the transportation of supplies from Omaha, Nebr., to the agencies. In the course of the business the two vouchers that were cashed by Reynolds found their way back to Washington to one of the banks. I think, as shown in the report, they were presented in May, 1877, to the department here in Washington.

Mr. STAFFORD. Will the gentleman yield?

Mr. LEATHERWOOD. I will.

Mr. STAFFORD. Were these vouchers merely orders that certain work had been performed and calling on the Government to pay that money to the contractor?

Mr. LEATHERWOOD. The vouchers were that certain supplies had been received, and the amount set forth; the charge for hauling was correctly set forth and practically amounted to an order on the department for payment.

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

Mr. LEATHERWOOD. Yes.

Mr. MANN. The bill says:

Which vouchers were issued on the 26th day of March, 1877, to Dwight J. McCann.

The report also says that Reynolds—

cashied and paid two United States Indian vouchers in the sums, respectively, etc., issued to Dwight J. McCann, a Government contractor.

Does the gentleman claim that is a correct statement either in the bill or in the report?

Mr. LEATHERWOOD. The fact—

Mr. MANN. Oh, that is easy to answer. I want to ask another question.

Mr. LEATHERWOOD. Yes.

Mr. MANN. Who issued the vouchers?

Mr. LEATHERWOOD. Dwight J. McCann issued the vouchers.

Mr. MANN. That is just it. They were not issued to him at all. This gives a very erroneous impression in the bill and in the report to say that the vouchers were issued to the contractor. One naturally assumes at once that those vouchers were issued to him by some Government official. Nothing of that kind happened. He signed the receipts, that is all he did, and the gentleman calls it a voucher. Is not that right?

Mr. LEATHERWOOD. No; it is not exactly right.

Mr. MANN. He signed a receipt as we sign a receipt down here at the Sergeant at Arms' office to draw our pay. He did it in a different form and had to put certain certificates to it.

Mr. LEATHERWOOD. The voucher, as it is called, was drawn, as a matter of fact, in favor of McCann by Lieut. Johnson in payment for services rendered by teamsters under the employ of McCann, who was the contractor. The only way they had to get money out in that country at that time was through these trading posts. Erroneously the report says that Reynolds was a banker. I was not aware of that at the time the matter was before the committee or at the time that I prepared the report. Since then I have corresponded with some of the old residents out in the West who knew him, and they confirmed these statements that he was simply running a small trading post there.

Mr. MANN. The gentleman refers to Reynolds?

Mr. LEATHERWOOD. Yes. As a matter of convenience to the Government that this contractor could get the money, Reynolds took some savings that he had there and cashed these checks or vouchers, and he paid out his own money. There is no dispute but that it was due and owing for the hauling of the supplies. No claim has ever been made that there was any irregularity about it.

Mr. MANN. If it had been a voucher, in the ordinary sense of a voucher issued by the Government, there would be no trouble about its being paid, but this was a voucher that the contractor furnished, a voucher in order to secure partial payments on his contract, and he made certain certificates, signed certain papers, to be presented to the department for payment. They may have been approved by somebody; I do not know. In this case he took them over to a man he was doing business with and got the money for them and the man stood in his shoes. Then he defaulted and owed money to the Government, and the Government seeks to offset it, and the gentleman wants to offset the offset.

Mr. LEATHERWOOD. I want to be heard just a moment upon that.

Mr. MANN. Of course, I am trying to get information, and if the gentleman has information which is not in the report, I will be very glad to hear it.

Mr. LEATHERWOOD. I have the same limitation in furnishing information that every gentleman has, and that the Senate had. The original documents were destroyed. I have seen what purports to be a photographic copy of part of one of these documents. I understand that the voucher was drawn by Lieut. Johnson, certifying that certain supplies, specifying them, had been transported, and that it was issued to McCann, in the course of business, and the thing that the Government is seeking to take advantage of is that that was not assignable, and that it was a violation, I think, of sections 3737 and 3477 of the Revised Statutes of the United States. However, the custom had been to handle these vouchers away out there on the plains at that time in exactly that manner. These vouchers came down here to the bank in Washington and were presented to the department. The department O. K'd them. Then they were held off for nearly two years, when finally some auditor in the Treasury Department raised some objection to it. The matter laid dormant for another two years. Nearly five years elapsed from the time the vouchers were received by the department before anything was done one way or the other about it. Everyone supposed that it was regular, and that they would be paid. Finally the bank was notified here in Washington that the Government had refused payment for the reason that there had been some irregularities, because of the violation of some section of the statute to which I have referred. Had the Government gone ahead and paid these orders or vouchers in the ordinary course of business, everything would have been all right. McCann, the contractor, would have been solvent. It was only after five years that McCann became insolvent. He was solvent at the time of the transaction, but later he became insolvent, a long period of time having elapsed, and then the Government applied this account which Reynolds had taken against the claim, which the Government had against McCann at the time that he became insolvent and when he had defaulted upon some contract with the Government. If the Government had acted one way or the other within a reasonable time, this man might have had some recourse and some remedy.

Mr. MANN. The gentleman's report and the bill state that these vouchers were issued to this contractor. The letter from the Secretary of the Interior says that they were issued by this contractor. There is quite a little difference between a voucher that is just issued by a contractor to get money and a voucher that is issued by a Government official to a contractor.

Mr. LEATHERWOOD. If I am able to understand the English language, they were issued by Lieut. Johnson to McCann.

Mr. MANN. Then, I call the attention of the gentleman to the language in the letter of the Secretary of the Interior— which had been issued by Dwight J. McCann, a Government contractor, in payment of transporting supplies from Omaha, Sidney, and Schuyler, in the State of Nebraska, to the Red Cloud Indian Agency in said State. The delivery of the goods and the correctness of the vouchers were certified to thereon by Lieut. A. C. Johnson, United States Army.

There is quite a difference between an officer of the Army issuing a voucher, which is practically a draft for the payment of a certain sum of money, and certifying that certain goods have been delivered.

Mr. LEATHERWOOD. I concede all that the gentleman from Illinois says with reference to the effect of that. I want to say further that I myself was misled, perhaps by indefinite language, with reference to the history of this bill in the Senate.

I assumed at all times until within recent days that Reynolds was a banker. He is referred to as a banker. As a matter of fact he was not a banker, but simply a man conducting an humble little business who happened to have some ready cash and paid it over to satisfy a claim against the Government.

Mr. MANN. I have great reverence for the Senate of the United States and all of the Senators, but the reverence of the gentleman for the Senate far exceeds mine, if he believes all the statements that are made in the Senate in order to pass a bill.

Mr. LEATHERWOOD. Mr. Speaker, I am wholly unaware of having uttered any word which would indicate whether I have reverence or not for the Senate. I meant to say to the gentleman, and I think I did say to him, that there may be inadvertent expressions in the report. It was only by personal investigation by writing a great number of letters myself not only to Reynolds but to old-time westerners who knew Reynolds that I got what I believe to be the facts with reference to this transaction. Just one word further. At various times this matter has been presented for consideration. It has been considered. It has now been passed by the Senate. Reynolds is an old man, nearly 87 years of age. For three years past he has been an object of charity. Nobody denies but what the Government had the benefit and use of his money. I trust that no gentleman on the floor of this House now will object to the consideration of this bill, because the only question raised is a technicality in reference to the statute referred to. I want to say with due deference to the gentleman from Illinois that I have carefully examined the statutes. I have gone over them very carefully, and I believe had the matter been taken up in court within the period allowed by the statutes that he would have recovered in a court of competent jurisdiction the amount due him upon this instrument. While such instruments are not recognized by the United States courts as negotiable instruments, yet the courts have held that they are evidence of indebtedness.

Mr. MANN. He did not have a show in court.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Albert H. Reynolds, or his personal representatives, out of any money in the Treasury not otherwise appropriated, the sum of \$2,290.49, for and on account of two United States Indian vouchers in the amounts, respectively, of \$907.98 and \$1,382.51, which vouchers were issued on the 26th day of March, 1877, to Dwight J. McCann, an Indian freight contractor, and cashed by the said Albert H. Reynolds, and which said vouchers were allowed for payment by the Commissioner of Indian Affairs on the 2d day of May, 1877, and afterwards refused.

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

On motion of Mr. LEATHERWOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

NASH MOTORS CO.

The next business in order on the Private Calendar was the bill (H. R. 3279) to refund certain duties paid by the Nash Motors Co.

The Clerk read the title of the bill.

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

Mr. WALSH. Mr. Speaker, reserving the right to object, I notice that the Treasury Department are not very enthusiastic about the passage of this measure. I would like to know how it becomes necessary that legislation is required?

Mr. COOPER of Wisconsin. Mr. Speaker, I would be very glad to explain it, and while the gentleman from Massachusetts may not be enthusiastic in his support of the measure, I hope he will not object to its consideration.

Mr. Speaker, the Nash Motors Co., as gentlemen know, has a very fine national, indeed an international, reputation. It is the successor of the Thomas B. Jeffery Co., which in the spring of 1915 had sent a chassis to its representative in London. It remained there for about a year and was untouched and unchanged in any way. It came back to this country in the spring of 1916 consigned to T. P. Reeve, who was a clerk in the office of some customs brokers in the city of New York, employed in business by the Nash Motors Co. That chassis having been of American manufacture, unchanged in any way, was entitled to free entry under section 404 of the tariff act; but when an article of that kind arrives unchanged and subject to free entry, a certificate of its export is required before it is allowed to come in. For some reason these brokers did not supply the certificate. It was carelessness, of course, but the Nash Motors Co., a thousand miles away, knew nothing about this at the time. As soon as they were notified, however, they furnished the evidence. Then, it having been too late when the evidence was supplied, the Government took possession and assessed the duty, and the Nash Motors Co. protested; but the protest required payment of a fee, and then occurred a most extraordinary event. That fee was not paid within the time required by the Government, but was delayed by only one day. Again somebody in this broker's establishment was grossly careless, so that the company paid \$1,223.30 duty on goods which were entitled to free entry under the statute, American-made goods coming back to this country. Ever since that time the Government has had the use of that money, which if these brokers had done their duty would not have had to be paid. Now, an identically similar bill passed the House in the last Congress and went to the Senate, but failed there. I have in my hand a copy of a letter written by the Assistant Secretary of the Treasury to my predecessor in Congress, and here is what the Government official said concerning this shipment and payment:

While American goods are entitled to free entry under the provisions of paragraph 404 of the tariff act, if returned to the United States without having been advanced in value or improved in condition while abroad, this privilege is dependent upon compliance with regulations adopted under said paragraph for the establishment of the identity of such articles as of American manufacture. The regulations were not complied with at the time of entry in the present case and a bond was given for the production of the missing evidence.

Now, Mr. Speaker, I want to interpolate here the statement that the Nash Motors Co., a thousand miles away, knew nothing about the giving of this bond. These brokers gave it without any authority whatever. I read now:

The entry was held unliquidated by the collector for some time after the expiration of the bond in order that the requirements of the regulations might be fulfilled. The entry was finally liquidated with the assessment of duty and a protest filed within the statutory period, but as the protest fee was not paid within the time specified in paragraph N of section 3 of the tariff act, the protest was necessarily deemed abandoned.

I stop here to read from a letter written by David A. Sondel, assistant United States attorney in Milwaukee. He says:

A written protest was filed against such liquidation and was thereafter abandoned and waived, no fee having been deposited until one day after the expiration of the time therefor.

I characterize negligence of that kind, three times repeated by the officials or clerks of these brokers, as extraordinary, and when I use the word "extraordinary" I curb my desire to use language much more forceful than that. I read now, Mr. Speaker, from a letter of a Treasury official, and I ask the particular attention of the gentleman from Massachusetts [Mr. WALSH]. I shall read later from the letter of Mr. Mellon, the Secretary of the Treasury. I call the attention of the gentleman from Massachusetts especially to this:

While there is no doubt that the automobile truck was of the manufacture of the United States and entitled to free entry under paragraph 404 of the tariff act on compliance with the regulations, the entry having been liquidated with the assessment of duty, the Secretary of the Treasury was precluded by the provisions of paragraph N, section 3 of the tariff act, from ordering a reliquidation of the entry in the absence of protest. It appears that it was a hardship for the Nash Motors Co. to be required to pay the duty as the assessment of duty was due to the carelessness of the broker who represented the ultimate consignee, but the department could not take any other action in the case than that outlined in its letter of May 7, 1916, addressed to the Nash Motors Co., a copy of which is inclosed.

In reply to your inquiry as to whether there is any machinery that can be set in motion whereby this duty may be returned to the Nash Motors Co., I have to say that the only way in which the duty paid could be refunded would be by a special act of Congress authorizing the Secretary of the Treasury to refund to the Nash Motors Co. the sum of \$1,223.30.

Very truly, yours,

JOUBET SHOUSE,
Assistant Secretary.

Mr. Speaker, I have in my hand also a letter, written on the 7th of May last, by the present Secretary of the Treasury.

Mr. WALSH. I have read that.

Mr. COOPER of Wisconsin. Will the gentleman permit me to read just one paragraph of it?

Mr. WALSH. I have read the letter, and the Secretary states that no greater reasons for relief exist in the present case than in numerous other cases. Here is a case where, through the negligence or failure of accredited representatives of this firm, as I suppose, who did not comply with the rules and regulations—

Mr. COOPER of Wisconsin. It was a clerk.

Mr. WALSH. Whether it was a clerk or one of the firm, he did not comply with the requirements. If we are going to enact legislation in a case where there has been a failure to comply with the requirements of the law, we might as well repeal the law and have no requirements, and let them send it in here just as they want to, and say, "If you miss it by a day or a week, all right."

Mr. COOPER of Wisconsin. I do not think the alternative is quite as broad as that suggested by the gentleman from Massachusetts. It does not mean to repeal the law where there has been a failure on the part of a clerk to observe the law. But here is a case where the Government of the United States has money in its possession to which it is not entitled, in so far as the action of the Nash Motors Co. is concerned, due to gross neglect of duty by somebody or other; and in using the word "neglect" I am putting it mildly; but there was gross neglect of duty, and the failure to perform duty three times on one shipment.

Mr. WALSH. Well, it seems to me if the Nash Motors Co. after the first neglect still trusted to these brokers, and they made another error and neglected their clients, and the clients still trusted them, the Nash Motors Co. can not be entirely blameless in the matter.

Mr. COOPER of Wisconsin. I put it to the gentleman himself, if he were 1,000 miles away and a clerk of a firm in which the gentleman had entire confidence was attending to business for him in New York City, and a protest fee was to be paid, the gentleman would assume, of course, that the payment would be made within the 30 days, and that that payment would not be withheld until one day after the expiration of the 30 days.

Mr. WALSH. I do not know whether I would assume that or not. If they had failed to produce evidence of the exportation of the chassis from the United States in accordance with the law prior thereto, I am inclined to think I might have been looking around for one of my personal representatives to be on the job there.

Mr. COOPER of Wisconsin. These brokers were their personal representatives, in whom they had implicit confidence, and they have implicit confidence to-day in the firm itself.

Now, Mr. Speaker, I want to ask the gentleman from Massachusetts if he thinks that the irrelevant statement in the letter of the Secretary of the Treasury, that there are other claims like this which might be allowed, should in any way be permitted to defeat a just claim, a claim which the Secretary of the Treasury himself in his letter says is an equitable claim, a proper claim to be paid, the Government having money in its possession to which in honor it is not entitled? If there are five or six or eight other claims—and I do not know of another like it; never heard of one—but suppose there should be five or six or more, if they are absolutely just they ought to be paid, and payment of this claim ought not to be denied because other claims may be in existence. It ought to be paid, because Secretary Mellon says:

It is shown by the correspondence that the failure to furnish the evidence of outward shipment in this case was due to the carelessness of the brokers, and that the ultimate consignee, the Thomas B. Jeffrey Co., did not authorize the brokers to give a bond in the case.

While the equities in this case are apparent, in that the Nash Motors Co. was required to pay duty on an importation belonging to the firm which they succeeded, which importation was clearly entitled to free entry under paragraph 404 of the tariff act—

Even the Secretary himself says that the equities of the case are with the Nash Motors Co.; that the Government has \$1,200 which that company ought to be allowed to receive; and a similar bill passed the House in the last Congress.

Mr. WALSH. I remember when it was up. Of course, Congress passed the original law and included this requirement with reference to protest within 30 days. The Treasury Department drew up the regulation under that law. Now, if people are not going to comply with the law and every time there is a miss by a day or a week there is going to be special legislation here right in the face of a previous statute which Congress passed, I can not see how we are going to help along the proper administration of the laws which we pass.

Mr. COOPER of Wisconsin. I understand the attitude of the gentleman; but I think it is based on a wrong premise. The gentleman says "in cases where the parties are negligent." The Nash Motors Co. were not negligent. If they had been in

New York they could have attended to this, and if they had not done so they would have been negligent; but they were a thousand miles away, and the Treasury Department itself has twice said that the equities were with the company. Had the company themselves been negligent, the equities would not have been with them, in the opinion of the Secretary of the Treasury, for there can not be any equity in favor of people who are negligent. The department has twice in official letters said that the equities were with the company. Negligence destroys equity.

Mr. MANN. Whose negligence was it? It was not the negligence of the Government.

Mr. COOPER of Wisconsin. No.

Mr. MANN. Have not the Nash Motors Co. a claim against the brokers?

Mr. COOPER of Wisconsin. Not at all.

Mr. MANN. Why not?

Mr. COOPER of Wisconsin. Because it was a clerk who without authority of law at all gave the bond. They knew nothing about it.

Mr. MANN. The brokers did all this. The brokers neglected to file the original papers. The brokers neglected to file the fee for the protest. If I were a lawyer and did that, I would certainly think I was caught.

Mr. COOPER of Wisconsin. Suppose that the brokers can not be made to pay; and even suppose you get a judgment against them and they are execution proof, then what is going to happen? Then we have this situation: The Government of the United States has possession of this money against the equities, as admitted twice in written communications by the Secretary of the Treasury. The Treasury Department has stated that it was not the fault of the Nash Motors Co., but that it was the fault of this clerk in New York.

Mr. WALSH. If the gentleman will permit, it was the fault of an employee of the customs brokers who were the representatives of the Nash Motors Co. and acting in their name and for them, with their consent and with their due authority.

Mr. COOPER of Wisconsin. The Government has twice reported that the giving of this bond was entirely without the knowledge or authority of the Nash Motors Co. This clerk acted entirely outside of any authority given him or given to the firm of brokers by the Nash Motors Co.

Mr. WALSH. If this bond had not intervened, the duty would have been assessed much earlier.

Mr. COOPER of Wisconsin. And they would have been notified and would have attended to it very promptly.

Mr. UNDERHILL. Mr. Speaker, if the gentleman will yield I wish to say that I dissented from this report of the Committee on Claims because it is clearly the fact that this large concern with all the equipment and paraphernalia for properly carrying on business has either inadvertently or otherwise broken one of the laws laid down for the government of all the people of the United States.

Mr. COOPER of Wisconsin. What law did it break?

Mr. UNDERHILL. It failed to follow out certain requirements imposed by law upon the people of the United States with reference to customs dues. If a company of that size, with all of its equipment, can come to Congress and get special legislation after it has made errors through its own fault or the fault of its agents, I do not know what some of the poorer people are going to think who come here with just as good claims and do not get anything.

Mr. COOPER of Wisconsin. Will the gentleman permit an interruption?

Mr. UNDERHILL. Yes.

Mr. COOPER of Wisconsin. Here is the Nash Motors Co. Its financial standing in the business world is absolutely irrelevant and in my judgment has no proper place in the discussion of this case. If it had been a poor man a thousand miles away from the city of New York who had been obliged to pay \$1,200 against the equities of the case, as the Government admits, would the gentleman contest this claim?

I rely upon the fact that the Government twice, through its United States Treasury officials, has admitted that the equities of the case are not with it but with the Nash Motors Co. If the Government can twice admit that the equities are with the company and that the Government relies upon a mere quibbling technicality, in the face of gross negligence proven to have been committed by a clerk a thousand miles away, if the Government is to take advantage of a technicality like that, in my judgment it will tend to confirm the impression which has become spread broadcast, that as a debt payer the Government of the United States is the meanest in the world.

Mr. UNDERHILL. Well, Mr. Speaker, the gentleman, of course, tries to make out a good case for the Nash Motors Co.

and I do not take issue with him on the equity of the case, but I do take issue with him on the fact—that the Nash Motors Co. was properly informed and equipped, but handled this business contrary to the rules and regulations laid down by the customs department. It was no fault of the Government and there is no reason why the Government should make an exemption in their case. If, on the other hand—and perhaps I am wrong in the premises—if some poor man was put in the same position without the best of equipment, without knowledge of the law or the regulations or the rules, there might be some necessity for relieving him. These people knew the rules and regulations and had all the paraphernalia to properly conduct its business, but through carelessness and neglect they failed to take advantage of the rules and regulations—they would have received the money back if they had—and then they come to Congress and claim that they are entitled to special consideration.

Mr. COOPER of Wisconsin. May I interrupt the gentleman?

Mr. UNDERHILL. Yes.

Mr. COOPER of Wisconsin. The gentleman says that this company, through neglect and failure to observe the law, did so and so. It did everything that it could do to observe the law. It supposed that the brokers on whom it relied complied with the law, and this protest which was in the hands of the Government before the expiration of that time was for some reason held up until one day after the rights of the company had expired, and that was a matter for which the motor company were not neglectful in the slightest. They supposed that the law had been complied with.

Mr. UNDERHILL. Then I agree with my colleague from Massachusetts that they ought to sue the broker and not come to Congress for relief.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the Nash Motors Co., a corporation organized under the laws of the State of Maryland, the sum of \$1,223.30 as full payment to the said Nash Motors Co. of all duties levied upon an automobile chassis, the property of said company, of American manufacture and entitled to free entry under the provisions of paragraph 404 of the tariff act, and paid by the said Nash Motors Co. upon the importation of the said automobile chassis into this country.

The following committee amendment was read:

Page 1, line 4, after the word "pay" insert "out of any money in the Treasury not otherwise appropriated."

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

Mr. UNDERHILL. Mr. Speaker, I rise in opposition to the committee amendment. I have explained to the House my opposition in the matter. I was the only member of the committee, however, who dissented from an otherwise unanimous report. Rather than take advantage, if it would be taking an advantage, of the gentleman from Wisconsin in objecting to the consideration of the bill, I think I have given him all of the help that he is entitled to and now will leave it to the membership of the House whether they want to pass the bill or kill it here.

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

The committee amendment was agreed to.

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

The SPEAKER. The question is on the passage of the bill. The question was taken; and on a division (demanded by Mr. WALSH) there were—33 ayes and 7 noes.

So the bill was passed.

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

ARTHUR J. BURDICK.

The next business on the Private Calendar was the bill (H. R. 4356) for the relief of Arthur J. Burdick.

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

Mr. MANN. Reserving the right to object, I notice that the former Secretary of the Interior in reporting upon this bill says that there are many cases similar to this. I would like to ask the gentleman from California a question. We have a whole lot of cases—the House just passed a bill of the same sort—making a law, and if a man does not comply with it, be he poor or rich, they have an exception made in his case. Does anybody propose general legislation covering all these cases?

Mr. SWING. Not that I know of.

Mr. MANN. It depends largely on leg work of the Members of Congress themselves.

Mr. SWING. I think each Congressman should call the attention of the committee and the House to those cases which he thinks without attention would result in injustice being done to a citizen of the United States.

Mr. MANN. Suppose some man does not enjoy the acquaintance of a Member of Congress. Suppose a Member of Congress is not very active in his leg work. I take it that the gentleman does not think that citizen ought to receive relief.

Mr. SWING. I think the gentleman from Illinois, whose experience has been very long with this body, recognizes that there are always exceptions to every general law where it does not operate equitably and equally.

Mr. MANN. I think that is true. The department writes that there are many cases similar to this, and it may be they ought all to be relieved—I do not know.

Mr. SWING. I asked them if they had a case in mind exactly like this, and they could not cite a case. I directed the attention of the members of the committee to it and asked them whether there had been any claims like this, and they said they did not know of any.

I think this is an unusual case. There are cases of mistakes by officers of the land department, mistakes of law and fact, but I think this is unusual, and in my experience in the western country, where there is a large amount of land for settlement, I never heard of a case like this—where an entryman in good faith went to the land office, asked if land was open near a certain town, and they opened the books and said "yes; here is a half section open to entry," and he said "I will get my witnesses, view the land, and come here to-morrow and make the entry, if it is still open."

That he does, and they accept his entries, and he goes upon the land. He acts upon their acceptance, and it seems to me that that is a case where an injustice is done him, when subsequently the land office tells him, after he has spent money on the place in trying to make it his home, that he must move off.

Mr. MANN. Oh, it is a very common case.

Mr. SWING. I have not heard of exactly that case.

Mr. MANN. Oh, I have heard of a good many cases since I have been here where through an error of the land office a man settles on a piece of property.

Mr. SWING. The most common case in my country is where a man at his own risk undertakes to settle upon the proper land which has been granted to him and gets on the wrong piece of property, but here the man goes on the piece of property for which the Government has given him a certificate of entry.

Mr. MANN. It has happened a good many times with reference to these railroad lands.

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

Mr. MANN. Yes.

Mr. UNDERHILL. There have been other cases presented to the committee this year of a similar character. It seems that in this case a great injustice has been done. There have been cases presented to the committee where we did not find that an injustice had been done, because the settler had gone in after he had been informed by some agent of the Government that there was a question as to whether the land was open. I think the committee has turned down several cases of that kind, and they now repose in pigeonholes in the office of the committee. Here the man went on the land in good faith. The mistake was at the hands of, or was caused through a Government agency. He made improvements on the land. He was establishing a homestead. He spent a great deal of time and considerable money, and it seems to me that he has justice on his side.

Mr. MANN. All he did on the land was to sink a well, as far as that is concerned.

Mr. UNDERHILL. He cleared some land.

Mr. MANN. Oh, he cleared enough land to sink this well, and that is about all. It is not as meritorious in that sense as it would be if he had constructed a home on the land.

Mr. UNDERHILL. He had to have water first.

Mr. MANN. And yet we have refused to pay a man back the cost of a home where he constructed a home on land that did not go to him.

Mr. KNUTSON. How deep do they have to go for water in that country?

Mr. SWING. Oh, several hundred feet. That is quite an item.

Mr. KNUTSON. Yes.

Mr. MANN. Of course, it is. The well cost nearly \$2,000.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to Arthur J. Burdick, Riverside County, State of California, the sum of \$1,981.68, in full compensation for the amount expended by said Burdick in compliance with law upon his desert-land entry numbered 07331, allowed by the local land office at Los Angeles, Calif., and subsequently canceled for conflict with the grant to the Southern Pacific Railroad Co.

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. SWING, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE CISZEK AND ANNA CISZEK.

The next business on the Private Calendar was the bill (H. R. 6686) for the relief of George Ciszek and Anna Ciszek.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George Ciszek and Anna Ciszek the sum of \$2,000 for damage done to their dwelling house on July 1, 1919, due to the explosion of the United States Navy dirigible balloon C-8 at a point near Camp Holabird, Md.

With the following committee amendment:

Line 6, strike out the figures "\$2,000" and insert in lieu thereof the figures "\$1,500."

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

The committee 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. HICKS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FRANK CARPENTER.

The next business on the Private Calendar was the bill (S. 1247) for the relief of Frank Carpenter.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, what obligation is there upon the part of the National Government to pay for the installation of a rifle range for the use of State troops?

Mr. PRINGEY. Mr. Speaker, the title is in the Government, and since the work was done, authorized by our governor, an appropriation has been made and we are simply asking to be allowed to pay it out of our own funds. It is indorsed by The Adjutant General, by the governor, by the Secretary of War, and it has passed the Senate and is indorsed by the Claims Committee.

Mr. STAFFORD. Where does the gentleman get authority for the statement that it is indorsed by the Secretary of War?

Mr. PRINGEY. In the report I think the gentleman will find that Secretary Weeks indorsed it.

Mr. STAFFORD. I notice in the report, which consists of eight pages, that most of the recommendations are on the part of State officials, but I do not find any direct recommendation on the part of the Secretary of War. The Secretary's letter is to be found on page 7. Will the gentleman call my attention to where in that letter he recommends the payment of this claim?

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

Mr. STAFFORD. Yes.

Mr. BOX. Can the gentleman imagine any reason why it should not be paid?

Mr. STAFFORD. We are departing on an entirely new policy since we have nationalized the National Guard than formerly in the purchase of property and the title to State rifle ranges. We now equip them, but we do not pay for the establishment of the rifle range. This work was undertaken some years back, I assume, before we attempted to nationalize the guards when the States were appropriating money for the maintenance of their own State militia. That is a policy of the past.

Mr. BOX. But before this contract was made the disbursing officer inquired of the War Department if this charge, the cost of doing this work, was a proper charge against the fund. The disbursing officer acted upon it and the man did the work. That particular appropriation was exhausted, so that the work could not be paid for out of that fund. A subsequent appropriation

was made, which now remains to the credit of Oklahoma, and it is available only by act of Congress for the payment of this claim.

The man did the work upon a contract with the State officers, with the approval of the War Department, and has now waited eight or nine years for pay which he fully expected to receive when he acted upon the assurance of the War Department.

Mr. STAFFORD. Oh, because he acted upon the assurance of State officials, the State adjutant general. There is nothing in the report, so far as I have been able to ascertain, that warrants the statement that this contractor acted at the suggestion of any official of the National Government.

Mr. BOX. Will the gentleman read the letter of E. M. Weaver, colonel, Coast Artillery Corps, chief of division, for the War Department, of April 21, 1910, assuring the disbursing officer that this would be a proper charge against this fund?

Mr. STAFFORD. Where is the gentleman reading?

Mr. BOX. On page 3. The contract was thereafter made, the work was thereafter done and accepted, and the fund was found to be exhausted, and it could not be paid because it was exhausted, and a subsequent fund is available; not available for other purposes, however.

Mr. MANN. If the gentleman will yield, however, I notice they refer to this fund as a balance to the credit of the State of Oklahoma. What does that mean? They can not draw the money out, can they? They can not pay any bills out of it, can they?

Mr. BOX. I understand that it is the fact that they can not pay bills out of it.

Mr. MANN. How can a fund remain to the credit of a State that can not withdraw it and can not use it?

Mr. BOX. I wonder, though, if it was money covered into the Treasury—

Mr. MANN. I wondered when I looked at this whether there was such a fund or not.

Mr. BOX. My information is it is the unexpended balance remaining for the equipping of the militia under the act passed prior to 1918.

Mr. MANN. The National Guards' apportionment to the States at that time, and the Secretary of War refers to that as though it were available. It may be, but when I saw the bill I doubted whether there was such a fund on the books.

Mr. STAFFORD. I wish to call the attention of the gentleman from Illinois to section 1661 of the Revised Statutes, which provides a continuing appropriation of \$200,000 for the purpose of providing arms and equipment for the whole body of the militia. There are some appropriations which are continuing—

Mr. MANN. I understand that, and I assume the appropriations are all available for the payment of certain bills, but here is an appropriation which apparently can not be used. The Secretary says it can be used for any bills occurring since 1910. Has this bill occurred prior to this time?

Mr. BOX. Yes; 1910.

Mr. MANN. Evidently it may have been used to pay bills prior to that time, but if it can not be drawn out and can not be used, what is the use—

Mr. BOX. Answering the question of the gentleman from Wisconsin, I desire to call attention to the letter of Secretary Weeks, on page 7, in which he stated:

There would appear to be no objection on the part of the War Department if such expenditure is favorably viewed by Congress.

Mr. STAFFORD. I read that. I withdraw the reservation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frank Carpenter, out of the unexpended balance in the Treasury of \$14,813.33 now to the credit of the State of Oklahoma under the appropriation "Arming and equipping the militia," under section 1661, Revised Statutes, which is no longer available for expenditures incurred since July 1, 1918, the sum of \$3,700, in full payment for work done in the construction of a rifle range at Chandler, Okla., in accordance with the provisions of a contract entered into by the said Carpenter with the State of Oklahoma December 31, 1910.

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

On motion of Mr. PRINGEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

TIMBER IN THE STATE OF ARIZONA FOR AGRICULTURAL, MINING, AND OTHER DOMESTIC PURPOSES.

The next business in order on the Private Calendar was the bill (S. 561) to grant citizens of Washington and Kane Counties, Utah, the right to cut timber in the State of Arizona for agricultural, mining, and other domestic purposes.

The Clerk read the title of the bill.

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

Mr. WALSH. Mr. Speaker, reserving the right to object, I would like to have a little explanation of why we should pass legislation of this sort.

Mr. COLTON. Mr. Speaker, under the law as it now obtains, citizens of one State can not, under the general provisions of the law, cut and remove timber from an adjoining State. The strip of land affected by this bill lies north of the Grand Canyon of the Colorado in Arizona. It is accessible only from the Utah side. The land is covered with a growth of timber, not merchantable timber but used principally for fuel, although there is some used for mining purposes. This bill would authorize the citizens of Utah living adjacent to this timber to secure a permit, upon proper application and notice, to cut timber in Arizona and remove it to Utah, where it can be used. The governor of Arizona joins with the governor of Utah in recommending this legislation, the county commissioners of both counties in Arizona are perfectly willing that it shall be enacted, as the wood will simply decay unless it is used.

Mr. WALSH. Was it because it happened to be a State line that national legislation is required?

Mr. COLTON. Yes.

Mr. LONDON. If the gentleman will yield, is this timber to be cut for commercial purposes?

Mr. COLTON. No; for domestic purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That section 8 of an act entitled "An act to repeal the timber culture laws, and for other purposes," approved March 3, 1891, as amended by an act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, be, and the same is hereby, amended by adding thereto the following:

"That it shall be lawful for the Secretary of the Interior to grant permits, under the provisions of section 8 of the act of March 3, 1891, to citizens of Washington County, and of Kane County, Utah, to cut timber on the public lands of the counties of Mohave and Coconino, Ariz., for agricultural, mining, and other domestic purposes, and remove the timber so cut to said Washington County and Kane County, Utah."

Mr. SANDERS of Indiana. Mr. Speaker, I move to strike out the last word. I notice the act refers to two other provisions which seem to have been passed on the same day. Is that accurate, or was there an error in designating the date?

Mr. COLTON. It has not been called to my attention before, and I can not answer the gentleman's question just now.

Mr. SANDERS of Indiana. It says:

That section 8 of an act entitled "An act to repeal the timber culture laws, and for other purposes," approved March 3, 1891, as amended by an act approved March 3, 1891.

Of course it might well be.

Mr. COLTON. I was wondering if the chairman of the Committee on Public Lands could answer.

Mr. MANN. He was not here then.

Mr. COLTON. I am unable to answer.

Mr. SANDERS of Indiana. The question is whether the amending act was passed on the same day.

Mr. SINNOTT. I think I looked that up once. The singular coincidence of the two dates struck me, and I think I looked it up. I think that is the situation, although I am not clear on it now.

Mr. SANDERS of Indiana. Of course, if the addition is to section 8, and it is a part of section 8, then line 10 should not recite that it is under the provision of section 8.

Mr. SINNOTT. I have the act here. It is "An act to amend section 8 of an act entitled 'An act to repeal the timber culture laws, and for other purposes.'" That is the title of it.

Mr. SANDERS of Indiana. Well, Mr. Speaker, if this is the amending act, then the language that is added is still in section 8, and there should be an amendment to line 10 in the reading of this section.

Mr. COLTON. I did not catch the gentleman's suggestion.

Mr. SINNOTT. That act has been amended a number of times in that same way.

Mr. SANDERS of Indiana. Well, if that language has been followed, I shall not make the point. But it seemed to me that when you are amending the section you ought not to refer to section 8.

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

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

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

The SPEAKER. The Clerk will report the next bill.

WALTER I. SMITH.

The next business on the Private Calendar was the bill (S. 2649) to extend the benefits of section 260 of the Judicial Code to Walter I. Smith, United States circuit judge.

The title of the bill was read.

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

Mr. WALSH. Reserving the right to object, Mr. Speaker, I think the beneficiary of this act has deceased recently. I ask unanimous consent that the bill be laid on the table.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the bill lie on the table. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

RELIEF OF OWNERS OF THE SCHOONER "HORATIO G. FOSS."

The next business on the Private Calendar was the bill (H. R. 4367) for the relief of the owners of the schooner *Horatio G. Foss*.

The title of the bill was read.

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

Mr. MANN. Reserving the right to object, Mr. Speaker, I notice that this bill carries compensation for the detention of the schooner in addition to damages by collision. Of course, I know that where there is an authorization to sue in court they get demurrage. What is the purpose of putting that in?

Mr. UNDERHILL. I suppose the question of demurrage would be settled by the court, as well as the question of damages.

Mr. MANN. I suppose it would without that language in.

Mr. UNDERHILL. I do not think, for one, that I would object to an amendment of that character.

Mr. MANN. Where we have forms of bills of this kind I think we should adhere to them.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk reads as follows:

Be it enacted, etc., That the claim of the owners of the schooner *Horatio G. Foss*, arising out of a collision between said schooner and the United States collier *Jupiter* off Winter Quarter Light Vessel on the 18th day of May, 1918, for and on account of the losses alleged to have been suffered in said collision by the owners of said schooner *Horatio G. Foss* by reason of damages to and detention of said schooner, may be submitted to the United States Court for the District of Massachusetts, under and in compliance with the rules of said court, sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same right of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. MANN. Mr. Speaker, I move to amend the bill, on page 1, line 9, by striking out, after the word "to," the words "and detention of."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 1, line 9, strike out, after the word "to," the words "and detention of."

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

The amendment was agreed to.

Mr. SANDERS of Indiana. Mr. Speaker, I move to amend by inserting, on page 1, line 12, after the word "court," the word "of."

The SPEAKER. There is the same omission in line 4. The Clerk will report the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 1, line 4, after the word "out" insert the word "of," and on line 12, after the word "court," insert the word "of."

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. UNDERHILL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

ROBERT RUSSELL.

The next business on the Private Calendar was the bill (H. R. 5791) for the relief of Robert Russell.

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

Mr. WALSH. I reserve the right to object.

Mr. STAFFORD. Reserving the right to object, Mr. Speaker—

Mr. KNUTSON. I wish the gentleman from Wisconsin would withhold his objection.

Mr. STAFFORD. I will withhold my objection if the gentleman wishes.

Mr. KNUTSON. On what ground can the gentleman object?

Mr. STAFFORD. I am not acquainted with the law in Minnesota as to the liability of the property owner where he refuses to remove snow and an injury results. I know that in Wisconsin there is no liability on the part of the property owner for an injury received unless the party is actively at fault. There is no actionable negligence here on the part of the Government. If we pass this bill, it will be held as a precedent in many, many cases. I yield to the gentleman from Minnesota to state for what reason we should pass this bill.

Mr. KNUTSON. The gentleman from Minnesota has the floor. I will say to the gentleman that it is my understanding that the laws of Minnesota hold property owners responsible in a case of this kind. The circumstances of this case are substantially as follows: Two years ago yesterday Mr. Russell slipped on the icy steps of the Federal building in St. Cloud, Minn., and fell down and suffered a compound fracture of his right hand, which has rendered him a cripple for life, in so far as the use of his hand is concerned.

The city of St. Cloud has an ordinance which provides for the removal of ice and snow from sidewalks within a specified time. The custodian of the Federal building at St. Cloud failed to observe this ordinance, and I contend that through the negligence of the custodian of the Federal building the Government is liable for the injuries sustained by Mr. Russell.

Mr. WALSH. Will the gentleman yield?

Mr. KNUTSON. Yes.

Mr. WALSH. Does the gentleman contend that the United States is bound by the city ordinance of St. Cloud, Minn., with reference to the removal of snow and ice from the Federal building sidewalk?

Mr. KNUTSON. I would say morally so; yes.

Mr. WALSH. The gentleman thinks that the United States of America is subordinate to the city council of St. Cloud, Minn.?

Mr. KNUTSON. I do not see why the United States Government should be permitted to allow snow and ice to remain in front of its property any more than a private owner should. This idea that the Government can do no wrong does not make much of a hit with me.

Mr. WALSH. Mr. Speaker, I do not think we ought to have that doctrine elaborated very much. I think we ought to have the regular order.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

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

BARGE "HAVANA."

The next business on the Private Calendar was the bill (H. R. 4368) for the relief of the owners of the barge *Havana*.

The Clerk read the title of the bill.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the claim of the Staples Transportation Co., a corporation existing under the laws of the Commonwealth of Massachusetts, owner of the barge *Havana*, arising out of a collision between the United States steamship *Quincy* and said barge *Havana* at Hampton Roads, Va., on February 4, 1920, for and on account of the losses alleged to have been suffered in said collision by the owners of said barge by reason of damages to and detention of said barge, may be submitted to the United States District Court for the District of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United States of America, upon the same principle and

measure of liability with costs as in like cases of admiralty between private parties with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. UNDERHILL. Mr. Speaker, I move in line 10, page 1, after the word "to," that the words "and detention of" be stricken from the bill.

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

The Clerk read as follows:

Amendment offered by Mr. UNDERHILL: On page 1, line 10, after the word "to," strike out the words "and detention of."

The amendment was agreed to.

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

WILLIAM MALONE.

The next business on the Private Calendar was the bill (H. R. 1463) for the relief of William Malone.

The Clerk read the title of the bill.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized to pay, out of any money of the United States not otherwise appropriated, to William Malone the sum of \$75, being the cost of an abstract of title sent to the Commissioner of the General Land Office in August, 1916, and lost by some employee of that office.

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

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

FORREST R. BLACK.

The next business on the Private Calendar was the bill (H. R. 314) for the relief of Forrest R. Black.

The Clerk read the title of the bill.

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

Mr. SANDERS of Indiana. Reserving the right to object, I think we ought to have an explanation of the bill.

Mr. BEGG. Mr. Speaker, this claim of Forrest R. Black is for jewelry and money. When he volunteered for enlistment in the Navy he checked his valuables with the man who was designated to receive them. They were rushed for help, and while one of the men went out to get his lunch during the noon hour the man who had charge of the checking left the checking booth and went to assist in taking the measurements of the men.

When Mr. Black came back from his physical examination these valuables were gone. The Navy Department, both under the previous administration and under this administration, has recommended the payment of this claim. There is no question at all that these valuables were stolen while in the custody of the Government agent.

Mr. SANDERS of Indiana. Has the Government been paying for such lost valuables?

Mr. BEGG. Always.

Mr. NEWTON of Minnesota. As I understand it, the man who was up for examination left his valuables with the man designated by the officer in charge?

Mr. BEGG. Designated by the Government.

Mr. NEWTON of Minnesota. And immediately following the examination the property was gone?

Mr. BEGG. When he turned in his check calling for his valuables they could not find them. They called in a policeman, locked the doors, and searched everybody, but evidently the thief had gone, because they did not find these valuables.

Mr. NEWTON of Minnesota. And in placing his money and jewelry with this particular person he was following out the request of the department?

Mr. BEGG. Not only the request but the orders of the department.

Mr. MANN. Will the gentleman yield?

Mr. BEGG. Gladly.

Mr. MANN. I was so impressed with the statement in this case that I thought the gentleman from Ohio [Mr. BEGG] had made a mistake in introducing the bill for only \$142, when it appeared that the man had lost under these exceptional circumstances property of the value of \$190. What was the \$50 of which we rob him?

Mr. BEGG. I will say to the gentleman from Illinois that Mr. Black makes the statement that he did not put in a claim

for all he lost, for instance, his fraternity pin. He did not put in a claim for things of that kind.

Mr. MANN. He did put it in.

Mr. BEGG. There were some items that he did not include.

Mr. MANN. Here is his claim for \$192.

Mr. BEGG. It is \$142.

Mr. MANN. What part did the gentleman from Ohio jew him out of?

Mr. BEGG. I did not jew the gentleman out of anything, I will say to the gentleman from Illinois. [Laughter.]

Mr. SANDERS of Indiana. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Forrest R. Black, out of any money in the Treasury not otherwise appropriated, the sum of \$142, in reimbursement for money and valuables lost while they were properly in the custody of the United States Government.

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

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

On motion of Mr. BEGG, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEO BALSAM.

The next business on the Private Calendar was the bill (H. R. 6251) for the relief of Leo Balsam.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Leo Balsam, of Plattsburg, N. Y., the sum of \$1,282.50, in full compensation for repair at contract price of 950 pairs of shoes destroyed by fire when the gymnasium at Plattsburg Barracks, N. Y., was destroyed on November 28, 1917, said payment being due the said Leo Balsam in the opinion of the Acting Judge Advocate General of the Army.

Mr. MANN. Mr. Speaker, I move to amend the bill by striking out all after the figures 1917 in line 10.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MANN: Page 1, line 10, after the figures "1917" strike out the remainder of line 10, all of line 11 and line 12.

The amendment was agreed to.

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

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

BERTRAM GARDNER.

The next business on the Private Calendar was the bill (H. R. 1543) for the relief of Bertram Gardner.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, I would like to ask the gentleman from New York how many of these stamps there were.

Mr. HICKS. Sixteen hundred, worth 10 cents apiece.

Mr. WALSH. The bill says 600.

Mr. HICKS. There were 1,628.

Mr. WALSH. That would amount to \$162.80. Does the gentleman intend to offer an amendment?

Mr. HICKS. If it is thought necessary.

Mr. WALSH. The report says 1,628, and the bill which was introduced before the report says there were 600. It is immaterial, but if you have the number in the law it ought to be the correct number. If this is going to be corrected I will withdraw the reservation.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to credit the account of Bertram Gardner, collector of Internal Revenue Service, first district of New York, \$162.80 for the loss of 600 export distillery spirit stamps which were destroyed by fire.

Mr. UNDERHILL. Mr. Speaker, in line 6, after the word "of," I move to strike out the two words "six hundred."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 6, after the word "of," strike out the words "six hundred."

The amendment was agreed to.

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

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

ANNIE M. LEPLEY.

The next business on the Private Calendar was the bill (H. R. 4504) for the relief of Annie M. Lepley.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Annie M. Lepley, as postmaster at Plymouth, Amador County, Calif., on her account as postmaster of said place, in the sum of \$2,055.83, the same being the amount of certain moneys, money orders, and postage stamps taken and stolen by burglars from the post office at Plymouth, Amador County, Calif., at nighttime at about 10 minutes past 1 o'clock antemeridian on March 13, 1915, by unknown persons, and that the said Annie M. Lepley be, and she is hereby, relieved and released from payment to the Treasury of the United States of the said sum of \$2,055.83, and every part thereof, as such postmaster, and that her account be credited as postmaster with said amount of \$2,055.83 by reason of said loss caused by such burglary.

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

Mr. MANN. Mr. Speaker, I thought the bill was under consideration. I would like to ask the gentleman from California as to the form of the bill. I suppose it is desirable to make the thing certain, but the bill first directs the Secretary of the Treasury to credit Annie M. Lepley with the sum of \$2,055.83 on account of this loss. I should think that would be sufficient. Then the bill goes on and says, "said Annie M. Lepley is hereby relieved and released from the payment to the Treasury of said sum." Having done it twice, then it goes on and provides again that her account as postmaster be credited with this sum.

Mr. RAKER. Let me say to the gentleman that the matter was taken up with the Treasury Department and the Post Office Department, and the Post Office Department has made an order that until this legislation is disposed of they can not relieve her from making that report. The statement was, as I gathered from them, that she would have to be released from the Treasury account and then her report would be credited with this amount, so as to clear her record in the Post Office Department.

Mr. MANN. If they credit her account with \$2,055.83, that would close up the transaction. If we relieve her from the payment of \$2,055, that of itself would close up the transaction. Then her account is to be credited with \$2,055. That of itself would close up the transaction. Why do it three times?

Mr. RAKER. I took the advice of the Post Office Department and the Treasury Department, and these matters were submitted to them, and we have had them before them a great many times.

Mr. MANN. We have passed a great many bills of this kind.

Mr. RAKER. This was their judgment, and I took it because of the fact that the Treasury had to be credited, and then her account had to be credited in making the report to the Post Office Department.

Mr. MANN. It is not necessary to do a thing three times, even in the statute.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

MONROE B. SHEALY.

The next business on the Private Calendar was the bill (H. R. 7272) for the relief of Monroe B. Shealy.

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

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Monroe B. Shealy, out of any money in the Treasury not otherwise appropriated, the sum of \$1,083.36 for damages to his automobile by an Army truck belonging to the Government.

With the following committee amendment:

Page 6, strike out the figures "\$1,083.36" and insert in lieu thereof the figures "\$414.66."

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

The committee 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. FULMER, a motion to reconsider the vote by which the bill was passed was laid on the table.

RUPERTO VILCHE.

The next business on the Private Calendar was the bill (H. R. 5251) for the relief of Ruperto Vilche.

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

Mr. STAFFORD. Mr. Speaker, this bill is of the same class as bills which have been passed over in order to permit the committee to determine a policy in respect to accidents resulting from the discharge of guns in the hands of soldiers. I object.

TAHOE NATIONAL FOREST, CALIF.

The next business on the Private Calendar was the bill (H. R. 8832) to provide for the exchange of certain lands of the United States in the Tahoe National Forest, Calif., for lands owned by William Kent.

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

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and hereby is, authorized to accept on behalf of the United States title to certain lands owned by William Kent and situate in the county of Placer, State of California, in section 24, township 15 north, range 16 east, Mount Diablo base and meridian, and within the Tahoe National Forest, free and clear of all encumbrances, more particularly described as follows:

Beginning at a point on the shore of Lake Tahoe, said point being the northeast corner of that part or parcel of lot 55 as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907, conveyed by Hulda S. and Chris Nielsen to M. L. Effinger by deed dated September 24, 1906, and recorded in the county recorder's office in said Placer County in deed book No. 105, page 221; thence west from said point along a line parallel to the south line of said lot 55, 220 feet more or less, to a point on the east line of Sunnyside Avenue where said line intersects said east line of Sunnyside Avenue; thence north on said east line of Sunnyside Avenue 145 feet more or less to a point on the north line of section 24, township 15 north, range 16 east, Mount Diablo meridian, where said east line of Sunnyside Avenue intersects said section line; thence east along said section line 220 feet more or less to the shore of Lake Tahoe; thence in a southerly direction along the shore of Lake Tahoe 145 feet more or less to the place of beginning.

Beginning at a point on the west line of Sunnyside Avenue 100 feet north of the point of intersection of the extended south line of lot 55 as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907; filed in the county records of the city of Placerville, State of California, on the 18th day of November, 1907; thence west on a line parallel to said extended south line of said lot 55, 300 feet more or less, to the east line of a tract of land deeded by William Kent to the United States of America on February 28, 1920, said deed being recorded in the records of said county of Placer in book 175 of deeds at page 381; thence north on said east line of said tract deeded by William Kent to the United States of America to the north line of section 24, township 15 north, range 16 east, Mount Diablo meridian; thence east along said section line to the point of intersection of the west line of Sunnyside Avenue with said section line; thence south along said west line of Sunnyside Avenue 150 feet more or less to the point of beginning.

And in exchange therefor may issue patent for certain lands owned by the United States within the Tahoe National Forest and situate in the county of Placer, State of California, in section 24, township 15 north, range 16 east, Mount Diablo base and meridian, more particularly described as follows:

Lot 51 and the south half of lot 52, as delineated and designated upon that certain amended map of Sunnyside tract entitled "Sunnyside tract, property of N. D. Rideout, part of section 24, township 15 north, range 16 east, and part of section 19, township 15 north, range 17 east, Placer County, Calif.," filed in the office of the county recorder of the county of Placer, State of California, on the 18th day of November, 1907; also all that tract of land in the northeast quarter of section 24, township 15 north, range 16 east, Mount Diablo base and meridian, and more particularly described as follows: Beginning at a point on the westerly side of Sunnyside Avenue as laid down and delineated on that certain above-mentioned amended map as Sunnyside tract, which point is 65 feet west of the southwest corner of lot 51 of said Sunnyside tract, and from said point of beginning running parallel to the north boundary of the tract of land conveyed to Alice M. Schmiedell by deed dated the 23d day of March, 1908, and recorded in the office of the county recorder of Placer County, in book 110 of deeds, at page 261, said boundary being parallel to the south line extended of lot 42 of said Sunnyside tract; running thence westerly 300 feet; thence north 1 degree 37 seconds east 150 feet to a point on the southerly line of a parcel of land conveyed by William Kent to William McFadden by deed dated the 12th day of September, 1912, and recorded in the office of the county recorder of said county in book 137 of deeds at page 201, said point being 300 feet west of the west line of Sunnyside Avenue; thence south 88 degrees 28 seconds east 300 feet more or less along said southerly boundary of the lands so conveyed to William McFadden to the west boundary of said Sunnyside Avenue; thence south 1 degree 37 seconds west 150 feet more or less along said west boundary of Sunnyside Avenue to the point of beginning.

With the following committee amendment:

Page 5, line 6, strike out the word "forty-two" and insert in lieu thereof the word "fifty-two."

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

The committee amendment was agreed to.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the Clerk be permitted to correct the spelling of the word "intersects" on line 22, page 2.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

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. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ROBERT E. DANFORTH.

The next business on the Private Calendar was the bill (H. R. 6196) for the relief of Robert E. Danforth.

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

Mr. NEWTON of Minnesota. Mr. Speaker, reserving the right to object, are there any precedents for an action of this kind?

Mr. VAILE. There are a number of precedents where a homestead entry has been taken and for some reason or other the entryman does not fall quite within some of the provisions of law. I do not remember any precedent for this particular case.

Mr. NEWTON of Minnesota. There are precedents, however, for specific congressional action in the granting of a patent?

Mr. VAILE. Oh, many of them.

Mr. NEWTON of Minnesota. Mr. Speaker, I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk reported the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent to Robert E. Danforth conveying the south half of the northeast quarter and the northeast quarter of the southeast quarter of section 19, and the southwest quarter of the northwest quarter of section 20, township 15 south, range 78 west, sixth principal meridian, Colorado, and the north half of the north half of section 20, township 15, range 78 west, sixth principal meridian, Colorado, being lands embraced in the homestead entries of said Robert E. Danforth, Leadville, serial Nos. 02846 and 02845, made April 5, 1920.

Mr. VAILE. Mr. Speaker, I move to amend the bill, on page 2, line 1, by striking out the comma after the word "Leadville."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, strike out the comma after the word "Leadville."

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. VAILE, a motion to reconsider the vote by which the bill was passed was laid on the table.

HENRY T. HILL.

The next business on the Private Calendar was the bill (H. R. 5385) for the relief of Henry T. Hill.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, why is not the customary reservation carried in the bill that no pension shall accrue to this man prior to the passage of the bill?

Mr. KEARNS. We have provided that no pay and allowance due him shall be allowed.

Mr. STAFFORD. It is the invariable practice in bills of this kind to incorporate the feature I speak of.

Mr. KEARNS. That no pension in the future should be allowed.

Mr. STAFFORD. No; that a pension should not accrue to him prior to the passage of the bill.

Mr. KEARNS. Would there be any way for him to get it?

Mr. STAFFORD. If he applied for a pension.

Mr. KEARNS. He has not applied.

Mr. STAFFORD. We do not know whether he has or not, if he applied, and we give him this right, it will date back.

Mr. KEARNS. If the gentleman will offer the amendment, I have no objection to it.

Mr. STAFFORD. Very well, Mr. Speaker; I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Henry T. Hill, formerly a private of Company D, Sixteenth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company on the 19th day of May, 1902: *Provided,* That all pay and allowances due him on said date shall be allowed him.

With the following committee amendment:

Line 9, strike out the word "all" and insert in lieu thereof the word "no."

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

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I move to amend by striking out the period after the word "him" in line 11 and inserting the words "and that no pension shall accrue to him prior to the passage of this act."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the period after the word "him" in line 11 and insert "and that no pension shall accrue to him prior to the passage of this act."

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. KEARNS a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE W. POSEY.

The next business in order on the Private Calendar was the bill (H. R. 4894) for the relief of George W. Posey.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this bill shows that this soldier was not only guilty of one desertion, but of two desertions, and did not seem to have any regard whatsoever for the rules of the Army as far as enlistments were concerned. I object for the time being.

The SPEAKER. Objection is heard.

W. W. McGRATH.

The next business in order on the Private Calendar was the bill (H. R. 2722) for the relief of W. W. McGrath.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to have an explanation from some member of the committee as to why we should adopt a precedent in this case of paying a claimant an amount practically for demurrage, for the expenses he was put to in hiring a car when he was engaged in exchanging his old car for a new car.

Mr. UNDERHILL. I do not know what the usual practice is and it would ill become me to try to explain something I do not believe myself, and I will leave that to some other member of the committee.

Mr. GLYNN. It was the opinion of the committee that this physician's car was damaged and for 90 days he was deprived of the use of his car, and the committee felt that an allowance of \$3 a day for those 90 days would be reasonable.

Mr. STAFFORD. I believe the report in this case shows that the damage was occasioned by an Army truck running into a Maxwell sedan, and that the Government offered to the claimant through departmental officials an amount which they considered a full amount of the damage, but the claimant declined to receive it because he wished to have incorporated in his award an allowance for the use of another car while his damaged car was out of commission. The report shows that he exchanged this damaged car for a high-priced new car. I question whether there is much merit in this bill and I object.

The SPEAKER. Objection is made.

GRANTING CERTAIN LANDS IN FREMONT COUNTY, COLO., FOR A PUBLIC PARK.

The next business in order on the Private Calendar was the bill (H. R. 7053) to grant certain lands in the city of Canon City, Colo., for a public park.

The Clerk read the title of the bill.

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

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the city of Canon City, in the State of Colorado, the south half of the southwest quarter, the northwest quarter of the southwest quarter of section 5; the southeast quarter of the southeast quarter of section 6; the north half of the northeast quarter of section 7; the northeast quarter of the southeast quarter, and the north half of section 8, township 17 south, range 70 west, sixth principal meridian; to have and to hold said lands for use as a public park: *Provided,* That the grant hereby made is, and the patent issued thereunder shall be, subject to all legal rights heretofore acquired by any person or persons in or to the above-described premises or any part thereof, and now existing under and by virtue of the laws of the United States: *Provided further,* That there shall be reserved to the United States all coal, oil, or other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same: *And provided further,* That the lands hereby authorized to be conveyed, as hereinbefore set forth, and all portions thereof shall be held and used by or for the said grantee for the purpose herein specified, and if the lands shall cease to be so used for a period of three years at any one time, they shall revert to the United States, and this condition shall be expressed in the patent to be issued under the terms of this act.

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

On motion of Mr. HARDY of Colorado, a motion to reconsider the vote by which the bill was passed was laid on the table.

PERRY H. KENNERLY.

The next business in order on the Private Calendar was the bill (H. R. 8256) authorizing the issuance of a patent in fee to Perry H. Kennerly for land allotted to him on the Blackfoot Reservation, Mont.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire of some member of the committee why the committee did not follow the recommendation of the department and incorporate the suggested amendment as found in the last paragraph of the letter of the Assistant Secretary of the Interior as follows:

Said patent to be issued upon approval of said allotment and schedule containing the same.

I hear no response, and under the circumstances I—

Mr. MANN. Do not object; let us put the amendment in.

Mr. STAFFORD. If the committee wishes to adopt the committee amendment, I shall withdraw the reservation.

Mr. MANN. It is simply an inadvertence in making the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Perry H. Kennerly, allottee No. 772, on the Blackfoot Reservation, Mont., for the 80 acres of land allotted to him on said reservation under the provisions of the act of June 30, 1919 (41 Stat. L., p. 16).

Mr. STAFFORD. Mr. Speaker, I offer the following amendment: In line 9 change the period to a comma and add the following, "said patent to be issued upon the approval of said allotment and the schedule containing the same."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. STAFFORD: In line 9, after the parentheses, strike out the period, insert a comma, and add the following language, "said patent to be issued upon the approval of said allotment and the schedule containing the same."

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

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

JEROME KENNERLY.

The next business in order on the Private Calendar was the bill (H. R. 8669) authorizing the issuance of a patent in fee to Jerome Kennerly for land allotted to him on the Blackfoot Reservation, Mont.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of this bill? (After a pause.) The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee to Jerome Kennerly, allottee No. 773, on the Blackfoot Reservation, Mont., for the 80 acres of land allotted to him on said reservation under the provisions of the act of June 30, 1919 (41 Stat. L., p. 16).

Mr. STAFFORD. Mr. Speaker, I offer the following amendment: In line 9 change the period to a comma and insert the following: "said patent to be issued upon the approval of said allotment and the schedule containing the same."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Line 9, after the parenthesis strike out the period, insert a comma, and add the following language: "said patent to be issued upon the approval of said allotment and the schedule containing the same."

The question was taken, and the amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES T. FARRILL.

The next business in order on the Private Calendar was the bill (H. R. 1482) for the relief of James T. Farrill.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Mr. Speaker, I object.

BUILDING AT FORT DAVIS, ALASKA.

The next business on the Private Calendar was the resolution (H. J. Res. 249) authorizing the Secretary of the Interior to donate and grant certain buildings in Alaska to the Woman's Home Missionary Society of the Methodist Episcopal Church.

The title of the resolution was read.

The SPEAKER. Is there objection to this resolution?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to donate and grant to the Woman's Home Missionary Society of the Methodist Episcopal Church not exceeding three of the frame buildings on the abandoned Fort Davis Military Reservation in or near Nome, Alaska, the material so donated to be used for the erection of a hospital by said society for the use of white and native residents of the Nome district, Alaska.

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

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

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

The SPEAKER. The Clerk will report the next bill.

KETCHIKAN POST, NO. 3, AMERICAN LEGION.

The next business on the Private Calendar was the bill (H. R. 8460) to authorize the occupation and use of certain lands in Alaska by Ketchikan Post, No. 3, American Legion, and for other purposes.

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

Mr. MANN. Reserving the right to object, does anybody have charge of it?

Mr. STAFFORD. The Delegate from Alaska [Mr. SUTHERLAND].

Mr. MANN. This is to give permission to a post of the American Legion to erect buildings on public lands. I notice that the committee provides that in case the lands shall cease to be used for that purpose, they may revert or come back. It provides:

That the title of all buildings and improvements erected on said lands by the permittees shall remain on them at all times, and said permittees may remove said buildings or improvements at any time.

They might build a sewer there, perhaps. Is it not ridiculous to say that if they erect a building with a sewer there, they own the sewer if the land comes back to the Government?

Mr. SUTHERLAND. I will explain to the gentleman that that is tideland, with tidewater. There is no possibility of a sewer being built there.

Mr. MANN. What could be constructed there except the buildings?

Mr. SUTHERLAND. Nothing. It is buildings constructed on piles.

Mr. MANN. What necessity is there for this language?

Mr. CURRY. It was inserted by the committee.

Mr. MANN. It has no business there. There is no objection to the removal of the buildings, but if they had something on the ground that is to remain there, they ought not to own it.

Mr. CURRY. An amendment can be offered to cover that.

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

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby is, authorized to permit Ketchikan Post, No. 3, American Legion, to erect a building upon and use and occupy, for post purposes, so much of that certain tract of land adjacent to Tongass Narrows, Alaska, described as follows: Beginning at corner No. 1, within the corporate limits of the town or city of Ketchikan, Alaska, from which a stone marking the intersection of Mission and Stedman Streets bears north 16 degrees 16 minutes east 22 feet distant, and United States

locating monument No. 4 bears south 37 degrees 15 minutes east 1.289.27 feet distant; thence south 49 degrees 7 minutes east 100 feet along the southwest side of Stedman Street to corner No. 2; thence south 81 degrees 39 minutes west 165.30 feet to corner No. 3; thence north 8 degrees 21 minutes west 75.74 feet to corner No. 4, on the south side of Stedman Street; thence north 81 degrees 39 minutes east 100 feet along the southerly side of Stedman Street to corner No. 1, the place of beginning; containing 10,046.91 square feet.

With a committee amendment as follows:

Amend, page 2, line 17, after the word "feet," by inserting the following:

"Provided, That the permit hereby authorized may not be assigned, shall be subject to such terms and conditions as to occupancy and use as may be prescribed by the Secretary of the Interior, and shall be revocable by the Secretary of the Interior, after due notice to the permittee, when, in his opinion, the public interests so require: *Provided further*, That the title to all buildings and improvements erected on said lands by the permittees shall remain in them at all times, and said permittees may remove said buildings or improvements at any time; and if the permit be lawfully revoked, a period not exceeding one year shall be allowed for removal of buildings or improvements."

Mr. MANN. Mr. Speaker, I move to amend the committee amendment by striking out, in lines 23 and 24, on page 2, the words "and improvements."

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

The Clerk read as follows:

Amendment offered by Mr. MANN to the committee amendment: On page 2, line 23, after the word "buildings," strike out the words "and improvements."

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

The amendment to the committee amendment was agreed to.

Mr. MANN. I move to amend, on page 3, line 1, by striking out the words "or improvements."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois to the committee amendment.

The Clerk read as follows:

On page 3, line 1, of the committee amendment, strike out the words "or improvements."

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

The amendment to the committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Clerk spell correctly the word "exceeding," in line 2 of page 3, and on line 3 what is supposed to be the word "buildings."

The SPEAKER. Without objection, the spelling will be reformed.

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment as amended.

The committee amendment as amended was agreed to.

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

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

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

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present.

Mr. KINKAID. Mr. Speaker, I hope the gentleman will defer his point until I can call up and have considered No. 147 on the calendar.

Mr. MANN. On the Private Calendar?

Mr. KINKAID. Yes; on the Private Calendar.

Mr. MANN. The gentleman will have to wait.

Mr. FROTHINGHAM. I have one before that.

Mr. MANN. I will withhold temporarily.

Mr. MONDELL. Mr. Speaker, I think it would be a most excellent thing if it were possible to go through the Private Calendar and finish it to-morrow, taking up the bills that are not objected to. Gentlemen on both sides are interested in having that done. If we can do that, in all probability we can adjourn quite early to-morrow afternoon, and nothing else would be taken up.

I ask unanimous consent, Mr. Speaker, that to-morrow we may consider bills on the Private Calendar that are unobjected to in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that to-morrow, in continuation of the Private Calendar, we may consider bills unobjected to in the House as in Committee of the Whole. Is there objection?

Mr. MANN. Reserving the right to object, will the gentleman agree, if the House should by accident find itself without a quo-

rum some time to-morrow and discovers it, the House would then adjourn?

Mr. MONDELL. I doubt if it would be just the thing to call the Members here to-morrow if the point of no quorum should be made; but my hope is that we can begin at noon and go through the remainder of the Private Calendar without the point of no quorum being made.

Mr. SEARS. Mr. Speaker, will my colleague yield?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Florida?

Mr. MONDELL. I do.

Mr. SEARS. Mr. Speaker, for the first time in seven years I have objected twice to-day. In justice to myself I feel that I should make a brief statement.

Mr. MANN. I object.

Mr. MONDELL. I do not think any explanation is necessary. The gentleman was within his rights.

Mr. SEARS. I make the point of no quorum present.

The SPEAKER. The gentleman from Florida makes the point of no quorum present.

Mr. MONDELL. Mr. Speaker, if the gentleman will withhold that a moment, I will ask the Chair to submit my request for unanimous consent.

The SPEAKER. If the gentleman from Florida will withhold it, the Chair will put the gentleman's request.

Mr. SEARS. Mr. Chairman, I think the gentleman from Illinois—

Mr. MONDELL. What objection has the gentleman from Florida to our going on with the Private Calendar?

Mr. SEARS. All I wanted was to explain, but the gentleman from Illinois did not seem to care—

Mr. MANN. I do not care a bit. The gentleman need not explain his actions in the House. His actions speak for themselves.

Mr. MONDELL. I trust the gentleman will withhold his point of no quorum long enough to allow the Speaker to submit my request.

The SPEAKER. Does the gentleman from Florida insist on his point of no quorum?

Mr. SEARS. Mr. Speaker, following out my usual custom, notwithstanding my genial, smiling friend from Illinois, I will withhold it. I wish to be more fair to him than he is fair to me.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

Mr. WALSH. Reserving the right to object, we have made more progress to-day on the Private Calendar than we have made at any time before during this session or the last session. I do not see what the great emergency is that would require two days' continuous consideration of bills on the Private Calendar. There will be another Friday coming a little later, when this will be in order.

Mr. MONDELL. I doubt if we will find time for some weeks to come, and if I may remind my friend from Massachusetts, this is the first time we have taken up the Private Calendar since we reconvened.

Mr. WALSH. Yes; but formerly we had a very good custom of having evening sessions for the consideration of the Private Calendar.

Mr. MONDELL. And the gentleman has his opportunity to object to any measure. There are some very meritorious measures that have been waiting a long time. I trust the gentleman from Massachusetts will not object.

Mr. REED of New York. There are soldiers' claims that have been waiting for months and months to be adjusted—claims of soldiers of the World War.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

Mr. WALSH. I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted—

To Mr. GENSMAN, indefinitely, on account of illness; and

To Mr. TAYLOR of Tennessee, indefinitely, on account of important business.

ADJOURNMENT.

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

Mr. SEARS. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Monday next.

Mr. MANN. The gentleman has twice prevented that to-day.

Mr. MONDELL. Mr. Speaker, I have a motion pending.

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

The motion was agreed to.

Accordingly (at 4 o'clock and 53 minutes p. m.) the House adjourned until Saturday, February 18, 1922, 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:

540. A letter from the Public Printer, transmitting a list of useless papers with request that authority be granted him to dispose of same; to the Committee on Disposition of Useless Executive Papers.

541. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the District of Columbia for the fiscal year ending June 30, 1922, in the sum of \$31,500 (H. Doc. No. 185); to the Committee on Appropriations and ordered to be printed.

542. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of Commerce for the fiscal year ending June 30, 1923, in the amount of \$10,000 (H. Doc. No. 186); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KINKAID: Committee on Irrigation of Arid Lands. H. R. 9606. A bill to authorize the Secretary of the Interior, in his discretion, to extend the time for payment of construction charges on reclamation projects, units of reclamation projects, or in individual cases, for not exceeding three years, and for other purposes; with an amendment (Rept. No. 709). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Washington: Committee on Immigration and Naturalization. H. J. Res. 268. A joint resolution extending the operation of the immigration act of May 19, 1921; without amendment (Rept. No. 710). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. GOODYKOONTZ: A bill (H. R. 10477) fixing the fees necessary to be paid by applicants for admission to the bar of the Supreme Court of the United States, and providing that funds so derived shall be paid into the Treasury of the United States; to the Committee on the Judiciary.

By Mr. WILLIAMSON: A bill (H. R. 10478) to authorize the Secretary of the Interior to sell certain lands, and for other purposes; to the Committee on Indian Affairs.

By Mr. WALSH: A bill (H. R. 10479) to amend the Judicial Code and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes; to the Committee on the Judiciary.

By Mr. McCORMICK: A bill (H. R. 10480) to amend section 4 of the act to regulate commerce, approved February 4, 1887, and subsequent amendments thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. McFADDEN: A bill (H. R. 10481) to incorporate the National Association of American World War Mothers; to the Committee on the Judiciary.

By Mr. MONTAGUE: A bill (H. R. 10482) to increase the salary of the United States marshal for the eastern district of Virginia; to the Committee on the Judiciary.

By Mr. LANGLEY: A bill (H. R. 10483) to authorize the purchase of a suitable painting or portrait of Abraham Lincoln, within the limit of the appropriation herein named, to be placed on the House side of the Capitol; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. DENISON: A bill (H. R. 10484) granting a pension to Effie Edwards; to the Committee on Invalid Pensions.

By Mr. FAUST: A bill (H. R. 10485) for the relief of Edgar B. Willoughby, deceased; to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 10486) granting an increase of pension to Jacob H. Martz; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 10487) for the relief of Abraham Lincoln Harper; to the Committee on Claims.

By Mr. KREIDER: A bill (H. R. 10488) for the relief of Peter Swartz; to the Committee on Military Affairs.

By Mr. REECE: A bill (H. R. 10489) granting an increase of pension to Susan J. Garland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 10490) granting an increase of pension to William F. Rogers; to the Committee on Pensions.

Also, a bill (H. R. 10491) granting a pension to Jesse Kivette; to the Committee on Pensions.

Also, a bill (H. R. 10492) granting an increase of pension to Roy Elrod; to the Committee on Pensions.

By Mr. ROSE: A bill (H. R. 10493) granting an increase of pension to Peter McVay; to the Committee on Pensions.

By Mr. SABATH: A bill (H. R. 10494) for the relief of William Knourek; to the Committee on Claims.

By Mr. KNUTSON: Resolution (H. Res. 288) providing for payment of \$900 to Fannie Arminda Cordell; to the Committee on Accounts.

PETITIONS, ETC.

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

4133. By the SPEAKER (by request): Resolution adopted by the Builders' Association of the Borough of Manhattan, New York City, urging that the Sherman antitrust act be amended so that upon conviction for a violation of the said statute the punishment therefor shall be imprisonment; to the Committee on the Judiciary.

4134. By Mr. ANSORGE: Petition of the Chamber of Commerce of the State of New York, opposing the pending bonus bill; to the Committee on Ways and Means.

4135. By Mr. BURROUGHS: Petition of the following motion-picture theater owners of New Hampshire, affiliated with motion-picture theater owners of America: Arthur M. Twombly, Opera House, Alton; Moore & Varney, Broadway Theater, Dover; G. M. Yeaton, manager Ioka Theater, Exeter; Couture Bros., owners of the Crown Theater, Manchester; Flora Kendall Edmond, Empire Theater, Manchester; W. S. Canning, Palace Theater, Manchester; Edward W. Fullerton, Premier Theater, Meredith; Philip L. Randall, Masonic Hall Theater, North Conway; Fred A. Couture, Scenic and Colonial Theaters, Rochester; Peter M. Gagne, Somersworth and Strand Theaters, Somersworth; and Joseph M. Slater, New Opera House, Suncook, all in the State of New Hampshire, urging the amendment of the copyright law of the United States prohibiting the payment of the so-called music tax; to the Committee on Patents.

4136. By Mr. CULLEN: Resolution adopted by Brooklyn Lodge, No. 22, Benevolent Protective Order of Elks, relative to a resolution adopted by Utica Lodge urging the permission of the manufacture and sale of light wines and beer; to the Committee on the Judiciary.

4137. By Mr. DENISON: Petition to so amend the Volstead Act permitting the manufacture and sale of beer and light wines under strict regulations, the tax on which to provide for a bonus for ex-service men; to the Committee on Ways and Means.

4138. By Mr. GALLIVAN: Petition of the Walworth Manufacturing Co., of Boston, Mass., requesting early consideration and definite action on House bill 9908; to the Committee on Interstate and Foreign Commerce.

4139. Also, petition of the Boot & Shoe Recorder Publishing Co., of Boston, Mass., and Sleeper & Hartley (Inc.), of Worcester, Mass., urging the appropriation as requested by the Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

4140. By Mr. GREENE of Massachusetts: Telegrams from T. N. Paquin and others, of Massachusetts, relative to the proposed tax on automobiles and gasoline; to the Committee on Ways and Means.

4141. By Mr. KELLY of Pennsylvania: Petition of Mothers of Democracy, of Swissvale, Pa., favoring the passage of an adjusted compensation bill; to the Committee on Ways and Means.

4142. By Mr. KIESS: Resolution of Washington Camp, No. 637, Patriotic Order of Sons of America, of Mainesburg, Pa., favoring adjusted compensation bill; to the Committee on Ways and Means.

4143. By Mr. KING: Petition of Adams County (Ill.) Farm Bureau, urging the passage of the bill standardizing fruit and vegetable containers; to the Committee on Coinage, Weights, and Measures.

4144. By Mr. KISSEL: Petition of James P. Kohler, of Brooklyn, N. Y., opposing the enactment of Senate bill 745; to the Committee on the Judiciary.

4145. Also, petition of the Consumers' League of the Ridge-wood-Bushwick section, Brooklyn, N. Y., urging the exemption from taxation of the income derived from mortgages upon real estate; to the Committee on Ways and Means.

4146. Also, petition of Murcott & Campbell, of Brooklyn, N. Y., urging the revision of the present tariff on imported articles; to the Committee on Ways and Means.

4147. By Mr. MEAD: Resolution adopted by the City Council of Streator, Ill., indorsing the Hill bill (H. R. 9691); to the Committee on Ways and Means.

4148. Also, petition of the Van Dusen Motor Sales Co. (Inc.), of Buffalo, N. Y., opposing any more tax for the motor industry; to the Committee on Ways and Means.

4149. Also, resolution adopted by the Glass Bottle Blowers' Association of the United States and Canada, urging the adoption of the Hill bill (H. R. 9691); to the Committee on Ways and Means.

4150. By Mr. MORIN: Petition of 100 citizens of Pittsburgh, Pa., for beer and light wine, the tax on which to go for the soldiers' bonus; to the Committee on Ways and Means.

4151. By Mr. SINCLAIR: Two petitions by citizens of Corinth, Wildrose, and Berg, N. Dak., urging the revival of the United States Grain Corporation and stabilized prices for farm products; to the Committee on Agriculture.

4152. Also, petition of 26 farmers in Shepherd Township, Walsh County, N. Dak., urging the revival of the United States Grain Corporation and a minimum price on grain; to the Committee on Agriculture.

HOUSE OF REPRESENTATIVES.

SATURDAY, February 18, 1922.

The House met at 12 o'clock noon.

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

Gracious Lord, with our waiting hearts we move toward Thee with reverence. In our unworthiness we have only joy, gratitude, and wonder to express. When we are weak we know the source of strength; when we stumble we know the hand that lifts, for our hope and trust are in Thee. Spirit divine keep us joined obediently and patiently to all our tasks, and always make Thy will effectual. Persuade us to accept Thy chastisements, and may they help us to a nobler life. Continue to arm us with truth, honor, and virtue, and thus sustain the ideals of a free people. In the name of Jesus. Amen.

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

CALL OF THE HOUSE.

Mr. DOWELL. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Iowa makes the point that no quorum is present. The Chair will count.

Mr. DOWELL. Mr. Speaker, I will withdraw the point.

Mr. BLANTON. I renew the point, Mr. Speaker.

The SPEAKER. The gentleman from Texas renews the point of no quorum. Evidently there is no quorum present.

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

The motion was agreed to.

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

Anderson	Classon	Gensman	Jefferis, Nebr.
Ansorge	Codd	Gerner	Johnson, Ky.
Bacharach	Cole, Ohio	Goldsbrough	Johnson, S. Dak.
Bird	Connolly, Pa.	Gould	Kahn
Blakeney	Coughlin	Graham, Pa.	Keller
Bond	Crago	Hardy, Colo.	Kelley, Mich.
Bowers	Crowther	Hawes	Kendall
Brennan	Dempsey	Hays	Kennedy
Brinson	Drewry	Hickey	Kless
Britten	Driver	Hill	Kitchin
Buchanan	Dunbar	Hogan	Knight
Campbell, Pa.	Echols	Hooker	Kreider
Cannon	Edmonds	Houghton	Kunz
Cantrill	Ellis	Hukriede	Lankford
Carew	Faust	Husted	Lawrence
Carter	Fish	Hutchinson	Lee, N. Y.
Chandler, Okla.	Focht	Ireland	Lyon
Chindblom	Free	James	McCormick