and instructive narrative his contact and association with those strange people.

I can not help feeling how great has been the loss to Pennsylvania in the death of these men. When we think how long, yea, how many centuries it took to develop and refine minds such as these men possessed, we appreciate our loss, in fact we are appalled. All we can do is simply to go ahead and strive for the best, and as nearly as possible follow their example, which has been good and great and inspiring. Under their leadership vast progress has been made and great munificences and benefactions have been bestowed. We can simply emulate them and hold them in fond recollection, affection, and love.

Mr. FOCHT again took the chair as Speaker pro tempore.

Mr. CRAGO. Mr. Speaker, I ask unanimous consent that all Members who have spoken may have permission to extend their remarks in the RECORD, and that those who have not spoken may have five days in which to insert in the RECORD remarks concerning the Members whom we have remembered to-day.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that all Members who have spoken may have the privilege of extending their remarks in the RECORD, and that other Members may have five days in which to print remarks in memory of the deceased Members. Is there objection?

There was no objection.

Mr. WALTERS. Mr. Speaker, within two years we have witnessed the passing of five men named by the people of Pennsylvania to represent them in the American Congress. In order they were: MAHLON H. GARLAND, PHILANDER C. KNOX, BOIES PENROSE, WILLIAM E. CROW, and CHARLES R. CONNELL. Others have and will bear testimony to the eminent personal worth of these sons of the Keystone State. Others have and will recall the distinguished public services of these representative Pennsylvanians. I desire to add a personal testimonial to the memory of CHARLES R. CONNELL.

Mr. CONNELL came to the Congress rich in experience. He was a type of Pennsylvania's progressive business men. Proud of his heritage, proud of his State, proud of his community, he gave richly of his personal abilities and fortune that the life-giving industries of Scranton might prosper and the community prosper with them. A type of Pennsylvania's business men, CHARLES R. CONNELL possessed a high regard for the general welfare, and leaves a record which might well be emulated.

In performing his duties as a Member of Congress Mr. CONNELL carried the same regard for strict integrity that he did in private business. He viewed every governmental problem broadly. No personal interest, no local interest, no partisan plea could compel him to deviate from what he regarded as a plain duty. He sought with all the energy of his fine nature to serve those who had expressed trust in him. It was characteristic of his service in Washington that no personal interest, political or otherwise, could influence his decision.

The charm of Mr. CONNELL's personality attracted men, and he held as close friends perhaps more than the usual number of his associates in the House. Coming back among us with the knowledge that his days were numbered, he went about with his usual genial word and smile, with his accustomed good nature and willingness to aid. His courage in the face of the inevitable was remarkable. His memory will long linger with those who knew him best.

Mr. APPLEBY. Mr. Speaker, under the permission given Members to extend their remarks in the RECORD upon the death of our beloved colleague, I should not want this occasion to pass without joining with the other Members present in testifying to his splendid personality, nobility of character, and value to his country of his short public career.

Mr. CONNELL, in common with myself, was elected to Congress in November, 1920. He was one of the first Members of the House with whom I became acquainted. That acquaintance ripened into a warm friendship, and in listening to the eulogies presented this afternoon by his colleagues, many from his own State, I am satisfied that the early judgment I formed of the man was a correct one. Always considerate of others, even tempered, self-controlled, kind, and gentle, he made warm friends, whom he held in growing attachment. One of my earliest recollections of the man was the pride which he so frequently expressed in being one of the few Members who had the distinction of representing in Congress the same district once represented by their fathers. The elder Connell, now deceased, represented this same Pennsylvania district some 20 years prior to our colleague's election.

Mr. CONNELL brought to the House of Representatives a ripe business experience gained through the management of several large manufacturing plants, as well as service on the boards of directors of several banking institutions. His practical, common sense, sound judgment, sterling honesty, and high ideals at once marked him as a valuable Member of this legislative body. He was exactly the type of man needed—a business man in Congress. May we have more men of his courage, faith, ability, and firmness!

To have acted with him in the work of important legislation was a privilege, and to meet him socially and learn of his fine traits of character, and to have counted him my friend, was an inspiration.

During the recess of Congress last summer he was stricken with a fatal illness, and in August, in the homestead of his father, in which he had so long resided, in the beautiful residential section of the city of Scranton, surrounded by his devoted family, our beloved colleague passed on to his just reward. Sadly missed by the many friends he had made in this legislative body, mourned by his thousands of employees, and amid the tears of the hosts of his admiring friends he was buried in his native city. He was an honor to the State and the Nation. He died at his post of duty a faithful public servant, loved for his frank and manly dealings with his fellows, his loyalty to his trusts of high responsibility, and his modest and unassuming mode of life. Personally, I felt, and still feel, the keenest sense of loss, and I am glad to pay this feeble tribute to his memory. May it linger with us for many years. But in a full life, nobly lived, such as that of CHARLES R. CONNELL, there should be no sadness of farewell. He has but gone to his reward. In the words of the immortal Tennyson:

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar
When I put out to sea,

But such a tide as moving seems asleep,
Too full for sound and foam,
When that which drew from out the boundless deep
Turns again home.

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;

For tho' from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face
When I have crost the bar.

ADJOURNMENT.

Mr. CRAGO. Mr. Speaker, in accordance with the resolution previously adopted, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p. m.) the House adjourned until Monday, February 19, 1923, at 12 o'clock noon.

SENATE.

MONDAY, *February 19, 1923.*

The Senate met at 11 o'clock a. m.

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

Our Father, help us to realize that life is a constant benediction, and as we spend it for higher interests enable us to recognize the privileges given unto us, so that daily and hourly we may have in mind Thy glory and the best interests of our loved land. Hear and help us through this day's service. For Christ Jesus' sake. Amen.

THE JOURNAL.

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

CALL OF THE ROLL.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ball	Gooding	McLean	Smith
Bayard	Hale	McNary	Smoot
Brookhart	Harreld	Moses	Spencer
Calder	Harris	Myers	Sterling
Cameron	Harrison	New	Sutherland
Capper	Heflin	Nicholson	Swanson
Caraway	Johnson	Norbeck	Townsend
Couzens	Jones, Wash.	Oddie	Trammell
Curtis	Kellogg	Page	Wadsworth
Dial	Keyes	Pepper	Walsh, Mass.
Edge	King	Phipps	Warren
Fernald	Ladd	Pittman	Watson
Fletcher	La Follette	Pomerene	Weller
France	Lodge	Ransdell	Williams
Frelinghuysen	McCumber	Reed, Pa.	Willis
George	McKellar	Robinson	
Gerry	McKinley	Sheppard	

The VICE PRESIDENT. Sixty-six Senators have answered to their names. A quorum is present.

ACCOUNT OF THE STATE OF NEW YORK (S. DOC. NO. 304).

The VICE PRESIDENT laid before the Senate a communication from the Comptroller General of the United States, in response to Senate Resolution 378, agreed to December 6, 1922, relative to the reexamination and restatement of the account of the State of New York, for which appropriation was made by the act of Congress approved February 27, 1906, which was referred to the Committee on Claims and ordered to be printed.

DEPARTMENTAL USE OF AUTOMOBILES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to Senate Resolution 399, agreed to January 6, 1923, a statement showing automobiles in use by the Treasury Department, both in Washington and in the field, together with certain cost data pertaining to said automobiles, garages in which they are housed, etc., for the six months' period July 1 to December 31, 1922, and stating that it was deemed best to report the information for the first six months of the present fiscal year rather than for the fiscal year 1922, owing to changes in the assignment of work between the Public Health Service and the United States Veterans' Bureau affecting the administrative supervision of automobiles belonging to the former service, which was ordered to lie on the table.

WORLD'S DAIRY CONGRESS ASSOCIATION.

The VICE PRESIDENT laid before the Senate a communication from the president of the World's Dairy Congress Association, which was read and referred to the Committee on Agriculture and Forestry, as follows:

MILK IS VITAL TO NATIONAL HEALTH.

WORLD'S DAIRY CONGRESS ASSOCIATION (INC.),
Washington, D. C., February 19, 1923.

Hon. CALVIN COOLIDGE,
Vice President of the United States,
Washington, D. C.

SIR: As authorized by act of Congress of March 3, 1921, the President of the United States has invited the nations of the world to send delegates and representatives to a World's Dairy Congress. This congress will be held in Washington October 2 to 5 of this year, and the delegates, after the close of the congress, will attend the National Dairy Show to be held at Syracuse, N. Y., October 6 to 13, 1923.

The World's Dairy Congress Association has been organized at the suggestion of the United States Department of Agriculture to act as a committee of management to make the necessay and proper arrangements for the housing and entertainment of this congress and to extend the proper courtesy to the delegates and other visitors who will attend.

On behalf of this association, I wish to thank the Members of Congress for the authorization of the World's Dairy Congress and for the support which has been voted to translate and publish its proceedings to make it of the greatest possible value to the public.

On behalf of the association, I wish to extend an invitation to the Congress of the United States to be represented at the World's Dairy Congress, and to request that a committee representing the Senate and House of Representatives be appointed for this purpose. I feel sure that the presence of this committee at the World's Dairy Congress and its participation in the deliberations of that body will add greatly to the Congress and to the cordial feeling that the representatives of other nations may have as to the feeling of sympathy and cooperation of the United States in their problems and aspirations.

The invitations from the President of the United States have been transmitted by the Department of State to all the nations of the world, and many acceptances have already been received, and many more are expected, indicating a high degree of international interest in this coming gathering.

Respectfully, H. E. VAN NORMAN, *President.*

Mr. LADD. I introduce a joint resolution authorizing the appointment of a joint committee of the Senate and the House to represent the Congress of the United States at the World's Dairy Congress to be held in Washington, and I ask that it be referred to the Committee on Agriculture and Forestry.

The joint resolution (S. J. Res. 284) authorizing the appointment of a joint committee of the Senate and the House to represent the Congress of the United States at the World's Dairy Congress was read twice by its title and referred to the Committee on Agriculture and Forestry.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT laid before the Senate a telegram from E. F. Stokes, secretary of the National Association of Builders' Exchanges, relative to tax-exempt securities, which was referred to the Committee on Finance and ordered to be printed in the RECORD as follows:

[Western Union telegram.]

WEBSTER CITY, IOWA, *February 17, 1923.*

SECRETARY OF THE UNITED STATES SENATE,
Washington, D. C.:

The National Association of Builders' Exchanges of the United States, representing the building interests in every territory of the country, while in convention assembled at Des Moines, Iowa, did unanimously adopt on February 15, 1923, a resolution which follows, and requests you through your official office to direct the same to the proper channels for information of Senate now in session:

"*Resolved by the National Association of Builders' Exchanges*—

"First. That this association believes that the present freedom from income tax of incomes from bonds and other securities issued by States, counties, and municipalities has operated to relieve large incomes from bearing their proper share of Federal taxation; it feels that this is contrary to the interest of the public and should be stopped as soon as possible.

"Second. That the preference given by large investors under the above circumstances to State and municipal bonds has operated to the disadvantage of investments in private building and has thus operated as a restriction upon the amount of building for residences, stores, hotels, and factories requisite to meet the situation caused by the cessation of building during the war. It has thus been an important contributing cause to the continuance of high rents.

"Third. That this association strongly urges the passage by the Senate at this session of Congress of the proposed constitutional amendment (H. J. Res. 314) designed to put an end to this condition."

E. F. STOKES,
Secretary National Association of Builders' Exchanges.

Mr. TOWNSEND presented a resolution of Port Huron Lodge, No. 158, Loyal Order of Moose, of Port Huron, Mich., favoring the calling of an international conference to consider the restriction of the traffic in narcotic drugs, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented resolutions of the Women's International League for Peace and Freedom, Massachusetts Branch, at Boston, Mass., protesting against the French occupation of the Ruhr as an ineffective and dangerous method of securing reparations and favoring the calling of an international conference to secure justice and protection to France and to solve world economic problems, the resumption of trade relations with Russia, recognition of the Government of Mexico, and the repeal of the espionage act; which were referred to the Committee on Foreign Relations.

Mr. STANLEY presented a memorial, numerously signed, of sundry citizens of Covington, Ky., remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. KEYES presented resolutions adopted by the congregation of the Congregational Church of Hill and a meeting of the District Sunday School Institute at Rochester, both in the State of New Hampshire, favoring an amendment to the Constitution governing the passage of legislation regulating child labor, which were referred to the Committee on the Judiciary.

Mr. KEYES. I present a copy of a joint resolution entitled "Joint resolution relating to the valuation of railroads" which was adopted by the New Hampshire Legislature on February 16th instant. I ask that it be printed in the RECORD and referred to the Committee on Interstate Commerce.

The resolution was referred to the Committee on Interstate Commerce, as follows:

STATE OF NEW HAMPSHIRE,
Office of Secretary of State.

I, Enos K. Sawyer, secretary of state of the State of New Hampshire, do hereby certify that the following and hereto attached is a true copy of a joint resolution entitled "Joint resolution relating to the valuation of railroads" (approved February 16, 1923), as engrossed in this office and in my custody as secretary of state.

In testimony whereof I hereto set my hand and cause to be affixed the seal of the State, at Concord, this 16th day of February, A. D. 1923.

ENOS K. SAWYER,
Secretary of State.

STATE OF NEW HAMPSHIRE, 1923.

Joint resolution relating to the valuation of railroads.

Resolved by the senate and house of representatives in general court convened, That whereas by section 19 (a) of the interstate commerce act providing for the valuation by the Interstate Commerce Commission of the properties of common carriers it is provided that "such investigation shall show the value of its property in each of the several States and Territories and the District of Columbia, classified and in detail as herein required"; and

Whereas the bureau of valuation of said commission has recommended to the commission that it request Congress to relieve it from showing values of said properties by States; and

Whereas it is desirable for various uses and purposes that such valuation shall be shown separately by States, as aforesaid:

Resolved, That it is the view of the Senate and House of Representatives of the State of New Hampshire that the Interstate Com-

merce Commission should show as to each interstate carrier the value of its property in each of the several States in which said property exists, and that no change in the law to sanction failure to make such showing ought to be sought or made; and be it further

Resolved, That a copy of this resolution be mailed to each United States Senator and each Member of Congress from New Hampshire.

WILLIAM J. AHERN,
Speaker of the House of Representatives.
WESLEY ADAMS,
President of the Senate.

Approved February 16, 1923.

FRED H. BROWN, *Governor.*

Mr. SHEPPARD. I present for publication in the RECORD and reference to the Committee on Foreign Relations a resolution adopted by the Legislature of Texas favoring the recognition of the present Government of Mexico.

The resolution was referred to the Committee on Foreign Relations, as follows:

House concurrent resolution.

Whereas President Obregon has the confidence, respect, and support of the people of Mexico to a degree almost unprecedented in the history of that country, with the result that to-day Mexico is enjoying peace and stability; and

Whereas through the efforts of President Obregon a new era of cordiality and friendly relations has been initiated between the peoples on either side of the Rio Grande, who for so long misunderstood and distrusted each other; and

Whereas the friendly attitude toward American citizens and American interests so uniformly manifested by President Obregon since becoming the President of the Republic of Mexico is of that sincere nature and of that evident good faith which makes the best feeling between nations, strengthened by the promise of President Obregon in frequent utterances that Mexico will meet every just obligation for which Mexico as a nation is responsible: Now, therefore, be it

Resolved by the house of representatives, the senate concurring, That the Legislature of the State of Texas declares itself pleased with the administration of President Obregon and congratulates the people of Mexico upon the new era of peace, prosperity, and amicable relationship which have been established; and be it further

Resolved, That it is the sense of the Legislature of Texas that the best interests of our Nation and our State will be served and the restoration of order in world affairs will be hastened by the immediate official recognition of Mexico as administered by President Obregon; and be it further

Resolved, That the clerk of the house be and is hereby directed to forward copies of this resolution to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives, and to each of the Texas Senators and Representatives in Congress; and be it further

Resolved, That the clerk of the house be and is hereby directed to send a copy of this resolution to His Excellency, the Hon. Alvero Obregon, President of the Republic of Mexico.

R. E. SEAGLES,
Speaker of the House.
T. W. DAVIDSON,
President of the Senate.

I hereby certify that H. C. R. No. 13 was passed by the house February 6, 1923.

C. L. PHINNEY,
Chief Clerk of the House.

I hereby certify that H. C. R. No. 13 was passed by the Senate February 8, 1923.

W. V. HOWERTON,
Secretary of the Senate.

Mr. PHIPPS presented the following memorial of the Legislature of Colorado, which was referred to the Committee on Irrigation and Reclamation:

Senate Joint Memorial No. 1, memorializing Congress to liberalize repayment requirements under the Federal reclamation act.

Whereas it appears conclusively that a considerable majority of unit holders on the Uncompahgre and Grand Valley United States reclamation projects in Colorado are now and will continue to be unable to meet present statutory requirements for repayment of project costs; and

Whereas, due largely to adverse agricultural and economic conditions, a majority of unit holders on these Colorado projects are unavoidably delinquent in relation to payment of current operation and maintenance charges; and

Whereas the Federal reclamation act and acts amendatory thereof impose penalties ranging from 6 to 12 per cent per annum on such delinquent construction and operation and maintenance cost payments; and

Whereas by reason of conditions herein set forth large numbers of unit holders have been obliged to dispose of their equities at great loss to themselves; and, unless substantial and immediate relief is afforded, an increasing number of unit holders on these Colorado projects must inevitably be forced in the future to sacrifice the fruit of substantial investments and many years of hard labor; and

Whereas the entire scheme or policy of Federal reclamation will be greatly advanced by proper treatment of unit holders already on Federal reclamation project lands: Now, therefore, be it

Resolved by the Senate of the State of Colorado (the House of Representatives concurring), That the Congress of the United States be memorialized to enact legislation the purpose of which shall be:

(a) To provide additional time for the repayment of construction and operation and maintenance charges to the United States.

(b) For the withdrawing of public land notices announcing the dates and time for the commencement of payment of construction and operation and maintenance charges on reclamation projects; crediting construction charges already paid to delinquent operation and maintenance charges; reducing the penalty for delinquent repayments from 12 to 6 per cent per annum, providing that no public notices be reissued until the Secretary of the Interior by a commission determines through investigations held on the projects the financial and economic conditions of the farmers on said projects, together with the physical condition of the farm units, and recommends the date on which public notice shall be issued.

(c) That the time of repayment of construction charges as provided for in the reclamation extension act be extended to not less than 40 years, that lands be classified as to producing value and that the period of repayment be graduated and based upon said classification: Be it further

Resolved, That a copy of this memorial be sent to Senator Lawrence C. Phipps, Senator Samuel Nicholson, Hon. Edward T. Taylor, Hon. Guy U. Hardy, Hon. Charles B. Timberlake, and Hon. William N. Vaile, Representatives in Congress for the State of Colorado.

ROBERT F. ROCKWELL,
President of the Senate.

Attest:

CHAS. C. SACKMANN,
Speaker of the House of Representatives.

Mr. MYERS presented the following memorial of the Legislature of Montana, which was referred to the Committee on Public Lands and Surveys:

House Joint Memorial 4—Memorial to the Congress of the United States, praying for an appropriation to provide for the construction of public roads leading into and through national forests, Indian reservations, and other public land areas.

To the Honorable Senate and House of Representatives in the Congress of the United States of America:

Your memorialists, the members of the Eighteenth Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent:

Whereas there are in the 13 public-land States of the Northwest 382,032,487 acres of unappropriated and unreserved public lands, Indian reservations, and national-forest areas that are nontaxable and that do not contribute to the building of public roads, except the 25 per cent of the gross proceeds of the forests, which is only a negligible amount. The nontaxable areas of these States are as follows:

	Acres.
Arizona	48,692,722
California	38,173,917
Colorado	24,562,927
Idaho	27,366,215
Minnesota	1,855,548
Montana	30,829,638
Nevada	58,453,899
New Mexico	30,418,359
Oregon	27,384,757
South Dakota	4,386,100
Utah	39,207,579
Washington	15,357,519
Wyoming	34,343,307
Total	382,032,487

Whereas Indian reservations, forest reserves, and other public lands stretch across county, State, and interstate highways, becoming insurmountable barriers to highway improvement, community, and State development; and

Whereas in many counties of the public-land States from 50 to 75 per cent of their area is nonassessable public-land area, affording no taxes for schools and roads; and

Whereas the public-land States, owing to large area, small population, and small valuation, have not been able to participate in the 50-50 provision of the Federal highway act; and

Whereas under the provisions of Senate bill 1072 there was enacted a law, November, 1921, providing for an appropriation of $75,000,000, $15,000,000 of which was to be applied on roads in national forests and leading into national forests; and

Whereas highway projects in the public-land States initiated under this appropriation must halt unless another appropriation is made to effect their completion: Therefore be it

Resolved, That the Congress of the United States be memorialized to make an appropriation of $20,000,000 for roads in and leading into national forests, in and through Indian reservations; and be it further

Resolved, That copies of this memorial be transmitted by the secretary of state to the President, the Secretary of the Interior, the Forest Service, Department of Agriculture, the Bureau of Public Roads, the United States Senators and Members of Congress, the governors of the 13 public-land States.

CALVIN CRUMBAKER,
Speaker of the House.
NELSON STORY, Jr.,
President of the Senate.

Approved February 13, 1923.

JOS. M. DIXON, *Governor.*

Filed February 13, 1923, at 11.10 o'clock a. m.

C. T. STEWART, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, C. T. Stewart, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of house joint memorial No. 4, "A memorial to the Congress of the United States, praying for an appropriation to provide for the construction of public roads leading into and through national forests, Indian reservations, and other public-land areas," enacted by the eighteenth session of the Legislative Assembly of the State of Montana, in regular session assembled, and approved by Jos. M. Dixon, governor of said State, on the 13th day of February, A. D. 1923.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Montana, at Helena, the capital, this 13th day of February, A. D. 1923.

[SEAL.]

C. T. STEWART, *Secretary of State.*
By CLIFFORD L. WALKER, *Deputy.*

Mr. McNARY presented the following memorial of the Legislature of Oregon, which was referred to the Committee on Immigration:

House Joint Memorial No. 4.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Legislature of the State of Oregon, respectfully represent that—

Whereas the present number of unemployed aliens in the United States is largely in excess of the number the welfare of the country

warrants, there being 13,300,000 people of foreign birth, with many others of foreign descent living in the foreign groups and of whom hundreds of thousands have not been assimilated and know little of our ideals, traditions, and purposes, and that it will take many months and years to fully acquaint all of these people with our aims as a Nation and to amalgamate them in the body politic; and

Whereas the State of Oregon is vitally interested in this problem, because in this State there are more than 17,000 who are unable to speak the English language or write their own name; and

Whereas the cost to the Government of our alien population by reason of the violation of the eighteenth amendment and the Harrison Narcotic Act, as well as of the Volstead Act, by thousands of these aliens is burdensome in the extreme; and

Whereas there are a sufficient number of American laborers to perform all work available, but they are crowded from industries and made to suffer by this enormous influx of aliens, as witnessed by the following percentage of alien laborers employed in our industries:

	Per cent.
Steel industry	58
Packing industry	61
Woolen mills	62
Cotton mills	69
Oil refineries	67
Clothing manufacturers	72
Mining industry	75

Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon (the Senate jointly concurring), That the Legislature of the State of Oregon is unalterably opposed to further immigration into the United States in excess of the present quota, and further recommends that our immigration laws be so amended as to restrict the entrance into the United States of all Asiatics and southern European internationals; but that under no condition will the immigration laws of the United States be so amended as to destroy the efficiency of the present immigration law or in any way permit a larger number of aliens to come into our borders than permitted by that law until a permanent immigration policy is adopted in which the interests of America, her ideals and institutions, traditions, and aims are fully protected and cared for by a rigid exclusion of all further immigration until such time as we may fully assimilate those within our own borders and give to American labor and American laws the rights and respect which are fully their due; be it further

Resolved, That the secretary of state is hereby instructed to transmit by mail a copy of this resolution to each member of the Oregon delegation in the United States Senate and House of Representatives at Washington.

Adopted by the house January 29, 1923.

K. K. KUBLI,
Speaker of the House.

Adopted by the senate February 10, 1923.

JAY UPTON,
President of the Senate.

(Indorsed: House Joint Memorial No. 4. Introduced by committee on resolutions. W. F. Drager, chief clerk. Filed February 12, 1923. Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of House Joint Memorial No. 4 with the original thereof adopted by the Thirty-second Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 12, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 13th day of February, A. D. 1923.

[SEAL.] SAM A. KOZER,
Secretary of State.

Mr. McNARY presented the following memorial of the Legislature of Oregon, which was referred to the Committee on Public Lands and Surveys:

House Joint Memorial No. 5.

To the honorable Senate and House of Representatives of the Congress of the United States:

Your memorialists, the Legislature of the State of Oregon, respectfully represent that—

Whereas the Government of the United States by legislative enactment has withdrawn from public entry and settlement 156,666,045 acres of land in the States of California, Oregon, Washington, Idaho, Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada for the purpose of creating national forests; and

Whereas there is now standing on this land nearly 500,000,000,000 feet, board measure, of merchantable timber; and

Whereas 13,133,081 acres of our national forests are within the confines of the State of Oregon, upon which acreage it is estimated by Hon. William B. Greeley, United States forester, that there is now standing over 130,000,000,000 board feet of timber; and

Whereas over 5,000,000,000 board feet of merchantable timber within our national forests has been destroyed by forest fires during the past five years; and

Whereas over 18,000,000 acres of national forest lands were burned over by forest fires during the summers of 1918 and 1919; and

Whereas in many instances these national forest fires have spread over large tracts of privately owned timber, destroying large tracts of virgin forests and thereby causing tremendous losses to the owners of the land; and

Whereas the Government of the United States has withdrawn this land from entry and pays no taxes on same, leaving the whole burden of taxation, including all pioneer work, upon the people of the several counties of this State, some of which counties are as high as 68 per cent national forests; and

Whereas the timber in our national forests is worth, at $3 per thousand stumpage, approximately $1,500,000,000, which pays no tax whatever, while many of our counties are bonded to the constitutional limit for highway purposes, much of the money having been used for the construction of highways adjacent to or through national forests; and

Whereas there is no way known to man whereby these forests may be saved from destruction by fire except in the construction of permanent commercial highways through and adjacent to our national forests so that the ripe timber may be moved to market and so that fire fighters may be taken quickly to the blaze after it has been discovered: Now, therefore, be it

Resolved by the joint assembly of the Senate and House of Representatives of the State of Oregon, That the Congress of the United States be, and the same is hereby, memorialized to provide, by appropriation from our National Treasury or by sale of bonds on our national-forest timber, the necessary funds with which to construct a system of highways through and adjacent to our national forests commensurate with their needs of protection against destruction by fire; and be it further

Resolved, That the secretary of state of the State of Oregon is hereby authorized and directed to transmit a copy of this memorial to the President of the United States Senate, the Speaker of the House of Representatives of the United States of America, and to each United States Senator and Representative in Congress from Oregon.

Adopted by the house January 29, 1923.

K. K. KUBLI,
Speaker of the House.

Adopted by the senate February 9, 1923.

JAY UPTON,
President of the Senate.

(Indorsed: House joint memorial No. 5. Introduced by Representatives Cramer and Peirce. W. F. Drager, chief clerk. Filed February 12, 1923. Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of House joint memorial No. 5 with the original thereof adopted by the Thirty-second Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 12, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 12th day of February, A. D. 1923.

[SEAL.] SAM A. KOZER,
Secretary of State.

THE COAL SITUATION.

Mr. WALSH of Massachusetts. Mr. President, I have several telegrams from public authorities in Massachusetts giving additional evidence that there is a continuing and extensive shortage of coal and much suffering in those communities; also resolutions adopted by various organizations indicating the dire consequences to health and comfort that the shortage of coal is causing and the widespread dissatisfaction and unrest this situation has aroused. I request that the telegrams and communications be printed in the RECORD, treated as petitions, and referred to the Committee on Education and Labor, and that copies thereof be transmitted by the Secretary of the Senate to the Interstate Commerce Commission and the Federal Fuel Commission. These petitions indicate the pressing need of immediate relief.

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

MILFORD, MASS., *February 17, 1923.*

Hon. DAVID I. WALSH,
Washington, D. C.:

As selectmen of Milford we want you to know that there is much suffering here on account of having no coal. The situation is serious and requires prompt relief. Please help Milford.

JOHN H. EGAN.
FRANCIS G. KERR.
JOHN H. CUNNIFF.

—

MILFORD, MASS., *February 16, 1923.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

Milford, Mass., without any hard coal and only scanty supply of soft coal. No relief in sight and conditions serious. Urge you institute measures for immediate relief from present suffering. Suggest running relief coal trains on passenger schedule, abandoning passenger service temporarily if necessary.

HOPEDALE MANUFACTURING CO.

—

MEDWAY, MASS., *February 19, 1923.*

Senator DAVID I. WALSH,
Washington, D. C.:

Local fuel situation serious this town. Intense suffering account severe cold and coal shortage. Is there not something you can do to give New England priority in coal movement? Suggest railroads curtail passenger trains and use motive power to rush coal cars to destinations.

THOMAS F. MALLOY,
Local Fuel Administrator.

—

MEDWAY, MASS., *February 19, 1923.*

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.:

No coal in this community. Actual suffering exists. Will you assist us?

HINMAN COAL & GRAIN CO.

MALDEN, MASS., *February 19, 1923.*

Senator DAVID I. WALSH,
Washington, D. C.:

Conditions relating to supply of coal very critical here in Malden. Can not some steps be taken to hasten deliveries? Case very urgent and would appreciate your assistance.

JOHN V. KIMBALL, *Mayor.*

MEDWAY, MASS., *February 19, 1923.*

Senator DAVID I. WALSH,
Washington, D. C.:

Distressing conditions here for fuel. Can you help us immediately?

REV. MARTIN J. LEE.

STATE MUTUAL LIFE ASSURANCE CO. OF WORCESTER, MASS.,
Boston, Mass., February 15, 1923.

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: The people of my acquaintance in my town with whom I have talked within the last few days are very much interested in learning if it is possible to secure the delivery of one or two cars of egg or stove size anthracite at a siding either at Wellesley Farms or Wellesley proper. Having noted the very earnest efforts that you are making for the alleviation of inconvenience and suffering incidental to the coal situation in this State, I thought you might be in a position to advise me as to the possibilities of the above.

* * * * * * *

With kind personal regards, I am, yours very truly,

RALPH H. HOHMAN.

CLEVELAND, OHIO, *February 16, 1923.*

Hon DAVID I. WALSH,
United States Senate, Washington, D. C.:

Referring to your letter to Interstate Commerce Commission regarding coal needs of New England, we have been trying for a week past without success to get the New York Central Railroad to accept shipments of specially prepared domestic bituminous coal from our Meadow Lands mine on Pittsburgh & West Virginia Railroad at Avella, Pa., destined to New England points on New York, New Haven & Hartford Railroad for domestic use. The New York Central Railroad has a general coal embargo against the New Haven road, although the latter road has modified its existing embargoes to permit acceptance of domestic coal. If by any action you can take you can make the railroads of this country realize their shortcomings and take action to overcome them, and that the present coal shortage is due entirely to their failure to furnish such reasonably adequate transportation as the transportation act justified the shipping public to expect, the country at large will be forever in your debt. The rank and absolute failure of the coal-carrying railroads of this country to provide even reasonable service and facilities in the handling of coal in this emergency is almost criminal. There is plenty of coal available and men and mine equipment to produce it, only transportation being lacking to provide for the country's needs, and the continued failure of the railroads to furnish such transportation leads one to the conclusion that they are discriminately hauling other higher-revenue freight to the exclusion of coal, notwithstanding the emergency.

WILLIAM TAYLOR,
Vice President the Cleveland & Western Coal Co.

MEDFORD, MASS., *February 6, 1923.*

The Hon. DAVID I. WALSH,
United States Senator, Washington, D. C.

DEAR SIR: At the regular meeting of the Men's Club, First M. E. Church, Medford, Mass., the following resolution was unanimously adopted:

"*Resolved*, That we, the members of the Men's Club, First M. E. Church, Medford, Mass., realizing the suffering and deplorable condition caused by the shortage of coal, believing that the time is ripe for legislation at our National Capital that will for all time put an end to the cause or causes that brought about this alarming state of affairs, we believe there is a universal demand that steps be taken, drastic or otherwise, that will for all time put an end to the possibility of a recurrence of these conditions; be it further

"*Resolved*, That a copy of this resolution be mailed to our representatives in Congress.

* * * * * * *

W. P. ANSLOW,
Chairman Legislative Committee.
GEO. J. EARLE,
Secretary, 44A Grant Avenue, Medford, Mass.

SPRINGFIELD TENANTS' PROTECTIVE ASSOCIATION,
Springfield, Mass., February 13, 1923.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

DEAR SIR: We feel grateful for your inspiring letter of the 1st instant.

We are completing the organization of the Coal Consumers' League. Already 8,000 signers are listed, representing a yearly consumption of 50,000 tons of hard coal. We propose to purchase coal for our members direct from the mines.

We heartily indorse your work in Congress. It truly represents the desire of the majority of the people of Massachusetts. The sentiment of our members repeatedly expressed is, if immediate relief from present fuel conditions and prevention of its reoccurrence is not obtainable, that this organization goes on record as in favor of Government control of the coal mines.

* * * * * * *

Situated as we are, and in close touch with the people, we can not emphasize too strongly the fact that the citizens are losing faith in our Government.

Sincerely yours, WILLIAM F. GRADY,
President Tenants' Protective Association,
Chairman Organization Committee Coal Consumers.

OBITUARY—COAL SHORTAGE CLAIMS PNEUMONIA VICTIM IN ASAHEL EZRA LYON, 80.

Asahel Ezra Lyon, 80, and for half a century one of the best-known house builders in Springfield, is the victim of the latest tragedy occasioned by the coal shortage. He died in a private sanitarium in Westport, Conn., Sunday, after having made several fruitless efforts to find some place where he could stay and enjoy the warmth that he craved.

Mr. Lyon had lived alone on his farm on Tinkham Road following the death of his wife. About two years ago he sold the farm and went to live with his only surviving daughter, Mrs. Bertha L. Arnold, of 101 Oak Street. When Mrs. Arnold's coal supply became exhausted a few weeks ago Mr. Lyon was removed to a local sanitarium, but even there he could not find the warmth that he needed. Then, still hoping to find a place of warmth and comfort, he left the sanitarium and went to visit his only surviving sister, Mrs. Etta Bunnell, in Wallingford, Conn., but found that the coal situation there was as bad as he had experienced in Springfield. A few days after his arrival in Wallingford he was stricken with pneumonia and was taken to the sanitarium at Westport, where he remained until his death.

* * * * * * *

NO CHANGE IN COAL SITUATION—MANY WAIT AT CHICOPEE YARDS FOR COAL THAT FAILS TO APPEAR—WOOD BRINGING $17 AND $18 A CORD.

While a group of children persistently waited outside the gates of the Pomeroy Coal & Wood Co.'s siding at the Chicopee freight yard yesterday for coal which they were assured had not come, another patient group of kiddies did the same in front of the D. P. Hopkins coal yard.

Mayor J. M. Grise and Fuel Administrator J. E. Granfield were working hard to learn what the Boston & Maine Railroad officials were doing in the fuel transportation.

Besides Administrator Granfield and Mayor Grise, the coal dealers were on their jobs and went down into the railroad yards to see only empty bins. Investigation of nearly all the cars in the yards showed that while there was no anthracite yet that in a New York Central coal car was some steel and wood consigned to the Moore Drop Forging Co. Along the tracks trudged a Polish woman and her little boy, each bearing a heavy railroad tie. Railroad officials smiled and said they were sure it would be all right. Several empty coal cars were on sidings.

Meanwhile yesterday afternoon those who were unable to buy anthracite snapped up what wood was in sight. One hundred cords were reported sold at $17 to $19 a cord at the Chicopee wood yard. Half of the wood being sold is bought by Springfield people, according to Trumanz Gurvitch, who has charge of the yard. One woman called up Mr. Gurvitch yesterday and said she was out of fuel and asked for four cords. He pointed out that a cord or half a cord would do just as well.

FAMILY OF EIGHT WITHOUT COAL MAY DIE OF PNEUMONIA—INDIAN ORCHARD RESIDENTS, IN TWO LOCAL HOSPITALS, HAD LIVED IN ONE ROOM WHOLE WEEK WITHOUT HEAT.

Louis Meyette, his wife, and six small children were found dangerously ill with pneumonia at their home 111 Healy Avenue, Indian Orchard, by the visiting nurse of the health center yesterday. All were living in one room of their four-room tenement. They have been without heat for the past week, when the father, mother, and six children were taken ill and were unable to notify neighbors.

The visiting nurse called Dr. A. H. Reardon, and the family was immediately sent to the hospital. The father and oldest daughter, Edith, were on the dangerous list at the Wesson Memorial Hospital with lobar pneumonia last night, and the hospital authorities had little hope for their recovery. The mother and five children are at the City Hospital, and were reported last night as in danger, with little hope for the recovery of Mrs. Meyette and 7-year-old Viola. The other children are Sylvia, Willard, David, and Lattabell. They are being attended by City Physician W. A. R. Chapin.

The family has only been living here a short time, coming from Canada about two months ago. They have no relatives here and have made but few acquaintances. Mr. Meyette was employed as a woodchopper until the time of his illness last week.

FIVE NEW COAL SUBSTATIONS—FUEL RELIEF FOR HYDE PARK, DORCHESTER, AND WOLLASTON.

In order to relieve conditions in Hyde Park, Dorchester, and Wollaston, five new substations have been opened under the direction of the city fuel committee, supplied by a local coal company.

The coal will be sold in 100-pound lots, at 80 cents a bag. The stations are: Everett Square, Hyde Park; Adams Street, near Granite, East Milton; corner of Dunbar Avenue and Washington Street, Dorchester; Blue Hill Parkway at Eliot Street, Milton; Wollaston Fire Station, at Wollaston Bridge.

TOWN OF ASHBURNHAM, MASS.,
OFFICE OF TOWN CLERK,
February 10, 1923.

Hon. DAVID I. WALSH,
Washington.

DEAR SENATOR WALSH:

* * * * * * *

Your article in the press of to-day reflects an absolute truthful view of the effect that their present suffering has on their attitude toward our Government. There is a prevailing feeling that the Government is not functioning for the help and benefit of the people, and I am conscious of the fact that even in our small community there is a spirit of unrest and dissatisfaction that bodes evil for the future.

I am surprised that Congress as a whole fails to grasp the extent of the suffering caused by its neglect. I believe that this whole situation might have been averted by thoughtful and patriotic action.

With assurance of my gratitude and esteem, I am,

Very truly yours,

WALTON B. WHITNEY.

DEPARTMENT OF PARKS AND PUBLIC PROPERTY,
City Hall, Newark, N. J., February 8, 1923.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I believe the American people generally regard you as an absolutely independent Senator. They believe you are free of any entanglements with special interests and that your first consideration in public life is the welfare of the American people. The present coal famine brings to the surface a vital question, which must be settled. Every year we are threatened with a coal shortage and a battle or a sham battle occurs annually between the miners and the mine owners. The American people are held in suspense for months each year wondering if they will be able to get sufficient coal to heat

their homes during the coming winter. Some of the mines are owned by independents, some by railroad combinations. The independents are more practical, if anything, than the large organized coal-mining companies. While mayor of Newark during the famine of 1918 I sent men to investigate the coal situation in Pennsylvania. I learned then that there were vast coal fields that could be purchased at reasonable prices. They were offered to me.

Daily I pass coal yards in this city and I see a line of men, women, and children, young and old, waiting with pails and bags, sometimes for hours, to purchase a bushel of coal, paying at the rate of almost $20 per ton. They look like the bread lines that used to wait outside of the East Side soup houses during the panic period. In these coal lines, however, you find rich and poor alike. Why do they stand for hours waiting for a bushel of coal? Because they must have heat in their homes to protect their young, their old, and their sick, and they are willing to submit to any humility or inconvenience to get even the scant supply for a fire or two. How long will the American people submit to such a condition, a condition which could be remedied in one month by the Government of the United States? These coal lines are a blot on the intelligence, the decency, and the independence of the American people. No one can now estimate, outside of a thoughtful physician, the terrific damage caused to the health and life of the American people by the shortage of fuel which occurs now annually. Disease and death multiply in cold homes.

This is the remedy. Let you Senators, who are really American, who are not owned by the corporations or the interests, get together, introduce a bill to have the Government of the United States go into the coal mining business. Do not seize the present mines. Let the Government buy new fields at once, install the machinery and start mining coal, have a large supply on hand and the moment a strike is threatened, a shortage is imminent, or the price becomes excessive, arrange to deliver the coal mined by the Government throughout the country to the retail dealers to be sold to the people. The Government is then in a position to meet any emergency or shortage. It does not necessarily mean that the Government is putting any private competitor out of business, but the Government should have on hand enough coal to supply the people when the miners and the owners refuse or are unable to do so. No Member of Congress who understands the seriousness of these coal famines will vote against such a measure.

I have served this city as an official for more than a decade and I know the wants of the people as well as any other official. I speak from experience. I have given long thought to this particular subject and I feel that this would be a logical and feasible solution. I hope you will do me the honor of expressing your opinion of this plan.

With best wishes, I am, very truly yours,

CHARLES P. GILLEN, *Director.*

—

F. C. HENDERSON CO.,
Boston, February 15, 1923.

Hon. DAVID I. WALSH,
Washington, D. C.

DEAR SIR: Your idea of coal for New England now is absolutely necessary. In fact this not only ought to have been thought about six weeks ago, but acted on at that time. We have the coal, miners, railroads, and boats. Isn't the Government big enough to reciprocate what we did for them five or six years ago?

Your idea, if necessary, of embargoing everything but coal is right. You must know how exceedingly difficult it is to deliver coal or anything else after it gets to the local point of distribution. The roads are and have been for weeks almost impassable.

For heaven's sake, let's do something besides talk.

Yours truly,

RICHARD E. COLTON,
48 Hollis Street, East Milton.

—

No. 10 HUNTOON STREET,
Dorchester, Mass., February 13, 1923.

DEAR SENATOR: I am sending you a few lines to inform you of the terrible conditions which exist in my particular district.

I have a brother who has been waiting with the utmost patience for the last month for his wife to come home and live with him again after a siege of sickness in a Boston hospital.

Owing to the lack of fuel he is unable to have her come home and live in arctic atmosphere.

I am positive that these conditions are absolutely unnecessary.

I am not a union advocate because I am not connected in any way whatsoever with union organizations; although I think that the railroad situation could be satisfactorily settled.

With proper Government control and ownership the entire railroad systems throughout the country for the general betterment of the people as a whole.

Yours truly,

FRANK C. WALSH.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 168) in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War, reported it with amendments and submitted a report (No. 1158) thereon.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the amendment submitted by Mr. PHIPPS relative to the fiscal relations between the United States and the District of Columbia and intended to be proposed to the third deficiency appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations, which was agreed to.

Mr. PAGE, from the Committee on Naval Affairs, to which were referred the following bills and joint resolution, reported them severally without amendment, and submitted reports thereon:

S. 3615. An act for the relief of Joseph F. Becker (Rept. No. 1159);

S. 3826. An act for the relief of Gordon G. MacDonald (Rept. No. 1160);

S. 3895. An act for the relief of Benjamin H. Richardson (Rept. No. 1161);

S. 4152. An act for the relief of Frank A. Jahn (Rept. No. 1162);

S. 4276. An act for the relief of Maj. Russell B. Putnam (Rept. No. 1163);

H. R. 8921. An act for the relief of Ellen McNamara (Rept. No. 1164); and

H. J. Res. 47. A joint resolution authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy, at Annapolis, Mr. Jose A. de la Torriente, a citizen of Cuba (Rept. No. 1165).

ENROLLED BILL PRESENTED.

Mr. SUTHERLAND, from the Committee on Enrolled Bills, reported that on February 17, 1923, they presented to the President of the United States the bill (S. 3721) providing for the erection of additional suitable and necessary buildings for the National Leper Home.

BILLS INTRODUCED.

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

By Mr. MYERS:

A bill (S. 4586) to confer citizenship on George W. Taylor; to the Committee on the Judiciary.

By Mr. McCUMBER:

A bill (S. 4587) for the relief of James Michels, alias James Johnson (with the accompanying papers); to the Committee on Military Affairs.

By Mr. ROBINSON:

A bill (S. 4588) for the relief of the city of Fordyce, Ark.; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 4589) to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation; to the Committee on Commerce.

By Mr. NORBECK:

A bill (S. 4590) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Potter County and Dewey County, S. Dak.; to the Committee on Commerce.

By Mr. NORRIS:

A bill (S. 4591) granting a pension to Indiana Fleisher; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4592) granting consent of Congress to the Eagle Pass and Piedras Negras Bridge Co. for construction of a bridge across the Rio Grande between Eagle Pass, Tex., and Piedras Negras, Mexico; to the Committee on Commerce.

By Mr. NORRIS:

A bill (S. 4593) authorizing the President to reappoint Maj. Harry Walter Stephenson, United States Army (retired), to the position and rank of major, Coast Artillery Corps, in the United States Army; to the Committee on Military Affairs.

By Mr. LODGE: A bill (S. 4594) to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed $300,000, for the use of the diplomatic and consular establishments of the United States; to the Committee on Foreign Relations.

AMENDMENT TO THIRD DEFICIENCY APPROPRIATION BILL.

Mr. MOSES submitted an amendment intended to be proposed by him to the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, and to be printed in the RECORD, as follows:

That part of the act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes, under the heading "Senate," subheading "Committee employees," is hereby amended to read as follows:

"Clerks and messengers to the following committees: Agriculture and Forestry—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Appropriations * (Note)—clerk $6,000, assistant clerk $3,000, two assistant clerks at $2,500 each, three assistant clerks at $1,800 each, messenger $1,200; to Audit and Control the Contingent Expenses of the Senate—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Banking and Currency—clerk $4,000, assistant clerk $2,500, two assistant clerks at $2,100 each; Civil Service—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Claims—clerk $4,000, assistant clerk $2,500, two assistant clerks at $2,100 each; Commerce—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, assistant clerk $1,800; Conference Minority of the Senate—clerk $4,000, assistant clerk $2,500, two assistant clerks at $2,100 each; District of Columbia—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Education and Labor—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Enrolled Bills—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Expenditures in the Executive Departments—clerk $4,000, assistant clerk, $2,500, assistant clerk $2,100, additional clerk $1,800;

Finance* (Note)—clerk $4,000, special assistant to the committee $4,000, assistant clerk $——, assistant clerk $——, assistant clerk $——, two assistant clerks at $—— each, two experts (one for the majority and one for the minority) at $—— each; Foreign Relations—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Immigration—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Indian Affairs—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Interoceanic Canals—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Interstate Commerce—clerk $4,000, two assistant clerks at $2,500 each, assistant clerk $2,100; Irrigation and Reclamation—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Judiciary—clerk $4,000, assistant clerk $2,500, two assistant clerks at $2,100 each, assistant clerk $1,800; Library—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Manufactures—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Military Affairs—clerk $4,000, assistant clerk $2,500, three assistant clerks at $2,100 each; Mines and Mining—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Naval Affairs—clerk $4,000, assistant clerk $2,500, two assistant clerks at $2,100 each; Patents—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Pensions—clerk $4,000, assistant clerk $2,500, four assistant clerks at $2,100 each; Post Offices and Post Roads—clerk $4,000, assistant clerk $2,500, three assistant clerks at $2,100 each; Printing—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Privileges and Elections—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Public Buildings and Grounds—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100; Public Lands and Surveys—clerk $4,000, assistant clerk $2,500, two assistant clerks at $2,100 each; Revision of the Laws—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; Rules—clerk $4,000 (to include full compensation for the preparation biennially of the Senate Manual, under the direction of the Committee on Rules), assistant clerk $2,500, assistant clerk $2,100; Territories and Insular Possessions—clerk $4,000, assistant clerk $2,500, assistant clerk $2,100, additional clerk $1,800; in all, $———.

CLERICAL ASSISTANCE TO SENATORS.

"For clerical assistance to Senators who are not chairmen of the committees specifically provided for herein: 70 clerks at $4,000 each, 70 assistant clerks at $2,500 each, 70 assistant clerks at $2,100 each, $602,000: *Provided*, That such clerks and assistant clerks shall be ex officio clerks and assistant clerks of any committee of which their Senator is chairman.

"Eighty-four additional clerks at $1,200 each, 1 for each Senator having no more than 1 clerk and 2 assistant clerks for himself or for the committee of which he is chairman, $100,800; in all, $702,800.

"For compiling the Navy Yearbook for the calendar year 1922, under the direction of the chairman of the Committee on Naval Affairs, $500."

[*NOTE.—In view of varied salaries, no suggestions are made concerning Finance Committee. No changes have been made in Appropriations Committee, leaving that to your committee to adjust.]

MEMBERSHIP OF STATE BANKS, ETC., IN FEDERAL RESERVE SYSTEM.

Mr. McLEAN submitted the following resolution (S. Res. 444), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Banking and Currency of the Senate, or any subcommittee thereof, be, and hereby is, authorized, during sessions and recesses of the Sixty-seventh or Sixty-eighth Congress, to inquire into the effect of the present limited membership of State banks and trust companies in the Federal reserve system upon financial conditions in the agricultural sections of the United States; the reasons which actuate such banks and trust companies in failing to become members of the Federal reserve system; what administrative measures have been taken and are being taken to increase such membership; and whether or not any change should be made in existing law, or in the rules and regulations of the Federal Reserve Board, or in its methods of administration, to bring about in the agricultural sections a larger membership of such banks or trust companies in the Federal reserve system.

In pursuance of this inquiry said committee, or subcommittee thereof, is further authorized to send for persons, books, and papers, to administer oaths, and to employ experts deemed necessary by such committee, a clerk, and a stenographer to report such hearings as may be had in connection with any subject pending before said committee, at a cost not to exceed 25 cents per folio, all expenses incurred in furtherance of the purposes of this resolution to be paid out of the contingent fund of the Senate, not to exceed the sum of $500.

The committee shall from time to time report to the Senate the results of its inquiries, together with its recommendations, and may prepare and submit bills or resolutions embodying such recommendations, and its final report shall be submitted not later than January 31, 1924.

PROPOSED INTERNATIONAL CONFERENCE.

Mr. OWEN. I submit a resolution which I ask may lie on the table.

The resolution (S. Res. 445) was ordered to lie on the table, as follows:

Resolved, That the President of the United States is requested to invite all the nations of the earth, whether they have adhered to the covenant of the league or not, to attend, in the city of Washington, United States of America, a three months' international economic conference for the promotion of international trade and understanding and a conference for the establishment throughout the world of the territorial integrity and political independence of every nation, great and small, and the abolition of war.

LIQUOR SALES BY SHIPPING BOARD.

Mr. McKELLAR. Mr. President, I offer the resolution which I send to the desk, which I ask that the Secretary may read, and then I shall ask unanimous consent for its immediate consideration.

Mr. CURTIS. Let the resolution be read.

Mr. McKELLAR. I have asked that it be read by the Secretary.

The VICE PRESIDENT. The Secretary will read the resolution.

The reading clerk read the resolution (S. Res. 446) as follows:

Resolved, That the Shipping Board report to the Senate at the earliest practicable hour the following:

1. What quantity of whisky, wine, beer, and other alcoholic beverages was sold on Shipping Board vessels during the time that such sales were carried on with the approval of the Shipping Board?
2. What was the quantity dispensed per vessel?
3. What quantity of these liquors was purchased by the Shipping Board or by its agents, and what was the total value thereof and the total receipts thereof per vessel?
4. How many pints, quarts, and cases of liquor were sold to passengers independent of what they purchased over the bars of the vessels?
5. How much liquor was purchased by the crews of such vessels and what was the value thereof?
6. Was liquor served as a part of the crews' mess and could the crews of such vessels purchase liquor freely?
7. How many pints, quarts, gallons, and barrels of whisky, wine, beer, and cognac and other intoxicating beverages were in the possession of the Shipping Board when the order was given to stop selling same aboard vessels?
7½. Has any of these liquors been sold in the United States?
8. Where is this liquor at the present time? If disposed of, to whom, at what prices, where shipped, and what was total amount of sales?
9. Was any of it sold to officers or members of the crews of such vessels or to any employees of the Shipping Board, and at what prices, when the order for stoppage of sales was given?
10. Did any of the officials of the Shipping Board or officers of Shipping Board vessels engage in the sale of liquors to passengers aboard vessels for private gain?
11. To what extent, if any, is liquor being sold aboard vessels at the present time? Are any prohibition enforcement officers allowed aboard such vessels?
12. What was total amount of profits made by the Shipping Board out of sales of intoxicating beverages?

Mr. McKELLAR. I ask unanimous consent for the immediate consideration of the resolution.

Mr. CALDER. I object to the consideration of the resolution.

Mr. McKELLAR. Then I ask that the resolution be printed and lie on the table.

The VICE PRESIDENT. The resolution will be printed and go over under the rule.

REVISION OF THE LAWS.

Mr. HARRISON. Mr. President, I desire to submit a motion which I ask may lie on the table. It is a motion to discharge a committee from the consideration of a bill.

The VICE PRESIDENT. The Secretary will read the motion intended to be submitted by the Senator from Mississippi.

The reading clerk read as follows:

I move to discharge the Committee on Revision of the Laws from the further consideration of the bill (H. R. 12) to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919.

The VICE PRESIDENT. The motion will be entered.

AMENDMENT OF WAR RISK INSURANCE ACT.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 10003) to further amend and modify the war risk insurance act, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist on its amendments, accede to the request of the House for a conference, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. McCUMBER, Mr. SMOOT, and Mr. WILLIAMS conferees on the part of the Senate.

CONSIDERATION OF THE CALENDAR.

The VICE PRESIDENT. Is there further morning business?

Mr. SUTHERLAND. Mr. President, I desire to ask whether it is intended when we take up the calendar that its consideration shall begin where it was left off a week ago or whether we shall go back to the beginning?

The VICE PRESIDENT. No such order has been made, and, unless it is made, the consideration of the calendar will commence at the beginning.

Mr. SUTHERLAND. Mr. President, I move that to-day we begin the consideration of the calendar where its consideration was left off a week ago, and after that that we shall go back to the beginning of the calendar.

Mr. SMOOT. I understood that there was a unanimous-consent agreement to begin the consideration of the calendar under Rule VIII with the first bill appearing on the calendar.

Mr. McCUMBER. I do not so understand, and if that is the record, I should like to see it.

Mr. SMOOT. I think that is the record. I think objection was made by the Senator from Nebraska to beginning with the calendar at the point where its consideration was left off the last time it was before the Senate.

Mr. NEW. Mr. President, I have been unable to hear the Senator from Utah. Do I understand from what he has said that unanimous consent was asked and given that we begin this morning with the consideration of the calendar with the first bill?

Mr. SMOOT. As I understand, the first request for unanimous consent was that we begin with the calendar where we left off when it was last under consideration, but that the Senator from Nebraska objected and requested that the calendar should be taken up without that understanding. I will look up the record in regard to the matter; but what I have stated is my impression.

Mr. ROBINSON. Mr. President, I can clear up the situation. The unanimous-consent agreement entered into provides for a consideration of unobjected bills on the calendar under Rule VIII, but does not specify with what number on the calendar the Senate shall begin its consideration. So I assume that the agreement contemplated that the consideration of the calendar this morning was to commence at the beginning of the calendar. It is certainly proper that the Senate should have an opportunity to pass upon all the bills on the calendar, and if possible clean up the calendar. Mr. President, I call for the regular order.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Chair has already made the statement which has just been made by the Senator from Arkansas.

Mr. LODGE. Mr. President, I was merely going to say what has already been stated. The agreement covers the consideration of unobjected bills on the calendar, commencing at the beginning.

Mr. NEW. Mr. President, I submit that it is not entirely fair that we should begin the consideration of the calendar with the first bill thereon. We had reached Order of Business No. 1042 when the calendar was last under consideration, and had that bill under consideration when the morning hour closed. That was the situation when the calendar was last under consideration. It would be just as easy to begin with Order of Business 1042 to-day, and after the end of the calendar shall have been reached to return to the numbers preceding it, as it would be to begin with the first bill on the calendar. Should the latter method be adopted there will be bills on the calendar which will have no chance for consideration at all, while the bills which are first on the calendar will have had two chances at least.

Mr. McCUMBER. They will have had three or four chances.

Mr. NEW. As the Senator from North Dakota suggests, they will have had three or four chances. I submit that in ordinary fairness we should begin with the calendar where we left off its consideration the other day.

Mr. ROBINSON. Mr. President, will the Senator from Indiana yield to me?

Mr. NEW. Certainly.

Mr. ROBINSON. For more than a month the Senate has been beginning with the calendar where it left off the last time the calendar was under consideration. It has made no substantial progress. The matter was discussed informally at least the other day when the request for unanimous consent was made, and objection was indicated. Though, perhaps, it does not appear in the RECORD, it was known that objection would be made against beginning where the calendar was left off on the last call of the calendar, the object being to give an opportunity to consider all bills on the calendar.

If we do not consume the time in which those bills may be considered in contesting where we shall begin, we can, under Rule VIII, consider every bill on the calendar. Any Senator can at any time object to the consideration of a bill which is called on the calendar.

Mr. NEW. Certainly he can under the rule.

Mr. ROBINSON. We may thus complete the calendar.

Mr. FLETCHER. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Florida will state his parliamentary inquiry.

Mr. FLETCHER. Have we disposed of morning business and reached the calendar?

The VICE PRESIDENT. The Chair inquired if there was any further morning business and several Senators rose.

Mr. MYERS. I desire to present some additional morning business for a second, if I may. Will the Senator from Indiana yield to me for a second?

Mr. NEW. I yield to the Senator for the purpose of the introduction of a bill or any such purpose as that.

[Mr. MYERS presented a memorial of the Legislature of the State of Montana, which appears under the proper heading.]

Mr. NEW. Mr. President, in the interest of fairness I move that the Senate proceed with the consideration of bills on the calendar, beginning at the point where we left off when the calendar was last under consideration.

Mr. ROBINSON. I make the point of order that that motion is not in order.

The VICE PRESIDENT. The point of order is well taken.

Mr. ROBINSON. I demand the regular order.

The VICE PRESIDENT. The regular order is the completion of morning business. Is there further morning business? If there is no further morning business, morning business is closed. The calendar under Rule VIII, under the unanimous-consent agreement, is in order. The Secretary will state the first bill on the calendar.

BILLS AND JOINT RESOLUTIONS PASSED OVER.

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

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

The VICE PRESIDENT. The bill will be passed over.

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

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

The VICE PRESIDENT. The bill will be passed over.

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

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

The VICE PRESIDENT. The bill will be passed over.

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

Mr. ROBINSON. Mr. President, that is a very important measure, and I believe it will require some time to discuss it. So I suggest that it go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing transportation for dependents of Army field clerks and field clerks, Quartermaster Corps, was announced as next in order.

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

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

The bill (S. 2718) to provide for leasing of the floating dry dock at the naval station, New Orleans, La., was announced as next in order.

Mr. PAGE. Mr. President, I have been requested by several Senators to ask that Order of Business No. 376, being Senate bill 2718, be recommitted to the Committee on Naval Affairs for further consideration, and I ask unanimous consent that that be done.

The VICE PRESIDENT. Without objection, the bill is recommitted to the Committee on Naval Affairs.

The bill (S. 2589) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. McCUMBER. I notice that the author of this bill is not present, and I think it due to him that it be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 67) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1539) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1861) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 133) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. ROBINSON. I ask that that go over.

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

The bill (S. 14) providing for the election of a Delegate to the House of Representatives from the District of Columbia, and for other purposes, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2992) authorizing the Secretary of War to furnish certain information for historical purposes to the adjutants general of the several States and the District of Columbia, and making an appropriation therefor, was announced as next in order.

Mr. LODGE. That bill does not appear on the calendar. According to the calendar before me the next number is 537.

Mr. ROBINSON. Mr. President, I rise to a parliamentary inquiry. I do not know whether or not the inquiry comes strictly within the rule, but the Secretary is calling a bill which is not printed on the calendar which has been laid on the desks of Senators.

The VICE PRESIDENT. The Chair is advised that the bill the title of which has just been stated by the Secretary has passed the Senate, but a motion to reconsider it is pending.

Mr. ROBINSON. Very well; let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3254) to encourage the development of the agricultural resources of the United States through Federal and State cooperation, giving preference in the matter of employment and the establishment of rural homes to those who have served with the military and naval forces of the United States, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1343) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1345) to amend an act entitled "interstate commerce act," approved February 28, 1920, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1346) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, including the safety appliance acts and the act providing for the valuation of the several classes of property of carriers subject to the Interstate Commerce Commission, approved March 1, 1913, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2921) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 188) creating a committee to investigate existing conditions of industry and commerce in the United States for the purpose of recommending to Congress legislation defining the rights and limitations of cooperative organizations as distinguished from illicit combinations in restraint of trade was announced as next in order.

Mr. KING and Mr. WILLIS asked that the joint resolution go over.

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

The bill (S. 171) to extend the provisions of the act of May 11, 1912, was announced as next in order.

Mr. KING. Reserving the right to object, I should like to have the bill read.

The reading clerk proceeded to read the bill.

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

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 227) rejecting bids for the acquisition of Muscle Shoals, was announced as next in order.

Mr. ROBINSON. Let that go over.

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

The bill (H. R. 13) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, was announced as next in order.

Mr. ROBINSON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3146) to amend section 5 of the United States cotton futures act was announced as next in order.

Mr. WILLIS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2388) for the relief of Augusta Reiter was announced as next in order.

Mr. NEW. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3858) to define butter and to provide a standard therefor was announced as next in order.

Mr. STERLING. Mr. President, a few days ago I asked unanimous consent for the present consideration of this bill. Some objection was made to the consideration of the bill at that time, the Senator making the objection desiring further time to look into it. Since that time——

Mr. WILLIAMS. Mr. President, if this is Senate bill 3858, I ask that it go over.

Mr. STERLING. Will the Senator permit me to complete the statement? Since the objection made the other day to the further consideration of the bill, the bill has passed the House in identically the same language as here, except for the addition of six words at the end of the bill; and I hope to move——

Mr. WILLIAMS. I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 211) to extend the provisions of the pension act of May 11, 1912, and May 1, 1920, to the officers and enlisted men of all State militia and other State organizations that rendered service to the Union cause during the Civil War for a period of 90 days or more, and providing pensions for their widows, minor children, and dependent parents, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3995) to authorize the Secretary of Agriculture to exterminate bean beetles in the State of New Mexico, and authorizing expenditures therefor, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

JOHN L. LIVINGSTON.

The bill (S. 2792) for the relief of John L. Livingston was announced as next in order.

Mr. KING. Let that go over.

Mr. NICHOLSON. Mr. President, I should like to ask the Senator from Utah to permit the consideration of this bill, because this case is a very meritorious one. It is the case of a young man who was connected with the Naval Air Service. Eleven days after the armistice was signed, in the line of duty, he had his back broken. He was in front of the propeller, and the pilot of the airplane started the propeller in motion and broke his back. He was in the hospital here for about nine months, and he is declared by the physicians to be incurable. His retirement has been recommended by the Secretary of the Navy, and I may say that all of the members of the Naval Affairs Committee excepting one reported favorably on this bill.

Mr. KING. Mr. President, as I understand the bill, the beneficiary was not a regular officer of the Navy.

Mr. NICHOLSON. He attained the rank of captain during the war.

Mr. KING. Yes; but he merely came in during the war, with the expectation of retiring to private life after the war was over.

Mr. NICHOLSON. I do not know that it was with that expectation. I am not sure about that.

Mr. KING. If he were a naval officer, it seems to me he would be entitled to the benefits of retirement without any special legislation.

Mr. NICHOLSON. I know that at the time of the accident he was a commissioned officer and in good health and physical condition, and from the reports before us we can be certain he is not in that condition now.

Mr. KING. There is no doubt but that the Government ought to care for this man and care for him most liberally and generously, and I can not understand why the compensation acts do not apply to him. The objection that I have to the bill is this: There is a determined effort, as the Senator knows, to give to reserve officers, both in the Army and in the Navy, the benefits of the retirement privileges which are given to the Regular Army officers. We passed a bill—I think it was injudiciously passed—which extended these benefits to reserve officers of the Navy. When we saw the injurious consequences resulting therefrom we speedily repealed it. This is a return to that principle; and if we give this man the benefit of retirement privileges, then it seems to me we must give to every reserve officer, both in the Army and in the Navy, the same benefit.

Opposition to this measure is not grounded upon the proposition that this man should not be compensated for his injuries. He was in the service, and he is entitled to compensation; and, as the Senator knows, liberal compensation is provided for those who receive injuries. If the compensation act now does not give him all that he is entitled to by reason of his serious injury, I shall be very happy to join with the Senator in passing a bill giving to him most liberal and most generous compensation.

Mr. NICHOLSON. I want to say to the Senator from Utah that I am quite sure the compensation act does not give him what he is entitled to; and, if my memory serves me right, I believe the Secretary of the Navy said that if this bill was passed and he was placed upon the retirement list his compensation would not exceed $125 a month.

Mr. KING. The only objection I have to it is the precedent that it will establish. The Senator knows that a very great effort is being made now to drive through the Congress a bill to give to reserve officers all of the benefits of retirement. I am opposed to that measure. I am willing to give to this man, if the Senator will offer an independent bill, most generous compensation for life if his injuries are permanent.

Mr. NICHOLSON. I think the Senator will agree that this bill does not place him on a retired officer's pay. I think, if the Senator will look up the matter, he will find that the bill does not provide for a retired officer's pay in this case.

Mr. KING. If the Senator will permit me, I think this language means that. It says that he shall be eligible for retirement as if his physical disability was incurred in time of war.

Mr. NICHOLSON. Yes; but he did not have the rank of captain at the time he was disabled, so that the Senator's objection does not apply to his case.

Mr. KING. It would carry him to the retired list with the grade that he had. I say to the Senator that it is quite likely, from the character of the injuries to which the Senator refers, that this man may be entitled to more than he would receive as a retired officer of the rank which he had, and I should be willing to vote for it; but I am not willing to support this bill, because, as I understand its terms, it announces the proposition that we will give to reserve officers who will go back into private life the same retirement benefits and privileges that are enjoyed by the officers of the Regular Army and Navy.

Mr. NICHOLSON. Is the Senator quite sure that the case which we have under consideration comes under the classification to which he refers?

Mr. KING. I think so. That is my opinion.

Mr. NICHOLSON. But there is a doubt about it. We are about to adjourn. This man is without means to support himself, because he is totally disabled and therefore unable to earn a living. We do not meet until next December. I think it is a great imposition upon this man, who served his country faithfully and with distinction, to be denied relief at this time. That is the way I feel about it.

Mr. KING. Mr. President, he will not be denied relief, because he is entitled to compensation now.

Mr. NICHOLSON. But he is not receiving compensation now.

Mr. KING. It is because he has not applied for it, then.

Mr. FRELINGHUYSEN. Mr. President——

The VICE PRESIDENT. The Senator from New Jersey. The time of the Senator from Colorado has expired.

Mr. FRELINGHUYSEN. Does not this throw some light on the case? In hearings, in the letter from the Secretary of the Navy——

Mr. SMOOT. Mr. President, I will object to the consideration of the bill, if no one else will.

The VICE PRESIDENT. Upon objection, of course, the bill goes over.

Mr. WALSH of Massachusetts. Mr. President——

Mr. HEFLIN. I did not understand that there was objection. Some disposition ought to be made of this case.

The VICE PRESIDENT. The Senator from Utah [Mr. SMOOT] objects.

Mr. HEFLIN. If this soldier's back is broken, and he has to live on charity, something ought to be done, and something must be done to relieve him now, because Congress will adjourn March 4.

Mr. WALSH of Massachusetts. Mr. President, who has the floor?

Mr. HEFLIN. I give notice that we will not consider any other measures unless something is done for this poor unfortunate soldier.

The VICE PRESIDENT. The Senator from New Jersey has the floor. Does the Senator yield?

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	George	McKinley	Sheppard
Ball	Gerry	McLean	Smith
Bayard	Glass	McNary	Smoot
Brookhart	Hale	Moses	Spencer
Broussard	Harreld	New	Stanfield
Calder	Harris	Nicholson	Sterling
Capper	Harrison	Norbeck	Sutherland
Caraway	Heflin	Norris	Swanson
Colt	Hitchcock	Oddie	Townsend
Couzens	Johnson	Overman	Underwood
Culberson	Jones, Wash.	Page	Wadsworth
Curtis	Kellogg	Pepper	Walsh, Mass.
Dial	Keyes	Phipps	Walsh, Mont.
Dillingham	King	Pittman	Warren
Edge	Ladd	Poindexter	Watson
Ernst	La Follette	Pomerene	Weller
Fernald	Lenroot	Ransdell	Williams
Fletcher	Lodge	Reed, Mo.	Willis
France	McCumber	Reed, Pa.	
Frelinghuysen	McKellar	Robinson	

The VICE PRESIDENT. Seventy-eight Senators having answered to their names, a quorum is present.

Mr. ROBINSON. Mr. President, I ask the Senator from Alabama not to persist in the announcement he made a moment ago, and that he permit us to consider the calendar in regular order. I suggest that the next number on the calendar be called.

The VICE PRESIDENT. The Secretary will report the next bill on the calendar.

Mr. WILLIAMS. Mr. President, a moment ago I objected to the consideration of Order of Business No. 847, Senate bill 3858, a bill introduced by the Senator from South Dakota [Mr. STERLING]. I made the objection under a misapprehension about the bill. I wish to withdraw the objection.

Mr. DIAL. Mr. President, I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER.

The bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, was announced as next in order.

The VICE PRESIDENT. Being the unfinished business, the bill will be passed over.

The bill (S. 3247) to transfer to the classified service agents and inspectors in the field service, including general prohibition agents and field supervisors appointed and employed pursuant to the national prohibition act, and for other purposes, was announced as next in order.

Mr. WILLIAMS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4050) to provide for the purchase and sale of farm products was announced as next in order.

Mr. WILLIAMS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4012) to control the possession, sale, and use of pistols and revolvers in the District of Columbia, to provide penalties, and for other purposes, was announced as next in order.

Mr. PITTMAN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3252) to amend paragraph 8 of the act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, as amended, was announced as next in order.

Mr. SMOOT. The employees of the District of Columbia will be taken care of under the reclassification bill, and there is no reason for our passing this bill. I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 799) to prevent deceit and unfair prices that result from the unrevealed presence of substitutes for virgin wool in woven fabrics purporting to contain wool and in garments or articles of apparel made therefrom, manufactured in any Territory of the United States or the District of Columbia or transported or intended to be transported in interstate or foreign commerce, and providing penalties for the violation of the provisions of this act, and for other purposes, was announced as next in order.

Mr. LODGE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 2049) for the relief of the Delaware River Lightering Co. was announced as next in order.

Mr. WILLIAMS. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 4619) for the relief of the Link-Belt Co., of Philadelphia, Pa., was announced as next in order.

Mr. WILLIAMS. Let that go over.

Mr. SWANSON. I hope the Senator from Mississippi will not object to the four bills, beginning with Order of Business 950, because if he is going to object to this kind of bill, he might as well object to everything. These four bills passed the House and were reported unanimously. They are bills covering cases of collision with Government boats, and they simply provide that the cases shall go to the Court of Claims for adjudication.

Mr. WILLIAMS. Did the Senator say they have been adjudicated?

Mr. SWANSON. They have not been adjudicated. These are bills to refer the claims to the Court of Claims for adjudication. I suppose that 35 or 40 similar bills have been passed before. They are simply to allow the claims to be taken to the Court of Claims for adjudication.

Mr. WILLIAMS. I withdraw the objection.

The VICE PRESIDENT. The Secretary will report Order of Business 950.

DELAWARE RIVER LIGHTERING CO.

The bill (H. R. 2049) for the relief of the Delaware River Lightering Co. was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of the Treasury of the United States, from funds not otherwise appropriated, $1,960, under such conditions as the Secretary of the Navy may direct, to the Delaware River Lightering Co., of the city of Philadelphia, State of Pennsylvania, in full payment for damages done when the Navy tug *Carl R. Gray* collided with and damaged the barge *Ruth*, owned and operated by the said Delaware River Lightering Co.

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

LINK-BELT CO., OF PHILADELPHIA, PA.

The bill (H. R. 4619) for the relief of the Link-Belt Co., of Philadelphia, Pa., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the Link-Belt Co., of Philadelphia, Pa., a corporation organized under the laws of the State of Pennsylvania, for damages alleged to have been sustained by a certain coal chute under construction by said Link-Belt Co. for the Norfolk & Western Railroad on its coal pier No. 3 at Lamberts Point, in the city of Norfolk, Va., by reason of collision therewith by the U. S. S. *Buitenzorg* on the 1st day of March, 1919, may be submitted to the United States District Court for the Eastern District of Virginia at Norfolk, 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 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 reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TH. BROVIG.

The bill (H. R. 4620) for the relief of Th. Brovig was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of Th. Brovig, owner of the Norwegian bark *Bennestvet*, against the United States for damages alleged to have been caused by collision between the said vessel and the U. S. barge *F. W. Babcock* in Hampton Roads on the 29th day of June, 1919, may be sued for by the said Th. Brovig 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 costs, if any, as shall be found to be due against the United States in favor of Th. Brovig or against Th. Brovig 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 reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWNERS OF ITALIAN STEAMER "TITANIA."

The bill (H. R. 4622) for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania*, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania*, arising out of a collision between said steamer and the United States *S. C. 421*, which occurred at the south side of pier No. 2 of the Norfolk & Western Railway Co., Lamberts Point, Va., on July 18, 1919, for and on account of the losses alleged to have been suffered by the owners of said steamer by reasons of damages to said steamer, may be submitted to the United States Court for the Eastern District of Virginia, 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 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 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.

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

EPHRAIM LEDERER.

The bill (H. R. 5249) for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania, was announced as next in order.

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

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 credit the account of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania, by reason of shortage of 100 sheets of class C cigar stamps, each set consisting of 20 stamps, each of said stamps being worth 45 cents, a total of $900. Also for the loss of a book of wholesale liquor dealers' special-tax stamps, consisting of 10 stamps, each of the value of $100, and totaling $1,000.

Mr. KING. I would like to have some explanation of the bill. If not, I will ask for the reading of the report. Let the report be read.

The report, No. 979, submitted by Mr. CAPPER January 4, 1923, was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5249) for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in House Report No. 246, Sixty-seventh Congress, first session, which is appended hereto and made a part of this report.

House Report No. 246, Sixty-seventh Congress, first session.

The Committee on Claims, to whom was referred the bill (H. R. 5249) for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania, having considered the same, report thereon with a recommendation that it do pass.

This is a bill to credit to the account of the collector of internal revenue, Philadelphia, Pa., for losses of stamps occurring in his office.

The facts in the case are fully stated in the letter of the Secretary of the Treasury, under date of June 21, 1921, and which is made a part of this report.

As it had been customary for Congress to grant relief for losses occurring in the various offices of the Treasury Department, and as this bill has the approval of the Secretary of the Treasury, favorable consideration of the measure is recommended.

—

TREASURY DEPARTMENT,
Washington, June 21, 1921.

Hon. GEO. W. EDMONDS,
Chairman Committee on Claims, House of Representatives.

MY DEAR MR. EDMONDS: Referring further to your letter of the 16th ultimo, inclosing a copy of bill (H. R. 5249) for the relief of Ephraim Lederer for 100 sheets of class C cigar stamps and one book of wholesale liquor dealers' special-tax stamps, with a money value totaling $1,900, found to be short in his revenue account as collector of internal revenue for the first district of Pennsylvania, I wish to state that an investigation conducted by the Bureau of Internal Revenue established the following facts:

That, on or about November 7, 1919, a package containing class C cigar stamps was received in the office of the collector for the first district of Pennsylvania, receipted for, and charged in his accounts according to the quantity of stamps designated in the invoice, without verifying the contents of the package; that the stamps were shipped from the Internal Revenue Bureau in a sealed package as received from the Bureau of Engraving and Printing; that it is customary in the Bureau of Engraving and Printing for expert counters to verify by actual count the number of stamps to be placed in sealed packages for delivery to the Commissioner of Internal Revenue; that the stamp account and stock of stamps in the office of Collector Lederer were in balance at the close of business November 6, 1919; that on or about November 7, 1919, there was found to be short one layer of 100 sheets of class C stamps, and each cigar manufacturer who had purchased this class of stamps was visited and his stamps on hand verified, but no excess was discovered; that an assistant supervisor of collectors' offices visited each of the stamp deputies outside of the Philadelphia office, checked up the office and verified the stamps on hand, but no discrepancies in the stamp deputies' accounts were found; that the sales of cigar stamps were checked against Forms 72 (cigar manufacturers' returns) for the month of November, 1919, and were found to be in agreement; that the investigation made by the Bureau of Internal Revenue failed to determine how the shortage occurred or to fix the responsibility therefor, and in the absence of conclusive evidence, Collector Lederer is in no way to blame for the shortage in his accounts of 2,000 stamps with a money value of $900.

An investigation also conducted by the Bureau of Internal Revenue shows that one package of wholesale liquor dealers' special-tax stamps, consisting of 10 stamps, each valued at $100, a total of $1,000, was lost in the process of moving from the Federal Building to the Vandam Building, Philadelphia, Pa., on July 30, 1920; that the stamps cou-

tained in this book did not bear the stamp of the first district of Pennsylvania, nor did they bear the facsimile signature of the collector; that without the signature of the collector these special-tax stamps would be of no value to anyone, and that the loss was unavoidable.

Mr. KING. I shall not object to the consideration of this bill, but I shall vote against it and ask for a vote. It seems to me there was negligence upon the part either of the collector or some other person. The committee does not attempt to localize the negligence, nor does the Secretary of the Treasury, and if we are to make appropriations of this kind, without fastening the responsibility, of course it will make for negligence and will result in an increase in the number of claims for which the Government will be called upon to appropriate. I ask for a vote.

Mr. HEFLIN. Mr. President, I have no desire to stop the consideration of bills on the calendar. I am simply trying to have justice done to a poor unfortunate American soldier who had his back broken by a Government airplane, who has no means of support, and who is entitled to Government aid. I am not going to object to the consideration of other measures, because there has been an agreement made by which the Senator from Colorado [Mr. NICHOLSON] can get his bill through. He is now preparing an amendment, and I understand there will be no objection to it.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

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

IKE T. BOYLES.

The bill (H. R. 5648) for the relief of Ike T. Boyles was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and is hereby, authorized and directed to credit the accounts of Ike T. Boyles, postmaster at Stiles, Tex., in the sum of $343.57, due to the United States on account of postal funds, money-order funds, and postage stamps on account of losses resulting from fire January 24, 1916.

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

AMENDMENT TO BANKRUPTCY LAW.

Mr. WALSH of Montana. Mr. President, I have been detained in the Committee on the Judiciary. I inquire what disposition was made of Order of Business 589, Senate bill 2921, to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

The VICE PRESIDENT. It went over under objection.

Mr. WALSH of Montana. I am very desirous that that bill shall have consideration. I think it is a good bill.

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

The bill had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That section 3 (a), section 14 (b), section 24 (b), section 25 (a), section 29 (a), (b), and (d), section 57 (n), section 60 (a), section 62, section 64 (a), and section 72 of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto be, and the same are hereby, amended so as to read as follows:

"SEC. 3. (a) Acts of bankruptcy by a person shall consist of his having (1) conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, any part of his property with intent to hinder, delay, or defraud his creditors, or any of them; or (2) transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or (3) suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings, and not having at least five days before a sale or final disposition of any property affected by such preference vacated or discharged such preference; or (4) suffered or permitted, while insolvent, any creditor to obtain through legal proceedings any levy, attachment, judgment, or other lien, and not having vacated or discharged the same at least five days before the expiration of four months from the date of obtaining such levy, attachment, judgment, or other lien; or (5) made a general assignment for the benefit of his creditors; or, being insolvent, applied for a receiver or trustee for his property, or because of insolvency a receiver or trustee has been put in charge of his property under the laws of a State, of a Territory, or of the United States; or (6) admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground.

"SEC. 14. (b) The judge shall hear the application for a discharge, and such proofs and pleas as may be made in opposition thereto by the trustee or other parties in interest, at such time as will give the trustee or parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained money or property on credit upon a materially false statement in writing made by him to any person, or his representative, for the purpose of obtaining credit from such person; or (4) at any time subsequent to the first day of the 12 months immediately preceding the filing of the petition transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed, any of his property, with intent to hinder, delay, or defraud his creditors; or (5) in voluntary proceedings been granted a discharge in bankruptcy within six years; or (6) in the course of the proceedings in bankruptcy refused to obey any lawful order of, or to answer any material question approved by the court: *Provided*, That a trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do at a meeting of creditors called for that purpose.

"SEC. 24. (b) The several circuit courts of appeal shall have jurisdiction in equity, either interlocutory or final, to superintend and revise in matter of law the proceedings of the several inferior courts of bankruptcy within their jurisdiction. Such power shall be exercised on due notice and petition by any party aggrieved, and such petition shall be filed within 30 days after the judgment or order or other matter complained of has been rendered or entered.

"SEC. 25. (a) Appeals, as in equity cases, may be taken in bankruptcy proceedings from the courts of bankruptcy to the circuit courts of appeal of the United States, and to the supreme courts of the Territories in the following cases, to wit: (1) From a judgment adjudging or refusing to adjudge the defendant a bankrupt; (2) from a judgment granting or denying a discharge; and (3) from a judgment allowing or rejecting a debt or claim of $500 or over. Such appeal shall be taken within 30 days after the judgment appealed from has been rendered, and may be heard and determined by the appellate court in term or vacation, as the case may be.

"SEC. 29. (a) A person shall be punished by imprisonment for a period not to exceed five years upon conviction of the offense of having knowingly and fraudulently appropriated to his own use, embezzled, spent, or unlawfully transferred any property or secreted or destroyed any document belonging to a bankrupt estate which came into his charge as trustee, receiver, custodian, or other officer of the court.

"(b) A person shall be punished by imprisonment for a period not to exceed two years upon conviction of the offense of having knowingly and fraudulently (1) concealed any property belonging to the estate of a bankrupt; or (2) made a false oath or account in, or in relation to, any proceeding in bankruptcy; (3) presented under oath any false claim for proof against the estate of a bankrupt, or used any such claim in composition personally or by agent, proxy, or attorney, or as agent, proxy, or attorney; or (4) received any material amount of property from a bankrupt after the filing of the petition, with intent to defeat this act; or (5) extorted or attempted to extort any money or property from any person as a consideration for acting or forbearing to act in bankruptcy proceedings.

"(d) A person shall not be prosecuted for any offense arising under this act, unless the indictment is found or the information is filed in court within three years after the commission of the offense, except where he has been absent from the United States or any place subject to their jurisdiction, in which case the time during which such person has been so absent from the jurisdiction shall not be a part of the period of limitation prescribed herein.

"(b) The Attorney General shall have the power, through inspectors or agents, to inspect and audit all records in bankruptcy.

"SEC. 57. (n) Claims shall not be proved against a bankrupt estate subsequent to six months after the adjudication; or if they are liquidated by litigation and the final judgment therein is rendered within 30 days before or after the expiration of such time, then within 60 days after the rendition of such judgment: *Provided*, That the right of infants and insane persons without guardians, without notice of the proceedings, may continue six months longer.

"SEC. 60. (a) A person shall be deemed to have given a preference if, being insolvent, he has, within four months before the filing of the petition, or after the filing of the petition and before the adjudication, procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer, such period of four months shall not expire until four months after the date of the recording or registering of the transfer, if by law such recording or registering is required or permitted.

"SEC. 62. (a) The actual and necessary expenses incurred by officers in the administration of estates shall, except where other provisions are made for their payment, be reported in detail, under oath, and examined and approved or disapproved by the court. If approved, they shall be paid or allowed out of the estates in which they were incurred. Such expenses shall be only the expenses actually incurred, and shall not be commuted at fixed rates.

"(b) All clerk hire, office rent, and other overhead expenses of the referee's office shall be paid only from the referee's compensation prescribed in section 40 of the bankruptcy law as amended, and shall not in any other way become a charge upon the respective estates.

"SEC. 64. (a) The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality in advance of the payment of dividends to creditors, and upon filing the receipts of the proper public officers for such payment he shall be credited with the amount thereof, and in case any question arises as to the amount or legality of any such tax the same shall be heard and determined by the court: *Provided*, That such payment shall not be made out of the assets of the estate on account of any taxes assessed or levied upon property which does not become an asset of the bankrupt estate for distribution among general creditors, which taxes shall be and constitute a lien upon such property.

"SEC. 72. Neither the referee, receiver, marshal, nor trustee shall in any form or guise receive, nor shall the court allow him, any other or further compensation for his services than that expressly authorized and prescribed in this act. Any person who shall willfully violate the provisions of this section shall, upon conviction thereof, be fined not more than $2,000 or be imprisoned for not more than three years, or both, in the discretion of the court."

SEC. 2. That section 48, as amended, of said act be, and the same is hereby, further amended by adding a new paragraph to read as follows:

"(f) In the event of the appointment of joint or successive receivers, the court shall apportion the fees and commissions between or among them according to the services actually rendered, so that there shall not be paid to receivers from any estate a greater amount than one receiver would be entitled to; and when the same person shall be appointed successively receiver and trustee for an estate he shall not be allowed greater compensation than he would be entitled to if he held but one of such offices."

SEC. 3. That nothing herein shall have the effect to release or extinguish any penalty, forfeiture, or liability incurred under any act or acts of which this act is amendatory.

SEC. 4. That all parts of acts inconsistent herewith be, and the same are hereby, repealed.

SEC. 5. That this act shall take effect and be in force on and after the expiration of three months from the date of its passage and approval.

Mr. WALSH of Montana. I will state that the bill proposes various amendments of the bankruptcy law, most of which were proposed by the National Credit Men's Association, and in my judgment they should be made. They are simple in character. There was considerable contention concerning one amendment, in relation to the fees of referees. It was suggested to the committee by the Department of Justice, but different views have prevailed with respect to it, and I have been induced to ask the Senate to nonconcur in that part of the amendment. I know of no opposition whatever to the amendment proposed other than the one to which I have referred.

Mr. LODGE. I would like to ask the Senator, if he will allow me, if that is the part of the amendment about which I have spoken to him?

Mr. WALSH of Montana. It is.

Mr. LODGE. What is the final arrangement made in regard to it?

Mr. WALSH of Montana. The arrangement is that I shall ask the Senate to reject the part of the amendment concerning which the Senator and myself had some correspondence, it having been objected to by some of the Senator's constituents.

Mr. LODGE. Where is the provision in the bill?

Mr. WALSH of Montana. The part of the amendment to which the Senator refers is subdivision (b) of section 62, referred to at page 5 of the report.

Mr. CURTIS. It is in reference to the fees of referees?

Mr. WALSH of Montana. It is.

Mr. CURTIS. The Senator from Washington [Mr. JONES], who had objected before, said if the Senator's amendment striking out that provision were agreed to he would have no objection to the consideration of the bill.

Mr. WALSH of Montana. I propose to ask that that be rejected.

Mr. LODGE. All I want to understand is just how it leaves the law.

Mr. WALSH of Montana. It leaves the law exactly as it is now; that is, if the Senate does not concur in this part of the amendment, no change will be made in the law.

Mr. LODGE. Then that will have to be stricken out?

Mr. WALSH of Montana. Yes. The amendment is found on page 12 of the printed bill, at the bottom of the page. I ask that the report of the committee be amended by striking out subdivision (b) of section 62, found on page 12 of the bill.

Mr. LODGE. The amendment is to strike out subdivision (b) of section 62?

Mr. WALSH of Montana. Subdivision (b) of section 62.

Mr. LODGE. And that leaves the law as it is?

Mr. WALSH of Montana. It does.

If the Senator from Massachusetts will give me his attention for a moment, the answer I gave was a little too comprehensive. If the Senator will refer to page 5 of the report he will find that there is a slight addition to be made, but no exception was taken to that. This language is proposed to be added to the present law:

Such expenses shall be only the expenses actually incurred, and shall not be commuted to fixed rates.

To that extent the present law would be amended.

Mr. LODGE. That leaves it, I understand, as it was to be left.

Mr. REED of Pennsylvania. Mr. President, I thought the understanding of the Senator was that paragraph (a) of section 62 would also be stricken out.

Mr. WALSH of Montana. No; there never was any controversy about that, I think.

Mr. REED of Pennsylvania. I had understood that the last two lines of paragraph (a) were objected to because a very considerable amount of those expenses can not be apportioned to particular cases, such as stenographer's services and matters of that nature.

Mr. WALSH of Montana. I understand, but that is all covered by subdivision (b).

Mr. REED of Pennsylvania. No; I think it is covered by lines 19 and 20 of paragraph (a).

Mr. WALSH of Montana. If the Senator from Pennsylvania has any objection whatever to urge to that portion of it, I shall ask that the entire section be stricken out, but I am perfectly certain he is in error about it.

Mr. REED of Pennsylvania. I have had it under consideration particularly with reference to those two lines and find a great deal of objection.

Mr. WALSH of Montana. If the Senator objects, I shall ask that the entire section be stricken out.

Mr. REED of Pennsylvania. I would like to have section 62 go out.

Mr. WALSH of Montana. I move that amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The READING CLERK. On page 12, strike out lines 13 to 25, inclusive, being all of section 62, subdivisions (a) and (b).

The amendment to the amendment was agreed to.

Mr. LODGE. That leaves the law exactly as it is.

Mr. WALSH of Montana. With reference to that subject.

Mr. LODGE. Certainly.

The amendment as amended 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.

FISHING SMACK "MARY S. DOLBOW."

The bill (H. R. 6177) for the relief of the owner of the fishing smack *Mary S. Dolbow* was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of the owner of the fishing smack *Mary S. Dolbow* for damages alleged to have been caused by collision between said fishing smack and the U. S. ship *N–1*, on October 3, 1920, at 12 o'clock and 30 minutes a. m., in the Delaware River channel, off Tinicum Island, whereby she became a total loss, may be sued for by the owner of the said fishing smack *Mary S. Dolbow* in the district court of the United States for the district of New Jersey, 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 owner of the said fishing smack *Mary S. Dolbow*, or against the owner of said fishing smack *Mary S. Dolbow* 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 reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OWNERS OF AMERICAN STEAMSHIP "VINDAL."

The bill (H. R. 8214) to compensate the owners of the American steamship *Vindal* for damages and expenses in repairing the said steamship, and to make an appropriation therefor, was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Vindal Co. (Inc.), a New York corporation, owner of the American steamship *Vindal*, the sum of $3,295 in full compensation for damages and expenses due to a collision between the United States barges *Washington* and *General Knox* and the said steamship *Vindal* while the said steamship was lying at anchor in the harbor of New York, on Gowanus Flats, off Fifty-second Street, Brooklyn, on the 30th day of October, 1917, at about the hour of 6 o'clock antemeridian.

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

PENNSYLVANIA RAILROAD CO.

The bill (H. R. 9887) for the relief of the Pennsylvania Railroad Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pennsylvania Railroad Co., the sum of $285.86, to compensate the said company for damages caused by collision of the Coast Guard cutter *Guthrie* with the Pennsylvania Railroad car float *No. 7*, at Philadelphia, Pa., November 26, 1920.

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

BILLS PASSED OVER.

The bill (H. R. 10287) for the relief of John Calvin Starr was announced as next in order.

Mr. DIAL. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce was announced as next in order.

Mr. DIAL. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

AMENDMENT OF CIVIL SERVICE ACT.

The bill (S. 4167) to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, in order to extend the benefits of said act to certain employees in the Panama Canal Zone, was announced as next in order.

Mr. SMOOT. Let the bill go over.

Mr. STERLING. Will not the Senator withhold his objection for a moment?

Mr. SMOOT. Very well.

Mr. STERLING. When the bill was reached on a former call of the calendar, objection was made to the last proviso in the bill, it being claimed that the proviso was ambiguous and was not understood. I have here a communication from the Secretary of War in which he incloses a memorandum from the chief of the Washington office of the Panama Canal, which quite fully explains the reasons for the proviso on account of which objection was made to the consideration of the bill. I would like to read a portion of the memorandum, as follows:

The object of the above-quoted proviso is to make sure that these unclassified or excepted American employees do not become classified through the passage of the bill, which might require all future appointments to vacancies to be made through civil service examinations. The bulk of these unclassified employees are skilled workmen and artisans of a wide variety of trades, particularly shipbuilding and repairing trades, railroad operatives, etc. For a period of a little over a year, during the early days of the construction of the Panama Canal, they were all in the classified service and efforts were made to appoint them through civil service examinations. This proved impracticable and would be impracticable in the future for numerous reasons, among which are the following:

"It is necessary to recruit these men in the United States for duty in a tropical region about 2,000 miles away from their homeland. They must be the best skilled workmen in their trades obtainable, and this type can not be readily attracted through civil-service examination, as they are independent and accustomed to securing employment through more direct methods; the sudden and varying requirements of the canal service make it impracticable to wait on the routine of the civil-service examination; they must be selected with a view to their special fitness, physically and by training and experience, for the particular work to which they are to be assigned; it is not usually practicable to foresee the needs of the service sufficiently in advance to hold a civil-service examination," etc.

Other reasons are set forth why the proviso is in the bill. I hope that what I think is an act of justice will be done in extending the provisions of the retirement law to the employees who are American citizens in the Panama Canal Zone.

Mr. SMOOT. The proviso found on page 3 is one the purpose of which I do not fully understand. I understand what the Senator has just read; but I think if we are going to place such employees on the retirement list as other employees of the Government are placed, they ought at least to take the civil-service examination. They should not be placed in any better position than employees of the Government in the United States.

Mr. STERLING. I will say to the Senator that a great number of people working in the Panama Canal Zone are still subject to the civil service. There are specially trained or experienced men whom they want for the particular service, and they want them often in a hurry, according to conditions in the Panama Canal Zone.

Mr. SMOOT. But that is not what the proviso covers.

Mr. STERLING. That is what it is meant to cover.

Mr. SMOOT. The proviso applies to all employees on the Canal Zone. I have no objection to allowing the first part of the bill to pass, but the second proviso I think is an unwise provision. If the Senator will amend by striking out that provision I shall have no objection to the bill at all.

Mr. STERLING. Very well.

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

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

Mr. SMOOT. I move to amend by striking out on page 2, beginning in line 9, the proviso down to and including the word "service" in line 14.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 2, after the numerals "1920," in line 9, strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That all employees of the Panama Canal and Panama Railroad Co. on the Isthmus of Panama who are citizens of the United States and whose tenure of employment is not intermittent or of uncertain duration shall be included within the provisions of the civil service retirement act approved May 22, 1920: *Provided*, That the deduction authorized by section 8 of such act from the pay of such employees shall commence on the first of the month succeeding the approval of this act and that the service of such employees between August 1, 1920, and the first of the month succeeding the approval of this act shall be counted for retirement purposes only if the employee shall deposit with the Secretary of the Treasury 2½ per cent of the salary received by him from the Panama Canal or Panama Railroad Co. during that period, plus interest computed as provided in section 11 of said act of May 22, 1920.

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.

STANDARD AMERICAN DREDGING CO.

The bill (H. R. 5475) for the relief of the Standard American Dredging Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 7, to strike out "$3,020.72" and insert in lieu thereof "$4,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to the Standard American Dredging Co., owner of the dredge *Long Beach* and pipe line thereto attached, out of any money in the Treasury not otherwise appropriated, the sum of $4,500, or so much thereof as may be necessary to fully reimburse said owner of said dredge and pipe line for damages suffered by its pipe line as a result of a collision with the United States dredge *Chinook* at Astoria, Oreg., May 1, 1916.

Mr. SMOOT. When the bill was up for consideration on a previous occasion I objected to it. The War Department, in submitting a report to the committee, on page 8 of the report, suggested the following provision:

That the Secretary of the Treasury is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, to the Standard American Dredging Co., Seattle, Wash., the sum of $3,020.72 to reimburse that company for damage done to its property May 1, 1916, by the United States dredge *Chinook* (submitted), $3,020.72.

That was the recommendation made by the War Department. The Committee on Claims raised that amount to $4,500, and I would like to have some one explain the reason for the increase.

Mr. SHEPPARD. Mr. President, I desire to say to the Senator that I am familiar with the situation. The Treasury Department allowed an amount covering the actual cost of repairs which the company was compelled to make as a result of the collision. The company submitted a claim for $3,000 additional for rental value, or loss of earnings, while the dredge was being repaired. The Senate committee, after considering the matter, decided to allow the company $1,500 to cover the item of loss of earnings.

Mr. SMOOT. The policy has been to pay the damages in such cases, and there has been no objection to bills of that kind, but if we are going to pay for loss of time in the operation of boats, all that have been paid in the past have not been paid sufficiently, and there is no telling what charges may be made in the future for the loss of time of a boat laid up during the time of its repair. I think it is fair and just to adhere to the practice we have always followed in paying the amount of damages to the boat.

Mr. SHEPPARD. Does the Senator object to the item allowing payment for the damages?

Mr. SMOOT. I shall not object to the payment of $3,020.72. I have no objection to the bill if it carries that amount, but I do object to the payment of $4,500.

Mr. SHEPPARD. The Senator objects to the payment for loss of earnings while the boat was being repaired?

Mr. SMOOT. I do.

Mr. SHEPPARD. Then we can just disagree to the Senate committee amendment.

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

The amendment was rejected.

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

BILL PASSED OVER.

The bill (S. 3226) for the relief of William J. Ewing was announced as next in order.

Mr. DIAL. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

ROBERT J. KIRK.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3849) for the relief of Robert J. Kirk. It proposes to pay to Robert J. Kirk, of Florence, S. C., $332.50 for service as United States commissioner for the eastern district of South Carolina for the period of July 1 to November 5, 1919.

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

CHARLES D. SHAY.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2002) for the relief of Charles D. Shay, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Employees' Compensation Commission shall be, and it is hereby, authorized to extend to Charles D. Shay, who received injuries April 7, 1910, without fault or negligence on his part, while in the performance of his duties as locomotive engineer on the Panama Railroad, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

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

The amendment was agreed to.

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

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

BILLS PASSED OVER.

The bill (S. 1678) for the relief of Edith B. Macon was announced as next in order.

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

The VICE PRESIDENT. The bill will go over.

The bill (S. 1528) for the relief of Sophie K. Stephens was announced as next in order.

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

The VICE PRESIDENT. The bill will go over.

Mr. CALDER. Mr. President, will the Senator from Utah permit an explanation of the bill?

Mr. KING. I have read the report on the bill. In my opinion there is no obligation whatever upon the part of the Government to pay the claim involved, and I think an explanation of the bill will simply consume time without changing the result.

The bill (S. 129) to provide for election contests in the Senate of the United States was announced as next in order.

Mr. SPENCER. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 7761) to amend the Revised Statutes of the United States relative to proceedings in contested-election cases was announced as next in order.

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

Mr. SPENCER. I should like to say that that bill applies only to the House of Representatives. It provides for four changes in the existing law, all of which are merely for facilitating House election contests. There is a unanimous report of the committee in favor of it, and I think there can be no objection to it. It is a House bill and does not apply to the Senate, but applies entirely to the House of Representatives.

Mr. WILLIAMS. I have objected to the bill.

The VICE PRESIDENT. There is objection and the bill will go over.

The bill (S. 4283) to authorize the Commissioners of the District of Columbia to require operators of motor vehicles in the District of Columbia to secure a permit, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, that bill is very important and contains some very admirable provisions, but a number of amendments are to be tendered to it. It will take considerable time to consider the bill and I think we shall not be able to dispose of it this morning. I therefore ask that it be passed over.

The VICE PRESIDENT. The bill will be passed over.

NIGHT WORK IN THE POSTAL SERVICE.

The bill (S. 3773) to reduce night work in the Postal Service was announced as next in order.

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

Mr. TOWNSEND. Mr. President, if the Senator from South Carolina will withhold his objection for a moment, I desire to say that I regretfully admit that this bill may be subject to discussion, which would make it impracticable to consider it during the morning hour. I am sorry that that is so, for I believe it is a bill in the interest not only of the employees of the Postal Department who have to work at night but in the interest of economy. I believe that in the end the passage of the bill would reduce night work very materially. I do not imagine how anyone can believe that night work should be compensated for exactly on the same basis as is day work. It is necessary in some instances, I admit, that night work should be performed, but there should be a reasonable compensation either in the form of additional pay or a reduction of the hours of service.

The joint commission on postal affairs has recommended what this bill attempts to do, namely, to reduce the hours of service for a night's work, or for work between 6 o'clock at night and 6 o'clock in the morning.

I admit, as I said in the beginning, that this bill embraces a subject about which there may be some controversy, and, therefore, it can not be considered at this time. I endeavored to bring it up earlier in the session in order that it might be given time for consideration, and had hoped, but vainly, apparently, that we might consider it by unanimous consent.

Mr. LODGE. Mr. President, if the Senator will yield to me for a moment, I desire to say that I think this is a bill that most certainly ought to be passed. I hope something will be done in regard to its subject matter. There ought to be a reduction in night work in the Postal Service. I have looked into this matter more or less, and I am satisfied the passage of this bill would have just the effect the Senator from Michigan has described; that is, that it would reduce the expenses in the end, and would reduce the total amount of night work now required of postal employees. I should think the bill might be passed by unanimous consent. It is not a complicated measure.

The VICE PRESIDENT. Does the Senator from South Carolina insist upon his objection?

Mr. DIAL. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

JOHN H. M'ATEE.

The bill (S. 3942) for the relief of John H. McAtee, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

Mr. HARRELD subsequently said: Mr. President, I ask unanimous consent to revert to Order of Business 1000, being the bill (S. 3942) for the relief of John H. McAtee.

This is one of those cases where a soldier is seeking to get relief from a charge of desertion. The War Department records show that this man was a prisoner of war at the end of the war, and that was the reason why he was not properly mustered out. The War Department recommends that he be given a discharge, saying that his services were absolutely satisfactory. The record is perfectly clear that he was a prisoner of war, but, inadvertently, not having been mustered out with his command, he was marked as a deserter. I ask the Senator from South Carolina to withdraw his objection to that bill.

Mr. DIAL. Did I understand the Senator to say that the soldier in this case was a prisoner of war?

Mr. HARRELD. Yes.

Mr. DIAL. And that was the reason why he was not mustered out with his command and has been borne on the records as a deserter?

Mr. HARRELD. The War Department reports that he was a prisoner of war and that was the cause of his failure properly to be mustered out.

Mr. DIAL. Under that statement I withdraw the objection. I have not had time to consider the report carefully.

The VICE PRESIDENT. Is there objection to reverting to Order of Business 1000?

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3942) for the relief of John H. McAtee, which was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, their widows and dependent relatives, John H. McAtee, late of Company K, Sixth Regiment Missouri State Militia Volunteer Cavalry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 25th day of April, A. D. 1864: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

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

BILLS PASSED OVER.

The bill (S. 4315) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3078) to provide for the free transmission through the mails of certain publications for the blind was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3544) to enlarge the powers and duties of the Department of Justice in relation to the repression of prostitution for the protection of the armed forces was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

FRANKLIN GUM.

The bill (S. 2598) for the relief of Franklin Gum was announced as next in order.

The VICE PRESIDENT. The bill has heretofore been read.

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

The VICE PRESIDENT. The bill will be passed over.

Mr. ROBINSON. Mr. President, I have examined that bill, and find that it is a case of one who served a full term of enlistment in the Navy and practically served out a term of enlistment in the Army following his service in the Navy. Just at the close of the Civil War he went home very seriously sick, and his mind was impaired. He failed to return to the Army because the war ended, as was the case in a large number of instances. I believe that under those circumstances the bill ought to be passed, and I ask the Senator from South Carolina if he is not willing to let the bill be considered?

Mr. DIAL. Is the bill in the usual form?

Mr. ROBINSON. It is in the usual form.

Mr. DIAL. I understand from the report that he was a deserter.

Mr. ROBINSON. He did not, however, in fact desert. I am convinced from the evidence that he did what a great many other soldiers in both the Confederate and Union Armies did. Military discipline at that time was not so rigid as it now is, and it was not comprehended and appreciated by the soldiers as it now is. As I have said, the man served out a full term of enlistment in the Navy and then served in the Army practically to the end of the war, when he went home and was in a very serious condition. For that reason he was unable to return before the war ended. The charge of desertion was entered against him, but, as a matter of fact, he was not a deserter within the spirit of the law. The War Department could not correct his record for the reason that the record is substantially right.

Mr. DIAL. How long has the bill been pending?

Mr. ROBINSON. I do not know how long the bill has been pending.

Mr. DIAL. Mr. President, I do not look upon these bills to grant pensions to men who served in the Civil War at this late date with any favor. I think that those people have had ample opportunity to establish their status, and the time has now come, in my opinion, when we should undertake to prevent a piling up of names on the pension list. However, I do not wish to be considered unreasonable, and reluctantly I will withdraw the objection to the consideration of the bill. From my hasty reading of the report I understood that the man was a deserter, and it appeared to me that the record, therefore, should be scrutinized very carefully.

The VICE PRESIDENT. The Chair understands the Senator from South Carolina has withdrawn his objection.

Mr. DIAL. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Franklin Gum, who was a private in Company A, Forty-eighth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged therefrom: *Provided*, That other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

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

HOWARD R. GURNEY.

The bill (S. 4333) for the relief of Howard R. Gurney was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 5, after the words "sum of," to strike out "$5,000" and insert "$4,391.44," so as to make the bill read:

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, the sum of $4,391.44 to Howard R. Gurney, of Springfield, Mass., as full compensation against the Government for injuries sustained by him when struck by a United States Navy truck in the city of Springfield, Mass., on October 26, 1920.

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.

E. J. REYNOLDS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4345) for the relief of E. J. Reynolds.

The bill had been reported from the Committee on Claims with an amendment on line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

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 E. J. Reynolds the sum of $471.60 for reimbursement for money collected as duty on a carload of print paper received at the port of Ashtabula, Ohio, May 26, 1920.

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.

NOLAN P. BENNER.

The bill (H. R. 3836) for the relief of Nolan P. Benner was announced as next in order.

Mr. KING. Mr. President, reserving the right to object, I should be glad to hear an explanation of the bill.

Mr. REED of Pennsylvania. Mr. President, this bill is intended to reimburse an officer of the Pennsylvania National Guard who was called into the Federal service for the time actually spent by him in the military service of the Government. He was discharged on the records of the War Department at Washington because he was under weight, but the notice of discharge was never communicated to him or to his commanding officer, and he remained in the Army rendering faithful service until he finaly received notice of his discharge six months later. This bill is to pay him for the time he actually spent in the service. There is no question that he did the work.

Mr. KING. Does the bill provide for his reimbursement at the same rate of pay he would have received if actually in the service?

Mr. REED of Pennsylvania. At exactly the same rate.

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

The VICE PRESIDENT. 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, which was 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 in the Treasury not otherwise appropriated, to Second Lieut. Nolan P. Benner, Quartermaster Corps, National Guard of Pennsylvania, the sum of $656.40 for services from August 1, 1917, to December 19, 1917, performed under instructions of commanding general Seventh Division, who under date of July 20, 1917, ordered said Second Lieut. Nolan P. Benner to report to quartermaster State Arsenal, Harrisburg, Pa., where he continued in service until notice of discharge, December 19, 1917. Amount of pay for aforementioned services was disallowed by the Auditor for the War Department because the records failed to show that he was held in service subsequent to July 31, 1917.

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

BILLS PASSED OVER.

The bill (S. 1517) for the relief of Antti Merihelmi was next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6134) for the relief of estate of Anne C. Shymer was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7864) providing for sundry matters affecting the Naval Establishment was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4245) to provide for the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922, and all other customs revenue laws, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4399) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was announced as next in order.

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

Mr. McNARY. Mr. President, I inquire if objection was made to the consideration of that bill?

The VICE PRESIDENT. Objection was made by the Senator from Mississippi [Mr. WILLIAMS].

The bill (S. 4132) to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to

provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes," approved April 5, 1918, and for other purposes, was announced as next in order.

Mr. SMOOT. That can not be considered under the five-minute rule, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4425) to authorize appropriations for the relief of certain officers of the Army of the United States was announced as next in order.

Mr. COUZENS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4119) authorizing the erection in the city of Washington of a monument in memory of the faithful colored mammies of the South was announced as next in order.

Mr. COUZENS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4305) granting an increase of pension to certain soldiers of the Mexican War and Civil War and their widows and minor children, widows of the War of 1812, Army nurses, and for other purposes, was announced as next in order.

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

The VICE PRESIDENT. The bill will be passed over.

ATLAS LUMBER CO. AND OTHERS.

The bill (H. R. 3499) for the relief of the Atlas Lumber Co., Babcock & Willcox, Johnson, Jackson & Corning Co., and the C. H. Klein Brick Co. was announced as next in order.

Mr. COUZENS. Let that go over.

Mr. KELLOGG. Mr. President, I wish the Senator who objected to the consideration of that bill would let me make a statement. Bills for the relief of these people have twice passed the Senate but were not reached in the House. This bill passed the House in January. It is to appropriate money which is in the Treasury which was taken from the contractor's price, and the Government has had the use of that money for 10 years, or nearly that time. This bill is simply to appropriate it to pay the claims for material for constructing the building, a Government building. The Government does not lose a cent. There is a unanimous report from the Committee on Claims, and the bill has passed the Senate at two different sessions.

Mr. SMOOT. I will say to the Senator that this is the same bill that was objected to because of the fact that it carried interest, but I see that is excluded now.

Mr. KELLOGG. The interest has been stricken out. It is simply the principal of $5,030; and if the Senate desires I will make a detailed statement of what occurred.

The Federal Government, in the construction of an Indian school in South Dakota, failed to take a bond as the law requires for the protection of the material men who furnished the material. The material men had no right even to inspect the bond and could not bring any suit upon the bond until six months after the Government should bring a suit. The Government deducted over $5,000 from the contractor's price, and has that money; and by reason of the failure of the Government to take a bond in proper form these material men lost the material they had furnished. As the Government loses nothing, and as the passage of this bill has been recommended several times by the Interior Department, I think it ought to pass for the principal sum without any interest.

The VICE PRESIDENT. Is there objection?

Mr. COUZENS. I withdraw my objection.

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

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

RELIEF OF CERTAIN ARMY OFFICERS.

Mr. DIAL. Mr. President, I ask that we revert to Order of Business 1042, Senate bill 4425. The Senator from Michigan [Mr. COUZENS] objected to its consideration.

I desire to state that that is a bill for the relief of two Army officers in a case where their junior, over whom they had no control, stole some money. That junior has been prosecuted and put in the penitentiary. This matter was referred to the War Department, and the Secretary of War reported that the officers ought to have relief. It was referred to the Committee on Claims, and that committee reported unanimously that the bill ought to pass. The Senator from Indiana [Mr. NEW] had it up the other day in the morning hour, and the morning hour expired while it was under discussion.

I want to state, Mr. President, that many bills of this kind pass; in fact, I believe they all pass. I am not asking for a favor. I have objected to the consideration of some bills here, but I did not object to them promiscuously. I read all the reports as well as I could in the time at my disposal, and I have reasons for objecting to every bill to which I have objected. I do not favor now, and I have not favored, and I propose to grow more antagonistic to bills brought up here to appropriate money to pay unliquidated damages; and I hope the Congress of the United States will adopt some business method whereby claims of that character can be adjudicated. If they have rights, I am perfectly willing for them to go to court. That is one character of cases that I objected to, and if anyone will read the reports he will see that there is merit in the objection.

Mr. ROBINSON. Mr. President, I observe from the report of the Committee on Claims in this case that the bill is unqualifiedly approved by the Secretary of War in the following language:

> From a careful review of all the circumstances it is evident that the finance officers in question can not be blamed for negligence in connection with the loss of these funds, and that a great injustice will be done to them unless they are relieved from liability.
>
> It is accordingly recommended that legislation substantially as follows be enacted:

And then follows a draft of a bill which conforms to that now under consideration.

In view of that recommendation of the Secretary of War, it seems that the bill should pass.

Mr. DIAL. That is undoubtedly correct.

Mr. NEW. Mr. President, if the Senator will yield for a moment——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Indiana?

Mr. DIAL. I yield to the Senator from Indiana.

Mr. NEW. Just a word with reference to this particular bill. It is for the relief of two Army officers who were charged with the disposal of surplus property down on the border. The Government itself sent them a civilian clerk, for whose selection they had no responsibility and no choice but to take him. That clerk, under regular procedure, received the money that was paid in for those sales, and he absconded with about $12,000 of it and went to Mexico. One of these officers pursued the man into Mexico and actually forced him back over the border and turned him over to the Federal authorities. He was convicted and sent to the State prison for it. The officers had no responsibility, except a theoretical one, for the loss of that property, but unless they are relieved from it the money will have to be taken out of their retired pay, as they have no other income; and I think it would work a great injustice on these men if they are compelled to pay six or seven thousand dollars to the Government.

Mr. KING. Mr. President, will the Senator yield for a question?

Mr. NEW. Certainly.

Mr. KING. We have had a good many cases similar to this and with respect to defalcations in other branches of the Government. Does not the Senator think it would be wise for his committee, or some other appropriate committee, to recommend legislation that would protect the Government from these recurring claims for losses resulting from the defalcations of employees in the Government service?

Mr. NEW. Mr. President, of course, I think that might be wisely done, but it has not been done; and we must act one way or the other upon this case now, in the absence of a general statute. This follows the custom, and the Senator from South Carolina is entirely right in saying that the War Department not only approved it but it suggested the form of this bill.

Mr. DIAL. Now I ask unanimous consent that we consider the bill, if the Senator from Michigan [Mr. COUZENS] will be kind enough to withdraw his objection. I do not want to ask any favors at all—not for a moment. I do not ask any favors for this officer. I simply ask that he be treated like other similar officers.

Mr. McNARY. Mr. President——

Mr. DIAL. I yield to the Senator from Oregon.

Mr. McNARY. I think I can relieve the situation at this time. I shall object to the consideration of this bill until I have ample time to look into the record.

The VICE PRESIDENT. There is objection. The Secretary will state the next bill on the calendar.

ELEPHANT BUTTE IRRIGATION DISTRICT, NEW MEXICO.

The bill (S. 4232) authorizing the Secretary of the Interior to enter into a contract with the Elephant Butte irrigation district of New Mexico and the El Paso County improvement district No. 1, of Texas, for the carrying out of the provisions of the convention between the United States and Mexico, proclaimed January 16, 1907, and providing compensation therefor, was announced as next in order.

Mr. LODGE. Mr. President, I should like to ask the Senator in charge of the bill whether this matter of carrying out the provisions of the convention of January 16, 1907, has been submitted to the State Department?

Mr. McNARY. Mr. President, I should prefer to refer that inquiry to the Senator who introduced the bill.

Mr. BURSUM. What is the question?

Mr. LODGE. I asked whether the bill had been referred to the State Department, or whether the opinion of the State Department had been taken in regard to it. It apparently modifies the convention.

Mr. BURSUM. Mr. President, I will say to the Senator that this bill in no way affects the treaty. It is simply an adjudication of accounts between the Government and the water users under the Elephant Butte Dam.

In 1906 this Government entered into a treaty with Mexico, agreeing to deliver some 60,000 acre-feet of water annually for irrigating lands, in settlement of a claim by Mexico against this Government for some $35,000,000. The entire cost of building this dam was charged to the water users' association in New Mexico and in a portion of Texas. They were credited with the sum of $1,000,000 by reason of this contract with Mexico, upon the basis that the cost of the dam of this project would be $40 per acre. Now it appears that the cost, instead of $40, is $90 an acre, and the Secretary of the Interior has so certified a charge against the water users under that dam. This bill is simply for the purpose of giving credit to the water users in Texas and New Mexico under the dam in the sum of $1,000,000, which is the pro rata amount which is due to them by the Government on account of the contract with Mexico in regard to water furnished by virtue of the treaty.

Mr. LODGE. The only point I desired to make was that I understand this is in accordance with the terms of the convention.

Mr. BURSUM. Absolutely.

Mr. LODGE. It does not modify it at all?

Mr. BURSUM. It has no effect whatever on the convention. It is merely an economic settlement between the water users and the Government.

Mr. LODGE. I have no objection.

Mr. SMOOT. Mr. President, I want to ask the Senator where the $1,000,000 to be credited on that account will be obtained. Is it to be taken out of the fund that is supposed to be returned to the Government of the United States?

Mr. BURSUM. The $1,000,000 will be owing by the water users to the Government.

Mr. SMOOT. Not if it is a credit to the water users. In other words, does this bill provide that $1,000,000 of the amount that is owing to-day to the Government of the United States by the water users shall be forgiven?

Mr. BURSUM. It is not forgiven. It is a credit upon the account which the Government owes. It is an obligation of the Government. The basis of the credit which was given to the water users, in the first instance, was $1,000,000, upon the basis that the cost of the project would be $40 per acre. Now, it turns out that the cost of this project is $90 an acre.

Mr. SMOOT. Every reclamation project that I know anything about in the United States has cost just about that much more than the cost estimated at the beginning.

Mr. BURSUM. All right; but am I to understand that the Government can shrink from paying its proportion for the water which it agreed to deliver to Mexico, and saddle that expense on the water users, who are not benefited thereby, and compel the water users' association to deliver that water in the bed of the river and make it available to the farm owners in the Republic of Mexico? The Government would be saddling its proportion, by reason of its agreement, upon the water users of the Elephant Butte Association. There is no relief to the farmers under this project, none whatever. They are simply given credit for that which belongs to them. In other words, the Government owes the water users on account of the Republic of Mexico $2,000,000, and not $1,000,000.

Mr. SMOOT. Then the Government loses a million dollars.

Mr. BURSUM. It does not lose a dime. The Government pays its proportion of what it agreed to pay on account of the water deliverable to Mexico. The Government profited to the extent of $33,000,000 under this transaction. The Government settled a claim of $35,000,000. The Government apportioned what it believed to be the pro rata of the water users at the time the dam was being constructed and the amount apportioned as the proportion to be assumed by the Government now turns out to be less than one-half of its just proportion.

Mr. WILLIS. Mr. President, I do not like to object to the Senator's bill, but it is evident that this is a very important measure, and that if it is to be disposed of now, we can not consider any of the other bills on the calendar. It is going to lead to a further discussion.

Mr. BURSUM. I submit, Mr. President, there should not be any extended discussion.

Mr. WILLIS. But there is discussion. We have had 10 minutes of it already, and there will be 10 minutes more, and to save time, and to give the Senate time to consider other bills on the calendar, I object.

The VICE PRESIDENT. The bill will be passed over.

ROBERT J. ASHE.

The bill (H. R. 9316) for the relief of Robert J. Ashe was announced as next in order.

Mr. KING. Let it go over.

Mr. NEW. I hope the Senator will withhold his objection.

Mr. KING. I withhold the objection until I hear the Senator's explanation of the bill.

Mr. NEW. I will explain it as briefly as I may. This bill, I think, by all means ought to be passed as an act of simple justice. It is not a pension bill or anything of that kind. This boy, Robert Ashe, was a private soldier, just a boy. In company with two other soldiers he got out one night and went to places where he should not have gone, and admittedly got drunk. Some money disappeared at the time these soldiers were engaged in this nocturnal expedition. Robert Ashe never did admit, but always denied, having taken any of the money. He admitted that he made a mistake in the other respects. He was dishonorably discharged because, in his inexperience, he did not know how to enter a defense. He said he was not guilty, but he did not present a defense.

Afterwards the War Department looked into the case, decided that the boy was not guilty of theft, and that he ought to be given permission to reenlist, but it did not remove the record of a dishonorable discharge. The boy did reenlist. He served until the breaking out of the World War, when the Government permitted him to take a discharge in order that they might commission him, and that they did. He was commissioned a second lieutenant, went into the World War, was promoted to first lieutenancy, then recommended for promotion to a captaincy, but that was not consummated simply because the war ended before it could be done. His commission was a temporary one, of course.

After the close of the war he reenlisted, and he is in the Army now as a master sergeant, with a very splendid military record. This is merely to remove a blemish on a record that is otherwise clear. That boy has certainly redeemed himself, and he is entitled, I think, to the benefit of this action of Congress.

Mr. KING. I agree with the Senator.

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 in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Robert J. Ashe, who was a private in Troop G, Fifth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 21st day of August, 1914: *Provided*, That no pay or other emoluments shall accrue by virtue of the passage of this act.

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

JOHN H. FESENMEYER, ALIAS JOHN WILLS.

The bill (S. 3742) for the relief of John H. Fesenmeyer, alias John Wills, was announced as next in order.

Mr. DIAL. Let that go over.

Mr. McCUMBER. Mr. President, I want to make a little statement; and then if the Senator from South Carolina asks that it go over, very well.

This is a case where a minor, a young boy, enlisted at the very beginning of the war, in 1861, and served for two years. He was then with a company in Maryland, I think. His father lived in New York. He got a message from his family that his father was dying and wanted to see him before he passed away. The boy asked for a furlough, but it was denied. It is true that he then left and went to New York and saw his father for a few days. Action was brought against him for desertion, and the father then instituted an action to relieve him from imprisonment under a writ of habeas corpus, and he was released, he still being a minor. He had then served two years; and, of course, he had the charge of desertion against him, though it was his intention to immediately return.

Having that charge of desertion against him, he immediately enlisted under the name of John Wills and served until the end of the war and received an honorable discharge from his second enlistment. So he served during practically the entire war. This bill is to remove the charge of desertion for the few

days that he was absent at his father's bedside. At the close of the war he was nine months in Libby prison.

If the Senator desires to object, of course I can say nothing further, but I think the charge of desertion ought to be removed when the boy has a record of that kind.

Mr. DIAL. Mr. President, on reading the report I did not get all the facts which the Senator has stated. The Senator makes a very appealing speech. I do not look on these bills with favor, but under all the circumstances I am going to let this one pass. I want to say, however, that I can not see much distinction between trying to do justice to soldiers of the Civil War and trying to do justice to soldiers of the late war.

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 Military Affairs with an amendment, on line 9, after the word "no," to insert the words "back pay," and on line 10, after the word "pension" and the comma, to insert the words "bounty, or other allowances," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws, John H. Fesenmeyer, alias John Wills, who was a private of Company F, Sixty-fifth 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 15th day of February, 1862: *Provided*, That no back pay, pension, bounty, or other allowances shall accrue prior to the passage of this act.

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.

SALE OF UNITED STATES REAL PROPERTY.

The bill (S. 4216) authorizing the sale of real property no longer required for military purposes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments. The first amendment was, on page 3, after line 22, to insert:

Tennessee: Park Field, Millington, Tenn., about 16 miles north of Memphis.

Mr. McKELLAR. I will be compelled to object to the bill with that amendment in it, and ask that it may go over.

Mr. REED of Pennsylvania. Will not the Senator from Tennessee permit this item to which he objects to be stricken out and the bill to be passed without that amendment in it?

Mr. McKELLAR. That will be entirely satisfactory.

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

The amendment was rejected.

The next amendments were, on page 5, beginning with line 21, to strike out that line and all of the bill down to and including line 18, on page 6, and to insert in lieu thereof sections 2 to 8, inclusive, so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell or to cause to be sold, either in whole or in two or more parts as he may deem best for the interests of the United States, the several tracts or parcels of real property hereinafter designated, or any interest therein or appurtenant thereto, which said tracts or parcels are no longer needed for military purposes, and to execute and deliver in the name of the United States and in its behalf any and all contracts, conveyances, or other instruments necessary to effectuate such sale.

FIRST CORPS AREA.

Maine: Fort Baldwin, Sabine Head, Popham Beach; Fort Edgecomb, Edgecomb; Fort Knox, opposite town of Bucksport, on the Penobscot River; Fort Machias, Machiasport, about 25 miles west of the Canadian border; Fort McClary, Portsmouth Harbor, opposite Fort Constitution, on Piscataqua River; Fort Popham, Phippsburg, Hunnewells Point, west bank of Kennebec River; St. Georges (Robinsons Point), St. George, eastern side of St. Georges River, Knox County; Sugar Loaf Islands, known as North and South Sugar Loaf Islands, at the entrance to the Kennebec River, near Bath.

New Hampshire: Portsmouth, reservation at, locally known as Sagamore Reservation; Portsmouth gun house.

Massachusetts: Gloucester gun house, Back Street; Salisbury Beach, near mouth of Merrimac River, Salisbury; Fort Standish (old), Saquish Neck, northern entrance to Plymouth Harbor, 4 miles by water from Plymouth.

Rhode Island: Fort Mansfield, Papatree Point, near Watch Hill, Washington County.

Connecticut: Lighthouse Point, East Haven, about 5 miles from New Haven.

SECOND CORPS AREA.

New York: Plumb Island Reservation (often called Plumb Beach), near the eastern border of Sheepshead Bay, being part of the east end of Plumb Island, in the town of Gravesend, Kings County; Fort Tyler, Gardiners Point (Gardiners Island), near Sag Harbor, Long Island Sound, Suffolk County.

THIRD CORPS AREA.

Maryland: Fort Armistead, Hawkins Point, Anne Arundel County; Fort Carroll, Sollers Point Flats, in the Patapsco River, about 4 miles from Baltimore; Fort Foote, Roziers Bluff, Prince Georges County, 8 miles below Washington on left bank of Potomac River.

Virginia: Ferry Point, on the Elizabeth River, Norfolk County; Fort Nelson, on the Elizabeth River near Mosquito Point, in Norfolk County; pumping station reserve, Fort Monroe (Phoebus), about 1 mile from the fort; Fort Powhatan (often called Fort at Hoods), Hoods, south bank of the James River between Wards Creek and Flower de Hundred Creek, in Prince George County; Willoughby Spit Reservation, Willoughby Bay, Norfolk County; Fort Humphreys (approximately 2,000 acres only), on right bank of Potomac River about 20 miles south of Washington.

FOURTH CORPS AREA.

North Carolina: Beacon Island, Ockrakoke Inlet, an entrance to Pamlico Sound, near the mouth of the Neuse River, Carteret County; Fort Macon, Old Topsail Inlet, 2 miles from Beaufort and Morehead City, Carteret County.

South Carolina: Fort Fremont, St. Helena Island, near Fort Royal, Beaufort County; Fort Winyaw, Blythes Point, at the mouth of Sampit Creek or Georgetown River, Georgetown Harbor, in Georgetown district.

Georgia: Americus air intermediate depot and Souther Field, 4 miles north of Americus; Fort Jackson, old (formerly Fort Oglethorpe), Savannah, on west bank of Savannah River, about 1 mile below city; Point Peter, near St. Marys, mouth of St. Marys River, Camden County.

Florida: Chapman Field, near Benson, 14 miles south of Miami; Fort Clinch, on the north end of Amelia Island in Nassau County, 3 miles from Fernandina and 50 miles north of St. Augustine, 500 acres only; balance, 194.5 acres, will be returned to the Department of the Interior; St. Johns Bluff, near Mayport, Duval County.

Louisiana: Fort Livingston, west end of Grand Terre Island, in the parish of Jefferson, at the entrance of Grand Pass to Barataria Bay, 90 miles south of New Orleans; Fort St. Philip, each bank of the Mississippi River, parish of Plaquemines, nearly opposite Fort Jackson, about 70 miles below New Orleans.

FIFTH CORPS AREA.

Kentucky: Camp Knox surplus areas, Stithton.

SEVENTH CORPS AREA.

Missouri and Kansas: Fort Leavenworth Bridge, connecting the Fort Leavenworth Reservation with the Fort Leavenworth timber reserve.

Minnesota: St. Paul Army building, Second and Robert Streets.

EIGHTH CORPS AREA.

Texas: Love Field septic tank site, Hawes, 5 miles north of Dallas.

NINTH CORPS AREA.

Washington: Lagoon Point, opposite Marrowstone Island, on the east side of Admiralty Inlet, in Island County; Nodule Point, on west side of Admiralty Inlet, Jefferson County; Port Madison (Agate Passage), on Agate Passage to Port Orchard, Kitsap County.

Utah: Ogden Observatory, Ogden.

SEC. 2. If any other executive department of the Government of the United States shall require any one or more of the above-mentioned properties, or any part thereof, for the immediate use of such department, the Secretary of War is hereby authorized to transfer to that executive department the property or part thereof which shall be required for said immediate use.

SEC. 3. In the disposal of the aforesaid properties which shall not thus be required by any other executive department the Secretary of War shall in each and every case cause the same to be appraised, either as a whole or in two or more parts, by an appraiser or appraisers to be chosen by him for each tract, and in the making of such appraisal due regard shall be given to the value of any improvements thereon and to the historic interest of any part of said land.

SEC. 4. After such appraisal shall have been made and approved by the Secretary of War, notification of the fact of such appraisal shall be given by the Secretary of War to the governor of the State in which each such tract of land is located, and such State or the county or municipality in which such land is located shall in the order named have the option at any time within six months after the approval of such appraisal to acquire the same, or any part thereof which shall have been separately appraised, upon payment within said period of six months of the appraisal value: *Provided, however*, That the conveyance of said tract of land to such State, county, or municipality shall be upon the condition and limitation that said property shall be limited to use for public-park purposes and upon cessation of such use shall revert to the United States without notice, demand, or action brought.

SEC. 5. Six months after the date of approval of said appraisal, if the option given in section 4 hereof shall not have been completely exercised, the Secretary of War shall sell or cause to be sold each of said properties at public sale, at not less than the appraised value, after advertisement in such manner as may be directed by the Secretary.

SEC. 6. A full report of transfers and sales made under the provisions of this act shall be submitted to Congress by the Secretary of War.

SEC. 7. The expense of appraisal, survey, advertising, and sale shall in each case be paid from the proceeds of the sale, whether made in accordance with section 4 or section 5 of this act, and the net proceeds thereof shall be deposited in the Treasury of the United States to the credit of "Miscellaneous receipts."

SEC. 8. The authority granted by this act shall not repeal any prior legislative authority granted to the Secretary of War to sell or otherwise dispose of lands or property of the United States.

The amendments were agreed to.

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

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

Mr. WADSWORTH subsequently said:

Mr. President, this morning while the calendar was being called the Senate passed calendar No. 1054, the bill (S. 4216) authorizing the sale of real property no longer required for military purposes. I was not present in the Senate at the time on account of attendance at a conference on the War Department appropriation bill. Had I been present I would have asked the Senate to amend the bill in one particular before it was passed, by striking out, on page 5, lines 6, 7, and 8, which read as follows:

Missouri and Kansas: Fort Leavenworth Bridge, connecting the Fort Leavenworth Reservation with the Fort Leavenworth timber reserve.

This language should be stricken from the bill because it has reference to a particular piece of property which is being handled in a different way—a way entirely satisfactory to the Government and those interested—under a provision in the War Department appropriation bill which is now in conference.

I therefore move that the votes by which the bill was ordered to a third reading and passed be reconsidered in order that I may move to amend the bill and place it again upon its passage with the amendment.

Mr. McKELLAR. Before the request is put I wish to say to the Senator that the provision contained in a Senate committee amendment providing for the sale of Park Field, Millington, Tenn., was stricken from the bill. The Senator does not want to interfere with that?

Mr. WADSWORTH. Not at all.

Mr. McKELLAR. Then I have no objection to a reconsideration.

The motion to reconsider was agreed to.

Mr. WADSWORTH. I move to amend, on page 5, by striking out lines 6, 7, and 8.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 5 strike out lines 6, 7, and 8, as follows:

Missouri and Kansas: Fort Leavenworth Bridge, connecting the Fort Leavenworth Reservation with the Fort Leavenworth timber reserve.

The amendment was agreed to.

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

JACOB MULL.

The bill (S. 2098) for the relief of Jacob Mull was announced as next in order.

Mr. DIAL. Let that go over.

Mr. GOODING. I wish the Senator would withhold his objection for a moment. Mr. Mull is a neighbor of mine in Gooding, Idaho, and is a splendid citizen. I am not ready to believe that he was intentionally a deserter.

He enlisted in Findlay, Ohio, in 1861, when he was but a boy of 16. He served faithfully up until some time in 1863, when he was on a transport on the river going up to Vicksburg with a number of other soldiers, and owing to a storm was put ashore, being instructed not to go beyond a levee about 60 yards from the river. He and a few others of the boys went beyond that levee and he was taken prisoner. He was held prisoner for about six months, and then was exchanged. He reported to his company; he was given transportation and a suit of clothes and sent home, and there the record seems to end as far as Mr. Mull is concerned.

Being a young man, I suppose he did not understand the importance of clearing his record when the war was over. This bill merely provides that his record shall be cleared. He is an old man, 76 years of age, and the last time I saw him he was crippled with rheumatism. I am quite sure this is a worthy case, and I submit that Mr. Mull should be given the benefit of the doubt in this matter. I hope the Senator will not object to the consideration of the bill. I know Mr. Mull very well. He has raised a large family, and he was one of three brothers who volunteered early in 1861. I am sure it is a case of merit.

Mr. DIAL. I can not waive the objection. I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

THOMAS J. TEMPLE.

The bill (S. 930) for the relief of Thomas J. Temple was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas J. Temple, late of Company K, Thirty-first Regiment Illinois 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 10th day of October, 1865: *Provided*, That no bounty, pay, or allowance shall accrue by virtue of the passage of this act.

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

THE MERCHANT MARINE.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The READING CLERK. A bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. ROBINSON. Mr. President, I desire to submit to the Senator from Washington [Mr. JONES] and to the Senator from Kansas [Mr. CURTIS] a suggestion. It is perfectly apparent that if the bills remaining on the calendar are to be considered during the present session, consideration must be very quickly given to them. If Senate bills are to reach the House and have any attention there, they should be acted upon immediately by this body. Under the agreement which was entered into on Saturday a large number of bills, some of which have been pending on the calendar for some time, have not been reached, and unless an arrangement to proceed with the consideration of the calendar be effected it seems to me there is quite a probability that those measures will not be reached during the present session.

I have no interest in the matter except to see that the work which has been done by the respective committees of the Senate in considering and reporting the bills may not be lost or prove to have been in vain and the committees during the next Congress be compelled to perform the same services with respect to those measures. I think that the bills which are near the bottom of the calendar ought to have at least one chance for consideration as unobjected bills under Rule VIII.

In view of the fact that the end of the session is approaching and the business of the Senate constantly becomes more and more congested, and that under the circumstances now confronting us there is quite a likelihood that no opportunity to act on bills on the calendar will hereafter be had, I suggest to Senators the advisability of proceeding for a time with unobjected bills on the calendar, so that if possible the whole calendar may be sounded. Under the arrangement I suggest it is within the power of any Senator to object at any time and thus compel speedy action by the Senate, the purpose being to consider only those bills against which no objection will be urged.

I therefore suggest to the Senator from Washington that an arrangement be made to proceed, for a limited time at least, with the consideration of unobjected bills on the calendar under Rule VIII.

Mr. JONES of Washington. Mr. President, I would like to see the bills on the calendar taken care of, and I am going to suggest an arrangement under which I think they can be taken care of, and which seems to be entirely reasonable. I am going to ask unanimous consent that when the Senate close its business to-day it adjourn until 10 o'clock in the morning, the morning hour to-morrow, so far as may be necessary, after routine business is disposed of, to be devoted to the consideration of unobjected bills on the calendar, beginning with the number where we left off to-day. It seems to me that that request is very reasonable. Senators ought to be willing to come here at that time in the morning in order to dispose of measures remaining on the calendar.

Mr. ROBINSON. Will the Senator indicate about what time it is expected the Senate may conclude its labors to-day?

Mr. JONES of Washington. I think I shall not ask the Senate to remain here longer than 10 or half past 10 to-night.

Mr. ROBINSON. Of course the Senator understands that if the Senate remains in session until 10 o'clock to-night it will probably be difficult to secure the attendance of a quorum by 10 o'clock in the morning, and that the very condition which I am seeking to avoid would probably arise.

Mr. JONES of Washington. I thought I was very liberal in making the suggestion.

Mr. ROBINSON. Many Senators have bills on the calendar that ought to be considered. I myself, however, am not going to object to the proposal of the Senator from Washington.

Mr. FLETCHER. Mr. President, does not the Senator believe that 11 o'clock is about as soon as we can get the Senate together?

Mr. ROBINSON. I think so.

Mr. FLETCHER. If we meet at 10 o'clock we would lose at least half an hour in getting a quorum.

Mr. ROBINSON. That has always been the experience of the Senate. I suggest to the Senator from Washington that he modify his request and make the hour of meeting 11.

Mr. JONES of Washington. I can not do it. I had no idea of humor when I made the proposition. It was made in all seriousness. When I suggested that we would probably quit at 10 o'clock to-night, it was suggested in all seriousness because I had in mind running longer than that. It seems to me that the proposition I have made is extremely liberal and reasonable under all the circumstances.

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

Mr. JONES of Washington. I yield.

Mr. NORRIS. I want to suggest to the Senator from Washington what I believe to be an impractical thing in his proposition. I do not know how it may be with other committees, but I have been trying for two weeks to get together a quorum of the Committee on Agriculture and Forestry, but the meeting

of the Senate at 11 o'clock has to a great extent prevented that being done. There is a meeting to be held to-morrow at 10.30 o'clock by that committee, at which we are going to try to get a quorum to pass on one or two bills. One of them is a House bill to which I believe there is no objection. Almost the entire country is for it, and it is quite an important measure. The consumers of the country particularly are anxious to get it. We will probably be able to-morrow to report the bill to the Senate. If reported, I think it will be passed unanimously, but we will not be able to do that if the Senate meets at 10 o'clock. I do not like to object to the Senator's proposition, but it does not seem to me that in order to get the ship subsidy bill passed and put on the statute books we should surrender everything else on earth.

Mr. JONES of Washington. I do not think anyone has surrendered very much thus far. I have been in a committee meeting this morning since 10 o'clock. Every morning for a week I have been in a committee meeting at 10 o'clock. Some of the bills on the calendar are bills in which I am interested, and there are others in which I am not specially interested, but I feel satisfied that there will be Senators on the floor who will see that the merits of the bills are considered and that those which are not meritorious will not be passed. So Senators who want to meet with committees while bills are being considered on the floor it seems to me are suffering no hardship if the Senate meets at 10 o'clock. I submit the request.

Mr. McCUMBER. Mr. President, in addition to what has been said by the Senator from Arkansas and the Senator from Nebraska, I think that the Senator from Washington could well let an hour go by in the morning and meet at 11. There is a meeting of the Committee on Finance to-morrow at half past 10. We can get through by 11 o'clock. The meeting has already been called. I assume that if the Senate should meet at 10 o'clock it would take at least half an hour before we could get a quorum. I believe we would not be losing time and we would accommodate a great many Senators, especially those who have committee meetings, if the Senator would fix 11 o'clock to-morrow as the time for meeting. I hope he will do so. Of course, if not, we shall have to cancel our committee engagements.

Mr. JONES of Washington. I am willing to fix 11 o'clock for the time of meeting if it may be unanimously agreed that the morning hour shall close at 12 o'clock.

Mr. McCUMBER and others. Oh, no; let us meet at 11.

Mr. BURSUM. Let us make it 11 o'clock.

Mr. JONES of Washington. I submit my unanimous-consent request.

The VICE PRESIDENT. Is there objection to the unanimous-consent request submitted by the Senator from Washington?

Mr. DIAL. Mr. President, the Senator from Washington is so persuasive and so clever that I would agree to almost any request he made; but he asks us to meet at 10 o'clock in the morning. After laboring here from 10 o'clock in the morning until 10 o'clock at night, that is a little more of a task than I am prepared to perform, and, therefore, I object.

The VICE PRESIDENT. Objection is made.

FILLED MILK.

Mr. LADD. Mr. President, I move that the Senate proceed to the consideration of Order of Business 963, the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce. I regret to be obliged to make this motion, but the bill has been on the calendar for some time and it has been objected to whenever it has been reached during the morning hour. On two or three occasions Senators have stated that at another time there would be no objection to taking up the bill, but there has always been some objection. However, Senators know the condition in which the business of the Senate is now, and while I regret very much to do so under those conditions, yet I feel obliged to move to take up the bill at this time.

The bill is known as the filled milk bill. Eleven States have passed such a measure prohibiting the manufacture and sale of filled milk. Within the past few days the Legislature of the State of Washington, I am informed, has enacted a law prohibiting the manufacture and sale of filled milk within the State of Washington. Wisconsin, which is one of the largest filled-milk producing States, has also passed a law prohibiting its manufacture, and the courts have sustained the law. There is a similar measure before the Legislature of Indiana to prohibit the manufacture and sale of filled milk within the State.

The committee reports that H. R. 8086 be passed as it came from the House with two slight amendments. It developed in the hearings that the bill as it passed the House might possibly be considered as affecting the sale of certain other infant foods or preparations. In order that there might be no question on this point a slight amendment was made clearly exempting these particular foods. Another slight amendment was for the purpose of clarification of the meaning; otherwise the bill is the same as it passed the House—passed the House by a vote of 256 to 40.

The bill which I have moved to take up passed the House in May, 1922, and came to the Senate. In July and August, 1922, very extensive hearings were held and the matter came up at the beginning of the present session of Congress, and early in January the bill was placed on the calendar. It was reported out of the committee without objection on the part of any of the 12 members present, and I feel that it should at this time come up and be disposed of. It has the indorsement of a large number of the leading organizations of the country.

The American Farm Bureau Federation, at their annual convention held in Chicago in November, passed the following resolution:

> We urge immediate action by the United States Senate on the Voigt bill, H. R. 8086, as already passed by the House of Representatives. We would also urge that the various State farm bureaus get back of filled-milk legislation in their several States to supplement the pending national law.

Again the Farmers' National Council of Cooperative Marketing Associations, at their annual meeting, under date of December 16, 1922, passed the following resolution:

> In recent years there has appeared on the market compounds made of skimmed milk and coconut oil which look, taste, and smell like genuine evaporated whole milk and can not be readily detected from whole evaporated milk except by a chemical analysis. Some of the world's greatest authorities on nutrition have denounced those compounds as being harmful to children and generally injurious to the public health. We, therefore, urge the passage in this session of the Congress by the Senate of the House bill H. R. 8086, intended to prohibit the manufacture of such compounds within the possessions of the United States and their movements in interstate and foreign commerce.

The National Grange, in their legislative program item No. 20, have the following with regard to filled milk:

> The National Grange urges the speedy passage of the Voigt bill to relieve the great dairy interests of the country from the depressing effect of the fraudulent product known as filled milk and protecting the health of the consumers, particularly the children, from this adulterated food.

I submit also copy of a letter written by Senator CUMMINS not only indorsing the bill but declaring, in his judgment, that the same is sound constitutionally:

> DES MOINES, IOWA, *November 9, 1922.*
>
> Mr. W. A. WENTWORTH, *Secretary,*
> *704 Iowa National Bank Building, Des Moines, Iowa.*
>
> DEAR MR. WENTWORTH: I have your letter of the 7th instant inclosing one from Professor Nelson respecting the filled milk bill now pending in Congress. Since my talk with Commissioner Clark, Mr. Barney, and yourself a few days ago I have given some attention to this subject. I am thoroughly convinced that the best interest of the people of the country will be served by prohibiting the manufacture and sale of filled milk. My only doubt with regard to the matter has been respecting the constitutionality of the bill, which forbids the transportation of this commodity from one State to another. After going carefully through the record with respect to the injurious effects of the use of filled milk, and after examining the authorities with much care, I have reached the conclusion that this bill is sound constitutionally, and therefore I shall give it my hearty support.
>
> I return the papers that you left with me.
>
> Yours cordially, ALBERT B. CUMMINS.

A letter from the president of the Farmers' Educational & Cooperative Union of America, Oklahoma City, Okla., under date of December 28, 1922, follows:

> Senator E. LADD,
> *Washington, D. C.*
>
> DEAR FRIEND: The farmers of Oklahoma are very much interested in the passage of the Voigt antifilled milk bill. I hope to hear that this bill is making progress and that it gets a favorable report from the Senate committee.
>
> Yours very truly, JOHN A. SIMPSON, *President.*

The following telegram from Washington State carries the indorsement of Grays Harbor Farm Bureau, Grays Harbor Dairymen's Association, Montesano Chamber of Commerce, and Aberdeen Chamber of Commerce:

> Please do your utmost to get Voigt bill (antifilled milk bill) out of Senate committee at once. This is of the greatest importance to dairying and agriculture. We are asking our Senators to support this bill.

Also, from the secretary of the State Dairymen's Association of North Dakota:

> Believing our interests will be protected by passage of Voigt bill this session, urge you request Senator MCKINLEY to sign favorable report.

The following telegram from the secretary of the Iowa Dairy Council:

> Am advised delay on Voigt bill in subcommittee. You realize importance passage this bill to dairy industry and public welfare. Dairy people of Iowa whom I represent urge that you assume leadership in getting this bill out of committee and passed by Senate quickly.

The following telegram from E. L. Harrison, State president of 20,000 farmers' union members of Kentucky:

May we ask your cooperation in getting immediate report out of Senate committee of Voigt antifilled milk bill? The passage of this bill is of vital importance to and will be appreciated by 20,000 farmers' union members of Kentucky.

The New York Rensselaer County Pomona send the following telegram:

Meeting Rensselaer County Pomona to-day at Hoosick unanimously insist upon prompt passage of Voigt filled milk bill; eight granges, represented by 200 members. Dairymen of entire county thoroughly aroused over delay in Senate and request your support of bill.

Telegram from the president of the Iowa State Guernsey Breeders' Association:

Feeling that the best interests of the thoroughbred breeders of dairy cattle and the milk producers can best be represented in the passage of the bill known as the Voigt filled milk bill, we earnestly request that you use your influence in getting this bill before the Senate and passed.

Telegram from Iowa Dairy Association:

Iowa dairy cattle breeders desire to see the Voigt filled milk bill prohibiting interstate movement of the product filled milk passed by Senate. Passage of bill important. We urge you do all in your power to see that bill is reported from Agricultural Committee to Senate floor.

Telegram from the Cooperative Milk Producers' Association of Dayton, Ohio:

Three thousand milk producers, members of the Miami Valley Cooperative Milk Producers' Association, urge you to support favorable report by committee on Voigt bill, H. R. 8086.

Telegram from master New York State Grange:

Passage Voigt filled milk bill at this session of Congress vital to dairy industry; dairymen New York State unanimous in demand for its immediate passage, both from standpoint of unfair competition with pure dairy products and as pure food measure in protection of health, particularly children.

Telegram from Utica Milk Local:

Our Utica Milk Local earnestly request that Voigt bill be reported out of committee. This bill will stop a flagrant, fraudulent practice in the United States, and one which does a great deal of harm and no good. It injures the foundation of one of the most important industries of the American farmer.

Telegram from Ohio State Dairy Committee:

As secretary of our State dairy committee, I am asked to request favorable action on your part on Voigt bill (H. R. 8086) now in hands of your committee. Please notify us of your action on this bill.

The following telegram from the secretary of the Ohio Farm Bureau Federation:

Ohio Farm Bureau Federation urgently requests you to support favorable action by your committee on Voigt bill (H. R. 8086). Please let us know your stand on this bill.

Telegram from master State Grange of Seattle, Wash.:

Farmers are inquiring every day why we can not do something toward pushing enactment of Voigt milk bill. The manufacture and sale of this product is so potently based upon deception that it is hard for us to understand what reasons can be causing the delay.

Telegram from the State Dairymen's Association of Nebraska:

Nebraska Dairymen's Association urgently asks that Voigt bill be reported out at your earliest convenience.

New Jersey farmers favor filled milk bill:

New Jersey farmers look to you for assistance in obtaining early favorable reports on the Voigt filled milk bill.

Farmers' Union of Nebraska indorse bill:

Farmers' Union of Nebraska desire that you use all honorable means to have the Voigt antifilled milk bill reported out of the Senate committee. Thank you.

Onondaga County Grange, State of New York, support bill:

As grange deputy of Onondaga County, State of New York, representing 4,500 men and women, I urge you in their behalf to support the Voigt filled milk bill. M. A. Terpening.

Milk producers organizations of Pennsylvania behind bill:

Milk producers organization of Lancaster County, Pa., request immediate favorable report committee on Voigt bill (H. R. 8086) and ask its prompt passage Senate.

Telegram from Everett, Wash.:

Dairymen vitally interested in Voigt bill now in your committee. House of Representatives passed bill by large majority, to satisfaction of dairymen; 1,500 dairymen in Snohomish County, Wash., request report on bill from your committee and expect favorable action for passage.

Maryland milk producers indorse Voigt bill:

Over 2,000 members Milk Producers' Association, Cecil County, Md., urge immediate favorable report Agricultural Committee on Voigt bill (H. R. 8086) and also its prompt passage.

Delaware Milk Producers' Association urge passage:

Our organization, representing producers of milk in the State of Delaware, urge immediate favorable report Committee on Agriculture on Voigt bill (H. R. 8086) and prompt favorable action by the Senate.

New Jersey Milk Producers' Association urge passage:

One thousand seven hundred members Milk Producers' Association, New Jersey, urge immediate favorable report Voigt bill (H. R. 8086) and also its passage Senate.

Dairymen's League Cooperative Association, Utica, N. Y., urge passage of bill:

Vital to dairy industry Voigt filled milk bill be passed at this session of Congress, in view of fact that filled milk is unfair competition with pure dairy products, also as pure-food measure for protection of health, particularly children; dairymen unanimous urging bill be reported out without further delay.

Connecticut Milk Producers' Association indorse bill:

The dairymen of Connecticut beg your assistance for an early and favorable report on the Voigt filled milk bill. Our industry and the consuming public both need it badly.

Allegany County farmers, New York, back bill:

The organized farmers of Allegany County ask you to use your influence to have the Ladd bill reported out at once so action can be secured this session.

New York Farm Bureau Federation indorses bill:

New York Farm Bureau Federation asks that Voigt bill be immediately reported out of committee; of great importance not alone to dairy industry but public health as well.

Six hundred Grangers want law:

Rosehill Grange, of Waterloo, N. Y., with a membership of 600, goes on record as favoring the enactment of the Voigt filled-milk bill. Your efforts in this matter will be greatly appreciated.

Five thousand Grangers, Wayne County, N. Y., want bill passed:

Five thousand Wayne County Grangers urge passage of Voigt filled-milk bill.

St. Paul, Minn., Milk Producers' Association indorses bill:

Respectfully request that you use every effort to get Voigt bill out of committee at once. Our farmers all greatly interested in this bill. Have started action for State legislation along same line and feel we must have your active support now.

Iowa creamery favors bill:

The farmers of our locality to a man are in favor of the Voigt bill. We believe for the interest of the farmers of the common West you should see that this bill passes the Senate.

Iowa State Butter Makers' Association approves bill:

The Iowa Butter Makers' Association, by their secretary, do hereby ask you to use your good influence to secure a favorable report from the subcommittee of the Committee on Agriculture now considering Voigt bill (H. R. 8086). The dairy interests of Iowa are at stake and we pray for immediate action.

The Nebraska Creamery Butter Manufacturers' Association, through its secretary, indorses the bill. The secretary of that association writes as follows:

DECEMBER 19, 1922.

Hon. E. F. LADD,
Senate Office Building, Washington, D. C.

DEAR SENATOR LADD: As secretary of the Nebraska Creamery Association I am writing you pertaining to the Voigt bill which, as you know, was most favorably acted upon by the House last spring. I am sure that 95 per cent of your constituents are favorable to this measure. It is a truly constructive bill and one which the farmers of this country, as well as those who believe in pure foods, are greatly interested in. Thanking you for what you can do, I remain,

Very truly yours,

A. L. HAECKER, *Secretary.*

Mr. President, I might add some 50 other telegrams from various parts of the country which I have since received, all indorsing the filled milk bill and urging its early passage as a means of protecting the dairy interests of this country as well as the health of the babies and children, which means a stronger manhood in the years to come.

Mr. FLETCHER. Mr. President, may I interrupt the Senator.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Does the Senator from North Dakota yield to the Senator from Florida?

Mr. LADD. I yield.

Mr. FLETCHER. Not being a member of the committee, I am not advised as to what material is used to make what is called filled milk, and am not familiar with the ingredients which compose that product. I should like to inquire why they are deleterious or harmful and injurious to health? I think the bill declares filled milk is injurious to health and condemns it very strongly. I inquire what is meant by filled milk? I should like to have the Senator explain that.

Mr. LADD. Mr. President, filled milk is a product made from skimmed milk. The butter fat is taken out of the milk, then it is replaced with coconut oil, the product produced is evaporated to the same consistency as evaporated milk, and sold very frequently under the label of evaporated milk or as milk. Filled milk is largely used as milk; it is being exported abroad as condensed or evaporated milk. It is doing exactly for our evaporated and condensed milk business what the filled cheese and the skim-milk cheese did in the eighties and nineties in this country, namely, destroying our dairy industry.

The product is injurious because the coconut oil does not contain the same constituents that are contained in the butter fat of milk, which contain what are known as vitamines, the

lack of which in the filled-milk product retards growths and produces eye trouble. There are various other vitamines; some five, I think, have now been discovered; none of these are in the filled milk but one of the most important of these is found in milk. The only source from which the child may receive this vitamine is through milk. When butter fat has been removed from milk, the vitamines have been largely taken away and there has been substituted in their place a cheap oriental oil devoid of vitamines. Filled milk is, therefore, injurious to health because of the absence of the vitamines and because it has not the same nutritive constituents as has butter fat. Yet I think it is sold in most cases as milk. Here in this city, I am informed, 156 line grocery stores sold it at the same price for which they sold evaporated milk. The average person does not know that.

With regard to these vitamines, more especially the ones in whole milk, the evidence was given before both House and Senate by leading experts in this country. I am confident that there are few, if any, abler investigators in this particular field of industry than Doctor McCollum, of the Johns Hopkins University, who appeared before the committee. He said:

I say the evidence clearly indicates that there are certain vitamines in some food products, and if any of these are absent from the diet certain nutritional difficulties are bound to arise. (Senate hearings, pp. 22 to 25.)

One of these vitamines, known as vitamine A, is found associated with milk fat, and when this butter fat is removed from the milk, the skimmed milk is nearly devoid of vitamines, while vegetable oils contain none of these vitamines. Therefore this substitute—vegetable oil—for butter fat in milk means to deprive the individual of this particular vitamine, and unless it is furnished from some other source nutritional difficulties are bound to arise, as experiments have indicated and the child receiving only milk will be deprived of this vitamine, which seriously affects the normal development of the individual and is particularly characteristic of eye troubles.

Doctor McCollum showed experiments where two animals, rats, were fed identically the same, as far as diet was concerned, with the exception that one received 10 per cent of its diet of whole milk powder. This animal maintained a healthy condition, while the one deprived of the milk powder was abnormal and failed to develop.

Another experiment, identically the same, with the exception that one set received a portion of filled milk while the other received an equal portion of evaporated milk. The two receiving the filled milk containing coconut oil failed to develop, and one receiving the coconut oil died after a short time, while the others remained normal.

In 1920 there was produced in the United States 85,000,000 pounds of filled milk, sold mostly in 1-pound containers. From the milk that produces this filled milk there had been extracted from 7,000,000 to 8,000,000 pounds of butter fat, and substituted in place of the same from 7,000,000 to 8,000,000 pounds of a cheap oriental oil—coconut oil—costing from 8 to 10 cents per pound, and when manufactured not to exceed in the filled milk 12 cents per pound.

This product is sold in competition with condensed or evaporated milk, wherein butter fat is costing from 40 to 45 cents per pound. The production of this amount of butter fat would mean the replacing of approximately 40,000 cows from the American dairymen. (House hearings, p. 174.) The evidence showed that the price at which filled milk is retailed is usually the same as that charged for evaporated milk. Doctor Larson, of the Bureau of Chemistry, Department of Agriculture (House hearings, p. 113), stated that there were a series of chain stores in Washington, and that the manager of 156 of these stores stated that he sells filled milk at 10 cents per can for the large cans, the same as charged for evaporated milk.

(House hearings, p. 169.) It is stated that one of these filled milks in New Hampshire was retailing at 17 cents, and that those who purchased this product—Carolene—thought they were securing full evaporated milk, and were amazed when they found it was not evaporated milk.

It was claimed (House hearings, p. 127) that while the wholesale price in most cases of this filled milk was $3.50 a case, the price of standard brands of evaporated milk was $5 a case. This means, then, that the middlemen or retailers are receiving an undue profit, or as one of the witnesses stated: "If the retailers are selling it at the same price here in Washington they are profiteering."

In this country we produce approximately 1,500,000,000 pounds of evaporated milk, and in 1920 we were producing 85,000,000 pounds of this filled milk.

In the House hearings, page 88, it developed that the cost of production entering into the manufacture of 48 cans of filled milk was: For skimmed milk 36 cents, and 45 cents for coconut oil, or a total cost for the ingredients in the 48 cans of 81 cents. That is, the contents of these cans therefore cost a little less than 2 cents per can, while the can cost approximately 1 cent each, a gain by the substitution of coconut oil. In Chicago evaporated milk in carload lots sold at $5 per case—48 cans—while filled milk sold at $3.60.

Fanciful names are placed on the labels, and at times it is sold under a trade name so as not to come in conflict with the law, while in other places it is labeled and sold as condensed or evaporated milk.

Mr. FLETCHER. Is the coconut oil all imported?

Mr. LADD. The coconut oriental oil is all imported. It displaces an equal amount of our own products. It displaces the butter fat and is injuring the dairy interests very largely. Coconut oil is produced with cheap labor in oriental countries and brought in here at from 7 to 10 cents a pound to compete with butter fat costing around 40 cents a pound. There is no opportunity for competition; there is no opportunity for the dairyman to compete with it; and unless its manufacture is prohibited in this country, the dairy industry will be largely destroyed.

Mr. FLETCHER. May I ask the Senator if cottonseed oil or peanut oil are used in making so-called filled milk?

Mr. LADD. They are not. No oils of that character can be used, because their flavor and other properties make it impossible to use them satisfactorily. There must be used an oil that is entirely bland, so that it can not be detected in milk. Cottonseed oil would give a taste and flavor that would be objectionable.

Filled milk, therefore, is coming in competition with our dairy products. It is a cheap product that is sold just sufficiently below the price of the real milk article as to induce the public to buy it. It is not helping the people of this country, but is going to destroy the dairy interest.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kentucky?

Mr. LADD. I do.

Mr. STANLEY. If I correctly understand the Senator, the use of coconut oil in substitution for butter fat in the production of this commodity gives a product that is less nutritious than condensed milk made from the whole milk?

Mr. LADD. Yes; because the coconut oil has not the same food value.

Mr. STANLEY. Exactly; coconut oil has not the same nutritive qualities as has milk?

Mr. LADD. It has not the same nutritive qualities as has milk. In the skimmed milk used as a basis there is introduced a cheap oil that has not the same nutritious and food value and which can not take the place of milk for the young growing child who depends wholly on milk for its source of food and for the vitamines so necessary for growth and health. Therefore the filled product is injurious to the public health.

FILLED MILK CONDEMNED.

In a bulletin of the Wisconsin experiment station, appearing in the Senate hearings, page 244, it is stated that—

The use of "filled" milk for infant feeding is intolerable and should be prohibited by law, since many mothers of limited means do not know the dangers of filled milk they are bound to use it when available. In the interest of public welfare, it is desirable to entirely prevent its sale and manufacture.

Doctor Alsberg, formerly head of the Bureau of Chemistry, now of the Leland Stanford University, California, in a letter dated June 3, 1921 (Senate hearings, p. 225), said:

A milk product in which the natural butter fat has been substituted wholly or in part by vegetable oil or fat such as coconut oil does not have the same nutritive value as one in which no such substitution has been made in which there are valuable vitamines, while coconut oil contains little or none of this vitamine.

Doctor Goldberger, medical officer, United States Health Service (Senate hearings, p. 266), speaking with regard to filled milk, says:

The reason, or probably the principal reason, why it would not serve exactly the same purpose as natural milk is that the first step of preparation of skimmed milk in removing the butter removes a certain food essential, named a vitamine, vitamine A, and the addition of the vegetable fat does not replace this element, although it replaces the fat and the caloric value; and, secondly, food so constituted is, by comparison with an equivalent amount of milk, poorer in this dietary essential of vitatime A, and it is a dietary essential that is quite important, particularly important in young children and infants whose diet is naturally a restricted one and is likely to be restricted entirely to milk, and in such instances it would be necessary to add some other source of this vitamine in order to make the diet of a child complete. Without this other addition, the nutrition of the child would be likely to suffer.

Mr. STANLEY. Mr. President, will the Senator pardon a further interruption?

Mr. LADD. Certainly.

Mr. STANLEY. I thoroughly understand that filled milk, being made from coconut oil or containing coconut oil and other ingredients, is not as nutritious as if it contained butter

fat; but what I was trying to get at was whether filled milk made by the use of coconut or other vegetable oils was possibly injurious as a food product.

Mr. LADD. Doctor McCollum, of Johns Hopkins University, formerly of Wisconsin University, whom I consider in his particular field one of the ablest nutrition investigators in America, states that it is positively injurious, especially to the child.

Mr. STANLEY. Is it positively injurious to people generally?

Mr. LADD. Not to grown people, for they can get the vitamines from some other source.

Mr. STANLEY. It is injurious, then, because it does not supply the food values that are essential to the child?

Mr. LADD. That is correct.

The evidence before the Senate—page 7—shows deception in labeling. On one of these filled milks it is stated:

Nutro is prepared in rich dairying sections of Indiana and Wisconsin; is made from fresh pure cow's milk with the butter fat extracted and refined coconut oil added.

Again, they say:

Nutro is a delicious and nutritious new milk product.

In one of their advertisements they state:

It is prepared in the rich dairying districts of Wisconsin and Indiana and made of pure rich cow's milk with the animal fats extracted.

They further add:

And essential food values replaced by a refined, rich, sweet, pure, vegetable coconut oil.

Thus giving the impression that there is something in milk—the animal fat—that has been removed that may be deleterious. They further claim:

Nutro is pure, delicious, wholesome. It is prepared in model dairies from pure cow's milk, evaporated to double strength.

In the Senate hearings, page 12, it is clearly set forth that dealers keep the product on the same shelves with condensed and evaporated milk, frequently sell it at the same price, although it costs considerably less, and, according to the testimony, claim that the product is equally as good. One dealer said:

It is good. We sell more Hebe than any other; better for puddings than fresh milk; just as good as the other.

Another said:

It was certified by the board of health.

Which it is not. Another said:

I sell very much, and people give it to children.

Another said:

Of course it is good for children.

Another:

It is as good as the other; it is good for children.

Another said:

It is as good as the other, and I recommend it for children.

In the House hearings, page 168, it was stated that—

Borden's condensed milk and Hebe they charge the same as for evaporated milk—10 cents. When asked the question, "Which is better for house use?" four stores stated, "One is just as good as the other."

I will name now some of the States that prohibit the manufacture or sale of this product within the State:

New Jersey prohibits the manufacture and sale of condensed or evaporated milk to which have been added, blended, or compounded any fats or oils other than milk fats.

New York prohibits the manufacture and sale of condensed evaporated milk, and so forth, to which have been added any fats or oils other than milk fats in semblance of milk or condensed milk.

Wisconsin, Florida, Maryland, Ohio, California, Oregon, and Utah prohibit it; and, as I have said, Washington has just passed a law prohibiting it; and Washington, I believe, is the second largest State for its manufacture.

STATE LAWS.

(Senate hearings, p. 253.)

New Jersey prohibits the manufacture and sale of condensed or evaporated milk to which has been added, blended, or compounded any fats or oils other than milk fats.

New York prohibits the manufacture and sale of condensed or evaporated milk, etc., to which has been added any fats or oils other than milk fats in semblance of milk or condensed milk.

Wisconsin prohibits the manufacture or sale of condensed or evaporated milk or any other derivatives of milk to which has been added any fat or oil other than milk fat.

Florida prohibits the manufacture or sale of condensed or evaporated milk which is not made of pure milk from which no part of the cream has been removed and which does not contain specified percentages of milk solids and butter fat.

Maryland laws prohibit the manufacture or sale of condensed, evaporated, or preserved milk which is not manufactured from pure milk from which no part of the cream has been removed and which does not have certain high specified percentages of milk solids and butter fat.

Ohio prohibits the manufacture or sale of condensed milk which is not made from whole milk and which does not have a solid content equivalent to 12 per cent in whole milk and a butter-fat content equivalent to 3 per cent.

California: Imitation milk is defined to be any mixture or compound made of milk, skimmed milk, or any semblance thereof to which has been added any edible oil or fat other than natural milk fat.

Oregon places substantially the same restrictions upon the manufacture and use of milk as California.

Utah essentially the same.

They recognize that while it is injurious, it is worse than that, in that it is destroying the dairy interests of the State of Washington, as it was destroying the dairy interests of the State of Wisconsin, and that in a few years they will be in the same condition as was this country with filled cheese when there was no foreign market for American cheese.

During the eighties and early nineties skimmed-milk cheese was largely made, and filled cheese came later to be a prominent feature, and these products exported abroad practically ruined the American cheese industry, so much so that American cheese of the best quality had to be shipped from Montreal as Canadian cheese in order to find a market abroad.

FILLED MILK EXPORTED.

The New York Globe of last fall stated that "there were persistent rumors of filled or adulterated milk being sold at down-town districts of that city. The food department prosecuted one of the largest wholesale-grocery houses in New York for selling that class of milk and they were fined $3,000. While innocent themselves, they had bought milk from the Rogers Milk Corporation, which also puts out a pure product, and food officials charged that the milk fat had been removed from the product and that in its place a vegetable oil had been substituted, so that the mixture consisted of a product fraudulently labeled compound or skimmed milk and foreign fat.

Another case was a shipment of 1,900 cases of condensed milk to Austria, under date of March 15, 1922, which was purchased from the Danish Pride Milk Products Co. by a company and it was labeled "This can contains pure cow's milk evaporated to a consistency of plain condensed milk and is guaranteed by the manufacturer." Examination in Austria showed it to be evaporated filled milk containing coconut oil in spite of the fact that it was labeled as "pure cow's milk evaporated." It bore the label of "Pantry Brand," but beneath these labels, in many cases, was to be found another label, "Enzo Brand."

This is not an innocent sale, for records would indicate that the product had been previously sold to another New York corporation and later rejected because it was misrepresented.

There are court records here of an instance where 1,900 cases of this milk were sold and shipped abroad to Germany, labeled as pure evaporated milk, and it was discovered after it reached Germany that it was this special product from which all the butter fat had been extracted and coconut oil had replaced it. It was then returned to this country, and those who shipped it from this country paid a heavy fine for the shipment.

In the same way, another firm in New York City was prosecuted for selling the product as pure evaporated milk when it was known to be skimmed milk to which vegetable fats had been added; and that firm paid a fine, I think, of $3,000. The commissioner of public health in New York, now elected as Senator from New York, Doctor COPELAND, has taken steps to prohibit the sale of filled milk within the cities of New York and Brooklyn, and is making war against it, and is determined that it shall not be sold.

I feel that it is our duty to enact this bill into law, so that the farmers and dairymen of this country shall be protected. If Senators will examine the report that accompanies this bill, I think they will find the facts pretty fully set forth; but at present I will not talk longer on the bill. The Senator from Ohio [Mr. WILLIS], I understand, desires to address the Senate in regard to it.

Mr. WILLIS. Mr. President, it is with very great regret that I have to say that I shall be compelled to vote against the motion made by the Senator from North Dakota.

As the Senator knows, I am very friendly to this bill. I have had a very humble part in bringing it to its present state. I believe it ought to be passed. I may say in passing that if the Senate had the rules that it ought to have to enable a majority of the Senate to transact business, there is ample

time for the consideration of this bill as well as of the shipping bill and other measures that ought to be acted upon before adjournment; but here is the situation which confronts us:

The shipping bill has been before the country and before the Congress for a long time. The Senator from Washington in charge of the bill has been very generous in yielding to everybody—not too generous, I think, but he has not sought to shut out other legislation. Now, however, we are approaching the close of the session. I think the country expects that the Senate will vote on the shipping bill. There are some things in it that I do not like, and there are more things that somebody else may not like, and other features that other Senators may like. At all events, it is a matter upon which the Senate ought to vote. To me it is perfectly apparent that if this bill is taken up at this time we shall probably get into such a legislative jam that neither bill will be voted upon.

For that reason, Mr. President, without going into a detailed discussion of the bill, I wish to state that I am in favor of the bill which the Senator from North Dakota seeks to bring up. I believe it is justified on the same basis on which we have passed the pure food laws, and that we will, if we get to a vote, pass the truth in fabrics bill, that the people are entitled to know what it is that they are buying; but I very much fear that if we bring up the bill we will not get to a final vote on it, and certainly we will not get to a final vote on the shipping bill. For that reason I shall feel compelled to vote against the motion made by my friend from North Dakota.

Mr. JONES of Washington. Mr. President, I am in favor of the bill that the Senator from North Dakota has moved to take up. I feel satisfied that we have an abundance of time to pass the bill after the shipping bill is disposed of. There is no reason in the world why the Senate at this session should not vote upon these various measures. If this motion prevails, those who are opposed to the filled milk bill—and I understand that there are quite a number of Senators who are opposed to it—will feel justified, of course, in taking up a great deal of time, not in a way to delay that bill, but, of course, to delay the shipping bill.

As the Senator from North Dakota says, I have tried to arrange matters so that this bill could be taken up. I had hoped that the morning hour last Saturday could have been given to this bill. I understood that that would be done, but it was not done.

Mr. CURTIS. Mr. President, is it not true that the Senator offered to give an hour and a half this morning to the consideration of this bill?

Mr. JONES of Washington. Yes; I offered to give an hour and a half to its consideration.

Now, Mr. President, I move to lay on the table the motion of the Senator from North Dakota; and pending that I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ball	Frelinghuysen	McKellar	Sheppard
Bayard	George	McKinley	Shields
Borah	Glass	McLean	Shortridge
Brookhart	Gooding	McNary	Smith
Broussard	Hale	Moses	Smoot
Bursum	Harreld	Nelson	Spencer
Calder	Harris	New	Stanfield
Cameron	Harrison	Nicholson	Stanley
Capper	Heflin	Norbeck	Sterling
Caraway	Hitchcock	Norris	Sutherland
Colt	Johnson	Oddie	Swanson
Couzens	Jones, N. Mex.	Overman	Townsend
Culberson	Jones, Wash.	Owen	Trammell
Cummins	Kellogg	Page	Underwood
Curtis	Keyes	Pepper	Wadsworth
Dial	King	Phipps	Walsh, Mass.
Dillingham	Ladd	Pittman	Walsh, Mont.
Edge	La Follette	Poindexter	Warren
Ernst	Lenroot	Ransdell	Watson
Fernald	Lodge	Reed, Mo.	Weller
Fletcher	McCormick	Reed, Pa.	Willis.
France	McCumber	Robinson	

The PRESIDING OFFICER. Eighty-seven Senators having answered to their names, there is a quorum present.

Mr. JONES of Washington. Mr. President, I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Washington [Mr. JONES] to lay on the table the motion made by the Senator from North Dakota [Mr. LADD] to take up for consideration H. R. 8086, known as the filled milk bill. The yeas and nays have been ordered.

Mr. FRELINGHUYSEN. Mr. President, I want to state my position——

Mr. JONES of Washington. The question is not debatable.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. HARRISON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARRISON. Is it in order at this time to request the Senator from Washington not to object to Senators discussing the merits of these two bills?

Mr. JONES of Washington. I ask for the regular order.

The PRESIDING OFFICER. The regular order has been called for. The Secretary will call the roll.

The yeas and nays were taken.

Mr. CURTIS. I desire to announce that the Senator from West Virginia [Mr. ELKINS] is paired with the Senator from North Carolina [Mr. SIMMONS].

Mr. WATSON (after having voted in the affirmative). I transfer my pair with the senior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from Connecticut [Mr. BRANDEGEE] and permit my vote to stand.

Mr. WILLIS (after having voted in the affirmative). I am paired with my colleague [Mr. POMERENE], and not knowing how he would vote, in his absence I will be compelled to withdraw my vote.

The result was announced—yeas 42, nays 44, as follows:

YEAS—42.

Ball	Frelinghuysen	McLean	Shortridge
Broussard	Hale	Moses	Smoot
Calder	Harreld	Nelson	Spencer
Colt	Johnson	New	Townsend
Cummins	Jones, Wash.	Oddie	Underwood
Curtis	Kellogg	Page	Wadsworth
Dial	Keyes	Pepper	Warren
Dillingham	Lenroot	Phipps	Watson
Edge	Lodge	Poindexter	Weller
Ernst	McCumber	Ransdell	
Fernald	McKinley	Reed, Pa.	

NAYS—44.

Bayard	George	McCormick	Sheppard
Borah	Glass	McKellar	Shields
Brookhart	Gooding	McNary	Smith
Bursum	Harris	Nicholson	Stanfield
Cameron	Harrison	Norbeck	Stanley
Capper	Heflin	Norris	Sterling
Caraway	Hitchcock	Overman	Sutherland
Couzens	Jones, N. Mex.	Owen	Swanson
Culberson	King	Pittman	Trammell
Fletcher	Ladd	Reed, Mo.	Walsh, Mass.
France	La Follette	Robinson	Walsh, Mont.

NOT VOTING—10.

Ashurst	Gerry	Pomerene	Willis
Brandegee	Kendrick	Simmons	
Elkins	Myers	Williams	

So the Senate refused to lay Mr. LADD'S motion on the table.

Mr. OWEN obtained the floor.

Mr. UNDERWOOD. Mr. President, I ask the Senator from Oklahoma to yield to me for a moment or two to say something in regard to the motion just voted on.

Mr. OWEN. I yield.

Mr. UNDERWOOD. Mr. President, I want to make a statement in regard to the vote I have just cast. The question being on a motion to lay on the table, of course I had no opportunity to say a word before the vote was taken. I want to let the RECORD show what I know we already know, that the vote on the filled milk bill was merely an incident in connection with the action of the Senate. The real issue was the displacing of the shipping bill.

I am opposed to the shipping bill, and I am opposed to the filled milk bill. I think they are both bad bills, and both based on the same principle. The purpose of one is to give a subsidy out of the Treasury to develop industry, and I am opposed to that in principle. The object behind the other is to use the power of legislation to destroy one industry in order that another industry may have a larger field in which to operate its business.

So, of course, when I had two bad bills before me, it was somewhat difficult for me to determine what to do; but realizing, of course, that if the filled milk bill got the right of way it would pass, notwithstanding my objection, I voted in favor of the motion to lay on the table.

I think the line of legislation involved in this filled milk bill is bad. It is nothing new with me. From the beginning of my service in Congress—for 20 years—I have voted against oleomargarine bills, not that I did not want regulation, but because I believed such legislation was an effort to tax one food product out of existence in order that another food product might have a wider market. I believed that the tax and the impediments laid on oleomargarine were discriminations against the poor man's food in favor of those who

could pay higher prices, and, oleomargarine being a pure-food product, I have never seen why the poor man, who has not the opportunity and the money to buy Elgin butter, should not be allowed to buy the next best thing he could get, untaxed and colored to suit his palate. I regard this pending filled milk bill as exactly in that category.

If it was deleterious to life or health, the laws which are now on the statute books would prevent its sale. Of course I know it is not as good a food product as butter, but a great many people can not buy butter and they can buy skimmed milk mixed with vegetable oil, which to some extent satisfies their palate. Apparently it is not deleterious to health and the proof of that is that it is not excluded. If it was deleterious to health, the present laws would exclude it. If it is not, I am not going to vote for a class of bills that would lay an embargo on what the very poor of the country have got to eat. That is the reason why I am opposed to the bill.

On the other hand, I want to say this about the shipping bill: I have never voted for a subsidy of any kind. I have never voted for a protective tariff on any article. I have never voted for any other subsidy in that class of legislation and I do not believe in it. I am opposed to the present shipping bill for that reason, although I should be very much delighted if the great shipping of the country could be developed and made to function along legislative lines for which I could afford to vote.

But I am opposed to the defeat of the shipping bill by indirection. There are certain great principles that may be involved in votes in the Senate where human rights and human liberty and fundamental principles of our Government are at stake when I would not hesitate for a moment to use any legislative power I possess to prevent the passage of a bill. But when it comes down merely to a question of dollars, when it is purely an economic question, I think the majority have a right to register their position. Last summer I was very much opposed to the tariff bill. I thought it was a radically bad bill, but after we had properly presented our position to the country and allowed the country to know our position in the matter, we allowed the majority party to pass the bill.

It could have been held here without any question until this good hour if we had desired to filibuster it to death, but it was an economic measure, and, in my opinion, the majority had the right to determine what the country should do.

Let me say to the majority now, however, that if you pass the shipping bill it will come back to your door within a week after you have passed it. I do not believe it will function. I do not believe it will produce the result you expect. I believe it will be a disappointment to the country. I believe it is fundamentally wrong. But being a purely economic question, so far as I am concerned, I am willing to let you vote on it. Of course, I represent nobody in this statement except myself, as is shown by the vote which has just been cast, but I want the RECORD to show my position. When the shipping bill has had a reasonable discussion I am willing to take a vote on it. I think it will be a mistake to pass it, but the majority have the right to register the result of their conclusions, because they are a majority of the Congress. I think you have had a reaction against your own measure by your own people to-day, and that you will have the same reaction if you pass the shipping bill, but I think the way to find out is to give an opportunity for a vote after reasonable debate, and if you can then command a majority you are entitled to have the will of the majority placed on the statute books. Therefore I voted as I did a moment ago.

I thank the Senator from Oklahoma for his courtesy in allowing me to make the statement.

BELLEAU WOOD MEMORIAL ASSOCIATION.

Mr. OVERMAN. Mr. President, will the Senator from Oklahoma yield to me to submit a report?

Mr. OWEN. I yield if it will take no time.

Mr. OVERMAN. I think it will take only a moment. From the Committee on the Judiciary I report back favorably with an amendment the bill (S. 4552) to incorporate the Belleau Wood Memorial Association, and I submit a report (No. 1166) thereon.

The bill provides for a charter for the good women of the country who have organized themselves together and raised the money to purchase Belleau Wood and to make permanent that battle field, consecrated by the lives of 3,000 brave American boys. They have secured an option on the property. The option expires in March. The charter which they have secured from one of the States is not sufficient to enable them to obtain a charter in France, as they are advised by attorneys.

I ask unanimous consent for the immediate consideration of the bill granting them a charter in order that they may purchase the property. They have the money now on hand, and I hope the measure may be passed at once.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Carolina?

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

The amendment of the committee was to strike out lines 11 and 12, on page 1, and lines 1 to 11, inclusive, on page 2, and to insert:

SEC. 2. That the purposes of this corporation shall be: (a) To acquire and maintain the whole or any portion of Belleau Wood, Department of Aisne, France, for memorial purposes; (b) to erect such buildings and monuments and establish such institutions thereon as it may deem appropriate as a memorial to the men of the American Expeditionary Forces who participated in the Battle of Belleau Wood, France, and vicinity during the World War; (c) to solicit and obtain members; (d) to charge and collect membership dues and to solicit and receive contributions of money to be devoted to carrying out such purposes; and (e) to care for and maintain such memorial.

So as to make the bill read:

Be it enacted, etc., That Ira E. Bennett, Tasker H. Bliss, Nathalie Boynton, Marie Moore Forrest, Elizabeth Van Rensselaer Frazer, James E. Freeman, Margaret Overman Gregory, Harry V. Haynes, John A. LeJeune, A. L. McClellan, Wendell C. Neville, Frank B. Noyes, John Barton Payne, Augusta Reath, Alice Hay Wadsworth, John Walsh, and their associates and successors, are hereby created a body corporate by the name of "Belleau Wood Memorial Association."

SEC. 2. That the purposes of this corporation shall be: (a) To acquire and maintain the whole or any portion of Belleau Wood, Department of Aisne, France, for memorial purposes; (b) to erect such buildings and monuments and establish such institutions thereon as it may deem appropriate as a memorial to the men of the American Expeditionary Forces who participated in the Battle of Belleau Wood, France, and vicinity during the World War; (c) to solicit and obtain members; (d) to charge and collect membership dues, and to solicit and receive contributions of money to be devoted to carrying out such purposes; and (e) to care for and maintain such memorial.

SEC. 3. That the corporation (a) shall have perpetual succession; (b) may sue and be sued; (c) may adopt a corporate seal and alter it at pleasure; (d) may adopt and alter by-laws not inconsistent with the Constitution and laws of the United States or of any State; (e) may establish and maintain offices for the conduct of its business; (f) may appoint officers and agents; (g) may choose a board of trustees consisting of not more than 15 persons nor less than 5 persons to conduct the business and exercise the powers of the corporation; (h) may acquire, by purchase, devise, bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of such real and personal property as may be necessary or appropriate for its corporate purposes, and especially the whole or any portion of Belleau Wood, Department of Aisne, France, to the extent that it may be or become consistent with or permitted by the laws of the French Republic; and (i) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created.

SEC. 4. That the Belleau Wood Memorial Association, a corporation heretofore incorporated under the laws of the District of Columbia, is authorized to transfer to the corporation created by this act all of its property, rights, and assets, and such corporation is authorized to receive all of such property, rights, and assets. Upon such transfer, such association shall thereby be dissolved, and such corporation shall be liable for all the obligations of and claims against such association, and all of such obligations and claims may be enforced against the corporation.

SEC. 5. That the corporation shall, on or before the 1st day of December in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year, including the full and complete statement of its receipts and expenditures. Such reports shall not be printed as public documents.

SEC. 6. That the right to alter, amend, or repeal this act at any time is hereby expressly reserved.

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.

PROPOSED INTERNATIONAL CONFERENCE.

Mr. OWEN. Mr. President, this morning I sent to the desk a Senate resolution, which I ask may be read.

The VICE PRESIDENT. The Secretary will read as requested.

The reading clerk read the resolution (S. Res. 445), as follows:

Resolved, That the President of the United States is requested to invite all the nations of earth, whether they have adhered to the covenant of the league or not, to attend, in the city of Washington, United States of America, a three months' international economic conference for the promotion of international trade and understanding, and a conference for the establishment throughout the world of the territorial integrity and political independence of every nation, great and small, and the abolition of war.

Mr. OWEN. Mr. President, the time has come when the United States Senate should perform the duty of voicing throughout the world the doctrine of international justice, of international righteousness, and understanding, the doctrine upon which the peace of the world and the happiness of mankind must be based. If eventually, why not now?

The world is looking for the moral leadership of the one great disinterested, self-governing Nation.

The World War demonstrated the enormous physical power of the United States. It demonstrated its power to produce at

high speed quantity and quality of munitions of war. It demonstrated the power of a peaceful democracy to organize for war. It demonstrated the power of our Republic financially, for without a quiver it raised forty thousand millions of dollars to finance the war and establish liberty and justice in the world. It demonstrated our unselfishness.

The statesmen of Europe are directly and indirectly appealing to America to point the path of peace and liberty. These appeals come from Great Britain, from Italy, from Belgium, from France, and from Germany.

From yesterday's press I clipped the following:

BRITISH LABORITES SEND APPEAL TO PRESIDENT—88 MEMBERS OF COMMONS ASK MR. HARDING TO SAVE EUROPE.

(By the Associated Press.)

LONDON, February 17.—Eighty-eight laborite members of the House of Commons have signed the following cablegram to President Harding:

"America, with Great Britain, unwittingly has made France's present destructive action possible. We appeal for American cooperation to-day as the one hope of saving Europe."

President Baltasar Brum, of Montevideo, Uruguay, on February 10, made public a plan for an association of American nations which the delegation of Uruguay is to lay before the Pan American Congress at Santiago, Chile, next month, an abstract of which I hereto attach as Exhibit A.

The substance of President Brum's proposal is that the American nations should have a Western Hemisphere association to encourage the idea that international relations are founded upon the principles of justice and solidarity, regardless of differences of race, customs, or religion, to intensify inter-American friendship and friendly relations with other countries of the world, and to solve by arbitration international conflicts and preserve the sovereignty and territorial integrity of every nation.

On Saturday, February 10, I submitted to the CONGRESSIONAL RECORD House Resolution No. 16 of the Legislature of Oklahoma, as follows:

Whereas it is made known by the American press that conditions in continental Europe grow daily worse; that nations, great and small, are tottering, unable to pay expenses; and

Whereas suffering among the people is increasing, famine threatens here and there, unemployment is growing, and a spirit of suicidal desperation has settled down over half the world; and

Whereas if step follows step and a new world war results this conflict by comparison will bleach the red horror of the last one, sweeping us along with the rest; and

Whereas the time to avert the European crisis is before it leads to a new conflict of nations: Now, therefore, be it

Resolved by the House of Representatives of the Ninth Legislature of the State of Oklahoma, That we memoralize the Congress of the United States to give its sympathetic consideration to the following basic plan for a return to world sanity:

First. That the United States must assume the leadership;

Second. That at the first possible opening President Harding should call a conference of the leading World War powers;

Third. That the program at this conference should be in two sections, economic problems and limitation of armaments;

Fourth. That instantly the conference is called to order America's spokesman should lay before the assembly some specific plan of world rehabilitation which might involve an international moratorium on war debts and an international loan to the worst stricken nations; and be it further

Resolved, That a copy of this resolution be sent to each Member of the Oklahoma delegation in Congress.

Adopted by the house of representatives this the 24th day of January, 1923.

CHAS. S. BRICE,
Speaker pro tempore of the House of Representatives.

This resolution from Oklahoma might be regarded as a motion in the assembly of nations and to all mankind calling for intelligent, concrete action, and a conference to promote commerce and end war. I ask the Senate of the United States to consider this proposal coming from the heart of America, from a legislature just elected by the people, a body of representatives who know and feel what the sentiment of the people is.

The proposal for action is timely. It is entitled to serious consideration and to a decision.

The Senator from Idaho [Mr. BORAH] on January 29 voiced from the State of Idaho in Senate Resolution 426 a conception similar to that which appeared in the Oklahoma Legislature. I am in accord with the Senator from Idaho, and would go still further concretely, directly, and simply. The time has come for action. The resolution of the Senator from Idaho represents the aspiration of the large majority of Americans.

On May 9, 1921, the Senator from Wisconsin [Mr. LA FOLLETTE] introduced Senate Resolution 74, protesting against the United States cooperating to carry into effect and enforce the terms of the treaty of Versailles, on the ground that the treaty of Versailles was influenced too largely by revenge; that it was a betrayal of the promises of the United States made to the world and formally accepted by the Allies as the basis of the peace terms; that the Senate of the United States had refused to ratify it; that the people of the United States had indorsed the action of the Senate in objecting to the Versailles treaty.

The Senator from Wisconsin was reelected and renominated after this declaration by an overwhelming vote in Wisconsin. He represents also a very considerable element of public opinion in the United States.

Mr. President, the peoples of the world should no longer permit themselves to be put in danger of world war by the ambition, vanity, or self-sufficiency, or by the mere patriotism and physical courage of national leaders who demand the invasion of the sovereignty and territorial integrity of other nations on any ground, real or fanciful.

The chief reason the invasion of Germany by French leaders is objectionable is because it is a denial of these fundamental international principles and because the remedy of French invasion is worse than the disease of German evasion. The Germans ought to be made to pay the reparations due, and the world ought to require it, but the French invasion of Germany by military force is building up hostilities so intense that it may again produce a world war without obtaining the justice to which the French people are undoubtedly entitled. Senators should not be deterred from expressing their honest opinions by the unthinking charge that they are taking sides with Germany against France. The principles of international justice must be declared without respecting persons or nations. It has been said that "God is no respecter of persons," and justice and liberty are the divine principles through which the peace and happiness of mankind must be secured, and these principles must not be twisted by either hate or love of any nation, whether French or German.

It is well to remember that there ought always to be made a broad distinction between the people and those who govern the people. The people can hardly be held morally responsible for things done against their will and without their consent by those who govern them without their consent, and this is why the subjects of the former Teutonic imperialists are entitled to some consideration because their consent was not asked. Their opinions were enslaved and the people were driven by a brute military force organized to the last degree, which meant a summary death to any individual who dared refuse obedience.

How could the President of the United States have made clearer the distinction between the people who were subject and the rulers who subjected them without their consent in the Central Empires than he did in his address to the joint session of the two Houses of Congress January 8, 1918?

The President's address of January 8, 1918, was in answer to the desire of the spokesman of the Central Empires "to discuss the objects of the war and the possible bases of a general peace," and he spoke for the Entente Allies and all of them. He spoke expressly for the United States and for all the governments and peoples associated together against the imperialists.

The President said in regard to this:

We (the associated nations) can not be separated in interests or divided in purpose. We stand together until the end. For such arrangements and covenants (the 14 points) we are willing to fight and to continue to fight until they are achieved.

The President said:

We have no jealousy of German greatness, and there is nothing in this program that impairs it. We grudge her no achievement or distinction of learning or of pacific enterprise such as have made her record very bright and very enviable. We do not wish to injure her or to block in any way her legitimate influence or power. We do not wish to fight her either with arms or with hostile arrangements of trade if she is willing to associate herself with us and the other peace-loving nations of the world in covenants of justice and law and fair dealing. We wish her only to accept a place of equality among the peoples of the world—the new world in which we now live—instead of a place of mastery.

President Wilson said further in this address:

An evident principle runs through the whole program I have outlined. It is the principle of justice to all peoples and nationalities and their right to live on equal terms of liberty and safety with one another, whether they be strong or weak. Unless this principle be made its foundation no part of the structure of international justice can stand. The people of the United States could act upon no other principle; and to the vindication of this principle they are ready to devote their lives, their honor, and everything that they possess. The moral climax of this the culminating and final war for human liberty has come, and they are ready to put their own strength, their own highest purpose, their own integrity and devotion to the test.

Who did the President speak for? He spoke for France, for Great Britain, for Italy—for the Allies as well as for the people of America—and the Allies adopted these principles, and on this declared basis the German leaders and the German people surrendered. Have we forgotten these 14 points? They are express covenants with Germany and the world. Can they ever be forgotten in international affairs? The 14 points were 14 explicit, contracted obligations. What are they?

1. Open covenants of peace. No private international understandings.

2. Freedom of the sea.

3. Removal of economic barriers. Equality of trade conditions.

4. Adequate guaranties to reduce national armaments to the lowest point consistent with domestic safety.

5. Absolutely impartial adjustment of all colonial claims, recognizing of equal right the sovereignty of the populations concerned with the equitable claims of governments whose title is to be determined.

6. The treatment of the Russian people—political independence and welcome into the society of free nations under institutions of her own choosing.

7. The evacuation and complete freedom of Belgium.

8. The restoration of Alsace-Lorraine to France.

9. The readjustment of the frontiers of Italy along clearly recognizable lines of nationality.

10. The freest opportunity of autonomous development of Austria-Hungary.

11. The evacuation of Rumania, Serbia, and Montenegro. The political and economic independence and territorial integrity of the several Balkan States.

12. The sovereignty to the Turkish portions of the Ottoman Empire, security to nationalities under Turkish rule, their autonomous development, and the opening of the Dardanelles.

13. The political and economic independence and territorial integrity of Poland inhabited by indisputably Polish populations.

14. A general association of nations must be formed under specific covenants for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike.

These are the covenants that the President of the United States declared "we (the Allies) are willing to fight for." Human liberty, international justice—this was the moral climax of the war. These were the objects put in concrete form for which we fought.

The authorities of the British Empire, the leaders of France, of Italy, of Japan accepted the doctrine laid down by Woodrow Wilson. These are the things for which America sacrificed. These are the things for which our American soldiers died. *They did not lay down their lives to establish the principles of injustice, of territorial aggrandizement, of military ambition,* or to support the petty vanities of any human leadership.

These are the pledges on which as a solemn contract the Germans laid down their arms and the Prussian military dynasty forever.

Mr. President, it is said that all legislation is a matter of compromise, and the treaty of Versailles was a matter of compromise. It has been, however, demonstrated that Woodrow Wilson used every ounce of his energy—social, physical, and moral—to get these 14 contracted terms and points recognized. If he did not succeed absolutely and completely, it was not because he did not go to the utmost limit of his powers. Perhaps he might have succeeded if he had had the whole-hearted support and understanding of all the American leaders. Unhappily, party divisions, party ambitions, party prejudices, perhaps, seriously weakened his efforts and did the world great injury.

I am sure that he believed that time would correct the failure of the Versailles treaty to fully meet the obligations to the world under the 14 points, such as self-government to the people of Shantung, to the people of Ireland, to the people of Egypt, and the matter of reparations. The Shantung controversy has settled itself. The Irish people have been given self-government. Large concessions have already been made to the people of Egypt, and various concessions have been made in the reparations matter; so that his foresight and hope have not been entirely disappointed nor without reason.

The doctrine of the right to rule without the consent of the governed has been almost entirely abandoned throughout the world. The doctrine of democracy, the right of the people to govern themselves, the doctrine of liberty, of the sovereignty of the people, their right to political independence and territorial integrity, is now a generally accepted doctrine throughout the world. The military autocracies have been annihilated.

Woodrow Wilson made a gigantic effort to convince the American people of the importance of accepting the Versailles treaty and the covenant of the league. He pointed out in many speeches throughout the country how the entry of the United States into this treaty, into the league, would give stability to the nations of the world; would bring disarmament, international peace, and a rapid restoration of the productive powers of mankind under the happy influence of complete international peace terms; that the Senate of the United States had refused serious and prolonged illness, for he was not physically strong when he entered upon the duties of the Chief Executive, and only by the most careful daily effort had he been able to keep himself equal to his task. In the fall of 1919 he was no longer physically able to carry on this contest. He was as much a martyr to the public service as any soldier that ever fell in battle, and history will in due time accord him the high place which his very great services justify.

Mr. President, America owes a duty to the world and to its own future to take the invited initiative in organizing the world to recognize the principles of international justice, liberty, and good understanding, and of the right of every nation, great or small, to territorial integrity and political independence.

WHAT ARE THE OBJECTIONS?

Certainly, Mr. President, there can be no objection to the United States giving voice to these principles in which we all unanimously believe, and a formal declaration would go far to strengthen these political doctrines throughout the world.

Certainly our entry into the League of Nations, with such reservations as Congress might see fit, would wonderfully stimulate the great doctrines of liberty and international justice set forth in the covenant of the league.

THE ELECTION OF 1920.

Mr. President, there are those who imagine that the election of 1920, and there are those who have carried on a propaganda to the effect that the election of 1920, was a mandate from the American people not to enter the League of Nations. Nothing could be more absurd or so injurious to the world's interest as this pretension. If this grotesque notion that the American people voted against the League of Nations in the election of 1920 prevails it would mean the abandonment by America of the moral leadership of mankind.

The election of 1920 meant nothing of the kind. Both parties were committed to the covenant of the League of Nations. The Democrats voted for it without reservations and with reservations. The Republican Senators voted for it with reservations and some without reservations, and only a negligible number voted against it. The Democratic Party made it an issue in the campaign of 1920 and made the following declaration:

> The Democratic Party favors the League of Nations as the surest, if not the only, practicable means of maintaining the peace of the world and terminating the insufferable burden of great military and naval establishments.
>
> It was upon this basis that the President of the United States, in prearrangement with our allies, consented to a suspension of hostilities against the Imperial German Government; the armistice was granted and a treaty of peace negotiated upon the definite assurance to Germany, as well as to the powers pitted against Germany, that "a general association of nations must be formed, under specific covenants, for the purpose of affording mutual guaranties of political independence and territorial integrity to great and small States alike."

Upon this platform the Democratic candidate received 9,147,350 votes.

The Republican Party platform of 1920 made the following declaration with regard to the League of Nations:

> The Republican Party stands for agreement among the nations to preserve the peace of the world. We believe that such an international association must be based upon international justice and must provide methods which shall maintain the rule of public right by the development of law and the decision of impartial courts and which shall secure instant and general international conference whenever peace shall be threatened by political action, so that the nations pledged to do and insist upon what is just and fair may exercise their influence and power for the prevention of war.
>
> We believe that all this can be done without the compromise of national independence, without depriving the people of the United States in advance of the right to determine for themselves what is just and fair when the occasion arises, and without involving them as participants and not as peacemakers in a multitude of quarrels the merits of which they are unable to judge.

It criticizes the covenant of the league as drawn and the insistence of the President in favor of the covenant without amendment; and in regard to the Republican Senate which had voted to adopt the covenant of the league with reservations the Republican platform said:

> We approve their conduct and honor their courage and fidelity, and we pledge the coming Republican administration to such agreements with the other nations of the world as shall meet the full duty of America to civilization and humanity in accordance with American ideals and without surrendering the right of the American people to exercise its judgment and its power in favor of justice and peace.

As far as the public was concerned there was little or no difference between the attitude of this Republican platform and the Democratic platform, because the Democratic platform had no intention whatever to deprive the people of the United States "to determine for themselves what is just and fair" or to involve them in a multitude of quarrels, as stated in the Republican platform. The Democratic platform stated in terms, with regard to the League of Nations, that—

The President repeatedly has declared, and this convention reaffirms, that all our duties and obligations as a member of the league must be fulfilled in strict conformity with the Constitution of the United States, embodied in which is the fundamental requirement of declaratory action by the Congress before this Nation may become a participant in any war.

When on November 19, 1919 (CONGRESSIONAL RECORD, p. 8802), Mr. LODGE submitted the question of ratifying the covenant of the league with certain reservations, 41 Senators, including myself, voted for it, including nearly all the Republican Senators—

Ball	Frelinghuysen	McCumber	Spencer
Calder	Hale	McLean	Sterling
Capper	Harding	McNary	Sutherland
Colt	Jones, Wash.	New	Townsend
Cummins	Kellogg	Newberry	Wadsworth
Curtis	Kenyon	Page	Warren
Dillingham	Keyes	Penrose	Watson
Edge	Lenroot	Phipps	
Elkins	Lodge	Smoot	

and five Democrats. The following Republicans voted against the treaty with the reservations:

Borah	Gronna	McCumber	Sherman
Brandegee	Johnson	Moses	
Fernald	Knox	Norris	
France	La Follette	Poindexter	

Some of these Republicans voted against it because they were opposed to the treaty on any ground whatever, such as Senators BORAH and JOHNSON of California, while others, including nearly all the Democrats, favored the treaty without these reservations, including all of the Democrats except five, and these Democrats were in favor of the treaty notwithstanding the reservations, so that the vote in the Senate of the United States was overwhelmingly in favor of the covenant of the league, with or without reservations.

Senator Harding, who was at that time a candidate for the Presidency, voted twice for the covenant of the league with reservations.

Nearly all the great Republican leaders were strenuously for the covenant of the League of Nations with or without reservations, for example:

Hon. William Howard Taft, formerly President, who was the president of the League to Enforce Peace, and now, by President Harding's appointment, Chief Justice of the United States.

Mr. Taft, in signed articles in the Public Ledger and in interviews and addresses, strongly advised the friends of the League of Nations to vote for Senator Harding as the best, if not the only hope, for our entry into the league, and in an article in the Public Ledger immediately following the election Mr. Chief Justice Taft said:

The enemies of the league will maintain that the general verdict is one completely adverse to any league, but this will not be the reasonable judgment of those who have followed Mr. Harding's promises in his speech of acceptance, in his speech of August 28, in his Des Moines speech, and in his Indianapolis speech.

Hon. Elihu Root, former member of the Cabinet, Secretary of State, stood for the league with the Lodge reservations.

Charles Evans Hughes, twice Governor of the State of New York and Justice of the Supreme Court, nominee for President, and at the present time Secretary of State under President Harding—the same.

Gen. Leonard Wood, who was a leading candidate for the Republican nomination for the Presidency, declared his—

Approval of the League of Nations with the Senate reservations—reservations which thoroughly Americanize it and leave America absolutely free and untrammeled to follow the only mandate she will ever accept—the mandate of American public opinion, the will of the American people.

Frank O. Lowden, twice Governor of Illinois, another leading candidate for the Republican nomination, stated in his primary campaign—

Another question is that of the League of Nations. I believe in the passage of the League of Nations covenant with reservations. I defend the action of Senators who insisted upon reservations to the charter submitted to them. * * * When the Republican Party is in power we shall, I hope, proceed to establish this machinery for adjusting international differences.

Herbert Hoover, whose friends were urging him for the Presidency, in the Public Ledger and the Chicago Daily News, said—

I stand earnestly for a League of Nations to minimize war, and, moreover, I stand for the league with alterations in the direction pointed by the Republican reservations.

And Herbert Hoover went so far as to say that—

The gravest peril to the cause of peace seems to me to be this, that JOHNSON and BORAH believe and are making the party and the country believe that they have made the issues and are dominating the campaign. If that false impression is allowed to go unchallenged, when they return to the Senate they will be able to draw to their side such Senate support as will enable them to block completely Senator Harding when, as President, he invites approval either of the existing league with reservations or—

And so forth. Vice President Coolidge on October 28 at Carnegie Hall, New York, said:

If the security of Europe is so intertwined with the Versailles treaty and the existing League of Nations that we can make the best progress by taking the good in that treaty and in that covenant and by excising or amending those things which are not consonant with American traditions and habits, surely the Republican platform permits of such a course; surely the public declarations of Senator Harding permit such a course.

And so many other of the Republican leaders, such as W. Murray Crane, of Massachusetts; William Allen White, of Kansas; Judge Nathan L. Miller, ex-Governor of New York; Lyman J. Gage, ex-Secretary of the Treasury; George W. Wickersham, ex-Attorney General; Charles D. Hilles, president of the National Republican Club; Oscar Straus, and so forth. It is perfectly notorious that the Republicans went before the people in 1920 with the assurance that Senator Harding was the best means by which to get effective favorable action on the League of Nations.

The Republican Party platform was framed in such a way as to prevent Senator JOHNSON, of California, or his supporters bringing about a party split, but the friends of the league believed in Harding and voted for him; and to say that the 7,000,000 plurality which he received was because President Harding was opposed to the League of Nations, for which he twice voted, is false and utterly preposterous.

There are other reasons which fully explain the 7,000,000 plurality which Harding received without the pretense that hostility to the league was the reason.

In the first place, the number of votes had been increased 50 per cent by the women's vote; and, therefore, whatever the plurality, it would be largely increased by this new vote.

In 1916 the voters in America were exceedingly opposed to the entry of the United States into the war. The Democrats had made the campaign on the slogan "He kept us out of war," and on that slogan Woodrow Wilson received 9,129,606 votes against 6,286,214 in 1912, a gain of nearly 3,000,000 votes. This included the people who by descent or affiliation were sympathetic with the German, Austrian, Bulgarian, or Turkish people, the pacifists, and many of the socialists, and all those who wanted to keep out of war.

When Woodrow Wilson led us into war, as he was compelled to do by public opinion, these citizens turned from the support of the Democratic ticket like a shoal of herring, and the Republicans carried both the House and Senate in 1918.

The preelection letter of Woodrow Wilson in 1918 alienated many progressive Republicans, energized the Republican Party, and laid the foundation for the solidarity of all Republicans in 1920.

Many independents and Democrats, as well as progressive Republicans and people of no particular party activity, were incensed by the unavoidable annoyances of war activities, for example:

(a) The selective draft act called 10,000,000 men of all political complexions on June 5, 1917, and left hundreds of thousands of grievances.

(b) The Council of National Defense, necessary as it was, was organized down to the crossroads and offended hundreds of thousands.

(c) The antisedition act, with its spies, and so forth, a necessary act, nevertheless laid the foundation for a number of grievances against the party in power—the Democratic Party.

(d) The suppression of free speech, necessary in war to prevent the foolish from demoralizing our war activities, nevertheless offended thousands.

(e) The War Trade Board interfered with trade and commerce in innumerable ways and left hundreds of thousands offended.

(f) The War Industries Board interfered in all sorts of ways with the industrial life of America—very necessary in time of war and commendable in the highest degree. Unnumbered grievances nevertheless were incited by the action of the War Industries Board.

(g) The food control under Hoover and fuel control under Garfield offended millions of the people. It mattered not if Hoover and Garfield were Republicans. The offense was committed by the Democratic administration and the grievance was against the Democratic Party.

(h) Priority orders on the railroads and embargoes on goods and gold offended hundreds of thousands of people.

(i) The Government control of railroads, the Government control of the telegraph and cable, the Government control of the telephones, the preferential treatment of military and naval business in men, materials, and transports over civilian business offended thousands.

(j) The commandeering of men and material and outbidding civilians for labor and goods required for war broke up peacetime commercial standards and offended thousands.

(k) The high taxes of war, the excess taxes, the surplus taxes, and the methods of revenue collection and administration annoyed and incensed many.

(l) Necessarily the administration of war is autocratic even in a democracy and thousands were offended by this cause.

On top of all these things there was a resolute and tremendous propaganda carried on against Woodrow Wilson and his administration, due, of course, in part to these causes which are enumerated.

Then followed Wilson's physical illness and more or less Democratic demoralization and a serious discontent within the ranks of the Democratic leadership.

It was all of these things combined that led to Harding's very great plurality, not because of American hostility to the League of Nations.

The campaign of 1920 was carried on on the Republican slogan of so-called "anti-Wilsonism" and "we want a change." The American people wanted to get a change from the autocratic bureaucracy of war to the usual and more democratic processes of peace, and the election of 1920 reflected this sentiment.

But the American people, the overwhelming majority of the American people, believed in the principles of progressive democracy. Nearly all the Democrats are progressive and over half of the Republican citizens are progressive and have been for years, as was shown in the election of 1912 when Roosevelt received 4,126,020 votes and the lovable, genial Taft only 3,483,922. The American people are progressive, and they wish to have a progressive Government. This was most clearly indicated in the election of 1922 when so many stand-pat, conservative Republicans were defeated and progressive Republicans and Democrats sent to the House of Representatives and the Senate by that election.

In Oklahoma not less than 75,000 Republicans voted the Democratic ticket in 1922.

The people of America are not altogether blind party followers, but to a large extent the people regard political parties as a means by which to make effective their will. The time has come when Congress and the Senate should voice the aspirations of America and of mankind for international liberty, international justice, international righteousness. If it did nothing more than express its opinion in an intelligible form it would probably suffice.

But, Mr. President, America should discharge its full responsibility before God and before man and call the leaders of the world together in Washington for an economic and political conference to complete the work of overthrowing militarism already so largely accomplished. It was a splendid thing, in pursuance of this great advance, which President Harding and Secretary of State Charles Evans Hughes accomplished in bringing about the four treaties limiting naval armament. It had my heartfelt approval because it was a fine step forward.

It is time to take another step forward.

It is time for President Harding to fulfill his promises to America.

It is time for the Republican Party to meet its promises of 1920 to America with regard to international peace.

Let us not be content to be silent and allow the days to pass by while another world war is being bred in Europe. It is our duty to Europe, as well as to our own people, to speak and to give the world a forum in which to speak, and the nations of the earth, when assembled in Washington City, in a favorable atmosphere, comparatively free from intrigue, will be able to give voice to the aspirations of the human heart, to the aspirations implanted in the soul of man by the Master Maker of men. It would be another Pentecost.

America will then be able to fulfill the high destiny for which she has through the last century been slowly and surely prepared.

Mr. President, our responsibility in this matter demands action.

America already has the financial and commercial leadership of the world and by equipment is the only great Nation capable of assuming the moral leadership of mankind and leading peacefully the way to international liberty, international understanding, international justice, international prosperity, and happiness.

That is all I desire to say on the resolution at this time.

The PRESIDING OFFICER (Mr. PEPPER in the chair). The resolution will lie on the table and be printed.

POWER OF THE SUPREME COURT.

Mr. OWEN. Mr. President, on Saturday last I submitted some observations with regard to the duty of Congress, in connection with the merchant marine bill, to strike out or amend section 711. Section 711 declares that—

> If any provision of this act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application thereof to other persons and circumstances, shall not be affected thereby.

I objected to that form, to that language, to that meaning, because I think that the Congress of the United States is charged with the duty, under the oath of office of Members, to ascertain the constitutionality of an act before passing it.

I will not vote for any bill on this floor which violates the Constitution of the United States in the slightest particular, if I know it, and I think I have sufficient intelligence, when matters are debated carefully and thoroughly in this body, to know when they are violative of the Constitution of the United States.

Gentlemen rose on the other side and thought they made a convincing argument because they said that at some time in the past Congress had passed some act which was held to be unconstitutional, and one case was cited of an act which I thought was obviously unconstitutional. But that argument is of no force whatever, because the people of the United States can hold Congress to account as a matter of policy. I demonstrated beyond the possibility of a doubt in the mind of a man whose brain is sound, who is willing to think, who is willing to examine the record, that Congress has the power, under the Constitution of the United States, to make such exceptions and such regulations on the appellate powers of the Supreme Court as to prevent the Supreme Court from nullifying acts of Congress, or assuming to declare questions of great national policy. The power exists.

The Senator from Minnesota [Mr. KELLOGG] said that he had not time to answer the address which I delivered, so he would content himself with making a protest. I confess he did not answer it. He made a protest, and in his protest he charged me with assaulting the Supreme Court. Because I stand here for the Constitution of the United States, I am to be branded as an enemy of the Supreme Court, a court to which I always pay the highest tribute of praise and respect.

He said that he listened with surprise and regret to an assault made upon the judiciary of the United States. There was no assault made. The Senator had no right to say that. He violated the amenities of debate in saying it. He violated the good order of the Senate in saying it. He has no right to impute to a Senator who has confined himself to legitimate debate that he is making any assault on the Supreme Court. Such a charge is to stigmatize the Senator against whom it is directed.

Let us analyze what the Senator from Minnesota said.

Mr. KING. Will the Senator yield?

Mr. OWEN. I yield to the Senator.

Mr. KING. I did not hear the debate to which the Senator refers, but may we not infer, from the language to which the Senator just called our attention, which came from the Senator from Minnesota, that he rather meant that the attitude of the Senator from Oklahoma was an assault upon the accepted view of lawyers particularly, and the American people generally, namely, that the Supreme Court has the exclusive power to determine the constitutionality of an act, and that the words "assault upon the Supreme Court" meant rather an assault upon the interpretation which has been placed heretofore by lawyers and by the people upon the tripartite division of powers? Does not the Senator think that is what the Senator from Minnesota had in mind, rather than any personal aspersion upon the Senator from Oklahoma?

Mr. OWEN. The Senator from Minnesota is a trained lawyer; he is a highly educated man, and I assume that when a gentleman with his learning and with his training uses language he knows what he is talking about in the use of language, if he does not know what he is talking about in the more important matter which I was discussing; and I think he did not know what he was talking about; in fact, I know that he does not know what he is talking about. The Senator from Minnesota said:

> Should we take from the Supreme Court the power to declare a law which was passed in violation of the fundamental law of the land to be unconstitutional, we should place all the liberties of the American people in the hands of one body, and there would be no Constitution of the United States left.

In other words, the people of the United States can not afford to trust the Senate of the United States, the House of Representatives of the United States, the President of the United

States; nor can they afford to trust themselves, forgetting that if Congress makes a mistake the people can correct it by sending new servants here to represent them on the floors of the two Houses.

Such an argument as that is obviously without any force whatever. It ought not to come from the lips of a sophomore in a law school, much less from those of a lawyer who is trained in his profession.

I challenge the Senator from Minnesota to answer the argument I made. He can not answer it and stand before a forum of the American people, or at the bar of men with sound minds and sound judgment, and defend himself in it.

I showed at great length what the powers of Congress were. I showed that those powers had been passed on a number of times by the Supreme Court itself, sustaining the position which I took with regard to the power of Congress. It is not a question of power; it is a question of policy; it is a question of expediency. I can respect the mind of a man who says he thinks it is expedient. I can not have any logical respect for the mind of a man who says the power does not exist, when it is written into the Constitution as plainly as words can write it, when it has been interpreted by the Supreme Court itself in the same way that I have interpreted the language. I challenge the Senator from Minnesota to make an intellectual reply to the argument which I have made as to the power. He can not do it.

I do not care a particle about the instruction to the boys going to the little law schools all over the country, who have been taught a falsehood with regard to the powers of our Constitution. I know where that teaching comes from. I know in whose interest it is framed, and it is not framed for the best interests of this Republic, and I will not stand for it. I challenge the Senator from Minnesota to answer my argument as to the power, and I tell him now before the country and before the Senate that he can not make an intellectual reply to it.

Having said so much, I call attention to another lawyer, a Member of this body, the senior Senator from Idaho [Mr. BORAH], who wrote an article with regard to this question in a way which is of great interest. The Senator from Idaho is willing to compromise on this matter; I am not. Nevertheless, his views are of interest, and he cites many cases, which I did not take the trouble to cite. Without reading, I ask that his article may be inserted in the RECORD in 8-point type.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(By WILLIAM E. BORAH, United States Senator from Idaho.)

"The five-to-four decisions of our Supreme Court upon great constitutional questions are always a matter of deep regret—regret I suspect upon the part of the court and certainly upon the part of the public generally. These decisions seem to justify a want of respect for the decisions of that great tribunal and seem to breed an atmosphere of distrust in the solidity and worth of our Federal judicial system. They have given rise to more criticism of the court than any other one thing which I am able to recall. When a measure has passed the Congress and received the approval of the President it seems unreasonable that such a measure should be rejected by a decision in which no more than five out of nine judges concur in its unconstitutionality. In the last analysis it comes down to the proposition where one justice has the power to uphold or defeat the law; and in a celebrated case a change of view upon the part of the one judge resulted in holding the law constitutional upon one occasion and unconstitutional upon another. It gives to the whole proceeding an element of chance. Nothing outside of actual misconduct could be more calculated, in my opinion, to detract from the dignity and prestige of the court or more likely to undermine it in the opinion of the American people.

LAMENTABLE LACK OF HARMONY.

"A late Federal judge who had seen long service, speaking of these five-to-four decisions, said: 'It is unfortunate that recently there has been a lamentable lack of harmony in the decisions rendered in many important cases, the opinions of five members prevailing over the adverse opinions of four. Judgments so rendered can not command the universal respect which should be accorded to judgments of the highest court in the Nation; and it is worth while for the lawyers of the United States to consider whether a practicable remedy for such discord may not be discovered and recommended to Congress. Where the consequences are of such grave importance, the final determination of the court of last resort ought to be rendered with such an assurance that the right of the matter has been ascertained and declared, that all fair-minded people may accept the result with good will and without any impairment of confidence in the court.'

"During the last 30 years there have been some forty-odd exceedingly important cases determined in the Supreme Court by decisions of five to four. Not all of them, of course, were cases involving constitutional questions, but some of the most important turned upon the constitutionality of either State or national statutes.

"It may be of interest to recall some of the five-to-four decisions. The first to which I make reference is that of the 'slaughterhouse case (16 Wall.), involving a construction of the thirteenth, fourteenth, and fifteenth amendments. Chief Justice Chase and Justices Field, Bradley, and Swayne earnestly dissented from the decision of the court upholding the State law, claiming that the decision was radically wrong and would be fruitful of great evil.

UNDERMINING RESPECT FOR THE COURT.

"In 1895, after five days' argument by the most noted lawyers of the country, there was submitted for the decision of the court the income tax law. The court in the first instance declared the law constitutional. Upon reargument and a change of view upon the part of one justice the law was held unconstitutional by a vote of five to four (157 U. S. 429). The decision aroused discussion throughout the country and more pronounced criticisms of the court were heard than at any time since the Dred Scott decision. The ultimate result was the adoption of an amendment to the Constitution of the United States.

"Next we may recall the decision in the case of Lochner *v.* New York (177 U. S. 145). This was a State law (and if it is deemed wise to legislate upon this subject at all, the proposed measure should be broadened to include the constitutionality of State statutes) known as the '10-hour-day' law. The law was held void by a five-to-four decision. It again aroused a storm of protest, and the greater portion of the criticism went to this specific vice of pronouncing a State law unconstitutional by a bare majority.

"Next came the child-labor law, another five-to-four decision (247 U. S. 277).

"There can be no doubt that these decisions have in a measure undermined the great respect which our people should entertain for the Supreme Court. As said by the Federal judge quoted, judgments so rendered can not command the universal respect which should be accorded to the highest court in the Nation. I entertain no doubt, therefore, as to the wisdom of the policy disclosed in the bill which I have offered. When the law of a sovereign State is called in question or an act of Congress declared to be repugnant to the Constitution, neither the will of the people of the State nor the will of the people of the United States should be thwarted upon a decision rendered by a bare majority of the court, if there is any practicable and orderly way to avoid such result.

"This, of course, is not a new proposition. It is a subject which has had consideration from almost the beginning of our Government and at the hands of some of our most distinguished lawyers and statesmen. In 1823 a resolution was introduced in Congress proposing to require the concurrence of seven judges in any opinion concerning the validity of State or Federal legislation. In 1824 there were several similar proposals. A bill was reported by Martin Van Buren requiring the concurrence of seven judges out of ten and requiring each judge to record a separate opinion. In 1824 a Member from Kentucky introduced a resolution requiring that a certain number should concur before the court should hold a State statute unconstitutional. Henry Clay and Daniel Webster took part in the debate, but neither, so far as I have been able to ascertain, raised any question as to the constitutionality of the proposal. The debate seemed to indicate that both acknowledged the subject to be within the power of Congress and dealt with it solely as a question of policy.

AN ISSUE IN 1868.

"In January, 1868, a bill was reported to the House of Representatives and passed requiring two-thirds of the Supreme Court to invalidate a statute. There was an extended debate upon the subject. I do not myself regard this precedent as of very great moment. The bill was confessedly a bill to meet a political exigency, and was designated to protect specific questionable legislation. It was one of the unfortunate incidents of the reconstruction period. There were many things done in those days that, standing alone, I should not regard as of very much moment in the way of precedent. There is any amount of literature on the subject in law journals.

HAS CONGRESS THE POWER?

"The Constitution of the United States provides: 'In all cases affecting ambassadors, other public ministers and consuls, and those in which a State should be a party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.'

"Has the Congress under this provision of the Constitution the power to prescribe the number of judges which shall concur before a statute shall be declared unconstitutional? From the earliest days of the Republic Congress has determined not only the number of justices but also the number which shall constitute a quorum. The act of 1789 contains such a provision, and that provision is still in the law, providing that six justices shall constitute a quorum. Congress has also provided for the court's adjournment in case of no quorum. It has given to less than a quorum the power to make necessary orders touching a pending case.

"The 'judicial power' of the United States is vested in one Supreme Court and such inferior courts as the Congress may create. That 'judicial power,' it will be readily conceded, can not be invaded by the legislative branch of the Government. But the line which separates the appellate jurisdiction of the court under proper 'regulations' from an unwarranted invasion of the 'judicial power' is not at all times clear and distinct. Is the Congress invading the 'judicial power' when it declares the number of justices required to constitute a quorum? I think not. Is it derogating from the 'judicial power' when it provides by law that less than a quorum shall be authorized to do certain things? It would seem not. Is the power to grant certain writs, as provided by statute, by one justice an invasion of the 'judicial power'?

"In other words, may we not provide under the scope of 'regulations' touching the appellate jurisdiction that before an act of Congress shall be declared void at least seven judges shall concur? It seems to me that we have that power. If we have the power, it is perfectly clear that we should use it. Unless we do make provision of this nature we shall have to meet the situation after it becomes more serious. We have already amended the Constitution once because of a five-to-four decision. There is another amendment now under consideration being urged by reason of a five-to-four decision. It is certainly wiser, if we are authorized by the Constitution to do so, to deal with the subject by statute rather than to be meeting it by constitutional amendments.

"The regret is often expressed in these days that there seems to be growing up in this country a bitter and settled antagonism to our supreme judicial tribunal—not merely criticism of its decisions but antagonism to it as an institution. I do not believe there is any pronounced antagonism upon the part of the people generally—few, very few, comparatively speaking, hold any such feeling. I entertain the belief that American institutions are safe in the keeping and securely imbedded in the respect of the great mass of the American people. The disregard of the fundamental principles of constitutional government during the last few years has been the disregard of those in political place, whose peculiar and sworn duty it is to preserve the great charter rather than that of the people.

"One of the most gratifying things in these days of change and experiments is the really deep-seated and quite general confidence and pride which the great majority of the American people have in our Government. Ninety per cent of the people believe in and respect our form of government, and I venture the opinion that they will be the last to surrender or destroy it. I would rather trust all changes in our Government to a plebiscite of 110,000,000 people than to the unsteady nerves of those in official life who mistake so often organized propaganda for the voice of the people.

"But to these institutions of ours the people generally are wont to apply, and have been told that they should apply, the simple, practical rules of common sense—that it is a Government of the people, by the people, and for the people.

"They would have difficulty in preserving their respect for this Government if they should continue to feel that there is no remedy for a situation wherein statutes and laws may be declared unconstitutional after receiving the approval of the lawmaking body, the Executive department, and four members of the Supreme Court itself. A method more commensurate with reason and the solidity and the worth of our institutions should be devised. While I would not seek to invade the 'judicial power,' I would be pleased to know some way had been devised to throw about the judgments of this court the fullest respect and the highest confidence, both as to their wisdom and their permanency.

"One can not be justly charged with undue national pride when he declares that the Supreme Court of the United States is the most exalted judicial tribunal in the world, not a court beyond the possibility of error, not a court whose opinions are deemed above the reach of fair and honest criticism, but a court which, whether viewed as to the reach and scope and power of its jurisdiction or as to its influence and standing, its ability and learning, its dedication and consecration to the service of mankind, is the greatest tribunal for order and justice yet created among men. If, therefore, the machinery of the court can be geared to a higher plane and greater accuracy, thereby insuring its judgments greater support and approval, that should be our willing task.

FIVE-TO-FOUR RULINGS.

"Some of the typical five-to-four decisions of the United States Supreme Court have been as follows:

"Northern Securities Co. *v.* United States (193 U. S. 197), in which stockholders of the Great Northern and Northern Pacific Railway Cos. combined to organize a holding company under the laws of New Jersey, by which the holding corporation held nine-tenths of the stock of the Great Northern and more than three-fourths of the stock of the Northern Pacific. These were competing lines between the Mississippi and the Pacific coast. The court held that under this arrangement the lines ceased to be in active competition for trade and commerce and became a consolidated corporation, an illegal combination in restraint of interstate commerce.

"In a child-labor case (247 U. S. 251), Hammer *v.* Dagenhart, the act prohibited transportation of goods made in factories employing child labor. It was held unconstitutional as exceeding the commerce power of Congress, the necessary effect being a regulation of the hours of labor of children. The majority of the court held this to be a matter solely within the jurisdiction of the States.

"An income-tax decision involved Pollock *v.* The Farmers' Loan and Trust Co. (157 U. S. 429, 1895, and 158 U. S. 601, 1895). The act laid taxes upon rents or incomes derived from real estate or from the interest on municipal bonds. It was held that the tax on income from real estate was a direct tax within the meaning of section 9, Article I, of the Constitution, and that the tax on interest of municipal bonds was a tax on the power of the State, etc., to borrow money, and therefore repugnant to the Constitution.

"Another case was under the workmen's compensation act of October 5, 1917, between the Knickerbocker Ice Co. and Stewart (253 U. S. 149, 1920). The act amended the Judicial Code relating to admiralty jurisdiction by saying 'to claimants the rights and remedies under the workmen's compensation law of any State.' It was held unconstitutional, as an attempt to delegate the powers of Congress under section 8 of Article I and section 2 of Article III of the Constitution.

"The Lochner case (177 U. S. 145; Statutes of New York) took up the question of prohibiting bakers to work more than 10 hours a day. The court held that a man had a right to work longer hours if he wanted to do so."

Mr. OWEN. In dealing with the question of policy, the Senator from Minnesota said, "Suppose Congress should pass an unconstitutional act; then what? Are we to allow an unconstitutional act to be passed, and have no place of review?"

There are plenty of ways to review it. The Congress of the United States has not yet come to a point where it refuses a remedy when a man is injured through any act of Congress. If there is a liberal body in the world, it is the Congress of the United States. Our committees are full of claims of all sorts, where citizens have been hurt by the operations of Government. We are giving people remedies day by day, continually. It is an everlasting grinding of the mills giving relief to small men who are hurt by Government operations. The Government is generous and kind. It is not autocratic; it is not monarchical; it is not tyrannical. It deals justly and kindly with its people, and if Congress makes a mistake on some matter of great consequence, there is a forum in this country to give relief, and that is the forum of the people of this country. They will express themselves with regard to whether or not their servants on this floor have discharged their duty with fidelity and with intelligence, and at last, under our Constitution, the sovereign power is vested in the people. That is where the sovereignty is, and that is where it ought to be left. It ought not to be transferred to any commission, or to any court appointed for life, and not responsible to the people for their decisions.

Mr. President, the time has come when I must close. I am compelled to leave the floor.

Mr. WALSH of Montana. Mr. President, before the Senator departs from a consideration of this question, I should like to address his attention to that amendment of the Constitution which provides that no person shall be deprived of life, liberty, or property without due process of law, and I want him to assume an act of the Congress of the United States which does, indeed, deprive one of life without due process of law, or to assume the case of a statute which deprives one of his liberty without due process of law, or, for the matter of that, a statute which deprives one of his property without due process of law. A subsequent Congress, of course, could restore the property or the equivalent, but how can Congress restore to a man his liberty or his life?

Mr. OWEN. Mr. President, the Senator can very easily make suggestions of that kind. I will ask him what remedy I have if, when I am passing across Pennsylvania Avenue, an infuriated taxi driver runs over me and breaks my neck? None. There are cases in which we may suppose irreparable injuries, but that does not justify an interpretation of the Constitution of the United States under which Congress shall abdicate its power to declare its own acts constitutional.

I have spoken of the power, and I invite the Senator from Minnesota, who is here now, to make a reply to the argument which I submitted to-day, and to take the time to study what I have said. I asked him to do that because he can not otherwise make an intellectual reply. I want him to study what I have said, and then answer in the Senate, if he will, and show that Congress has not the power which I say it has.

Now, Mr. President, I am compelled to leave.

Mr. KELLOGG. Will the Senator yield?

Mr. OWEN. I am yielding the floor.

Mr. KELLOGG. I have not heard what the Senator has said, but I will read it, and reply, if it needs any reply, which I very much doubt.

Mr. BROOKHART. Mr. President, on Saturday last I gave notice that to-day I would speak upon the question of the power of the Supreme Court to set aside acts of Congress. Since then the Senate has refused to lay upon the table the motion to proceed to the consideration of the filled milk bill. I believe this is a very important matter to the country and one that should be immediately considered. I therefore wish to state that I shall not at this time discuss the matter in reference to the Congress and the Supreme Court, and I shall speak only briefly in favor of the motion to proceed to the consideration of the filled milk bill.

So far as the question of the ship subsidy bill is concerned I think I have made my position clear heretofore. My position is that it should not be voted upon by this Congress. It is fastening upon the country a policy by contract for 15 years when this Congress will now live less than two weeks. If it is such an important proposition to the people of the whole country, it should be considered by an extra session of the Congress elected largely upon that issue. I therefore feel that it is wrong for a Congress which is dying to fix a future policy of that kind upon the people of the United States.

In that judgment I am supported by the Senate in its vote taken but a few days ago upon the submission of a constitutional amendment providing for changing the date of the convening of Congress. Most of the Senators who are supporting the ship-subsidy measure voted at that time to submit a constitutional amendment to the legislatures of the States which will prevent the situation under which we are now laboring. I call upon those Senators to practice a little bit what they preach. Let us postpone the vote upon the ship subsidy and take up and consider and dispose of important matters which the people of the country are demanding. The question of filled milk is one of them. It is a question of pure food. It is a question of the lives of children. It is a question of advancing our civilization.

I realize that whenever we attempt that sort of thing we always find somebody opposed. There is always some vested interest that is opposed, but nevertheless that is no reason why the Senate or the Congress should halt in carrying out and doing those things. Therefore, I feel keenly that we should proceed to the consideration of the filled milk bill and dispose of it. While I feel just as keenly that it is my duty to do everything I can by preventing a vote or otherwise to block the passage of the ship subsidy bill, I am just as strongly in favor of disposing of these other matters of interest to the whole people of the United States. I am glad to say that the Senate has voted against tabling the motion, and I hope upon a full consideration of the matter they will vote to proceed to consider the filled milk bill and that it will be disposed of in regular order. It certainly will be done without any filibuster or delay upon my part, as I believe will be the case upon the part of any of those opposed to the ship subsidy measure. I believe any other legislation of immediate importance would receive the same consideration. Therefore, I desire to say that I shall support the motion of the Senator from North Dakota to proceed to the consideration of the filled milk bill.

Mr. KING. Mr. President, before the Senator resumes his seat I would like to ask him a question, if he will yield for that purpose.

Mr. BROOKHART. I yield.

Mr. KING. If he will permit me to make a very brief statement preliminary to it, I shall be very glad. I think his answer to the question which I am about to propound may influence some Senators in their votes upon the proposition to take up the filled-milk measure for consideration.

The Senator is a lawyer and a student of public questions. He knows our Constitution and the dual form of government which prevails. He knows the rights of the States, and under the Constitution he knows they have certain police powers and certain rights which a sovereign State has the right to exercise.

There is a grave feeling upon the part of some who are profoundly in sympathy with the purpose and object of the bill that it is an infringement upon the rights of the States and will be a direct assault upon their police powers, upon the authority of the States to regulate matters which are essentially domestic in character and, under the usually accepted theory of the rights of the States, matters which pertinently and properly belong to the States.

I want to ask the Senator if he interprets the bill in the way that it would, if enacted into law, be a serious or any restriction upon the rights of the States? Does he interpret it as a precedent that might be invoked when assaults may be made upon the States to restrict their power and in the interest of some particular business? To illustrate what I mean, there are some farmers, perhaps, and some people engaged in the dairy business who would like to see the use of cottonseed oil, as an illustration, interdicted as a food product. Let it be used for the making of soap or for any nonedible purpose. Doubtless there are some who would be willing to support a measure that would prevent the use of cottonseed oil or coconut oil in the manufacture of butter or products for use as food.

Does the Senator distinguish this bill from a measure which would have in view the object which I have just indicated? Does the Senator think that the Federal Government has the power to say that skimmed milk shall not be used for food purposes; and if he thinks that they have the power, where does he draw the line as to the authority of the States and the authority of the Federal Government to determine questions which heretofore have generally been conceded at least to be within the province of the States themselves?

Mr. BROOKHART. At this time, of course, I was not discussing the merits of the bill itself. There is no doubt that Congress can not invade the rights of the States even if they wanted to do so. Under the present method of deciding these matters their act would be held unconstitutional if they did so. I am not in favor, as a matter of policy, of invading any of the rights of the States, and if, upon consideration of the bill, it appeared to do that, of course, it should be amended in those particulars. I am interested in it as a matter of policy, of pure food, of protecting especially the lives of the children of the country. Incidentally everybody in every business has a right to know whether a thing is truthful and what it purports to be, and I, of course, stand strongly for that general principle which will make milk milk, and coconuts coconuts.

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

Mr. BROOKHART. Certainly.

Mr. STANLEY. The able Senator was on the point of discussing the propriety of legislation limiting the rights and powers of the Supreme Court of the United States to declare unconstitutional or void an act of Congress. In that question I am vitally interested. Without expressing any opinion pro or con as to the merits of the proposed method of curtailing the power of the Supreme Court, there is no doubt in my mind that the framers of the Constitution never contemplated this veto power on the part of the court as now exercised.

Thomas Jefferson would turn over in his grave at the thought of the Supreme Court nullifying an act of Congress upon the grounds which have sometimes justified that court in so doing. This is the only legislative body on earth of which I have any knowledge, in a measure, controlling the destines of a free and enlightened people where the judiciary exercises that plenary and unprecedented power. It is not in the power of the English courts to set aside an act of Parliament or of the French courts

to set aside an act of the Chamber of Deputies or of the German courts to set aside an act of the Reichstag; or assuming that the Senator is correct and that we are going to say to the Supreme Court, "Hereafter we shall be the judge of the constitutionality of our own acts," if and when we take that position, one of two things must happen: Shall we look simply at the purposes of a pending bill, adopt, as the causists say, the position that "the end justifies the means," that if the purpose of a bill is laudable, and if the end sought is desirable, then we will not cavil about the means or consider the technical question of its consonance with the Constitution of the United States? Having curtailed the right of the Supreme Court to review its constitutionality, and having failed on our oaths first to ask, Is it within our power to do this thing before we determine whether it is right or wrong, what will become of what is left of the Constitution of the United States if both those things happen?

Mr. BROOKHART. I think both those things never can happen, but, as I have said, I expected to discuss that question to-day. I desire, however, to postpone the discussion of that question in case the filled-milk bill is taken up, so it may be considered upon its merits. Then, more at length, I shall discuss the proposition presented by the Senator from Kentucky.

Mr. STANLEY. Mr. President, I hesitate to take up so much of the Senator's time, but I will say to him, as illustrating this very proposition, elaborately discussed by Mr. Justice Marshall in the great case of Gibbons against Ogden, two things induced the convention called together for the purpose of curing certain defects in the Articles of Confederation in a way to write their own instructions and to depart upon a venture not contemplated by those who sent them as delegates to that convention, for I think it will be universally conceded that when the delegates went to the so-called Constitutional Convention there was no thought in the minds of those who selected them that they would write an instrument new and entirely different, infinitely beyond the old Articles of Confederation in the form and character and power and genius of the Government they created. The two things above all others that induced them to this radical departure were, first, the inability under the Articles of Confederation to levy an effective tax in order to maintain the Government, and the other the utter chaos that would necessarily have resulted by a failure to vest in the Federal Government the regulation of interstate commerce. So that two compelling and convincing reasons for the conduct of the whole convention were to settle the method of taxation and to limit and definitely to define the power of Congress over commerce between the States. An impost duty levied in one State against another meant that the industrial progress of the Nation as a whole was impossible. If there is one power above all others that that convention was inclined to vest in its entirety in Congress, it was the power over interstate commerce.

How far did they go? They gave to the Federal Government and denied to the States control over commerce among the States and with foreign nations, and subsequently in Territories under the control of the Federal Government. Had they attempted to give to the Federal Government control over traffic between two points in the same State, the Constitution would never have been adopted, in my opinion, and should not have been adopted with that sort of provision in it.

I am at this time utterly opposed to an insidious propaganda on the part of the great carriers of the country, with which I am sure the Senator from Iowa is familiar, because he has added much to the literature and to the light upon that subject. I am opposed to taking away from State railroad commissions the control over strictly intrastate commerce, and I think the Senator from Iowa agrees with me on that proposition.

Mr. BROOKHART. I am in the most perfect accord with that idea.

Mr. STANLEY. This bill, as I read it, does that. If it does that, the Senator must concur that it is unconstitutional. The definition of interstate commerce as contained in the bill is not the definition of the Constitution; it is not the definition of the Sherman Act. It is either a reckless and inadvertent or an utterly indefensible method insidiously to extend the power of the Federal Government to commerce in the commodity covered by the bill between two adjoining hamlets not a mile apart.

Mr. BROOKHART. If that be true, as the Senator says, I should say that the bill should be amended at this time. However, again I call the Senator's attention to the fact that it was not my purpose to discuss the merits of the bill, but merely to discuss the question whether we should proceed to its consideration.

Mr. STANLEY. Mr. President, for instance, the bill defines the term "person," and then on the first page of the bill, beginning in line 6, defines interstate commerce as follows:

(b) The term "interstate or foreign commerce" means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof.

There is no particular objection to that. Then this provision follows:

(2) Between points with the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof.

Whenever we attempt to define the term "interstate commerce" to mean commerce between points within the same State, then we are clearly beyond the province of the Constitution.

Mr. BROOKHART. The provision as read seems to contemplate a movement into some other State and then back into the original State of shipment. That might make a difference. I think, however, the Senator and I would not have any serious quarrel or trouble in regard to that proposition. That is a minor matter, I think, in the bill, and, so far as I am personally concerned, I should not object to an amendment that would entirely clarify its meaning in that respect.

Mr. STANLEY. Mr. President, I will ask the Senator another question. Does the Senator believe—and when the oleomargarine bill was under consideration we had this question under discussion—in a matter of this vital importance, unless we are clearly convinced that the bill is within the purview of the Constitution and that it is properly and carefully drawn, and it is not only designed for a good purpose but is the proper method of attaining a desirable end, that it ought to be taken up for consideration in the closing days of the session?

Mr. BROOKHART. I think that the action of the committee is quite a good guaranty that all matters in connection with the bill have been considered, and therefore I am ready to act upon it. In matters of this kind we will always have to rely to a great extent upon the action of the Members of the Senate, including the committee which considered the measure. Each Senator can not investigate every question in all its details to the very bottom.

Mr. FLETCHER. Mr. President, may I suggest to the Senator that I have before me here what are called Filled Milk Hearings Before the Committee on Agriculture of the House, June 13, July 6, 7, 19, and 20, 1921. So the matter has been before Congress for some time and the hearings are quite extensive.

Mr. BROOKHART. The Senator, of course, is more familiar with that than I. I think we could well enough proceed to the consideration of the bill at this time.

THE MERCHANT MARINE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota [Mr. LADD] to proceed to the consideration of House bill 8086.

Mr. JONES of Washington and Mr. UNDERWOOD called for the yeas and nays, and they were ordered.

Mr. HARRISON. Mr. President, a parliamentary inquiry. Is the question on the motion to take up the bill?

The VICE PRESIDENT. The question is on the motion to take up the so-called milk bill.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Bayard	Gerry	McKellar	Robinson
Brookhart	Glass	McKinley	Sheppard
Broussard	Gooding	McNary	Smith
Bursum	Hale	Moses	Smoot
Calder	Harris	Nelson	Spencer
Cameron	Harrison	New	Stanfield
Capper	Heflin	Nicholson	Stanley
Caraway	Hitchcock	Norris	Sterling
Colt	Johnson	Oddie	Sutherland
Couzens	Jones, N. Mex.	Overman	Townsend
Curtis	Jones, Wash.	Page	Trammell
Dial	Kellogg	Pepper	Underwood
Dillingham	King	Phipps	Wadsworth
Edge	Ladd	Poindexter	Walsh, Mont.
Ernst	La Follette	Pomerene	Warren
Fletcher	Lenroot	Ransdell	Watson
George	Lodge	Reed, Pa.	Weller

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. There is a quorum present.

Mr. HITCHCOCK. Mr. President, I was a good deal surprised, a little earlier in the day, to hear the Senator from Alabama [Mr. UNDERWOOD] state that he was opposed to the defeat of the shipping bill by indirection. I was all the more surprised at this deliberate statement of his because on a rather recent occasion he had led, openly and courageously, a filibuster against a piece of legislation to which he was opposed and to which many of us were opposed. On that occasion he was not content to make his fight upon the legislation in question, but he fought practically everything that came before the Senate, and sought to bring legislative proceedings to a standstill until those who were proposing the legislation to which he objected, and to which the minority objected, should abandon it. He succeeded. The legislation was dropped, although unquestionably a majority of the Senate were in favor of its passage.

I realize that the Senator sought to give an explanation, sought to show wherein he distinguished between the two forms of legislation, sought to show what it was that in his opinion justified a filibuster upon the antilynching bill, whereas, in his opinion, there was no justification for a filibuster against this proposed legislation, the shipping bill; and I shall do him the justice to quote what he said in that regard. He said:

> There are certain great principles that may be involved in votes in the Senate where human rights and human liberty and fundamental principles of our Government are at stake when I would not hesitate for a moment to use any legislative power I possess to prevent the passage of a bill.

Frankly speaking, the premises which he assumes were not conceded by a majority of the Senate. It was a mere matter of opinion—his opinion—that great principles of human liberty were at stake on that occasion and that fundamental principles of government were at stake; but conceding that he was correct, conceding that human liberty was at stake and fundamental principles of government were at stake, what shall we say about the question now before the Senate?

The Senate is here as a representative body. We do not rule the country. We only represent the people that rule the country; and the reason why this shipping bill is now brought before Congress and pressed to passage by all the power of the administration is because the administration knows that after the 4th of March, in the next Congress of the United States, its passage is impossible. In other words, it is a direct Executive attempt to convert into legislative action by a Congress which is to die within two weeks a piece of legislation that the next Congress would refuse to enact.

Mr. President, I think a great principle of government is at stake here. What right has the Executive to undertake to force upon the American people legislation which they at the polls last November repudiated? It was before the people.

Mr. LA FOLLETTE. And to perpetuate that legislation for 15 years.

Mr. HITCHCOCK. Yes; as the Senator from Wisconsin says, not only to enact it but by a contractual provision to perpetuate it so that the representatives of the people are not allowed to shake it off when they get into control.

Mr. STANLEY. Mr. President——

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

Mr. HITCHCOCK. I yield to the Senator.

Mr. STANLEY. I may be mistaken, but I have heard a persistent rumor that the President of the United States has stated, and that the chairman of the Commerce Committee has stated, that if this bill is passed in such a way as to give Congress control over the appropriations carried under it similar to its control over those made for the maintenance of the Army and of the Navy and the maintenance of fortifications and the conduct of the Post Office and other departments, the usual appropriations, they will regard the bill as comparatively worthless, and there is talk that the President has threatened to veto it. In other words, unless a discredited measure can be enacted by men who are no longer competent to represent the people further, unless they can use not the power they now have but the power they once had, before the wisdom of the people or of God or of both lessened that power—unless they can use that power, and unless they can bind and gag the next Congress by a provision in this bill so far as undoing their nefarious work is concerned, they are not interested in the bill at all.

Whether that be true or not, I do not know; but if it is true, the insolence of the assertion, the audacity of it, ought to justify any means that God or nature has put in our hands to kill this bill.

Mr. HITCHCOCK. I have heard the same report, and I know not whether it is true or not, and I do not care very much. I say this is an occasion on which a great governmental principle is at stake. The Senate is not simply to vote "yes" or "no" upon a ship subsidy bill. The Senate is going to say by its vote whether it thinks it is right to fasten on the American people for a number of years in advance, so that a subsequent Congress can not remove it, a piece of legislation that the people at the ballot box repudiated only a few months ago by electing a Congress that is known to be adverse to it.

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

Mr. HITCHCOCK. I yield.

Mr. FLETCHER. In reference to the observation of the Senator from Kentucky [Mr. STANLEY], there is no need to guess at the position of the Executive or the administration with regard to that provision in the bill which provided for annual appropriations, and the proposal of the committee to strike that provision out of the bill as it came from the House, and to insert, in lieu of authorization, permanent appropriations. The President stated to the committee, in a communication to the chairman of the Commerce Committee, and I think it is in the record—nobody has ever questioned it, and there is no secret at all about it—that unless there were provision for the permanent appropriation of the fund, which the committee by amendment limits to $30,000,000 a year, he would not want the bill at all; so that that is a vital point in connection with the whole measure. Unless Congress is to be bound by a permanent appropriation for 10 years, and probably 15, the bill is not wanted at all. I may suggest this to the Senator, also, if he will allow me just a moment further, with regard to the charge of delay, and some talk about impotency of the Senate, and that sort of thing; the President, when a member of this body, in 1915, joined in filibustering to death the shipping bill at the close of that session.

Mr. HITCHCOCK. Mr. President, we regard filibustering very much in line with our point of view on the question under discussion. I have been reluctant at all times to join in a filibuster, and I think the Senate will bear me out in the statement that I have occupied very little time upon the floor in participating in a filibuster at any time, but if ever there was an occasion when a great fundamental principle of Government justified a minority in restraining a majority by a filibuster, it is at a time when it is notorious that within two weeks the complexion of this representative Government will so change that on the ship subsidy question the majority will be the minority and the minority will be the majority. It is not altogether a party question.

In the House of Representatives, where there is a Republican majority of 150, I think, although I do not know exactly what the majority is, the ship subsidy bill secured a majority of only 24 votes, showing very well that a great section of the Republican Party itself was opposed to the ship subsidy bill. Not only that, but there never has been an election in the United States when the people have put the stamp of their approval upon the ship-subsidy idea, which proposes to take a great sum of money annually from the people of the United States and pay it to a preferred interest.

I feel that I can speak on this matter with unusual freedom. I am a "lame duck." I am not to be in the next Senate; and one reason why I am not to be in the next Senate is that the Republican candidate who ran against me repudiated his administration upon this question, and in order to secure his election had to come out and declare himself opposed to the ship subsidy bill and opposed to the administration headed by the President of the United States, to whom he owed allegiance. So I feel that I am perfectly justified in standing here, as I do, without any interest in the matter, not to be a Member of the next Senate, and saying that in my opinion the question of the passage of this bill at this session involves a great fundamental principle of representative government, and if a filibuster was ever justified it is justified in defense of the principle that we are here in a representative capacity, and it is doing violence to our representative capacity to pass, by a small majority, a bill against which the people have already rendered a negative verdict.

Mr. FLETCHER subsequently said: Mr. President, I wish to make a correction.

I stated in my interruption of the Senator from Nebraska [Mr. HITCHCOCK] that President Harding as a Member of this body had joined in the filibuster against the original shipping bill. I was mistaken as to that. He came into the Senate in March of 1915. That is, he was elected to the Senate in November, 1914. He was, however, opposed to the shipping bill of 1916, as the RECORD will show, spoke against it, and voted against it; but I was in error when I said that he joined in the filibuster on the first shipping bill that was proposed. I wish to correct that in the RECORD, and shall be glad to strike it out of the RECORD.

Mr. WALSH of Montana. Mr. President, there is no question, is there, that the shipping bill of 1915 was defeated by a filibuster on the floor of the Senate?

Mr. FLETCHER. Absolutely none. There is no question about that. I suppose very likely the then-elected Senator was in hearty accord with it, but he did not actually participate in it.

Mr. UNDERWOOD. Mr. President, I do not like to differ with my good friend from Nebraska, for whom I have the highest respect, when I can help it, and we do not differ on many questions; but I think right here we have met a fundamental difference. I think that one of the great issues before the American people, one of the great problems confronting the country to-day, is the question of human rights and human liberties. I think if the freedom of government under which we live now means anything, it means that the guaranties of the Constitution of the United States, as provided by the fathers, should live, and they are being torn down every hour and every day for special interests. The great mass of the American people are having their Government taken away from them because somebody wants something; and I can see a very grave distinction between the mere appropriation and spending of money, bad as the object may be, and a trespass on the fundamental rights of the States of this Union.

I did filibuster the antilynching bill, but not because I stood for lynching. I have always in the open protested against lynching, and I am glad to say that the sentiment against lynching is trespassed against but very seldom in my own State. I think it is an outrage that any man should assume that he can take the authority vested in the law of the land and exercise it himself. But that was not the question involved in that bill. It was whether the Federal Government should enter the States of the Union and exercise a police jurisdiction that has been vested in the States of America from the beginning. If the Congress of the United States continues to trespass upon the liberties, personal rights, and freedom of the people of the several States of this Union, they will build up a sentiment in disregard of law which will shake the whole fabric of our Government.

I only filibustered against that bill because the rules of the Senate allowed me to do so. I did not filibuster behind a screen. I did not attempt to do something concealed from the view of the American people; and when I said that I was opposed to that bill and would filibuster it I announced the fact from my place here in the Senate, and every man in the Senate and every man in the country knew what I was doing. There was no attempt behind closed doors to do something that was not disclosed on the floor of the Senate.

I said in that debate, and I say it again, that I believe a time will be reached when the United States Senate will be discredited by the American people unless it learns how to do business. The country has a right to expect that its chosen representatives will perform the functions which they are elected to perform in a legislative way. I am not responsible for the rules of the Senate. The rule in contention was adopted over a hundred years ago, as well as were most of the others.

Mr. FLETCHER. May I interrupt the Senator at that point just to inquire whether it is not just as much a function of a legislative body to defeat improper and unjustified measures as it is to pass other measures?

Mr. UNDERWOOD. Undoubtedly; if they command a majority of the American people. This is a Government of majorities, not a Government of minorities.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER (Mr. REED of Pennsylvania in the chair). Does the Senator from Alabama yield to the Senator from Tennessee?

Mr. UNDERWOOD. I yield.

Mr. McKELLAR. Does not the Senator believe that a majority of the American people are opposed to the ship subsidy bill, as shown at the last election?

Mr. UNDERWOOD. I hope so. I am in thorough accord with the Senator's views against the ship subsidy bill; but it is not the majority in the country that can control legislation; it is the majority on this floor.

Of course, I know that my view of doing business does not meet with the approval of most of my colleagues and never has. I am proud to say, however, that since I have been a Member of the Senate I have had reported to the Senate a resolution which I offered, providing a real cloture rule for this body, and not a sham and a mockery. On a vote in the Senate it came within 7 votes of becoming a rule of the Senate, the closest vote the Senate has ever cast on an attempt to provide a rule under which it could do business.

I am not reflecting on my colleagues; they have a right to their own opinions about these matters, and I know they do not agree with me. In a legislative way I was raised in the other branch of the Congress, where they do business, where a majority can write on the statute books its proposals to the American people, and go to the country for their final verdict. When the Republican Party was in control I accepted the results, and when I had the power of control myself, and my party had announced its program, we proceeded to put our conclusions on the statute books. That is government. That is functioning as a vital Government.

I would not have the Senate adopt a cloture rule in the midst of a party contest, because it would be foolish to ask us to do it, but whenever the time comes in the Senate of the United States when it is devoid of partisan issues and partisan prejudice, as far as I am concerned, I would vote for a rule that would enable the United States Senate to attend to the business of the country.

I do not say this in criticism of the Senator from Nebraska, who thinks he is justified in filibustering this bill to death. I do not intend it at all as a personal criticism. It is merely a point of difference between us. But I see a very grave distinction between a filibuster where the fundamental rights of my State were involved and one where the issue is merely one of appropriating dollars out of the Treasury.

I do not think the shipping bill is any worse in fact or in principle than the tariff bill the Congress passed last summer. I think the tariff bill will cost the American people vastly more money than the shipping bill would cost them, and I think the theory that you may levy taxes for the benefit of special interests is far more derogatory to the great principles of equal rights to every citizen of the United States and special privileges granted to none than anything that is involved in the shipping bill.

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

Mr. UNDERWOOD. I yield.

Mr. McKELLAR. I want to suggest to the Senator that the difference between the tariff bill and the ship subsidy bill is that next year Congress can repeal the former, whereas, if the ship subsidy bill shall be passed, the power of Congress to repeal the law will be taken out of Congress for a term of years—I believe from 10 to 15 years.

Mr. UNDERWOOD. Mr. President, the Senator from Tennessee is not coming at the question directly; but I want to say to the Senator from Tennessee that, so far as the subsidy bill itself is concerned, as it stands before the Senate to-day, an annual appropriation is required before it can be put into effect. It came from the House in that form. It is true that the Senate committee has proposed an amendment which would enable the contracts to be made for a period of years, but that amendment has not yet been adopted and is not in the bill.

Mr. McKELLAR. Does the Senator doubt that it will be adopted?

Mr. UNDERWOOD. Yes; I doubt it. I do not say that it will not be adopted, but it seems to me if I were running the proposition I would stop long enough to let them vote on that amendment and find out where we stand. No one would foreclose anything by allowing the other side to vote on that proposed amendment. If Senators on this side of the Chamber insist on a filibuster, they could still go on with the filibuster, but why not let the majority determine the issue as to whether the proposed amendment is in the bill or out of it? At present it is out of it.

Mr. HITCHCOCK. Of course that is hardly in harmony with the style the Senator followed when he led the filibuster.

Mr. UNDERWOOD. Oh, that is true.

Mr. HITCHCOCK. He would not let us vote on anything, hardly even on a motion to adjourn.

Mr. UNDERWOOD. That is true, because, as I said, that was an issue where the rights of the great constituency which we represented, the fundamental rights of government, were involved. I say there is nothing involved in the shipping bill but an expenditure of money.

Mr. McKELLAR. The trouble is that there are a lot of us who have a very different view about it. There are some of us who think this is just as important as the other bill, perhaps, on a question of principle.

Mr. UNDERWOOD. I hope my friend from Tennessee will not think I am criticizing him.

Mr. McKELLAR. Oh, I do not.

Mr. UNDERWOOD. I know that the Senator from Tennessee differs with me in what I am expressing, but has the Sen-

ator from Tennessee any objection to my expressing my own view in the RECORD?

Mr. McKELLAR. None whatever.

Mr. UNDERWOOD. That is all I am trying to do. It is not with any intention on my part to criticize the Senator's position.

Now, Mr. President, I will come back to where I left off when I was interrupted. I said that I believe that the fundamental principles in the tariff law were more detrimental to the American people than anything that is in the shipping bill. I believe it is more so now than it was a decade ago, because it was then only a question as to whether we would play favorites to special interests. Now, it is a question of closing our doors to foreign shippers, preventing from coming into the country the only means of payment for agricultural products which we ship to Europe.

I believe the principles that are involved in the tariff law go to the very prosperity and future industrial life of the American people. We can estimate with our pens how many dollars may be thrown away as a result of the passage of the shipping bill, but no man can estimate the disaster or danger, measured in dollars, that may come from the tariff law. And yet when Senators on this side of the Chamber consented last September that the majority party might come to a vote on the tariff bill, there were 1,500 amendments undisposed of that were passed en bloc. My colleagues on this side of the Chamber, if they had desired to do so, could have had the tariff bill on the floor of the Senate to-day. It would not have been a wise thing to do.

This is a government of majorities. The people of the country send their representatives to the House and to the Senate. The majority have a right to rule so long as they are not invading the Constitution of the United States and the fundamental principles of our Government that have come down to us from the fathers. No man on the floor of the Senate is more opposed to the methods involved in the shipping bill than I am, and yet there is no man on the floor of the Senate who is more in favor of upbuilding a merchant marine in this country than I am. More than a decade ago I made a legislative proposal and it became the law. I shall not go into the details of why it was defeated, but it was not defeated by the American people. I realize that one of the greatest disasters that happened to the people I represent occurred in 1914, when that great agricultural crop, cotton, fell from 14 cents to 5 cents a pound for no reason in the world except that there were no ships to carry the exportable portion of the crop to the ultimate market of consumption.

I do not think the pending shipping bill will accomplish the expected result. I think it is wrong in principle. I am entirely opposed to it, but I belive that the country must be governed by responsible majorities.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. UNDERWOOD. Certainly.

Mr. CARAWAY. I want to say just a word of explanation, that I perfectly agree with the Senator in that I am willing the majority should have a vote. But this is a party Government, as the Senator calls it. The Senator is the leader of the minority. He rises in his place and prefaces his statement by saying "The doctrine I am announcing is not agreed to here by my colleagues." I wonder if that same rule of majority then would not restrain the leader of the minority from announcing a principle against which a great majority of his colleagues were opposed?

Mr. UNDERWOOD. I will say to my friend that I think that is a very just criticism, a very fair one, and I shall answer it in the same spirit in which the Senator asked it. I did not regard the question of the filled milk bill this morning as a party question.

Mr. CARAWAY. I did not have that in mind. I thought the Senator was talking about the shipping bill, and that is the measure which I said I was perfectly willing the majority should vote on. I had thought and at one time expressed the hope that the majority would let those who are to continue in the majority express their view and not insist that those who are hoping for favors that do not come from the people direct should determine the policies of the country. They do not seem willing to accept that view, because they know that the majority of those who are to be in the Sixty-eighth Congress are against the bill. However, that has nothing to do with it. I was merely showing that they will not take the responsibility. I am willing they should take it.

Mr. UNDERWOOD. I thank the Senator and I agree with him. Of course, we have not come to a vote, but I have talked to my colleagues about the shipping bill. I think I have spoken to every Senator on this side of the Chamber about it. So far as I know, the votes on this side of the Chamber will be absolutely against the shipping bill, except two. We have 37 votes in the Senate, and 35 will be against the bill. I have also talked to my colleagues, and I am satisfied after talking with them that a majority of the Democratic Senators feel that after proper debate the majority have a right to cast their votes and express their views. The opposition to that course on this side of the Chamber, if I am to judge from what I have heard from my brother Senators, comes from a minority on the Democratic side.

Mr. CARAWAY. May I interrupt the Senator again to say that I certainly misunderstood the Senator a moment ago? I thought he said he realized the views he was expressing were in opposition to those of a majority of his colleagues.

Mr. UNDERWOOD. I was merely speaking of the vote I cast this morning on the filled milk bill proposition.

Mr. CARAWAY. Oh, everybody had forgotten that, because the filled milk bill was just one of these talking bills.

Mr. UNDERWOOD. I will say to my friends on this side of the Chamber that the only reason why I have said anything in this connection was that I found myself in a very embarrassing position, but many times we all vote without knowing much about the legislation. Some of it comes from some other committee than those with which we are directly connected, and somebody else knows about it, and I follow my side under circumstances of that kind. But ever since I have been in public life, when I have had a conviction of my own on a legislative subject, I have expressed it, whether I stood with the united column or stood alone, and I do not know how to do business otherwise.

The only reason why I became involved in this debate at all——

Mr. CARAWAY. May I interrupt the Senator again? The Senator realizes that if each individual would take that view party government would be at an end.

Mr. UNDERWOOD. Oh, undoubtedly.

Mr. CARAWAY. And yet I thought the Senator said this was a party government?

Mr. UNDERWOOD. Yes. Of course, I was speaking about the filled milk bill. If the Democratic Party in the United States would ever meet in caucus and not in conference and would let the united wisdom of the party determine the questions, I would do then as I have always done—accept the conclusions of the majority. I think that is the way to do business, and that is the way I was educated to do business in the House of Representatives. But that is not what we do in the Senate.

I think that the practical thing to do in the condition which now confronts us is not to filibuster the shipping bill to death but let this important amendment as to how long the bill shall be operative come to a vote in the Senate and come to that vote now. When that amendment is voted on the question may be settled. The difficulty in the situation is that we have on the calendar many important bills, some good and some bad. They are entitled to be disposed of. But everything must go down under the rules of the Senate because there is one particular bill that is objected to.

The only reason why I have become involved in the debate was that on the vote on the filled milk bill this morning I felt that it was necessary for me to explain my vote and let the RECORD show why I voted to lay that bill on the table. That was not a party question. That would have been the end of it so far as I was concerned, until my friend from Nebraska criticized my course, to which I am not objecting at all. It was perfectly legitimate for the Senator to do it, and it was equally perfectly legitimate for me to make a reply.

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

Mr. UNDERWOOD. Yes.

Mr. CARAWAY. I wonder if there is not a little inconsistency in saying that the Senate ought to do business and then for the Senator to vote to table a bill without discussion?

Mr. UNDERWOOD. No.

Mr. CARAWAY. I do not see how we can consider legislation by tabling a measure without having it read.

Mr. UNDERWOOD. Of course, my friend from Arkansas, who is a splendid Senator, one of the best debaters in the Senate and an excellent parliamentarian, is simply overlooking the fact that these parliamentary motions have come down with the wisdom of ages. There is nothing new in them; there is nothing wrong about them. There are times which come in a parliamentary body, when it is moving toward a conclusion, and the delays caused by those who are fighting on the outskirts and harassing the column become so troublesome that there must be some parliamentary way out. Therefore parliamentary bodies, long before this Nation was born, adopted the course of laying on the table those things which were in the way of the direct issue; and that determined where the direct issue was. Of course, this morning the determination was adverse,

but there was no way of ascertaining that until the vote was cast. It was sidetracking something that was in the way of the direct issue. Of course, so far as my vote was concerned, I was merely opposed, as I always have been opposed in principle——

Mr. CARAWAY. Mr. President, let me ask the Senator just one more question. If a motion shall be made to lay upon the table the ship subsidy bill will the Senator vote for it?

Mr. UNDERWOOD. Undoubtedly.

Mr. CARAWAY. Evidently, then, that is no way to legislate. We do not get any real intelligent consideration of the shipping bill by tabling it, do we?

Mr. UNDERWOOD. Of course, I think the shipping bill has been debated fully and freely, and I am opposed to it, and laying the bill on the table would be a way of finally disposing of it and allowing the Senate to attend to the remainder of its business. If the Senator from Arkansas, when the opportune time comes, desires to make the motion to lay the shipping bill on the table, he will undoubtedly receive my vote most cheerfully.

Mr. CARAWAY. But, Mr. President, I am still curious to know how that would be an intelligent disposition of an important piece of legislation. The motion prevents debate; it prevents the offering of amendments; it prevents reading of the bill or any consideration. If agreed to, it would simply set it aside, but it would not dispose of it. I thought the Senator from Alabama was arguing for an intelligent disposition of the bill.

Mr. UNDERWOOD. Undoubtedly; and I think if we could command a majority to lay the shipping bill on the table after months of debate it would be a very intelligent disposition of it. That is my view point. I do not favor motions to lay on the table when Senators have not had an opportunity to express their views, but in this case, as a rule, they have had that opportunity. I, therefore, think it would be proper to move to lay a bill on the table when the vote is going to raise the question, as it did this morning, as to the right of way between two bills.

I have gone into this question further than I intended to, but I wanted the RECORD to disclose my viewpoint of the matter. I respect the opinion of the Senator from Nebraska; I am not falling out with it; he has got just as much right to his opinion as I have to mine, and I think his criticism was very proper if he thought that I had erred.

Mr. HITCHCOCK. Mr. President, I think the Senator from Alabama has misconstrued what I said. My remarks were not by way of criticizing his attitude on the motion to lay upon the table. My remarks were in defense of the present filibuster, if there be a filibuster, and I thought the Senator was really criticizing the attitude of those who are filibustering against the pending bill. I took his remarks to be a criticism of our attitude.

Mr. UNDERWOOD. I wish to assure the Senator from Nebraska they were not a criticism, because that would be personal, but there was a difference in the viewpoint.

What I say is when we come to purely economic questions—and, of course, all economic questions have behind them some principle, because the mere taking the money out of the Treasury involves a principle—when we come to questions that do not involve fundamental principles of government, I say in the last analysis the majority must govern.

Mr. HITCHCOCK. There the Senator is drawing a comparison between the merits of the shipping bill and the merits of the other proposed legislation. I am not talking about the merits of the shipping bill. I am talking about the right of the American people to have their wishes which they expressed at the ballot box carried out; that is the issue in this case. It is not the fact that we are opposed to the shipping bill which justifies the filibuster. The thing which justifies the filibuster is that the Executive is trying to force through this Congress legislation which the people repudiated last November, and that involves the integrity of representative government. If we can enact legislation which the people have already repudiated at the ballot box, then we are doing violence to one of the principles which involve the very foundation of representative government.

Mr. UNDERWOOD. I hope the Senator is right that the members of the next Congress do not believe in this class of legislation. So far as I am concerned, I have not polled that Congress and I do not know. It will still be Republican in both branches of Congress. I wish it were Democratic, and then I should know; but as to whether there will be enough Republicans in the next Congress who will join with the Democrats against this class of legislation I do not know. That is not the issue; that is not the thing in which I am interested; and it is not this bill. I think if the Senators on the other side of the Chamber make a fundamental proposal and it works out all right, it is for the good of the country; and if it works out all wrong, and they have made a mistake, the country will hold them responsible, and it will be a liability instead of an asset for them.

Mr. McKELLAR. Mr. President, if the Senator will yield there, if that principle of legislation should be adopted, why the necessity of any members of the minority party being here at all? Why not just turn over all the responsibility to the majority and let them pass such legislation as they desire?

Mr. UNDERWOOD. I am afraid my friend from Tennessee has not thought out that proposition. This morning the majority party had a proposal pending, but what was supposed to be a minority turned out to be the majority. If the question of majority were determined in advance, what the Senator says might be true, but the Senator from Tennessee overlooks a very useful function that is always performed by the minority.

Mr. McKELLAR. If the Senator will permit me again, he made the illustration; he pointed to the other side of the Chamber, which means the Republican side of the Chamber.

Mr. UNDERWOOD. Of course, the Republican side of the Chamber has the shipping bill before the Senate, but there were enough Republicans converted to a different policy, this morning at least, to carry a preliminary vote to lay their measure aside. The minority has a very useful function to perform in a legislative body, even if it does not carry its view. It has the right of criticism; it has the right of presenting to the country the errors that it believes the majority party has made; and it is a great salvation to the country and to the people that a critic does stand here.

Mr. McKELLAR. I agree entirely with the Senator about that.

Mr. UNDERWOOD. Certainly.

Mr. McKELLAR. But I was just telling him where, in my judgment, his argument would lead.

Mr. UNDERWOOD. I respect the position of my friend from Tennessee, and I know always he is earnest in his viewpoint. I am not saying this in opposition to him. I started out a moment ago merely to say what my viewpoint was, and I have gone further into the question than I intended to go. The only reason I said anything further about the matter was that my friend from Nebraska referred to my position this morning, and I felt I had better state what my position was in the RECORD.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Montana?

Mr. UNDERWOOD. I yield.

Mr. WALSH of Montana. I am quite in accord with the views expressed by the Senator from Alabama concerning the right of the people of the United States to expect that the Senate is going to do business, and I am in entire accord with the desire expressed by him that the rules of the Senate might be amended so that after a subject is legitimately debated a vote might be forced; in fact, I have argued in favor of that principle ever since I came here. But I am a little afraid that the remarks of the Senator now will be interpreted to mean that those of us who choose to vote for the pending motion are engaged in a filibuster.

Mr. UNDERWOOD. Oh, no.

Mr. WALSH of Montana. Does the Senator regard the motion of the Senator from Montana as a part of a filibuster against the shipping bill?

Mr. UNDERWOOD. No; I do not. I think the Senator from North Dakota [Mr. LADD] is perfectly honest in his proposal. He has made a motion with respect to a bill in which he believes.

Mr. WALSH of Montana. That is the point.

Mr. UNDERWOOD. The Senator from North Dakota is a man whom we all respect and we know that always he works by direct methods. He has proposed this bill because he believes it is right; I have no doubt of that whatever, but I differ with him. That, however, was not the issue. My friend from Nebraska criticized me for saying something about a filibuster, and he justified the filibuster; so that it was a question between the Senator from Nebraska and myself. I am not saying this in criticism of Members of this side of the Chamber. Many of them may believe that the filled milk bill is a very good bill and that it is a better bill than the shipping bill. If they do, they ought to vote to take it up. Of course, I believe both bills are bad.

Mr. WALSH of Montana. But I was afraid that the remarks of the Senator would give color to the suggestion that those of

us who choose to vote to take up the bill proposed by the Senator from North Dakota would be participating in a filibuster against the shipping bill.

Mr. UNDERWOOD. Not at all.

Mr. WALSH of Montana. Our vote in favor of taking up the bill of the Senator from North Dakota will be, first, because we believe we are in favor of the bill, and, in the second place, because we do not think it so evil as the shipping bill.

Mr. UNDERWOOD. Undoubtedly.

Mr. WALSH of Montana. Now, I assume that those, including the Senator from Alabama, if he votes that way, who will vote against taking up the bill proposed by the Senator from North Dakota will deem the passage of the shipping bill less of a public calamity than the passage of the filled milk bill.

Mr. UNDERWOOD. I can not say that I would go that far; but I will tell the Senator candidly what I think. I think that the amendment to the shipping bill which provides for a limitation of the expenditures under it to one year, thus leaving the question in the power of Congress, ought to be voted on before anything else is done. If that amendment should be adopted, as I think it properly may be, there is no great danger in this bill to the American people that can not be avoided in any Congress; and I should like to see the shipping bill go that far, because I know that if the filled milk bill, to which I am opposed, is taken up to-morrow it will be passed, and then there will be some other bill, and then we will continue this filibuster until the 4th of March—that is, we will continue this fight—I will not call it a filibuster.

Mr. WALSH of Montana. The Senator means that we would continue to take up bills that we think more important than the shipping bill?

Mr. UNDERWOOD. Certainly; but we will not do business. Now, Mr. President——

Mr. McKELLAR. Mr. President——

Mr. UNDERWOOD. I will ask the Senator to allow me to answer the Senator from Montana. In what I said awhile ago to the Senator I think I am correct. Thirty-five out of the thirty-seven Democrats on this floor are opposed to the shipping bill in their hearts. They believe it is a bad bill; but a majority of Members on this side, as I said awhile ago, do not believe that the bill ought to be filibustered—and I think the Senator from Montana agrees with me about that—but that, after a reasonable date, it is entitled to be voted on.

Mr. WALSH of Montana. The Senator states my position exactly, but at the same time I am in favor of taking up some other measures.

Mr. UNDERWOOD. Of course I realize that, and I am not critical of that position and have not been at all. I am taking more of the time of the Senate now than I intended to take; but I happened to be voting pretty nearly by myself awhile ago—there were one or two friends on this side with me—and I thought I was justified in putting into the RECORD a few remarks to explain why I voted as I did on a bill that neither I nor anybody else regard as a partisan measure.

Mr. DIAL. Mr. President, when the motion to table the filled milk bill was called up I was pretty busily engaged at my lunch, and came up, and was told that it was a preliminary fight between the filled milk bill and the shipping bill, so I voted without thinking or caring very much about it.

I was reminded of a remark that was made by a hard-shell Baptist preacher in my State many years ago. Some 35 years ago there was a good deal of antipathy in the country against lawyers running for office. In my county there were two lawyer candidates for the State senate. A hard-shell Baptist preacher went to the booth, picked up a ballot, looked at it, saw these two names on it, marked across both, and wrote at the bottom: "Neither one fits."

Mr. CARAWAY. Mr. President, does the Senator think he was right about it?

Mr. DIAL. Perhaps so, but I doubt it. So, Mr. President, I did not see any choice between these two bills, and I voted and returned to my lunch.

So far as filibustering is concerned, Mr. President, I think probably the best thing Congress could do would be to wind up some matters of importance and adjourn without passing the shipping bill, the filled milk bill, or any other of these abominations that we have on the calendar here. I think it would do the country a great service.

Mr. President, I do not know how the Senate is going to vote on taking up the filled milk bill; but, to my mind, there is about as little excuse for that kind of legislation as there can possibly be. It seems to me that the Congress has lost its sense of proportion, and that we are dabbling in all kinds of affairs to discourage business, to increase officials, to multiply expenses, and to put burdens upon the people of this country. I was informed that this bill was on the wrong lines, and I took a little time to look into it. It is unconstitutional. It is simply a fight between some big milk concerns and undertakes to outlaw some legal enterprises.

Anyone who reads the bill itself can see that there is no necessity whatever for it. Then if he will read the statement of the author of the bill, on page 5 of the hearings, he will see that there is no fraud practiced. The compounds are not labeled "milk" but they are called by different names, and the contents of those compounds are perfectly healthful and nutritious, and there is no occasion for passing this bill. The pure food law covers everything that is necessary along this line. This makes a cheaper compound than regular milk preparations for the use of poor people who want to use it, and there is no deception whatever about it. The packages are not marked "milk." They are marked "Hebe" and "Nutro" and different names.

Mr. President, under this bill it is intended to arrest citizens of this country, try them in court, and impose on them a fine of $1,000, I believe, for endeavoring to make a perfectly legitimate compound to be sold to the people of this country. If it were sold under some deceptive name or a misleading label, then there would be some excuse for it; but these people do not do that at all. They simply make a compound that can be sold cheaper than milk.

People come here and talk about passing laws for the protection of the health of babies and ignorant people. That argument has been worn threadbare. They say that some of these compounds are not good for infants. I do not suppose beefsteak is good for an infant. Many other things are not good for it until it gets to the proper age to digest them; and if Senators will go to the trouble to read the statement of the author of the bill in the House they will see that he says there is no deception, that the label on this product does not mislead, but, for fear that ignorant people will buy it when they ought to buy something else, he thinks this bill ought to pass. There is no virtue in an argument of that sort, and no logic in it.

I was very much impressed with the various telegrams received by the Senator from Illinois [Mr. McKINLEY], which will be found, beginning on page 62 of the hearings. I will read just a few of those telegrams. As I said before, this seems to be a fight between different manufacturers, and it is not the part of a legislature to take sides in such a matter. We should legislate on general principles.

The first telegram, on page 62, is as follows:

CHAUTAUQUA, N. Y., *July 1, 1922.*

Senator WM. McKINLEY,
Senate Chamber, Washington, D. C.:

The manufacture of milk compounds assures the conservation for human consumption of millions of pounds of skimmed milk used for feeding animals or thrown away. Adroit appeals to the mother love of women in an effort to secure their support of the Voigt bill should be discountenanced.

KATE WOOD RAY,
Chicago, Member Women's Allied Drug Club.

This lady says that this skimmed milk is either fed to animals or thrown away, and yet these people manufacture it and put it in shape to be sold more ecomomically than some other compounds of milk, and it is truly labeled. I am, of course, against fraud in any form, but this does not undertake to perpetrate a fraud. In fact, it refutes any idea of perpetrating a fraud upon the people.

The next telegram is as follows:

CHAUTAUQUA, N. Y., *June 30, 1922—5.20 p. m.*

Senator McKINLEY,
Senate Chamber, Washington, D. C.:

The trade war against skim-milk compounds has been carried into Congress. I object to such legislation as will permit our Representatives at Washington to be used in furthering such a war; therefore I ask that you use your influence to defeat the Voigt bill.

Mrs. JOHN MILLOY, *Elmhurst, Ill.*

The next telegram reads:

CHAUTAUQUA, N. Y., *June 30, 1922—8.23 p. m.*

Senator WM. McKINLEY,
Senate Chamber, Washington, D. C.:

The Voigt bill is an unwarranted interference with business, and if enacted into law would deprive hundreds of families of a nutritious, wholesome, and economical food product.

GRACE VIALL GRAY,
President University of Chicago Cooperative Nursery.

Another telegram:

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator McKINLEY,
Senate Chamber, Washington, D. C.:

As a home economic teacher I am opposed to the Voigt bill. A vote for the Voigt bill is a vote against the home. It would drive from the market a wholesome and nutritious food and deprive housewives of an excellent cooking medium.

RHODA VIALL, *Manteno, Ill.*

Mr. President, I presume the women of this country know about as well what is good to cook as these advocates who come here and try to outlaw this product—people who have a selfish purpose to serve.

On page 63 there is another telegram from Chautauqua, N. Y.:

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MCKINLEY,
Senate Chamber, Washington, D. C.:

Bakers and candy makers can buy skimmed milk, so why deprive the housewife of the use of this economical and valuable food? Skimmed milk with vegetable fat has the approval of health authorities. The Voigt bill would legislate these preparations off the markets. Defeat the Voigt bill.

Mrs. OLTO HEPER, *Elmhurst, Ill.*

Another telegram from Chicago, Ill.:

CHICAGO, ILL., *July 3, 1922.*

Hon. WM. MCKINLEY,
Senate Chamber, Washington, D. C.:

After a meeting here to-day in which the Voigt bill was discussed I am convinced that this legislation is inspired by wholly selfish motives and should not be permitted to become a law. As my Senator I urge you to use your influence for its defeat.

Mrs. THERESA BURCHY, *Chicago.*

Mr. President, there are various other telegrams here which I ask to have inserted in the RECORD as a part of my remarks, without reading.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, it is so ordered.

The telegrams are as follows:

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MCKINLEY,
Senate Chamber, Washington, D. C.:

I am opposed to the Voigt bill, because I believe it to be a trick to eliminate competition. Scientific and medical men of highest repute have stated such foods to be wholesome and nutritious and an important addition to the food supply of the United States. Housewives are vitally interested in any wholesome food product that tends to lower the cost of living. As my representative I urge you to defeat the Voigt bill.

MARION H. BIEL,
Legislative Chairman Chicago Federation Woman's Club.

—

CHAUTAUQUA, N. Y., *July 1, 1922.*

Senator MCKINLEY,
Senate Chamber, Washington, D. C.:

With the trade war so plainly evident behind the Voigt bill public health has nothing to do, but when they use public health as a smoke screen it should be repudiated. An edible fat added to skimmed milk and properly labeled is an economical addition to our food supply and not deleterious to health.

EVA M. WILSON,
Chairman Public Health Illinois Federation of Women's Clubs.

—

CHICAGO, ILL., *July 3, 1922.*

Hon. WM. MCKINLEY,
Senate Chamber, Washington, D. C.:

Knowing you desire in legislative matters to get the angle of the people back home, I wish to enter my protest against the passage of the Voigt bill. Economy in the household demands a place on the market for the milk compounds.

Mrs. BLANCH R. TAYES, *Chicago, Ill.*

—

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MEDILL MCCORMICK,
Senate Chamber, Washington, D. C.:

The passage of the Voigt bill would establish a far-reaching and insidious precedent that would interfere with business and be to the disadvantage of the home maker. As one of your constituents, devoted to assisting the housewife in solving her problems in selection of foods and expenditure of income, I respectfully urge you to vote against the Voigt bill.

JEAN PRESCOTT ADAMS,
Delegate, National Convention General Federation of Women's Clubs.

—

CHICAGO, ILL., *July 5, 1922.*

Senator WILLIAM MCKINLEY,
Senate Chamber, Washington, D. C.:

Chicago housewives favor milk compound for cooking and baking. Would consider it a calamity to have this economical product debarred from trade by passage of Voigt filled milk bill. Urge you report it unfavorably and use your influence for its defeat.

DORA EARLE, *Chicago, Ill.*

—

CHICAGO, ILL., *July 3, 1922.*

Hon. WM. MCKINLEY,
Senate Chamber, Washington, D. C.:

In the interests of the poor we should not force legislation which would debar from the market economical foods like milk compounds which are not injurious to health. Therefore I ask you to use your influence to defeat the Voigt bill.

MINNIE STARR GOODWIN,
Past President Illinois Federation of Women's Clubs.

—

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MEDILL MCCORMICK,
Senate Chamber, Washington, D. C.:

Present legislation against milk compounds is without justification from public health standpoint. I urge you to vote against the Voigt bill.

EVA M. WILSON,
Chairman Public Health, Illinois Federation of Women's Clubs.

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MEDILL MCCORMICK,
Senate Chamber, Washington, D. C.:

The combination of skim milk and vegetable fat can be put upon the market at a much lower cost than can whole milk properly labeled. It is a useful and highly nutritious food. I am opposed to the present trade war which would legislate such combinations off the market. For these reasons I ask you as my representative at Washington to oppose the Voigt bill.

Mrs. JOHN MILLOY, *Elmhurst, Ill.*

—

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MEDILL MCCORMICK,
Senate Chamber, Washington, D. C.:

I am opposed to the Voigt bill. If the interests back of the Voigt bill are truly concerned about the health of infants why not substitute a bill making it a penal offense for anyone to manufacture anything that would be deleterious to the health of infants and children and not try to eliminate competition by hiding behind the guise of public health?

MARION H. BIEL,
Legislative Chairman Chicago Federation Woman's Clubs.

—

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MCCORMICK,
Senate Chamber, Washington, D. C.:

Milk compounds have never been proved and never can be proved deleterious to health, so I urge you to use all the influence possible to defeat the Voigt bill. It is an interference with business that should not be tolerated.

RHODA VIALL,
Home Economics Teachers, Manteno, Ill.

—

CHAUTAUQUA, N. Y., *June 30, 1922.*

Senator MEDILL MCCORMICK,
Senate Chamber, Washington, D. C.:

Urge defeat of Voigt bill. Am convinced its proponents are actuated by purely selfish motives. The elimination of competition pseudo and not real philanthropy is behind their contention that skimmed-milk compounds are fed to babies and constitutes a menace to health; no cases substantiate this claim.

KATE WOOD RAY,
Chicago Member Women's Allied Drug Club.

—

CHAUTAUQUA, N. Y., *July 1, 1922.*

Senator MEDILL MCCORMICK,
Washington, D. C.:

Skim milk with vegetable fat put upon the market in properly labeled containers has the approval of our home economics people and of the best medical authorities. The Voigt bill would legislate these products off the market; therefore I urge you to use your influence to defeat it.

Mrs. OTTO HEPER, *Elmhurst, Ill.*

—

CHAUTAUQUA, N. Y., *July 1, 1922.*

Senator MEDILL MCCORMICK,
Senate Chamber, Washington, D. C.:

The waste of wholesome, nutritious food material is economically unsound and keeps the cost of living higher than necessary. As Voigt bill is aimed at an industry which conserves over a million pounds of skimmed milk a year, I urge you as my Representative to work actively against it.

LEONA A. KRAG,
Member Illinois Women's Athletic Club.

Mr. DIAL. Mr. President, I notice that a great many of these telegrams, perhaps all of them, are from ladies, and they speak in about the same terms as the telegrams that I have already read. It was surprising to me to see the great unanimity of opinion of these ladies.

Then, Mr. President, on page 72 of the hearings, I find a statement from Doctor Goehle, of Cleveland:

Senator MCKINLEY—

Who was the chairman of the subcommittee—

Will you give your name to the reporter?

Doctor GOEHLE. O. L. Goehle. Mr. Chairman, I am attendant at the Cleveland City Hospital and the Lakewood Hospital and the St. Johns Hospital, and I am also attending director of the Lakewood Dispensary, and these positions give me ample opportunity to have many feeding cases under my charge. I have for the last seven and one-half years been using S. M. A., five years with Doctor Gerstenberger at the Babies' Dispensary and then two and one-half years since it has been put out for public use in Cleveland—in other words, two and one-half years in private practice and also at the dispensaries where I am officiating.

I have used it for children, infants, premature infants, even from the first day, and I have used it over long periods, a good many times longer than 10 months and quite often as long as a year. So I have been able to watch the growth and development of these children under this food, and there are, I think, all told about 700 children that I have fed it to, and within the last two and one-half years I think I have had about 500 private children and about 120 of those are on my list right now. These children stand out among other children on artificial foods as especially finely developed, sturdy, well-fed children, coming close to and in a good many instances, I believe, equaling breast-fed children.

Their average of weight progress is well above the normal; their skin is soft and smooth, the tissues are firm, muscles are well developed, and their bony framework is particularly fine. I do not know of any children that have any better teeth than they, and I have been able to follow those children two or three years later, and I do not find any evidence of early decay, so that all in all the effect has been very gratifying from the medical point of view. And judging from the demand as it is made by my mothers who have either seen other mothers' babies on S. M. A. or who have had one or two children in their family on other foodstuffs, and have had one youngster on S. M. A.

and who then have a new body come in, they are very much impressed with the results obtained with S. M. A.

They come in and make the demand for S. M. A. for two reasons, either because they want a baby as good as Mrs. So-and-so's, or because they wish this baby to be as good as the S. M. A. baby they have had. And then one of the biggest reasons is that they know they can not get it except on a doctor's prescription.

I have had no deleterious effects at all in the many cases I have seen, and absolutely no rickets, and this very dreaded condition which grows panic in the mother's heart, this tendency toward convulsions that so many children get on artificial feedings—I have not met this in these children I have fed S. M. A.

From the point of view of infant feeding I think it is really a God-send. It is foolproof against the attempts of mothers to meddle with the food. The universally general result has been excellent.

Mr. President, that is what a physician in charge of a hospital has to say on the subject. So it does seem to me that Congress is drifting around and going very far to hunt up subjects on which to legislate.

It will not be long before the citizens of this country will not know which way to turn. Congress will prescribe what they shall eat, what they shall wear, how they shall become heated, what they shall drink, and how they shall conduct their business, and before starting in life people will have to come to Washington and go through a universal training. Otherwise the people of this country will serve in the penitentiaries, I am afraid, for the Government will find them and confiscate all their wealth.

I very much wish Senators would look into this bill and call a halt on this kind of legislation. There are some kindred bills a little farther down on the calendar along the same line, and I think we have adopted enough bad legislation in the last couple of years, since the Republicans have been in power. The Republicans are getting terribly discouraged now, and if they keep on they will lose all hope and the next election will not have enough "pep" in it to make it amusing. We do not want to kill them off all at once, and I want to warn them that the people will not stand much of this kind of legislation.

I believe this bill possesses somewhat fewer iniquities than does the shipping bill, possibly, in that it does not deal in such large amounts; but I would hesitate a good while before I would vote to take up either one of these bills. I might vote to take up the filled milk bill, as I would have to choose between them, but I would be doing great violence to my conscience, and I wish somebody would talk from now to the end of the session so that we would not have to go through that ordeal.

With this warning to our friends on the other side, I believe I will let them go along now, as far as I am concerned, and take a vote if they want to, but I hope legislation along the line of this filled milk bill and a few of the kindred bills which follow it on the calendar will never be put upon our statute books.

CONFIRMATION OF MILES POINDEXTER AS AMBASSADOR TO PERU.

Mr. LODGE. Mr. President, I ask that the Senate in open executive session consider the nomination of ambassador to Peru, which has just been received from the President.

The PRESIDING OFFICER (Mr. ODDIE in the chair). Without objection, the Chair, in open executive session, lays before the Senate the nomination by the President, which will be read:

The Assistant Secretary read as follows:

THE WHITE HOUSE, *February 19, 1923.*

To the Senate of the United States:

I nominate MILES POINDEXTER, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Peru, effective March 5, 1923.

WARREN G. HARDING.

Mr. LODGE. Mr. President, unanimous consent is always granted for consideration in such cases where a member of the body has been nominated to office by the President, and I ask unanimous consent for the consideration of the nomination.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. LODGE. I ask for the confirmation of the nomination in open executive session.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination? [Putting the question.] It is unanimously agreed to.

Mr. LODGE. I ask that the President may be notified.

The PRESIDING OFFICER. The President will be notified of the confirmation.

Mr. LODGE. I ask that the Senate return to legislative session.

The PRESIDING OFFICER. It is so ordered, and the Senate resumes legislative session.

THE MERCHANT MARINE—FILLED MILK.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, the pending question being on the motion of Mr. LADD that the Senate proceed to the consideration of the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce.

Mr. HARRISON. Mr. President, I rise merely to try to clear up what may appear to some to be a wide difference of opinion on this side as to the wisdom of taking up the so-called Ladd bill or to allow the ship subsidy bill to be proceeded with.

I do not understand how anyone got it into his head that there was a filibuster on. It must have been a slip of the tongue when some one said there was a filibuster. I for one do not admit that there is any filibuster, and if there were a real filibuster on, Senators and the country would know it. How anyone can imagine that there is a filibuster on, under the circumstances, is beyond my comprehension.

In a short session of Congress, within two and one-half months, this side of the Chamber has cooperated with the other side in passing every appropriation bill for the support of the Government. I do not know whether we have passed 12 or not; it used to be 12 before we adopted our new-fangled rules, but, anyway, every appropriation bill for running the Government has been passed, and I think all except two are now laws, those two being the Army appropriation bill and one other bill.

Mr. LODGE. The District of Columbia appropriation bill.

Mr. HARRISON. Yes; the District appropriation bill; and there may be a deficiency bill yet. We know there will be more deficiencies. I shall be surprised if there are not two or three deficiency bills within the 10 days yet remaining, because the appropriations have been cut so much under the estimates that we may be assured that before we adjourn on the 4th of March we will have a deficiency appropriation bill in this body which will carry around $75,000,000 or maybe $100,000,000.

May I ask the Senator from North Carolina if he has any hint of another deficiency appropriation bill and how much it will be? I just wager—not being a betting man, I wager—that the Appropriations Committee has some hint of some large amount to be carried in a deficiency appropriation bill between now and the 4th of March.

Mr. OVERMAN. I think it will carry $56,000,000.

Mr. HARRISON. Fifty-six million dollars. The Senator from Massachusetts knew that, but I, not being on the inside, did not know what the amount of the deficiency appropriation would be.

Mr. LODGE. The Senator might have guessed it by thinking of the amount added to the Army appropriation bill for rivers and harbors.

Mr. HARRISON. Rivers and harbors! That is a matter about which the administration was very unwise. The engineers of the Government said that in order to promote commerce we needed about $57,000,000 to provide for channels and harbors and their maintenance, and the Budget Bureau, without rhyme or reason, not having any knowledge of engineering, knowing nothing about the condition of the rivers and harbors of the country, fooled the President, so that the President allowed the Budget Bureau to cut the estimate down to about $27,000,000.

You could not expect Senators of individual views to accept such a proposition as that, because from the time the engineers were made a part of the Government the Senate has accepted their views over those of civilians, so far as appropriations to take care of rivers and harbors were concerned, and I can not understand how the President could ever imagine that the Congress of the United States could accept an estimate of the Budget Bureau for river and harbor improvements to the extent of $27,000,000 when the engineers said $57,000,000 was needed, and, of course, the Congress approved the estimate of the engineers.

Mr. HITCHCOCK. Mr. President——

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

Mr. HARRISON. I yield.

Mr. HITCHCOCK. I will state to the Senator that if the Government of the United States had required Great Britain, in the bill passed Friday, to pay the same amount of interest we will be compelled to pay on our bonds this deficiency would not be necessary. Fifty-seven million dollars is exactly the amount of money we will pay in interest more than we will receive from Great Britain upon the deferred debt.

Mr. HARRISON. The Senator is exactly right in that. Of course, under the Democratic administration—though I do not

want to talk politics—the Treasury Department said that the interest rate on those bonds would be 5 per cent, I believe, but the five distinguished Republicans now representing this Government on the Debt Funding Commission said that a lower rate of interest was sufficient, so that went through. That is the way they are running things. But I did not want to get off on that. I wanted to remove this impression about a filibuster.

We have passed all these appropriation bills. We have helped the Republicans. We helped them to pass, forced them to pass, the Capper and the Lenroot agricultural credits bills. Talk about a filibuster; the distinguished Senator from Arkansas [Mr. ROBINSON] was the one who proposed the unanimous-consent agreement to stop the debate upon the Lenroot agricultural credits bill. If he had not done that, perhaps the debate would have been going on until now. It was the distinguished Senator from Virginia [Mr. SWANSON] who proposed the unanimous-consent request to close the debate and vote upon the British debt proposition. So we Democrats have been helping the Republicans along, but they do not seem to appreciate it. When a Democrat on this side even hints that there is a filibuster on, Senators on the other side sit in their places and do not come to the rescue of those of us who are trying to help them push legislation through.

Now, what is the picture? Here is the Senator from North Dakota [Mr. LADD], not a Democrat, but a Democrat in his belief and in his votes, who continues over on the other side of the Chamber when he should be sitting over here. He has proposed consideration of the skimmed milk or filled milk bill. He has said that the great dairy interests of the country need it. He has said that it would preserve the health of the children; that it is wholesome and reasonable and needful legislation. He has sat in his seat here for days and, under your leadership of the majority, has seen things go from bad to worse. He has seen the moments flitting by and the 4th of March coming on, and he knows that unless he makes an effort the dairy interests of the country will, in his opinion, suffer by virtue of the failure of the passage of the skimmed or filled milk bill.

So he rose in his place and made a motion to take up that bill for consideration, and the Senator from Washington [Mr. JONES], I suppose frightened and afraid to discuss the motion on its merits, moved to table that motion, which meant that no discussion upon the merits of the motion of the Senator from North Dakota could ensue. Of course, the majority of the Senate are not going to strangle the dairy industry of the country. They believe that every reasonable bill should have some time for discussion upon the floor of the Senate, and so they voted down the motion to table. Now, the important question is before the Senate whether we shall take up the skimmed or filled milk bill or continue consideration of the ship subsidy bill, and drag and drag along, when we know and you know and everybody knows that, outside of Lasker and the President and my friend from Washington, the ship subsidy bill has no friends.

With the country needing legislation, with committees having placed bills upon the calendar, are we to sit here and allow the ship subsidy bill to drag its weary way along and not turn our hands in order to get up legislation that will really benefit, in our various opinions, certain interests of the country? If we stay here, this same old debate would go on and on. Nobody seems to want to help the ship subsidy bill on to passage.

I have watched my friend from Oregon [Mr. MCNARY], who has had a bill on the calendar, I will say, for a year at least, known as the McNary reclamation irrigation bill. The steering committee of your party met and named it as one of the first bills to be considered at this session of Congress. The President has been talked to about it. He has given it his O. K. The press has said that the McNary reclamation bill would be one of the bills this Congress would pass, and yet the ship subsidy bill is kept here when everybody knows it can not pass, and is permitted to drag itself along and block the McNary reclamation bill. If some Senator from the West on the other side of the Chamber, who has promised his people to stand for and advocate the passage of the McNary reclamation bill, does not make the motion to take it up, the motion will be made and it will not be made to carry out a plan of filibuster. It will be made in order to show to the country that the great West and the South, needing this legislation, wish to have it enacted.

That is not the only motion that will be made. Here is the truth in fabrics bill. How many Senators over on the other side of the Chamber have promised their constituents that they are going to pass the truth in fabrics bill? And yet whenever the motion shall be made some one will say it is a filibuster upon the part of those on this side of the Chamber, when we have done little more than discuss bills as they have come up and voted to help Senators on the other side of the Chamber carry their motions when made for the consideration of their bills.

I realize that there are two viewpoints with respect to the ship subsidy bill. The Senator from Alabama [Mr. UNDERWOOD] believes that the wise course for his party to pursue is to get a vote on the ship subsidy bill. For my part, I have no objection in the world to a vote on the ship subsidy bill. I know that its passage would benefit the Democratic Party, if there were sufficient votes to pass it and it could be brought to a vote. I do not believe there is a Senator who would vote for the bill who could go back to his people immediately and be returned to the Senate after having voted for it. I think it is monstrous, but with all the bills on the calendar that various Senators are trying to have considered, the ship subsidy bill has little chance to pass.

Why should we be strangled on such an important measure? Why insist upon meeting at 10 o'clock in the morning, taking no recess for dinner, and staying here until 10 or 11 o'clock at night to consider the ship subsidy bill, when Senators on the other side of the Chamber are constantly making motions to supplant it and getting enough votes to supplant it? We all know that we would accomplish more by proceeding in an orderly way, and that a majority of the Senate are opposed to the ship subsidy bill. I do not mean a majority of the Senate would vote against the ship subsidy bill when the vote comes, because I know there are certain Senators on the other side of the aisle who are like frightened birds upon a rotten twig. They are trembling and ready to fly at the first crack of the twig. I suppose some of those faint-hearted gentlemen will, in the end, when the roll is called vote for the bill, but in their hearts they do not believe in it. I will not say they are praying, but they are hoping that the vote will not come.

The Senator from Alabama realized that. He has analyzed the situation with his keen intellect, and he knows that it will put the majority in trouble. He believes the best way to do it is to come to a vote, but as for myself I am taking a broader view of the proposition than the Senator from Alabama does.

While I am perfectly willing to have a vote, I really want to help protect Senators from their own folly. I want to help fix a pallet, so to speak, on which some of them may rest easy, so they may get away from the influences of the Executive power that are demanding of them to vote for the ship subsidy legislation. I do not think any of them are going to get mad with us for delaying the ship subsidy bill a little bit.

I submit, Mr. President, that as yet there is not a real filibuster on, and it can not be laid at our door that there is a real filibuster going on. Things are going along in a very nice way. We are trying to consider some legislation. When that shall have been finished, then we want to consider the truth-in-fabrics bill, and then we ought to consider a piece of legislation which the President came down here and had sent back to the committee because, he said, there were no funds with which to meet it, and which now, after the passage of the British debt bill, might be met with those funds. Anyway, the condition has been met; and we might take up, if you want to, the soldiers' bonus legislation and pass that.

There is much to be done. Here is the Senator from South Dakota [Mr. NORBECK], who has a bill reported out of the committee having relation to the standardization of prices or guarantee of the price of wheat, I believe it is. He thinks that is an important piece of legislation. The wheat people out West think it is an important piece of legislation. I do not know that I shall vote for it, but I am in favor of giving it a day in court, letting us discuss the bill and present the merits of it, and then vote upon it. Every day that we prolong the discussion on the ship subsidy bill and let it drag its weary way along, as it has been allowed to drag along, means just that much more delay in the consideration of the Norbeck wheat proposition.

This morning we tried to procure some time to take up the calendar on to-morrow and because we could not agree upon 11 o'clock as the hour of meeting, objection was interposed by the distinguished Senator from Washington [Mr. JONES]. Here are 100 bills in which various Senators are interested and in which people from various sections are interested. If we do not consider them now and the Senate does not pass them now, they will not be considered by the House before adjournment. In other words, in just a few days the wheels will be clogged and we will not be able to pass any more legislation. Why not allow us to have four hours to-morrow to consider the calendar and take up unobjected bills, and then consider the motion made by the Senator from North Dakota [Mr. LADD] to consider the skimmed or filled milk bill, and go along without trying to force through at this time the ship subsidy bill?

Mr. President, I do not know whether anyone else wants to talk on the motion or not. I am going to vote for the motion to take up the bill. In doing so, I do not believe I am filibustering. I am merely presenting an opportunity for the considera-

tion of what certain Senators believe to be an important bill. I hope that a majority will vote to take up the measure. If that motion fails, there will be another motion made to-morrow to take up another bill. For instance, I filed this morning a motion to discharge a certain committee from further consideration of a bill. I will say that unless a reasonable explanation is made by the committee that has had and now has in charge the codification of the laws, I shall insist upon a vote to discharge the committee and take up that bill for consideration. That bill passed the House about 20 months ago, if I am not mistaken in my dates; at any rate a long time ago. The chairman of the House committee and those on the committee with him worked for nearly two years to codify the laws and the bill passed the House and yet in all the time it has been in the Senate it has slept in the committee room and no report has been made on it.

Mr. CURTIS. Mr. President——

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

Mr. HARRISON. I yield.

Mr. CURTIS. The Senator's statement is hardly fair. The first bill that came over was referred to a subcommittee of three appointed to take charge of the measure. The distinguished former Senator from Delaware, Mr. Wolcott, who was then a Member of the Senate——

Mr. HARRISON. Let me ask the Senator a question right there. When was it that the first bill came over to the Senate?

Mr. CURTIS. During the last Congress.

Mr. HARRISON. It was in the last Congress?

Mr. CURTIS. Yes. That bill was carefully considered by every member of the subcommittee, and upon the suggestion of Senator Wolcott alone, because he had discovered several errors, one of which was very material in the part referred to him, your committee did not feel that they would be justified in reporting it out. We were told that that error alone would cost the Government $30,000,000 a year.

Mr. HARRISON. That was in the Sixty-sixth Congress, as the Senator from Kansas has stated. During the Sixty-seventh Congress, which has been in session for practically two years, the same bill was passed by the House as passed during the Sixty-sixth Congress, with some suggested changes.

Mr. CURTIS. I understood the Senator to say that since the bill passed the House it has been sleeping in committee in the Senate. I say that the committee which had charge of it in the last Congress did consider and examine the bill, and that over 57 errors were brought to the attention of the committee by one department.

Mr. HARRISON. I understand that; there is no difference between the Senator from Kansas and myself about that proposition. I think the House of Representatives in the Sixty-sixth Congress, as I recall, under the leadership of Mr. LITTLE, of Kansas, passed the bill. It came here and was referred to the committee, and the circumstances to which the Senator has called attention occurred. Then, in the present Congress, which has been in existence for practically two years, the same bill was passed by the House of Representatives some 20 months ago. It has been in the committee of the Senate since that time. I will ask the Senator from Kansas if that is not a fair statement of the fact?

Mr. CURTIS. I am not on the subcommittee at this time, and I do not know what has been done by the committee, except what the acting chairman of the committee told me. He is not now present, and I would rather he would explain what has been done in reference to the bill. I would like to see the bill carefully considered by the committee, and have it reported to the Senate with such amendments as the committee may find should be made.

Mr. HARRISON. So the bill has been in the Senate for a long time. I do not know what effort has been made to consider it in the committee. I do not know whether any mistakes have been detected or not. Naturally, there would be some mistakes in a great bill like that, but the Senate is entitled and the House is entitled to some explanation about the bill. To-day I filed a motion to discharge the committee from further consideration of the bill, and unless there is some explanation made upon the floor of the Senate and some progress is shown and some reason given why a vote should not be taken upon the motion to discharge, I shall press the motion.

There is much legislation that should be enacted before the present Congress shall finally adjourn. I am not unmindful of the few things that we have already done during this session. Outside of the passage of the appropriation bills and the withdrawal of the Liberian loan measure, which was done during the extraordinary session, as I recall, and the ultimate withdrawal of the Dyer antilynching bill, so called, the only thing that has been done has been the passage of the Capper and Lenroot agricultural credits bills and the measure providing for the settlement of the British debt.

The Capper and the Lenroot bills are now in the other House, and we read in the newspapers every morning that it is, indeed, doubtful whether those bills will pass the House before the 4th of March; indeed, a statement emanating from one high in Republican councils hinted that the agricultural credits bills would not pass the other House unless the Senate passed the ship subsidy bill. So it seems that we are playing both ends against the middle. We over here who made the fight for agricultural credits legislation are told, if not indirectly, by insinuation, that unless we allow a vote to be taken upon the ship subsidy bill the agricultural credits bills will die in the other House. I hope there are enough friends of the farmers in the House of Representatives to compel action before the 4th of March, so that those pieces of wholesome legislation in behalf of the great agricultural interests will be enacted into law.

I wish that the administration, realizing the iniquitous provisions of the ship subsidy bill and the strong opposition there is to it, and appreciating that if the Senate as it will be composed in the Sixty-eighth Congress should be given an opportunity to vote upon the measure it would be overwhelmingly defeated, would withdraw the bill and take the people into their confidence and tell them why the bill was withdrawn.

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	George	McKinley	Shortridge
Ball	Gerry	McLean	Smith
Bayard	Glass	McNary	Smoot
Borah	Gooding	Moses	Spencer
Brandegee	Hale	Nelson	Stanley
Brookhart	Harreld	New	Sterling
Broussard	Harris	Nicholson	Sutherland
Calder	Harrison	Norbeck	Swanson
Cameron	Heflin	Norris	Townsend
Capper	Hitchcock	Oddie	Trammell
Colt	Johnson	Overman	Underwood
Couzens	Jones, Wash.	Pepper	Wadsworth
Curtis	Kellogg	Phipps	Walsh, Mass.
Dial	Keyes	Pittman	Walsh, Mont.
Dillingham	King	Pomerene	Warren
Edge	Ladd	Ransdell	Weller
Ernst	La Follette	Reed, Mo.	Williams
Fernald	Lenroot	Reed, Pa.	
Fletcher	Lodge	Robinson	
Frelinghuysen	McKellar	Sheppard	

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum of the Senate is present. The question is on the motion of the Senator from North Dakota that the Senate proceed to the consideration of House bill 8086. Upon that question the yeas and nays have been ordered.

Mr. STANLEY. Mr. President, during many years service in the House and Senate I have listened with rapt attention to the weighty words of my valued friend and honored colleague. I concur always with pleasure and differ seldom, and then with a sense of profound regret and with a suspicion that after all he may be right and that I may be wrong, for I have seen his judgment tried in the school of long experience. In expressing a difference on this occasion, it will not, I am sure, be construed in any sense as a condemnation or even as an implied criticism. I am impelled, however, to say what I say now out of deference for the great leader of the minority [Mr. UNDERWOOD] upon this floor. By virtue of his exalted and well-deserved position his words have a weight those of the average Senator have not; they have a significance that the expressions of no other Senator upon this side can have.

With much that he said I do most heartily concur. I was delighted to hear him remind the Senate and remind the country that we are going headlong into a course of Federal aggression; that bills presented here, almost without exception, nibble at least at what is left of the sovereignty of the States and of the institution of local self-government. Sane and conservative men in Congress and out of it, ministers of the gospel, learned educators, thoughtful patriots everywhere are beginning to ask themselves and to ask us the question, "Whither are we tending, and where will this thing end?"

I was delighted to hear the Senator make that observation. I can not agree, however, not with what he said, but with what might be inferred from his statement. He left me under the impression that Congress is busy and deserves the commendation of the country only when this legislative mill is grinding. As long as committees are reporting bills and this side of the Chamber, like the other, is passing them, then we are a good

Congress; but when we put on the brakes, when we say, "Stop, look, and listen!" then we are a bad Congress; and he referred to the conduct of the lower House as an illustration of the proper method of legislation.

Mr. President, the worst thing the Senate does, the worst thing Congress does, for the country and for humanity and for whichever party is responsible for its conduct is the passage of a multiplicity of half-baked, undigested measures—not measures that are demanded by a majority of the people, not measures that are responsive to the call of the intelligent mass of the people, but measures hatched often by sinister interests or interests backed by organized propaganda posing as the voice of the people. Members of Congress pass bills not because a majority approves or requires them, but because those who make the most noise and are the best organized demand them.

Mr. DIAL. Mr. President——

Mr. STANLEY. I yield to the Senator from South Carolina.

Mr. DIAL. I call the Senator's attention at this point to the fact that in the filled milk bill, subdivision (2), line 9, it says "between points within the same State." That certainly invades State rights. The Congress can not legislate about commerce between points within the same State. That is intrastate commerce, not interstate commerce.

Mr. STANLEY. I called the attention of the Senator from Iowa [Mr. BROOKHART] to that very point in the discussion of the measure.

Mr. DIAL. I beg the Senator's pardon. I did not hear it.

Mr. STANLEY. I am glad the Senator called attention to it again.

Mr. President, the Congress of the United States, when it is in good health and operating normally, when no stubborn minority member administers some kind of costive remedy, will pass more bills in one week than are passed in an entire legislative session by any other parliamentary body on earth. We pass more bills, we enact more laws, in one year than the British Parliament enacts in twenty. There is no deliberative body on earth as poorly attended as this one. The Senate of the United States is the most deserted legislative chamber on the face of the earth that deserves the name of a legislative chamber; and the reason why it is deserted is because we understand that more or less here it is stage play; that the work is done in committees; that we have ceased to weigh and consider, or, as Lord Bacon says, "to chew and digest" anything.

Last night I happened to be reading, in my opinion, one of the greatest speeches ever made by the greatest orator who ever adorned this floor. Taking him all in all, in his knowledge of the law, his marvelous command of sonorous and comprehensive English, his incisive power of deduction and debate, Webster stands unique in the history of forensic oratory; and, with the sole exception of his great answer to Hayne, in my opinion the greatest speech he ever made is his discussion of the tariff act of 1824. At that time, nearly 100 years ago, he rose in his place and complained that they had brought a great tariff bill into the Congress of the United States weighed and trammeled by rules and regulations to such an extent that its sane consideration was impossible, and that he, perforce, must vote for many things in it that he regarded pernicious if there happened to be in it more things that he regarded as salutary, or he must vote against many things that he thought necessary to the welfare of his country if those good things happened to be associated with others that he thought more deleterious; that it was unworthy, even in that day, of debate in a legislative body thus to tie its hands and gag its mouth and stultify its reason for the sake of political expediency.

Mr. President, were we to borrow the policy of the House of Representatives, which has at times ceased to be a deliberative body on important matters, and install—and I am sure the Senator from Alabama upon sober consideration does not approve of such a thing—adopt a rule providing that two hours after a bill comes in it must go out, without any amendment or modification or intervening motion whatsoever; in such a case it would not be long before the Congress of the United States would be the subject of jest and of deserved contempt, and would be and should be spewed out of the mouth of a brave and intelligent people. If we are not here to consider legislation, if we are not here to weigh it, if the only consideration that bills are to receive must be had by a few more or less interested Representatives behind closed doors in a committee, then this whole system of government is a mockery and a sham, and our assembling here an empty and hollow ceremony.

Mr. President, just the other day I went before a committee, the Judiciary Committee, to protest against the passage of a bill that had passed the House of Representatives by an overwhelming majority. One provision of that bill would send a boy in his teens to the penitentiary for five years and subject him to a $5,000 fine for giving his mother an account of a game of football if he happened to mention the odds. If he said, "The chances are 2 to 1, according to the judgment of the boys here, that he will win," it made him a felon; and there were 50 or 60 learned and reverend gentlemen there to advocate the passage of that bill. It would have excluded from the mails, it would have excluded from the news stands of the United States, the Manchester Guardian, the London Times, every great newspaper in the world; and yet we are told that we must stand here at the mouth of that cloaca of federalistic compounds as they are poured in here upon us, with our hands tied, deaf and dumb, because somebody will say we are not at work unless we are grinding out legislation.

The multiplicity of our laws to-day is the curse of our civilization. We are told of a tyrant who wrote the statutes of his country upon pillars so high that none could read. What is the difference between writing them where none can read and writing so many that none will ever be able to review or to understand them?

Fifty years ago, or thereabouts, Mark Twain on one occasion was walking down the streets of Boston. That was before the spirit of Cotton Mather moved South, more is the pity. A policeman stepped up and touched him on the shoulder and said, "Mr. Clemens, I see you are chewing tobacco. You must not chew and expectorate on the street. That is an offense." He said, "You must not spit on the street. There is a $5 fine." And he spat out his beloved quid, and walked a little farther and lit a cigar. When he got through he threw the stub in the street, and another policeman said, "Hold on. You must not litter up the pavements, Mr. Clemens. That is against the laws of Boston. There is a $5 fine, but if you will just pay me the $5 for your appearance I will not make an arrest"; and he handed over another $5. Then he crossed the street the wrong way, and he caught it for $5 more; and he went home, and deliberately wrote that "he who has been born in Boston and has kept all its laws and ordinances need never be born again."

He who is born in these United States, and keeps the greater part of all the laws and ordinances that are made for our guidance, need never be born again. Yes, more than that: We are told, Mr. President, in Holy Writ, that above the cherubim and the seraphim, above angels and archangels, in the cerulean blue and in the white light of an endless elysium, there will be spirits loftier still, the spirits of just men made perfect those who came up through great trials and tribulations; but above the martyrs and the early Christians, above cherubim and seraphim, will be that creature who, from a federally conducted birth to a federally controlled burial, kept all the laws and ordinances now enacted for our Government by the Congress of the United States.

Mr. POMERENE. Mr. President, I think that when the milk bill comes up on its merits I shall vote for it, unless some reason is urged against it which does not occur to me now. I am profoundly of the opinion that man, woman, and child have a right to pure milk when they buy milk. If any reason has been urged, or can be urged, why they should not have that right, and shall not have it, I shall be glad to hear it.

I do not believe the so-called filled milk bill should be taken up now, to displace the ship subsidy bill, and when I say that, I want it distinctly understood that I can not vote for the ship subsidy bill. I feel that it will prove a snare and a delusion, and if I needed any reason to convince me of it more than another, I find the reason in the speeches which are being made on the floor of the Senate in favor of a ship subsidy. At some later day in the session, if the opportunity presents itself, I shall try to discuss that question upon its merits, but I want very briefly to-night to give my reasons for my vote against displacing it.

I recall that in the early days of this country we had the greatest merchant marine on the face of the globe, except for the British merchant marine. There was a time in the early history of our country when 90 per cent of the imports and exports came and went in American bottoms, and notwithstanding our tremendous growth during the last century only about 10 per cent of our transoceanic commerce came and went in American bottoms.

Then the war came on and we were drawn into it, and out of the womb of necessity was born a merchant marine consisting of 1,442 steel ships. I pass by those made of wood and concrete. Now, with this great fleet of 1,442 ships, only 421 of them are in commission, and many of them are returning, not with cargoes, but with ballast. That fleet cost the American people $3,000,000,000, paid out of the American Treasury.

The Democratic administration was succeeded by the Republican administration, and we still have this merchant-marine fleet, without any well-defined policy with respect to it. The question is, What shall we do with it? On one side of this Chamber one view is entertained, and another view is entertained by other Senators.

Mr. DIAL. Mr. President, I want to suggest to the Senator that Congress inserted a provision in the tariff bill putting a tariff on the ballast, sand, and gravel shipped back in those ships.

Mr. POMERENE. Mr. President, as I said before, I shall expect to take up that subject, and I shall discuss it more at length at some other time, but I am now trying to address myself to a discussion of the duty of Senators.

Mr. KING. Mr. President, may I interrupt the Senator?

Mr. POMERENE. Certainly.

Mr. KING. The Senator has challenged attention to the fact that we have more than 1,400 ships. I am sure the Senator will not take offense if I observe that Mr. Lasker stated in his testimony that approximately one-half of the ships now owned by the Shipping Board or the Emergency Fleet Corporation are good, bad, or indifferent, mostly bad. I think the majority of the evidence establishes the fact that perhaps not more than from 400 to 600 of the ships are suitable either for cargo purposes or for the transportation of passengers. So that we have spent about $3,400,000,000, and we have in the neighborhood of 400 or 500 ships.

Mr. POMERENE. In the main, the Senator is right. The total tonnage of the steel ships is about 7,000,000. As I recall Mr. Lasker's testimony, it is to the effect that about one-half of that tonnage can be sold and can be developed. As to the balance of it there is considerable doubt. But let me proceed a little further.

In December, I believe, 71 per cent of our exports were carried in foreign bottoms, only 29 per cent in American bottoms, and of that amount, 19 per cent was carried in ships belonging to the United States Shipping Board, the balance in privately owned ships.

Now, the President tells us—and I have no doubt he is right—that under Government operation of these ships during the last year we have lost $50,000,000, and that does not take into account interest on investment, depreciation of the fleet, or insurance. So that probably we are confronted with an annual loss, if we are to take into consideration interest, depreciation, and insurance, amounting to about $150,000,000.

I am not calling attention to this fact because I favor a ship subsidy. On the contrary, I am against it. But I call the Senate's attention to this fact because it must come with appealing force that it is necessary for the Congress to determine what course we shall pursue.

I think the remedy lies along the lines laid down in the Jones Act, passed in 1920. It may be that certain Senators have not made up their minds as to what course they should pursue, but I am convinced that we should not displace this bill, but should discuss it, to the end that the country can come to an enlightened conclusion as to what ought to be done, and whether there shall ultimately be a vote or not, the discussion is going to bring forth fruit. For that reason, if for no other, I shall not vote to displace the ship subsidy bill now. I think we ought to discuss it. I think we ought to discuss it upon its merits, and then come to a conclusion.

I might go on and discuss at some length the plan which is proposed in the bill and the plan which I have in mind, but I shall not do that this evening.

Mr. KING. Mr. President, will the Senator yield before resuming his seat?

Mr. POMERENE. Certainly.

Mr. KING. If I may recur to the first part of the Senator's observation, in which he discussed very briefly, indeed, only by inference, the filled milk bill, which it is proposed to place before the Senate for consideration, he observed that he believed that people were entitled to pure milk. Of course no one can take issue with the learned Senator on that proposition. I was wondering if the Senator felt that it was the duty and was within the constitutional power of the Federal Government to take over that subject of legislation or whether he believed that the States were impotent to deal with the question of pure milk and whether he believed that the States should not be trusted with that responsibility. I express no opinion one way or the other, but I should be glad to get the Senator's views if he cares to submit them.

Mr. POMERENE. The Senator has made a very pertinent suggestion. I do not think the States are impotent, but I do think that the Congress may aid the States by regulating the commerce in milk between the States.

Mr. KING. If the Senator will pardon me, as I understand the filled milk bill, the manufacture of filled milk is made a Federal offense. It does not content itself with the regulation of interstate commerce, which we concede is within the power of the Federal Government.

The question would naturally address itself to a lawyer as to the power of the Federal Government to deal with the matter, which it would seem, at first blush at least, was within the cognizance of the State. If the Federal Government may take up the question of dealing with milk under the guise of regulating commerce, is there any commodity with which it may not deal? I express no opinion, as I said, and I am very much in sympathy with the purposes of the bill. If I can convince myself of its constitutionality and of the wisdom of it, I shall very gladly vote for it.

Mr. POMERENE. The Senator will recall that I made the statement that I was for the bill in principle unless something developed during the course of the discussion which would persuade me that I ought not to vote for it. The point which the Senator has suggested is one that I had in mind that gave me some little concern about it.

Mr. WALSH of Montana. Mr. President, I have not had an opportunity to read carefully the hearings and so am not thoroughly familiar with what they disclose. Is there not some testimony in the record to the effect that the product is an unwholesome article of diet?

Mr. KING. I have not read the testimony and know nothing about the reasons other than would appear upon the face of the bill in favor of its enactment or its presentation.

Mr. WALSH of Montana. I observe by the report of the committee that the committee stated that it is an unwholesome article of diet. Are we to understand that there is no evidence at all in the hearings to sustain that action? I wanted to inquire what reason there is in that case to doubt the constitutionality of the measure which seems to have been raised.

Mr. KING. It is quite likely, if the article be placed in the same category as, for instance, narcotics, which it is conceded are injurious, that Congress would have the power.

Mr. WALSH of Montana. Or all the articles covered by the pure food law, which has been adjudged to be constitutional.

Mr. KING. The Senator, I think, will distinguish between regulation and forbidding the manufacture absolutely.

Mr. WALSH of Montana. It is not a proposition of forbidding the manufacture at all. It is forbidding the transportation.

Mr. KING. I understand the bill forbids the manufacture. I am so advised, and that is the point to which I was addressing my inquiry.

Mr. WALSH of Montana. I was curious to know upon what ground anyone could question the constitutionality of it so far as it affected the transportation of the article from one State to another.

Mr. ROBINSON. Mr. President, may I suggest that I have heard it stated that scientists who have investigated the matter have reported that filled milk, while of less value as food than ordinary milk, is not deleterious, is not poisonous, and is not harmful, and some of them at least assert that it has a food value.

It has been stated that the question of the constitutionality of the bill arises out of the contemplated exercise by Congress of its power to regulate commerce in an effort to deny to an alleged harmless article movement in commerce.

The question is whether Congress can arbitrarily say that an article is deleterious when, as a matter of fact, scientific investigation does not disclose it to be deleterious. Could Congress, for instance, say that pure milk is deleterious and therefore shall be denied the privilege of interstate commerce? I think perhaps it would be agreed that it could not do so. So that the question arises as to whether the Congress has the power to characterize an article as deleterious which is in fact wholesome, and that question presents a good many difficulties. I think the question of fact may be important in determining the validity of legislation; that is, the question as to whether the article is in fact deleterious or is in fact wholesome.

Mr. WALSH of Montana. I find that, so far as the question of manufacture is concerned, the prohibition is in the Territorial possessions and the District of Columbia.

Mr. KING. Not within the States?

Mr. WALSH of Montana. So far as the States are concerned, it is simply where interstate shipments are concerned.

Mr. KING. Then it is more narrow than I supposed.

Mr. DIAL. Mr. President, the testimony that I have read shows that the compound is wholesome, that it has absolutely nothing wrong about it, that it is not falsely labeled, that it is

nutritious. The only objection to it is that it is claimed that ignorant people use it for purposes for which it ought not to be used.

Mr. WALSH of Montana. I was aware of the fact that it is contended upon one side that it is a perfectly wholesome and nutritious article of food.

Mr. DIAL. It is so contended on both sides, as the Senator will find if he will read the testimony of the author of the bill.

Mr. WALSH of Montana. If it is admitted upon both sides, that is a different matter. I admit the question of the constitutionality of the legislation might be raised in that event; but I am referring to the report of the committee on the matter, which would indicate that it is an unwholesome article of food.

Mr. DIAL. I do not think that is borne out by the testimony. If the Senator would read the testimony of the author of the bill and of the first witness who was called, he would see that it is shown to be perfectly wholesome and its nature not misrepresented.

Mr. HEFLIN (at 6 o'clock and 5 minutes p. m.). Mr. President, there are so few Republicans here, and those who are here look so tired and worn, that I think we ought to adjourn. I move that the Senate do now adjourn.

Mr. JONES of Washington. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MOSES and Mr. WATSON suggested the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll to ascertain the presence of a quorum.

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

Ball	Gerry	McKellar	Smith
Bayard	Glass	McLean	Smoot
Borah	Gooding	McNary	Spencer
Brookhart	Hale	Moses	Stanfield
Broussard	Harreld	New	Stanley
Bursum	Harris	Nicholson	Sterling
Calder	Harrison	Norbeck	Sutherland
Cameron	Heflin	Norris	Swanson
Capper	Hitchcock	Oddie	Townsend
Colt	Johnson	Pepper	Trammell
Couzens	Jones, N. Mex.	Phipps	Underwood
Curtis	Jones, Wash.	Pittman	Wadsworth
Dial	Kellogg	Poindexter	Walsh, Mass.
Dillingham	Keyes	Pomerene	Walsh, Mont.
Edge	King	Ransdell	Warren
Ernst	Ladd	Reed, Mo.	Watson
Fernald	La Follette	Reed, Pa.	Weller
Fletcher	Lenroot	Robinson	Williams
France	Lodge	Sheppard	
Frelinghuysen	McCormick	Shields	
George	McCumber	Shortridge	

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Alabama to adjourn, on which the yeas and nays have been ordered. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. POMERENE. I have a pair with my colleague, the junior Senator from Ohio [Mr. WILLIS], but I understand there has been some other arrangement made in reference to that pair. In view of that fact, I feel free to vote. I vote "yea."

Mr. EDGE (after having voted in the negative). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the senior Senator from Minnesota [Mr. NELSON] and allow my vote to stand.

Mr. COLT (after having voted in the negative). I transfer my general pair with the Senator from Florida [Mr. TRAMMELL] to the senior Senator from Connecticut [Mr. BRANDEGEE] and allow my vote to stand.

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The junior Senator from Ohio [Mr. WILLIS] with the Senator from Colorado [Mr. NICHOLSON]; and

The senior Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN].

The result was announced—yeas 33, nays 45, as follows:

YEAS—33.

Bayard	Glass	McNary	Stanley
Borah	Harris	Norris	Swanson
Brookhart	Harrison	Pittman	Underwood
Capper	Heflin	Pomerene	Walsh, Mass.
Couzens	Hitchcock	Reed, Mo.	Walsh, Mont.
Dial	Jones, N. Mex.	Robinson	Williams
Fletcher	King	Sheppard	
France	La Follette	Shields	
George	McKellar	Smith	

NAYS—45.

Ball	Gooding	McLean	Spencer
Broussard	Hale	Moses	Stanfield
Bursum	Harreld	New	Sterling
Calder	Johnson	Norbeck	Sutherland
Cameron	Jones, Wash.	Oddie	Townsend
Colt	Kellogg	Pepper	Wadsworth
Curtis	Keyes	Phipps	Warren
Dillingham	Ladd	Poindexter	Watson
Edge	Lenroot	Ransdell	Weller
Ernst	Lodge	Reed, Pa.	
Fernald	McCormick	Shortridge	
Frelinghuysen	McCumber	Smoot	

NOT VOTING—18.

Ashurst	Elkins	Nelson	Simmons
Brandegee	Gerry	Nicholson	Trammell
Caraway	Kendrick	Overman	Willis
Culberson	McKinley	Owen	
Cummins	Myers	Page	

So the Senate refused to adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from North Dakota [Mr. LADD].

Mr. CURTIS. Question!

The VICE PRESIDENT. The Secretary will call the roll.

The reading clerk proceeded to call the roll, and called the name of Mr. ASHURST.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. The Senator from Texas.

Mr. SHEPPARD. Mr. President, Thursday, February 15, 1923, was the first anniversary——

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. SHEPPARD. I shall yield when I finish the sentence.

Mr. LODGE. I rise to a question of order. I understood that the call of the roll had begun.

Mr. SHEPPARD. I was on the floor and addressing the Chair.

Mr. MCKELLAR. No answer had been made on the call of the roll. The name of the Senator from Arizona [Mr. ASHURST] had been called, but he was not here.

The VICE PRESIDENT. The first name on the roll had been called, but there was no response.

WORK OF THE LEAGUE OF NATIONS.

Mr. SHEPPARD addressed the Senate. After having spoken for some time,

Mr. WADSWORTH. Will the gentleman from Texas yield to me that I may submit a conference report?

Mr. SHEPPARD. I yield on condition that I do not lose the floor.

Mr. WADSWORTH. I think I can assure the Senator that that point will not be raised.

Mr. SHEPPARD. Very well.

WAR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT.

Mr. WADSWORTH. Mr. President, I submit the following conference report.

The VICE PRESIDENT. The report will be read.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 8, 11, 12, 13, 14, 16, 20, 22, 25, 32, 33, 39, 40, 41, 44, 46, 57, 58, 59, 61, 66, 75, 80, 93, 94, 96, 97, 102, 103, 104, 107, 108, 110, 112, 113, 114, 117, 118, 124, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 9, 24, 26, 28, 29, 37, 43, 45, 50, 51, 52, 53, 54, 55, 56, 60, 62, 64, 65, 68, 70, 71, 72, 73, 74, 76, 77, 78, 79, 83, 84, 85, 86, 87, 88, 98, 99, 105, 109, 111, 116, 120, and 121, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,480"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and

agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,480"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$149,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,540"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$75,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except those who have received training in either of the training camps held during the calendar years 1921 and 1922"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ": *Provided*, That this appropriation shall not be available for increased pay on flying status to more than 600 enlisted men"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$660,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,350,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: ", enlisted men of the Enlisted Reserve Corps,"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$15,850,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "con- of the sum proposed insert "$15,850,000"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "for the Regular Army and for such other markings and fuel supply stations and temporary shelter as may be necessary"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "and if such flights are given by Army personnel upon other than Government fields, a bond of indemnity, in such sum as the Secretary of War may require for damages to person or property, shall be furnished the Government by the parties desiring the exhibition"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 16 of the matter inserted by said amendment strike out "$120,000" and insert in lieu thereof "$89,900"; and in line 17 of the matter inserted by said amendment strike out "$120,000" and insert in lieu thereof "$89,900"; and in line 21 of the matter inserted by said amendment strike out "$100,000" and insert in lieu thereof "$80,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400,000"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,100,000"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,200,000"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500,000"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$82,450"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$650,000"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$575,000"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,584,683"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 18, 21, 30, 34, 36, 38, 49, 101, 106, 119, and 122.

J. W. WADSWORTH, Jr.,
W. L. JONES,
SELDEN P. SPENCER,
WM. J. HARRIS,
Managers on the part of the Senate.

D. R. ANTHONY, Jr.,
WILLIAM H. STAFFORD,
T. U. SISSON,
Managers on the part of the House.

Mr. WADSWORTH. Mr. President, I will state what is the actual situation. The amendments which are reported as being in disagreement are all but one of them tentatively agreed to by the conferees, but under the rules of the House they must go back to the House for a separate vote. One amendment is still in disagreement and the House conferees insist that the House membership shall have the right to vote on it.

Mr. FLETCHER. May I inquire of the Senator if the matter in disagreement refers to the reserve officers' training corps headquarters and the items in the bill?

Mr. WADSWORTH. It refers to the headquarters, divisional and regimental, of the Organized Reserve. The Senate conferees believe it vital to maintain those headquarters.

Mr. FLETCHER. The Senate conferees are insisting upon the position of the Senate

Mr. WADSWORTH. They are. That is the only amendment in actual disagreement. I ask for the adoption of the conference report.

The report was agreed to.

Mr. FLETCHER. Mr. President, in this connection I desire to have inserted in the RECORD a letter from Maj. H. C. Culbreath, a reserve officer in Florida, bearing on the importance of the position taken by the Senate in connection with the reserve officers' training corps.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TAMPA INTEROCEAN STEAMSHIP CO.,
Tampa, Fla., U. S. A., February 13, 1923.

Hon. DUNCAN U. FLETCHER,
Washington, D. C.

MY DEAR SENATOR FLETCHER: I notice from the Associated Press dispatches and from the Army and Navy Journal that Congressman ANTHONY, of Kansas, is still on the warpath in his apparent attempt to eliminate the Army.

In my mind the most serious possible result will be the elimination of the appropriations providing for the continuation of the headquarters of the organized reserves under the present plans of the War Department. The elimination of these headquarters will turn the organized reserves into disorganized reserves by breaking up the framework of the units and leaving instead merely a number of Army reserve officers with no particular responsibility to anyone and no place in which they definitely belong.

All of us who are paying some attention to this matter are in accord with the allowance made by the Director of the Budget in providing for a fund for the maintenance of the C. M. T. C. and the R. O. T. C. You must consider that we have reserve officers who have held their commissions some two, three, and four years, but who have had no opportunity for field experience. If Congress finds it expedient in their wisdom to not make appropriations for these two branches of the service, I wish to most respectfully bring to your attention the vital necessity that the appropriation be made, amounting to less than $500,000, for the maintenance of divisional and regimental headquarters of the reserves.

It will be possible for the time being to continue our reserve work without the annual training camps of the R. O. T. C. and the C. M. T. C., but it will be next to impossible to hold our own and utterly impossible to make any progress if our regimental and divisional reserve headquarters are to be discontinued. For instance, I am in command of the Three hundred and twenty-eighth Regiment of Infantry and have an excess of officers in our organization scattered over the State of Florida. I devote considerable time to this work, but it would be simply out of the question for me to get results and keep this organization intact were it not for the fact that a Regular Army captain is detailed as an executive officer and attached to my headquarters here. This Regular Army officer, of course, is able to function because of the divisional headquarters of the Eighty-second Division at Columbia. These two headquarters are the only headquarters maintained in connection with Reserve Corps work, inasmuch as the next higher headquarters—corps headquarters at Atlanta—have to do with the Regular Army and supervise the reserves in connection with their regular duty.

Please pardon this intrusion on your valuable time, but, knowing that you have always taken an active and serious interest in this character of legislation, I feel that it is proper that I should bring this matter to your attention and give you my views in connection therewith.

With kindest personal regards, I am, yours sincerely,

H. C. CULBREATH.

WORK OF LEAGUE OF NATIONS.

Mr. SHEPPARD resumed his speech. After having spoken for some time,

Mr. CALDER. I have on my desk several bridge bills which Members of the Senate are very anxious to have passed. With the understanding that it will not take the Senator from Texas off the floor, I ask unanimous consent to report them and to ask for their present consideration.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Is there objection?

Mr. SHEPPARD. With the understanding that I will not yield the floor, I yield for that purpose.

FLORAL WREATH FOR SILENT TRIBUTE TO WASHINGTON.

Mr. CALDER. First, from the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment the concurrent resolution (S. Con. Res. 39) and ask for its immediate consideration.

There being no objection, the concurrent resolution was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives are hereby authorized and directed to purchase a floral wreath to be placed at the base of the Washington Monument on Washington's Birthday, February 22, 1923, on the occasion of the ceremonies attending upon the silent tribute, the expense of such wreath to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

ALLEGHENY RIVER BRIDGE, PENNSYLVANIA.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13808) granting the consent of Congress to the commissioners of Venango County, their successors and assigns, to construct a bridge across the Allegheny River, in the State of Pennsylvania, and I submit a report (No. 1167) thereon. I ask unanimous consent for the present consideration of the bill.

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

Be it enacted, etc., That the consent of Congress is hereby granted to the commissioners of Venango County, Pa., and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Allegheny River, at a point suitable to the interests of navigation, at Oil City, Pa., connecting Petroleum Street, on the south side of the river, with North Petroleum Street, on the north side of the river, in the county of Venango, in the State 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.

POTOMAC RIVER DAM.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (S. 4526) authorizing the construction, maintenance, and operation of a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md. I ask unanimous consent for the present consideration of the bill.

Mr. JONES of Washington. The bill seems to be for the construction of a dam and not a mere bridge bill.

Mr. CALDER. That is true. It has the approval of the War Department.

Mr. JONES of Washington. I think it had better go over.

The PRESIDING OFFICER. Objection is made, and the bill will go to the calendar.

Mr. JONES of Washington subsequently said:

I desire to withdraw my objection to the present consideration of Senate bill 4526.

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

Be it enacted, etc., That the Williamsport Power Co., a corporation organized and existing under the laws of the State of Maryland, its successors and assigns, is hereby authorized to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md.: *Provided*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That this act shall not be construed to authorize the use of such dam and/or other structures to develop water power or generate hydroelectric energy.

SEC. 2. That the authority granted by this act shall cease and be null and void unless the actual construction of the dam and other structures hereby authorized is commenced within one year and completed within three years from the date of the approval of this act: *Provided*, That from and after 30 days' notice from the Federal Power Commission, or other authorized agency of the United States, to said company or its successors, that desirable water-power development will be interfered with by the existence of such dam and/or other structures, as the case may be, the authority hereby granted to construct, maintain, and operate such dam and/or other structures designated in such notice shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near such dam and/or other structures shall have authority to remove, submerge, or utilize such dam and/or other structures under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of such dam.

SEC. 3. 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 be engrossed for a third reading, read the third time, and passed.

ST. FRANCIS RIVER BRIDGE, ARK.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (S. 4579) to authorize the Lee County bridge district No. 2, in the State of Arkan-

sas, to construct a bridge over the St. Francis River, and I ask unanimous consent for the immediate consideration thereof.

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

Be it enacted, etc., That the consent of Congress is hereby granted to the Lee County bridge district No. 2, State of Arkansas, to construct, maintain, and operate a bridge and approaches thereto across the St. Francis River, at a point suitable to the interests of navigation, at or near Cody, in the county of Lee, in the State of Arkansas, 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 be engrossed for a third reading, read the third time, and passed.

MISSOURI RIVER BRIDGE, S. DAK.

Mr. CALDER. From the Committee on Commerce I report back favorably, without amendment, the bill (S. 4583) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, S. Dak., and I ask unanimous consent for its present consideration.

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

Be it enacted, etc., That the consent of Congress is hereby granted to the State of South Dakota to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation between Charles Mix County and Gregory County, S. Dak., in accordance with the provisions of an 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 be engrossed for a third reading, read the third time, and passed.

SOUTH FORK OF SOUTH BRANCH OF CHICAGO RIVER.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 9049) declaring the act of September 19, 1890 (26 Stats., ch. 907, sec. 7), and the act of March 3, 1899 (30 Stats., ch. 425, sec. 9), and all acts amendatory of either thereof, shall not hereafter apply to a portion of the west arm of the south fork of the South Branch of the Chicago River, and for other purposes. I ask unanimous consent for the immediate consideration of the bill.

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

Be it enacted, etc., That the act of September 19, 1890, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes (26 Stats., ch. 907, sec. 7, p. 454), and the act of March 3, 1899, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes (30 Stats., ch. 425, sec. 9, p. 1151), and all acts amendatory of either thereof shall not, after the passage of this act, apply to that portion of the west arm of the south fork of the South Branch of the Chicago River, lying between the east line of Ashland Avenue and the north line of Thirty-ninth Street, in the city of Chicago, Ill., as the same now exists or may hereafter be extended.

All rights, authority, or control over that part of the Chicago River now possessed or assumed by the United States under said acts, or either of them, or any amendments thereof are hereby relinquished and abandoned, and all rights, authority, or control over the same that were possessed by the State of Illinois before said acts were passed are hereby fully restored to said State.

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

WORK OF LEAGUE OF NATIONS.

Mr. SHEPPARD resumed his speech. After having spoken for some time,

Mr. CALDER. Mr. President, will the Senator permit me to inquire if he expects to conclude his remarks this evening?

Mr. SHEPPARD. I do not know. If the interest continues to be so intense, I may continue indefinitely.

Mr. CALDER. If the Senator will permit me, I desire, without taking the Senator off his feet, to make reference to a newspaper article printed in this morning's New York Herald about a matter in which I am interested. It will take me perhaps five minutes, and I ask the Senator from Texas to yield to me with the understanding that it does not take the Senator off the floor.

Mr. SHEPPARD. With that understanding, I yield.

MAJ. GEN. ADELBERT CRONKHITE.

Mr. CALDER. Mr. President, there appeared in the New York Herald this morning an article entitled:

Cronkhite attacks CALDER once more. Major general reports Senator helped release murder suspect.

Then the article, which I shall later ask unanimous consent to have printed in the RECORD, goes on to state in minute detail how Senator CALDER appealed to the Department of Justice to grant a confidential hearing in the case of the Government against Captain Rosenbluth to the end that a speedy decision of the subject might be obtained. A careful reading of the statement made by Major General Cronkhite would not indicate that I have in any way interfered with the work of the Department of Justice, but the headlines of the article would tend to convince one that I had. I desire to make just a short statement on the subject, if the Senate will bear with me for a moment.

This case was called to my attention in March, 1921. It appears that Major Cronkhite, a son of Major General Cronkhite, had been killed at Camp Lewis, Wash., in October, 1918. Major General Cronkhite was at that time in command of a division of the American troops in France. No man in America has sympathized more with General Cronkhite than I have in the great bereavement which came to him and his wife. He was away, as I said, fighting on the other side, and his son, also a brave soldier, was at Camp Lewis, Wash.

Captain Rosenbluth and his friends, when they called upon me, insisted that the charge that he was in any way responsible for the death of Major Cronkhite was not true. They submitted to me affidavits seeking to demonstrate the correctness of their contention, and several officers who had served with Major Cronkhite and Captain Rosenbluth called upon me and told me they were sure Captain Rosenbluth was innocent. I was anxious, both for the sake of the memory of Major Cronkhite, son of the gallant general, and for the good name of Captain Rosenbluth, a citizen of my State, who had always borne an excellent reputation, that the matter should be cleared up. Captain Rosenbluth was at that time under arrest on the charge that he had aided in the murder. He was out on bail. The matter was before the Department of Justice. I wanted the Department of Justice to prosecute the case speedily and clear it up. For that reason I insisted that something should be done.

In the article published to-day General Cronkhite suggests that my activity in the matter resulted in a dismissal of the complaint. In that, of course, he is mistaken. It did result, however, in the charges against Captain Rosenbluth, in New York, being dismissed on the ground that there was no jurisdiction. It did not result, however, in a statement from the department that he was innocent of the charge, the thing that Captain Rosenbluth desired.

Subsequently the matter was referred to the county attorney of Pierce County, Wash., Mr. Selden, where Camp Lewis is located. He made an exhaustive study of the subject. I have here a newspaper published in Tacoma, December 18 last, and another one December 25, which shows the result of District Attorney Selden's investigation. He insisted, in the story published here, that there was no evidence submitted to him that warranted the indictment or prosecution of Rosenbluth.

My attention has been called to a number of affidavits appearing in this Tacoma publication, one by Robert S. Thomas, the colonel in command of the regiment in which both Major Cronkhite and Captain Rosenbluth served; of the regimental surgeon, Henry Tucker; of the chaplain, Rev. Thomas J. Harron; of Capt. Eugene M. Caffey; of Arthur L. Miller, an officer of the regiment, and other members of the command. All of these men had been intimately associated with Captain Rosenbluth and with Major Cronkhite. They told the story of their intimate knowledge of both of them before and at the time of the unfortunate affair.

I ask unanimous consent that these affidavits from these officers may be printed in the RECORD, together with the newspaper article to which I have referred.

The PRESIDING OFFICER (Mr. SPENCER in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the New York Herald, February 19, 1923.]

CRONKHITE ATTACKS CALDER ONCE MORE—MAJOR GENERAL REITERATES SENATOR HELPED RELEASE MURDER SUSPECTS—SEES GLASS AND REED—CALLS CONFERENCE ON KILLING OF SON AND OUSTING OF SELF ENCOURAGING.

WASHINGTON, February 18.—Conferences yesterday with Senator GLASS (Democrat, Virginia) and REED (Republican, Pennsylvania) were said by Maj. Gen. Adelbert Cronkhite to-day to have been "most encouraging" in the efforts being made to obtain a congressional inquiry into the recent enforced retirement of the officer and into the mysterious killing of his son, Maj. Alexander P. Cronkhite, in 1918, at Camp Lewis, Wash.

"Heretofore the difficulties I have had in persuading anyone to go into the facts have been very great," said General Cronkhite in a formal statement. "No one would go into them thoroughly. It is apparent, however, that Senator GLASS and Senator REED propose to take no ill-considered action and I certainly do not wish nor expect them to act until they are thoroughly prepared."

Both Senators were noncommittal to-day as to whether there will be a public inquiry, but Senator REED expects to announce a decision in a day or two. Such an inquiry would cover the retirement of the general, the circumstances surrounding the killing of Major Cronkhite, and the prosecution of Robert Rosenbluth and Roland Pothier in connection with the killing.

General Cronkhite replied to-day to the statement several days ago by Senator CALDER (Republican, New York), in which the Senator denied he had caused delay in the prosecution of the alleged murderers of Major Cronkhite. General Cronkhite had said the Senator wrote to Attorney General Daugherty, April 13, 1921, after the arrest of Rosenbluth and Pothier, saying he "had gone into the case very thoroughly with Rosenbluth and others, including two of Mr. Daugherty's associates, namely, Mr. Gibbs and Mr. Steward, and that he was convinced that there were such extraordinary features in this case as to warrant his making a recommendation that an entirely new, confidential, and thorough investigation be made."

This, according to General Cronkhite, was followed three days later by a letter from Mr. Gibbs to Senator CALDER saying no further action was to be taken in the case pending a personal investigation by the Attorney General. Then, in May, Senator CALDER, the statement continued, again wrote Mr. Daugherty, this time urging that Rosenbluth be given an early hearing, and about two weeks later the Attorney General assented to this request.

"Rosenbluth with his attorneys appeared before one of Mr. Daugherty's associates June 18," the statement further said, "and stated reasons why the pending proceedings against Rosenbluth should be quashed. At this 'entirely new, confidential, and thorough' investigation, which was in fact a mere ex parte hearing of Rosenbluth at which no one appeared against Rosenbluth, it was stated by counsel for Rosenbluth that the hearing had been granted at the request of Senator CALDER, and on July 16, without further investigation, Mr. Daugherty ordered that pending proceedings against Rosenbluth be dismissed.

"From the foregoing it is seen that while the interposition of Senator CALDER undoubtedly did have the effect of expediting the proceedings it secured the release of the accused and blocked the prosecution which was in process."

—

SPEAK FOR ROSENBLUTH.

EASTERN, MD., *August 16, 1921.*

I, Major Robert S. Thomas, Corps of Engineers, United States Army, now residing at Fort Leavenworth, Kans., do hereby solemnly swear:

That in the fall of 1918 I was colonel of Engineers in command of the Two hundred and thirteenth Regiment of Engineers stationed at Camp Lewis, American Lake, Wash. That Major Cronkhite, Capt. Robert Rosenbluth, and Serg. Roland Pothier were members of the Two hundred and thirteenth Regiment of Engineers.

That at the time of the death of Major Cronkhite nor since then did I have, nor have I had, any knowledge of suspicion or any feeling of ill-will, malice, or enmity of Capt. Robert Rosenbluth toward Major Cronkhite nor of any cause for the same.

That I did not have at the time of the death of Major Cronkhite nor since then have I had any knowledge or suspicion of any motive on the part of Captain Rosenbluth for the alleged killing of Major Cronkhite.

That I have not been interviewed nor questioned by any agent of the Department of Justice concerning the death of Major Cronkhite nor any action of Captain Rosenbluth's.

That Captain Rosenbluth served under my command and under my close personal observation for a period of nearly five months, and I found him to be a conscientious officer, earnest and honest in the performance of his duty.

Similarly, Sergt. Roland Pothier was under my command and personal observation for a period of five months. Sergeant Pothier's reputation for truth and honesty was not good. He was suspected of several petty thefts. I had investigated his previous service in the Navy and instructed the intelligence agent in the regiment to keep a close watch upon Pothier's actions, which resulted finally in my having to reduce Pothier from sergeant to private and order his court-martial for larceny.

That the death of Major Cronkhite was investigated in accordance with Army Regulations by a board of carefully selected officers of age, judgment, and responsibility; and that the findings of this board were to the effect that Major Cronkhite met his death by reason of accidental self-inflicted wound. The findings of this board I carefully reviewed in my capacity as commanding officer and approved.

ROBERT S. THOMAS,
Major Corps of Engineers, United States Army.

STATE OF MARYLAND, *Talbot County, to wit:*

I hereby certify that personally appeared before me, a notary public of the State of Maryland in and for Talbot County, the above-named Robert S. Thomas, being duly sworn, makes affidavit that the above is true to the best of his knowledge and belief.

[SEAL.] CHARLES E. NORRIS, *Notary Public.*

(My commission expires May 11, 1922.)

STATE OF NEW YORK, *County of New York, ss:*

I hereby certify that I have personally compared the above affidavit of Robert S. Thomas with the original copy thereof, and that this is a true and accurate and complete copy in every respect.

JOSEPH W. FERRIS, *Notary Public.*

(Summer address: Bellevue, Md.)

—

REGIMENTAL SURGEON TESTIFIES.

I, Henry Tucker, late major, Medical Corps, United States Army, affirm that the following is, to the best of my knowledge and belief, true:

I have never been interviewed by anyone connected with the Department of Justice, although they have had my address and could have done so at any time.

I was regimental surgeon to the Two hundred and thirteenth Engineers at the time Maj. Alexander Cronkhite met his death in October, 1918, at Camp Lewis, Wash. I was present at the autopsy on the body of Major Cronkhite, at which time there was raised the question that he might have been killed by a stray machine-gun bullet fired from the near-by machine-gun range. This was disproved by the finding of a pistol bullet of the same caliber as the pistol of Major Cronkhite. There was no question in the minds of those present at the autopsy but that he died from an accidental self-inflicted wound.

I was also a member of the board of inquiry to investigate the circumstances connected with the death of Major Cronkhite. This board decided, on evidence of the witnesses examined, that Major Cronkhite died from an accidental self-inflicted wound.

I was more or less closely associated with Major Cronkhite and Captain Rosenbluth from the time of my joining the regiment to the death of the former and the discharge of the latter, and at no time did I ever hear any rumor or see anything personally that would lead me to believe that these two officers were not the best of friends.

I have given the above testimony for the fact that I am informed that the State can not subpœna witnesses from without the State, and reading in the papers that this case has been taken out of the hands of the Department of Justice and put into the hands of the Washington State authorities; also to help right a wrong.

HENRY TUCKER.

Subscribed and sworn to before me this 3d day of August, A. D. 1921.

W. LESTER BALL, *Notary Public.*

CHAPLAIN VOICES FAITH.

Copy of a letter from Rev. Thomas J. Harron, formerly chaplain of Two hundred and thirteenth Engineers, at Camp Forrest, Ga., and Camp Lewis, Wash.:

CHURCH OF THE ASCENSION,
Westmoreland and G Streets, Philadelphia, August 18, 1921.

Mr. ROBERT ROSENBLUTH.

DEAR FRIEND: In reference to my interview with a Department of Justice agent, Mr. Chastain, I would say that I told him that I firmly believed in your innocence. My testimony to him was substantially as follows:

At mess the night before Major Cronkhite's death Major Ziejack invited the former to go to the firing range the following morning, and Major Cronkhite said that he was too busy and that he hated to lose the time. Major Ziejack volunteered to supply him with a mount, and Major Cronkhite replied to Ziejack, "You go straight to hell." The eventful morning Major Cronkhite suddenly decided to go and left the mess hall about 7.50 and started out to the range later than the rest. This, to my mind, proved conclusively that there could not have been any premeditation on the part of Captain Rosenbluth, as no one could have known of the major's (Cronkhite) going to the range that fateful day.

Moreover, I told the agent that Captain Rosenbluth was generally regarded as one of the most efficient officers in the Two hundred and thirteenth Regiment. This was generally agreed upon even by those who personally disliked Captain Rosenbluth. One officer, Lieutenant Reeves, put it this way: "He's (Captain Rosenbluth) too damned efficient."

Again, I told him that I believed that the major and captain were very friendly, as a West Point man admired the efficient officer at all times. As for Sergeant Pothier, he was generally under suspicion and distrusted by officers and men alike.

I told the agent that if the authorities really wanted to get at the real truth they would get in touch with Lieutenant Miller, the intelligence officer of the regiment, as he knew the sergeant's record—past in the old Army, and present in the late war. I also mentioned how the sergeant (Pothier), to whom I had lent money on different occasions, had tried to cheat me out of $10, and when I, after waiting two months, threatened to take the matter up officially if the money were not returned within three or four hours, the $10 was returned within a half hour. That same day another sergeant lost $12.

From my experience with Sergeant Pothier, I think that he would be but too glad of an opportunity to gain notoriety. I hold no animosity toward the said sergeant, but I testified for the sake of justice, that a wrong might be undone.

At the time of the death of Major Cronkhite there was no suspicion that the death or shooting was not, as reported, accidental.

Everyone knew how impetuous the major was, and all felt the death keenly; in fact, many were somewhat superstitious on account of the "13" in Two hundred and thirteenth Regiment. Colonel Thomas, though this was never discussed by us together, will, I believe, confirm me in this opinion about impetuosity.

I also informed the agent that I thought that the charge against Captain Rosenbluth was probably helped by the natural antipathy which some had against Hebrews in general.

I know of no officer in the regiment who had the welfare of his men at heart like Captain Rosenbluth.

I was almost daily in the company of Captain Rosenbluth, and I always found him the open, earnest, and thorough gentleman.

I offered to go to see the Attorney General at any time, and at first I hesitated to give this information to Mr. Chastain, thinking it would be best to go direct to Washington, D. C.

I earnestly hope that you will soon be given justice and the unjust stigma be removed.

Yours most sincerely, Rev. THOMAS J. HARRON.

I hereby certify that I have carefully compared the above copies with the original letter signed by Rev. Thomas J. Harron and that it is a complete and accurate copy thereof.

JOSEPH W. FERRIS, *Notary Public.*

—

BROTHER OFFICER TESTIFIES.

STATE OF CONNECTICUT,
County of New Haven, city of New Haven, ss:

Before me, the undersigned authority for administering oaths, personally appeared one Eugene M. Caffey, captain, Corps of Engineers, United States Army, who, being duly sworn according to law, deposes and saith:

That on October 25, 1918, he was a member of the Two hundred and thirteenth Regiment of Engineers, Thirteenth Division, stationed at Camp Lewis, Wash. That he was well and personally acquainted with Maj. Alexander P. Cronkhite, Two hundred and thirteenth Engineers, and Capt. Robert Rosenbluth, Two hundred and thirteenth Engineers, having served with both of them since the middle of August, 1918. That there was no ill feeling or animosity of any kind or description between these two officers, nor any cause for such.

That on the day in question the regiment went on a short march for instruction purposes. That Major Cronkhite did not leave with the regiment on the march and had no idea of going with it. A short time after the troops had left the major decided to follow and catch up with the column for the sake of the exercise involved, as he was just recovering from several days' illness. He spent some little time looking for the regimental surgeon, Major Tucker, to get his permission to

go and in securing a lunch to carry with him. He left the regimental area probably about three-quarters of an hour after the regiment. He took with him Sergt. Bugler Roland Pothier, whom he happened to see at regimental headquarters and who had no particular duty that morning.

During the course of the morning Major Cronkhite was killed. The deponent has no direct knowledge of the circumstances, as he was not present at the scene of the accident. He was told, however, within an hour or so of the accident by Captain Rosenbluth, Sergeant Pothier, Lieutenant Morrison, and Lieutenant Seaburg (one of the medical officers of the regiment who was with the column and who gave first aid to the major), all of whom were within a short distance of the accident, that the major had accidentally shot himself with his own pistol while engaged in firing at a can that he had placed on a post. A board of officers which investigated the death of Major Cronkhite reported to the same effect.

The deponent further states that there was at no time any suspicion of foul play in connection with this accident on the part of anyone in the regiment. That it was a shock to him to read in the papers that charges had been trumped up by some one involving Captain Rosenbluth in the death of Major Cronkhite. He did not, does not, and never will believe that such charges are anything except the most baseless fabrications.

The deponent was approached some weeks after the arrest of Captain Rosenbluth by an agent of the Department of Justice. This agent stated among other things that Captain Rosenbluth was a man of no standing, that he had "traveled with a pretty shady gang," and had "nothing good in his record." Deponent states such statements are lies. They were a very evident attempt to influence the deponent to make statements against Captain Rosenbluth. Deponent has seen two other officers of the regiment, Major Zajicek and Lieutenant Saunders, who told him that they did not credit the charges against Captain Rosenbluth. Major Zejicek was approached, after the arrest of Captain Rosenbluth, by agents of the Department of Justice who attempted to blacken the character of Captain Rosenbluth.

Deponent has been told that a former lieutenant named Rustenback is in a large measure to blame for the framing of the charges against Captain Rosenbluth. Deponent knew Rustenback well and knows him to be a person easily influenced and prone to wild fancies and to be a person whose statements should not be given credit without the most careful investigation.

Deponent also knew Pothier very well and knows that he is mentally unbalanced, underhanded, and treacherous. He had a bad reputation in the Navy and a bad reputation in the Two hundred and thirteenth Engineers. Deponent would not believe him on oath.

Further deponent saith not.

EUGENE M. CAFFEY, *Captain, C. E.*

Sworn to before me and subscribed in my presence this 8th day of November, 1921, at New Haven, Conn.

J. J. BACHMAN,
Captain, Field Artillery, U. S. A. Summary Court.

ASKS FOR JUSTICE.

CHICAGO, ILL., *August 10, 1921.*

To the Hon. J. W. SELDEN,
Prosecuting Attorney, Pierce County, Tacoma, Wash.

DEAR SIR: Inclosed please find affidavit re Captain Rosenbluth, which is prompted in the interest of justice, and for no other reason.

I sincerely hope that you will see your way clear to exonerate Captain Rosenbluth of the charge. I am quite sure that the American sentiment will unqualifiedly appreciate such a fair attitude in all such cases and particularly in this one.

Yours very truly,

ARTHUR L. MILLER.

STATE OF ILLINOIS, *County of Cook, ss:*

I wish to state that I was never interviewed by the Department of Justice relative to the case of Capt. Robert Rosenbluth, charged with the murder of Maj. Alexander P. Cronkhite on October 25, 1918, at Camp Lewis, Wash.

Second. I wish to state that I was intelligence officer of the Two hundred and thirteenth Engineers at that time and up to January 14, 1919, the date of my discharge from the Army. I joined the regiment at Camp Forrest, Ga., in August, 1918.

Third. I knew Major Cronkhite, Captain Rosenbluth, and Sergeant Pothier. The relations between Major Cronkhite and Captain Rosenbluth were of a most friendly nature at all times. I know of no relations that ever existed between Captain Rosenbluth and Sergeant Pothier.

Fourth. Captain Rosenbluth's character and reputation were of the highest standing, and therefore, in my judgment, he could not have been involved in any murder plot under any circumstances.

Fifth: The circumstances surrounding the accident on October 25, 1918, point clearly that there could not have been any plot on that day. Major Cronkhite's decision to accompany the march was made at the breakfast table at the last minute, unexpectedly to all of us. In fact, it was my sergeant who supplied him with a pack and gun while the column was already formed. All this clearly shows any premeditated plot on that day to be impossible. The first news of an alleged murder plot that reached me was early in 1921 through the newspapers. The general opinion of all at the time was that death occurred from a self-inflicted wound by accident.

ARTHUR L. MILLER.

Subscribed and sworn to before me this 10th day of August, A. D. 1921.

[SEAL.] ARTHUR KRIEG, *Notary Public.*

VIEW OF ENLISTED MAN.

WASHINGTON, D. C., *April 20, 1921.*

STATEMENT OF ELMER D. KIEFFER.

I, Elmer D. Kieffer, of Norwood, Pa., being duly sworn, on oath depose and say as follows:

I was attached to Company C, Two hundred and fourteenth Engineers, stationed at Camp Lewis, Wash., from the 9th of October, 1918, until January 30, 1919, and was a member of said Company C at the time of the occurrence of the events on October 25, 1918, hereinafter set forth.

On October 25, 1919, Company C, with several other companies of the regiment, was ordered on a hike across country. When about 2 miles out of camp the regiment was ordered at rest, and at this time I first saw Major Cronkhite, accompanied by Sergeant Pothier, who had come up to the spot where the regiment was resting. They did not come along the same road that we had traveled but appeared from a different direction through the woods. Neither Major Cronkhite nor Sergeant Pothier was with the regiment at the time we left camp. I was in the first platoon of Company C, and after the hike was resumed I saw Major Cronkhite and Sergeant Pothier from time to time, who were walking quite some distance ahead of the column. During the hike I heard several shots coming from the direction in which Major Cronkhite and Sergeant Pothier were walking. I remember this distinctly, because of the very unusual fact of any of the officers or men having ammunition with them while on a hike.

After Major Cronkhite had joined the company and before reaching the scene of the accident, referred to hereafter, the company fell out frequently for rest periods while proceeding through the woods. During one of these rest periods I distinctly remember seeing Major Cronkhite somewhere in front, but I do not recall the exact location nor do I remember noticing where Captain Rosenbluth was at this time.

During the rest period on the last halt of that day I had stepped out of the ranks and across the road, and as I did so I noticed Sergeant Pothier about 100 feet away, down the slight declivity of the road on the same side as I was standing, ahead of the column. I also saw Major Cronkhite, who was on the other side of the road about 15 or 20 feet from Sergeant Pothier. My attention was particularly directed to Major Cronkhite, because at that time he was engaged in shooting at some object located to the right of the direction in which the column was facing. I saw Major Cronkhite take a shot at this object, after which he walked in its direction. I could see both Major Cronkhite and Sergeant Pothier very distinctly at this time, and I am sure that Sergeant Pothier did not have any weapon in his hands. At this time I am certain that Captain Rosenbluth was not at the front of the formation, as I recall that Captain Rosenbluth passed the spot where I was standing, going toward the head of the formation very shortly after I saw Major Cronkhite take this shot.

I did not pay any more attention to this occurrence, but remember hearing one or two other shots, and the next thing I recall hearing was some one call for a doctor. I do not remember any further shots being fired after the doctor was called for.

Shortly after this Lieutenant Seaburg, a doctor attached to the regiment, asked for volunteers to carry the major to the artillery range. I, together with three other men, ran forward, and I saw the major lying on the ground. Lieutenant Seaburg was with him, but Captain Rosenbluth was not there at this time. The whole thing happened very quickly, and it is my recollection that not more than three minutes elapsed between the time of the last of these shots and the call for volunteers.

It was at first thought by those in charge that it would be necessary to carry Major Cronkhite over the hill to the artillery range, as it was doubtful whether an ambulance could reach that part of the woods where the accident occurred, but upon some one's suggestion that an ambulance could get through it was decided to let him remain there until the ambulance arrived. There was a can on top of a post a few feet away, which I later removed to use as a prop for the fireplace erected to cook our meal.

It was my opinion and the opinion of everyone there at the time, so far as I know, that Major Cronkhite had shot himself accidentally. I was demobilized at Camp Meade, Md., on February 13, 1919, and the incidents here related had practically passed out of my mind until I read in a paper about a month ago of the arrest of Captain Rosenbluth in connection with the death of Major Cronkhite. I thought it was an outrageous thing that Captain Rosenbluth should have been accused of this crime and immediately wrote him a letter, in which I stated my willingness to be of service to him in this matter, but I did not mail this letter, as I was not sure of Captain Rosenbluth's address. Several weeks thereafter I read in the papers in one of the articles telling of the arrest of Captain Rosenbluth that Major Tucker, who was also attached to the regiment at Camp Lewis at the time I was there, was living in Philadelphia at 1818 Pine Street. On the occasion of a visit which I made to Philadelphia on April 19, 1921, I went to see Major Tucker and told him what I knew about this affair, and he called Captain Rosenbluth's attorney, Mr. J. J. Goldstein, in New York, giving Mr. Goldstein my address and telephone number. Thereafter Captain Rosenbluth called me on the telephone and at his request I went to see him. This is the only time I have seen or heard from Captain Rosenbluth from the time of my transfer from Camp Lewis, Wash., to Camp Meade, Md., for discharge down to the present time.

No person has ever questioned or interviewed me as to my knowledge of the affair, and this statement is made entirely and wholly from my recollection of the events which transpired on October 25, 1918, without any stimulation or suggestion of any kind or character from Captain Rosenbluth or anyone else, and my sole and only object in making this statement is for the purpose of doing what I can to see that justice is rendered a man whom I know to be innocent.

ELMER D. KIEFFER.

Signed and sworn to before me this 20th day of April, 1921.

G. G. GALLTY, *Notary Public.*

SERGEANT OFFERS AID.

PENSACOLA Y. M. C. A.,
Pensacola, Fla., March 26, 1921.

DEAR MR. ROSENBLUTH: I understand from the newspapers that you have been charged with the killing of the late Major Cronkhite on October 25, 1918. I was very sorry to see that in the press reports, for I was present as a sergeant of Company A, Two hundred and thirteenth Engineers, at the time in question, and can not see how these charges can be proven true, knowing what I do of the circumstances. For that reason I stand ready to help you in any way possible to prove that these charges placed against you are false. While a long trip and court trial would be unpleasant in many ways, I stand ready, if necessary, to go upon the stand as a witness in your behalf. To what I can testify is this:

I was a sergeant in Company A, Two hundred and thirteenth Engineers. Major Cronkhite had recently left the hospital from an attack of influenza and appeared unwell. I was told he was advised by Colonel Thomas not to participate in the hike. The skeleton regiment, composed largely of noncoms, due to the influenza quarantine, started on a hike on the morning of October 25, 1918. Major Cronkhite was in command, and I understood that Colonel Thomas was to join the regiment at our noon halt. We moved in a general southeasterly direction from Camp Lewis, going through patrol formations and problems on the way. At a place on the road where there was an abandoned schoolhouse on the left and a machine-gun range in front we halted to regain our regimental formation.

At that time I saw Major Cronkhite for the first time since the start of the hike. We turned to the right into the woods, passing over about a mile of undulating ground, heavily wooded, the trail so narrow as to force the command "Right by file—March." Being acting first sergeant of Company A, I was at the head of the column. At a point where there was a clearing on the right and a barn diagonally to the right and front we formed column of fours and halted. I understood this to be the place where we were to make our noon halt and cook dinner. The regiment was standing on the road in column of fours when Major Cronkhite and Sergeant Bugler Roland Pothier passed me from the rear, went forward a few yards and turned to the right behind some bushes. A few seconds later I heard four shots from that direction. Immediately after the last shot you passed me from the rear and went forward to see where the major and sergeant bugler were. You immediately stepped back into the road and called for Lieutenant Sieburg, the doctor. He went forward and in a few seconds either you or Lieutenant Sieburg stepped back into the road and called for a man with knowledge of artificial respiration. I had that knowledge and so did Bugler Wuthenow of Company A. All officers of Company A being absent, I felt that I was in command of Company A in case of orders to move (First Sergeant Bradshow being in the hospital), so I sent Bugler Wuthenow forward. A few minutes later the regiment was moved into the clearing to the right, our packs let down and we stood at rest waiting further orders. While standing there in regimental front we learned that Major Cronkhite had been shot and killed. Before leaving the road a runner was sent back down the trail to try to intercept the machine-gun ambulance at the machine-gun range, and Lieutenant Morrison was sent back through the woods to the camp to notify regimental headquarters. In a few minutes Lieutenant Miller assumed command of the regiment and marched us in single file back to the road at the machine-gun range, then in column of fours back toward camp.

The general opinion among the men, an opinion in which I concurred, was that the major's revolver was discharged accidentally when his thumb probably slipped off the trigger as he snapped the revolver back to his shoulder to cock it for the fourth shot. Some few raised the question of suicide. Sergeant Bugler Pothier seemed to be insensible as to what had happened. Sergeant Root told me that the revolver the major was using was a six-shooter that he (Sergeant Root) had loaned to the major, as the major's was out of order. Bugler Wuthenow told me that he leaned over the major to administer artificial respiration and that Lieutenant Sieburg had evidently assumed the major's death to be due to the shock from the gun's concussion and his weakened condition. Bugler Wuthenow said that he opened the major's shirt and found a bullet hole, then turned to Lieutenant Sieburg and said, "Why, this man has been shot"; Lieutenant Sieburg looking and answering, "Why, so he has." Bugler Wuthenow told me that he himself was the one who folded the major's arms and closed his eyes to prevent the body stiffening in its then present condition. Bugler Wuthenow also told me that a tobacco can had been put up on a tree as a target, the first three shots being so close together as to be covered by a silver dollar. Bugler Wuthenow told me that the bullet entered the major's right breast beneath the collar bone and lodged in the small of his back, the major being dead when he arrived. You were not there when the shots were fired. I know of no arguments, disagreements, or rivalry between you and the major. Unless the major had been standing so as to face us men and fire directly in our direction (something which is inconceivable, due to his military experience), I do not see how it would have been possible for you to have fired the shot that killed him, as you were standing back of me in the column during the firing. I certainly heard no shots from any other direction than from the major's gun. The intervals between shots appeared equal.

My reason for writing this letter is justice, for I believe you to be innocent of the charges preferred against you. While a long trip and court trial would be, as I said before, unpleasant in many ways and something which I can not undertake at my own expense, the question of unpleasantness is of no weight whatever if I can be of material help to you in clearing you of these charges. I would not be a man were I to sit here and see such accusations prosecuted.

Believe me, Mr. Rosenbluth, I wish you every success and good fortune in this unpleasantness, and remain

Cordially yours, FRANK B. TURNER.

Subscribed and sworn to before me this 26th day of March, 1921.
ARTHUR L. KIESLE, *Notary Public.*

My commission expires February 24, 1925.

TELLS NEW DETAILS.

STATE OF ILLINOIS, *County of Peoria, ss:*

Elmer W. Seaburg, being first duly sworn, upon oath states that he is the same person who, on the 26th day of March, A. D. 1921, made a written statement with reference to the death of Major Cronkhite at Camp Lewis, Wash., on the 25th day of October, A. D. 1918; that since the making of said statement this affiant has refreshed his recollection and given the matter further consideration, and, as a supplement to and explanation of said statement, further states:

That when this affiant first came to the point where Major Cronkhite was being supported by Captain Rosenbluth he and the others present were of the impression that the major was suffering from a heart attack; that as soon as this affiant came running up to the point he remembers that Captain Rosenbluth, in substance, cried out, "I think his heart failed; give him aromatic spirits or a hypodermic"; that while this affiant was preparing to administer the hypodermic some one—this affiant believes it was Captain Rosenbluth—asked this affiant if it would do any good to try artificial respiration; and this affiant, still believing that the weakened condition of the major was caused by heart failure, told the captain that it would do no harm, and thereupon artificial respiration was administered by several of the men, and the hypodermic was administered afterwards by this affiant; that afterwards, upon removal of the major's clothing, this affiant discovered the bullet wound which was not noticed theretofore because of the lack of blood coming from the same; that afterwards, while waiting for the ambulance to arrive, there was some discussion as to how the accident might have happened, all of which appeared to be merely speculation, and Captain Rosenbluth then told me of Major Cronkhite shooting with a revolver at a tin can, and the captain then, as a matter of speculation, told me how it might have happened; that no one thought at the time when I first came up to the place of the accident that the major's condition was due to a bullet wound, but everyone thought that his condition was due to an attack of the heart, and it was not until after the autopsy had been made and it had been thereby proved that the bullet pierced the aorta that we felt that it was not heart failure that caused his death; that in fact it was because this affiant had no suspicion that the major's condition was due to a bullet wound that he resorted to artificial respiration and the hypodermic, which would not have been administered and resorted to had this affiant thought that he had been shot; that it was because of the foregoing that I refer to myself worrying about whether there were things which I might have done and was only convinced that all had been done that it was possible after the autopsy had been made; that never at any time until this affiant heard of the arrest of Captain Rosenbluth did he ever hear any rumor or intimation that Major Cronkhite died otherwise than by accident and in the manner indicated in the findings of the board of inquest.

Further affiant saith not.

ELMER W. SEABURG.

Subscribed and sworn to before me this 2d day of June, A. D. 1921.
ANNA C. RIESZ, *Notary Public.*

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. CALDER. Certainly.

Mr. McKELLAR. I want to ask the Senator whether there was not a court-martial about the matter?

Mr. CALDER. Yes. At the time of the unfortunate death of Major Cronkhite a board of inquiry was convened, and that board of inquiry found that Major Cronkhite had met his death through an accident, a wound inflicted by himself.

Mr. McKELLAR. That it was suicide?

Mr. CALDER. I would not say that.

Mr. McKELLAR. Substantially so?

Mr. CALDER. Oh, no.

Mr. McKELLAR. A wound inflicted by himself, and it was afterwards found when his body was exhumed that he was shot in the back, was it not? I am just asking the Senator for the information, if he has it.

Mr. CALDER. I do not know. That may be true.

Mr. McKELLAR. I was informed, though I do not know how correctly, that when his body was exhumed by the family it was found that it would have been absolutely impossible for him to have shot himself; that he was shot in the back with a kind of gun that could not have been used by his own hand to inflict the wound.

Mr. CALDER. That may be true. I do not stand in my place to-day to defend anybody, but I do stand here to insist that everything possible be done to clear this matter up. I have seen in the public prints that Senators contemplate offering a resolution of inquiry. If they do I shall join with them in securing an agreement on the resolution.

Mr. McKELLAR. What was ever done with the findings of the board of inquiry?

Mr. CALDER. The board of inquiry, I am informed, determined that he was killed through his own act.

Mr. McKELLAR. Was that finding ever set aside in any way?

Mr. CALDER. It was confirmed.

Mr. McKELLAR. By the department?

Mr. CALDER. Yes.

Mr. McKELLAR. Appealed to the department and confirmed?

Mr. CALDER. Yes.

Mr. McKELLAR. It has not been interfered with in any way?

Mr. CALDER. I so understand. But if Senators who are interested in the matter contemplate asking for the adoption of a resolution inquiring into the ending of General Cronkhite's military services, I am hopeful that they will accompany it with an effort to determine, if it can be done by any committee of this body, through all the evidence obtainable, just how Major Cronkhite was killed, to the end that justice may be done to the memory of Major Cronkhite—a splendid officer—and also that the name of Captain Rosenbluth may be cleared, if he is innocent.

Mr. GLASS. Mr. President, I have just entered the Chamber. May I ask what the Senator's request is?

Mr. CALDER. I made no request except to comment upon an article which appeared in this morning's paper and to say that I had never attempted to retard investigation of the matter, but have constantly insisted the matter should be brought to a speedy determination.

Mr. GLASS. I think the Senator is quite within his rights in doing that. He is doing what any other Senator would feel constrained to do.

Mr. CALDER. I also, Mr. President——

Mr. GLASS. I do not think the Cronkhite case in either of its aspects ought to be tried here in the Senate, certainly not at this time.

Mr. CALDER. I quite agree with that. I think what the Department of Justice should do is to clear this matter up just as early as it can be done, for everybody's sake.

I thank the Senator from Texas for yielding to me.

ORDER FOR RECESS.

Mr. JONES of Washington. Mr. President, will the Senator from Texas yield to me for a moment?

Mr. SHEPPARD. I yield.

Mr. JONES of Washington. I ask unanimous consent that when the Senate closes its business to-day it take a recess until 11 o'clock to-morrow morning. I will state further that I will ask the Senate to recess at 10 or half past 10 o'clock to-night.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Washington?

Mr. HITCHCOCK. Will the Senator state a definite hour when the recess will be taken to-night that we may be informed—at 10 o'clock, say?

Mr. JONES of Washington. Not later than a quarter after 10.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Washington, and it is so ordered.

Mr. JONES of Washington. Mr. President, I think it but fair to give notice at this time that I shall ask the Senate to remain in session all night to-morrow night.

Monday, February 19, 1923.

WORK OF THE LEAGUE OF NATIONS FROM OCTOBER 3, 1921, TO JULY 24, 1922.

Mr. SHEPPARD. Mr. President, Thursday, February 15, 1923, was the first anniversary of the founding of the Permanent Court of International Justice, perhaps the principal accomplishment of the League of Nations. On that day I announced that it had been my intention to signalize that anniversary, in so far as I might be able to do so, by continuing the account of the work of the League of Nations which I had given to the Senate on October 5, 1921. I did not desire, however, to interfere with the prompt disposition of the international debt measure which was then pending. Inasmuch as that measure has now been disposed of and a number of days remain available for the consideration of the bill now before the Senate, I feel that I may properly proceed.

In that address of October 5, 1921, I described the proceedings of the League of Nations from its beginning on January 16, 1920, to October 3, 1921. On that day the assembly, still in its second annual session, which had begun September 5, 1921, after providing that no resolution submitting an amendment to the covenant or constitution of the league should be passed during that session without receiving a three-fourths majority, including all council members represented at the meeting, voted to submit to States members an amendment to paragraph 1, article 26, of the league covenant, requiring that thereafter a three-fourths majority of States represented in the assembly, including all the council members represented therein, should be essential to the submission of amendments to States members.

The assembly then voted to submit an amendment to article 26, adding after the first paragraph a new paragraph providing that if the required number of ratifications should not be obtained within 22 months after submission the proposed amendment should remain without effect.

The assembly next voted to submit to States members an amendment to article 26, replacing the second paragraph of the article as it then existed with two new paragraphs; one providing that the secretary general of the league should inform the States members of the taking effect of an amendment; the other providing that any member of the league which had not at that time ratified the amendment should be free to notify the secretary general within a year of its refusal to accept, but in such case should cease to be a member of the league.

In order that these amendments may be more clearly understood, let me say that article 26 consisted of two paragraphs, and read as follows:

"ART. 26. Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

"No such amendment shall bind any member of the league which signifies its dissent therefrom, but in that case it shall cease to be a member of the league."

Mr. REED of Missouri. Mr. President, does the Senator object to interruptions?

Mr. SHEPPARD. Not a bit.

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Missouri?

Mr. SHEPPARD. I do.

Mr. REED of Missouri. Do I understand that this body adopted a rule by which it would submit amendments to the constitution, and that if a State did not accept, the State then would be expelled from the league? Is that the meaning? Because of the confusion, I could not quite catch what the Senator said.

Mr. SHEPPARD. I shall read it again:

"The other providing that any member of the league which had not at that time ratified the amendment should be free to notify the secretary general within a year of its refusal to accept, but in such case should cease to be a member of the league."

If it felt it could not tolerate the amendment, after notice of its adoption by the league and after having voted against it in the first instance, it ceased to be a member by giving notice of refusal within a year after being advised of adoption.

Mr. REED of Missouri. So that you have to agree or you have to get out. That is the result, is it not?

Mr. SHEPPARD. Not at all.

Mr. REED of Missouri. I assume that that is intended to encourage a free expression of opinion. If you do not agree you have to get out of this heavenly organization and wander all the rest of your life alone. Did the Senator ever before hear of any proposition like that being adopted by any body calling itself legislative or constitutional—that you have to agree with what the majority says or get out?

Mr. SHEPPARD. Mr. President, this amendment if adopted would be an effective answer to the contention that once in the league a State always is in the league. One of the principal arguments made against the league was that if we once got into it we never would get out.

Mr. REED of Missouri. But we might want to stay in, in order to embrace its manifold virtues, even though some one thing was done that did not please us. Does not that bring us to the point that if a majority could be obtained for some one matter which might be highly obnoxious to a particular State it must agree to that and say it was satisfied or must get out altogether? Does the Senator know whether this was devised for the express purpose of dissolving the league gradually or simply for the purpose of preserving absolutely and for all time a majority which had been once acquired?

What I mean is this: It is entirely conceivable that a State might be dissatisfied with some particular thing that had been voted. It might remain in and try to have that action afterwards rescinded, and would have the right to do that in any ordinary body. This exalted tribunal seems to want to have it fixed so that unless you accept in toto what the majority at a particular time wants to do you must get out, leaving that old majority in complete control. Does the Senator think that is common sense?

Mr. SHEPPARD. I do not think the Senator has properly stated the amendment.

Mr. REED of Missouri. I wish the Senator would state it over again. I am interested in it.

Mr. SHEPPARD. The amendment is that a State which is so opposed to an amendment that it does not desire to stay in the league with the amendment in operation may notify the secretary general of its refusal to accept within a year after notice of its adoption and in that way may secure withdrawal from the league on its own volition. If it does not notify the secretary general of its refusal to accept, although it may have voted against the amendment when submitted, then it remains within the league.

Mr. REED of Missouri. Would it not be notice if the delegate went there the next day and said: "I move to reconsider. I protest that this is bad"? Would not that put him out the minute he opened his mouth?

Mr. SHEPPARD. I do not think so.

Mr. REED of Missouri. Does not the Senator think that it is a very wicked thing to propose a plan like this for the general disintegration of the league? Instead of keeping men in, it is putting them out into the outer darkness, where I suppose there will be weeping and wailing and gnashing of teeth, according to the old biblical statement.

Mr. SHEPPARD. If the States do not desire to adopt this amendment it will not go into effect.

Mr. REED of Missouri. But if two-thirds of them do, all the rest of them have to get out.

Mr. HITCHCOCK. No, Mr. President.

Mr. SHEPPARD. Not at all.

Mr. HITCHCOCK. They have the privilege then of withdrawing. One of the arguments which the Senator from Missouri made against this league when it was before the Senate was that a two-thirds majority might change the organization or the constitution of the league, and that would bind members of it; but what the Senator from Texas has read indicates that when an amendment is proposed, and is adopted by the necessary majority, then those who are opposed to it have the privilege of dropping out of the league.

Mr. REED of Missouri. No; that states it wrongly. They do not have the privilege of dropping out; they have to accept it or get out.

Mr. HITCHCOCK. Accepting it is the way they stay in. If they fail to accept it, then they are out. They have the privilege——

Mr. REED of Missouri. But you have to agree with a thing that you do not believe in, and accept it as a fixed principle of international law, or, the minute you protest, they kick you out.

Mr. HITCHCOCK. No.

Mr. REED of Missouri. That is a most uncharitable thing for a league of nations to do.

Mr. HITCHCOCK. My suggestion is that the Senator would object very much if we were in the league, and a two-thirds membership had the right to change the constitution of it, and we had no way of getting out if we pleased.

Mr. REED of Missouri. But does not the Senator see the difference? We might not like the thing that was done, and yet, if we were so enamoured of this institution as my friends are we might want to stay in notwithstanding the defects; but we can not stay in if we do not accept and swallow it.

Mr. SHEPPARD. Oh, yes; you can.

Mr. REED of Missouri. The minute we protest, we go out ipso facto. The protest puts us out.

Mr. SHEPPARD. Not at all.

Mr. REED of Missouri. That is the language.

Mr. SHEPPARD. I do not so construe it.

Mr. REED of Missouri. It is as hard to construe as article 10, I think.

Mr. SHEPPARD. Perhaps so, in the estimation of the Senator.

Mr. SHIELDS. Mr. President, I did not understand what the proposed amendment was; but the last clause of section 26 of the covenant of the league was that—

"No such amendment shall bind any member of the league which signifies its dissent therefrom, but in that case it shall cease to be a member of the league."

Does this amendment change that?

Mr. SHEPPARD. It does.

Mr. SHIELDS. In what respect?

Mr. SHEPPARD. It provides that any member of the league which has not at the time of adoption ratified the amendment shall be free to notify the secretary general within a year of its refusal to accept, but in such case it shall cease to be a member of the league. In other words, if it has voted against the amendment, and the amendment is adopted, and then it does not send a refusal to accept within a year from notice of adoption, it remains within the league.

Mr. FLETCHER. I should consider that that was in conformity with the suggestion of the Senator from Tennessee rather than against it.

Mr. JONES of Washington. Mr. President, may I interrupt the Senator to say that I do not want to make the point of order about Senators yielding except for questions, because I intended to give notice when I would do it, and I waited until this colloquy was finished before I suggested anything of the kind. I do not say now that I will make it, but it is getting about time when I probably shall make it before very long.

Mr. SHEPPARD. I thank the Senator, and I shall not yield except for a question.

The assembly adopted a resolution on October 3 requesting the council to prepare for the next annual session of the assembly a final and comprehensive plan for the financial administration of the league, and in the meantime to continue to regulate the finances of the league in the spirit of the principles contained in the assembly recommendation of December 17, 1920, with certain modifications.

PROCEEDINGS OF OCTOBER 4—FURTHER AMENDMENTS.

On October 4 the assembly voted to submit an amendment to article 16 of the league covenant, the article dealing with the economic weapon of the league, adding a new paragraph to follow the first paragraph of that article and to read as follows:

"It is for the council to give an opinion whether or not a breach of the covenant has taken place. In deliberations on this question in the council the votes of members of the league alleged to have resorted to war and of members against whom such action was directed shall not be counted."

The assembly then voted the submission of an amendment to article 16 to constitute the third paragraph of that article and to read as follows:

"The council will notify all members of the league of the date which it recommends for the application of the economic pressure under this article."

The assembly next voted to submit an amendment to be known as paragraph 4 of article 16, and to read as follows:

"Nevertheless the council may, in the case of particular members, postpone the coming into force of any of these measures for a specified period where it is satisfied that such a postponement will facilitate the attainment of the object of the measures referred to in the preceding paragraph, or that it is necessary in order to minimize the loss and inconvenience which will be caused to such members."

The assembly next agreed to the proposal of an amendment to article 16, making the first paragraph, which now reads:

"Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15 it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not"—

To read as follows:

"Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15 it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between persons residing in their territory and persons residing in the territory of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between persons residing in the territory of the covenant-breaking State and persons residing in the territory of any other State, whether a member of the league or not."

The assembly then resolved that the resolutions and the proposals for amendments to article 16 which had been adopted by the assembly should, so long as the amendments had not become effective in the form required by the covenant, constitute rules for guidance which the assembly recommended as a provisional measure to the council and to the members of the league in connection with the application of article 16.

The assembly next voted to postpone consideration of the amendment to article 1 of the covenant proposed by the Argentine delegation at the first assembly on December 4, 1920, and which provided that all sovereign States recognized by the community of nations be admitted to join the League of Nations in such manner that if they do not become members of the league this can only be the result of voluntary decision on their part. One of the reasons recited for the postponement was the absence of the Argentine delegation.

The amendment to article 3 of the covenant proposed at the first session of the assembly by the Governments of Denmark, Sweden, and Norway, and which provided that a certain number of members of the league might convene a session of the assembly at any other time than that fixed in the covenant, was withdrawn by the representatives of these Governments.

Amendments proposed by the Norwegian and Swedish Governments at the first session of the assembly to articles 12 and 13 of the covenant, and which related to procedure in matters of arbitration and conciliation, were not adopted, but the council was invited to appoint a committee to study the principles embodied in the proposed amendments and to report to the next assembly.

An amendment proposed at the first session of the assembly to article 13 by the Danish, Norwegian, and Swedish Governments, and which sought to establish in the covenant the principle of compulsory arbitration, was not concurred in.

The assembly then proceeded to discuss amendments relating to articles 12, 13, 14, and 15, made necessary by the establishment of the Permanent Court of International Justice.

Representative Zahle, of Denmark, said that the creation of this court made it desirable to mention explicitly the method of judicial settlement by the court in the articles of the covenant which enumerated the methods of settlement of disputes between the members of the league and amendments to that end were then proposed by the assembly to articles 12, 13, and 15.

In reference to article 21 of the covenant, the article confirming the validity of international engagements such as treaties of arbitration or regional understandings like the Monroe doctrine for securing the maintenance of peace, it was resolved to propose no amendment, and it was declared that agreements between members of the league tending to define or complete the engagements contained in the covenant for the

maintenance of peace or the promotion of international cooperation should be regarded as of a nature likely to contribute to the progress of the league in the path of practical realizations—that such agreements might be negotiated under the auspices of the league, for example, in special conferences and with its assistance.

The assembly decided to postpone until its next annual session the proposed amendment of the Canadian delegation repealing article 10.

As to protection of minorities, it was decided to make no change for the time being from the resolution of the council adopted at Brussels October 25, 1920, and providing that the president and two members appointed by him should consider any petition or communication addressed to the League of Nations with regard to an infraction or danger of infraction of the clauses of the treaties for the protection of minorities.

It was announced that Haiti had agreed to the compulsory jurisdiction of the Permanent Court of International Justice.

PROCEEDINGS OF OCTOBER 5—AMENDMENTS, ELECTION OF NONPERMANENT MEMBERS OF COUNCIL, ADJOURNMENT.

On October 5 the assembly discussed the advisability of amending article 18 of the covenant, the article requiring the registration of treaties with the league, and decided to postpone action for another year, the resolution of postponement indicating the belief of the assembly that this article should not be construed literally, that exceptions were permissible in order to give proper effect to the spirit of the article; that is, the prevention of secret engagements imperiling world peace or justice. It developed in the debate that nations could not be expected to register all treaties relating to financial and other domestic conditions.

The amendments of the Colombian and Netherlands Governments to article 5 of the covenant, the article relating to the principle of unanimity in council and assembly action, were withdrawn.

It was decided to propose an amendment to article 6 of the covenant by substituting for the last paragraph, which read as follows: "The expenses of the secretariat shall be borne by the members of the league in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union," the following paragraph: "The expenses of the league shall be borne by the members of the league in the proportion decided by the assembly." It became apparent during the discussion that the apportionment system of the Universal Postal Union had not worked satisfactorily for the league.

It was then decided to propose another amendment to article 6 by adding another paragraph providing that the allocation of league expenses already recommended by the committee appointed by the assembly for that purpose should be applied as from January 1, 1922, until a revised allocation had come into force after adoption by the assembly.

Rule 4 of the rules of procedure of the assembly was amended by the addition of a paragraph to the effect that no proposal for a modification of the allocation of expenses for the time being in force should be inserted in the agenda unless it had been communicated to the members of the league at least four months before the date fixed for the opening of the session.

Rule 14 of the rules of procedure was amended by a provision that resolutions involving expenditure should not be voted by the assembly before the financial committee had expressed its opinion on the advisability of the proposed expenditure with regard to general budgetary resources.

The assembly then adopted a resolution to the effect that the nonpermanent members of the council should in future be elected according to a system of rotation for a fixed period, present incumbents to be reappointed for 1922, and that in the absence of any decision regarding the number of the nonpermanent members of the council it would be inexpedient to lay down precise rulings in consideration of the fact that at the election to be held the next year account would be taken, both as to the determination of the entire period of office for each member and as to the conditions of reeligibility, of the period already spent in office.

It was next decided to propose an amendment to article 4 of the covenant, the article defining the council, by inserting between the second and third paragraphs a new paragraph providing that the assembly should fix by a two-thirds majority the rules dealing with the election of the nonpermanent members of the council and particularly such regulations as relate to their terms of office and conditions of reeligibility.

A resolution was agreed to expressing appreciation of the work of the committee on amendments which, under the chairmanship of Mr. Balfour, had done the preparatory work for the proceedings of committee No. 1, and agreeing that the council would refer to the consideration of that committee the draft amendments which had been adjourned and the proposed amendments which might be submitted to the next assembly.

Belgium, Brazil, China, and Spain were then elected nonpermanent members of the council for the ensuing year.

Prince Arfa-ed-Dowleh, representative of Persia, then addressed the assembly. I give his address in full because, brief as it is, it throws a vivid light on the world scope of the league. He said:

"Gentlemen, in my first speech here I had the honor to explain to you that the League of Nations is regarded in the East as a center of peace and equality.

"As you know well, there are more than 300,000,000 Mohammedans in the world. Hitherto in all international conferences there have been two representatives of the world of Islam—Turkey and Persia. At present, by reason of the unfortunate Greco-Turkish War, Persia is the only representative. With all my heart I hope to see the end of this terrible war in order that at the next session the Mohammedan world may have in this assembly its established representation. Moreover, as Afghanistan has just been reorganized as free and independent, I trust that circumstances will permit her also to send representatives to this assembly, and I hope, too, that we shall see representatives from Hedjaz, Mesopotamia, and from the Republic of Caucasian Azerbaidjan.

"I can assure you, gentlemen, that the entry of these countries into the League of Nations will be of the greatest benefit to the peace and tranquillity of the world.

"The League of Nations is an army fighting for peace. The more combatants there are in its ranks the surer will be its victory."

The president of the assembly then announced that the second assembly of the League of Nations had arrived at the end of its labors.

Reviewing these labors, he concluded with the following expressions:

"Here in a few brush strokes is the incomplete picture of the work we have accomplished. The world will judge it, but it must realize that what above all in my humble opinion has marked this session is the spirit which has been shown here—the spirit of closer cooperation, the conviction of work accomplished, and the feeling of confidence joined to the enthusiasm which marked our first labors last year. These are imponderable factors, but they are pregnant with promise justifying a growing faith in the future of the League of Nations and encouraging those who will have to continue our efforts. We ask the press, our faithful companion, to carry to the whole world a message that the League of Nations, the political and moral expression of the interests which unite all peoples, is not a mirage but a reality."

FOURTEENTH SESSION OF COUNCIL, HELD AT GENEVA BEGINNING AUGUST 30, 1921.

In my address to the Senate of October 5, 1921, I stated that the fourteenth session of the council began at Geneva on September 1, 1921, and I outlined most of its transactions to October 3, 1921, in connection with my account of the assembly, which began September 5. I find on further investigation that the council's fourteenth session began on August 30, 1921, and I shall now, for the sake of greater clearness, give a separate review of the proceedings of that session.

Attending the fourteenth session of the council were Mr. Wellington Koo, President, representing China; Mr. Paul Hymans, representing Belgium; Mr. Gastao da Cunha, representing Brazil; Mr. A. J. Balfour, representing the British Empire; Mr. Leon Bourgeois, representing France; Marquis Imperiali, representing Italy; Viscount Ishii, representing Japan; Mr. Quinones de Leon, representing Spain.

SAAR BASIN.

On the first day of the council's fourteenth session—August 30, 1921—Mr. Wellington Koo, representative of China, reported on the subject of the appointment of the Saar Basin member of the Saar Basin Governing Commission, stating that the term of Doctor Hector, who had been appointed as such member on September 20, 1920, on the acceptance of the resignation of Mr. von Boch, the original Saar member, would expire on September 20, 1921, that the other four members of the commission—Major Lambert (Belgian), Count de Moltke-Huitfeldt (Dane), Mr. Rault (French), chairman, Mr. R. D. Waugh (Canadian)—had been reappointed by the council on February 21, 1921, to serve until February 13, 1922; that in accordance with the Versailles treaty it was now the council's duty to appoint a native inhabitant of the Saar Basin to the commission for one year from September 20, 1921, and recommended that

Doctor Hector, of Saarlouis, be reappointed for such year, with thanks for his services. The report and recommendation were adopted.

ADHESION OF SAAR BASIN TO BERNE CONVENTION.

Mr. Koo then presented a report to the council on the adhesion of the Saar Basin to the Berne Convention. He called attention to the fact that in a note of July 4, 1921, to the secretary general of the league, the chairman of the Saar Basin Governing Commission had stated that the German Government was opposed to the adhesion of the Saar Basin to the International Railway Transport Convention of October 14, 1890 (Berne Convention); that as a result the Saar railway system was placed in a position of actual subjection to Germany, and had requested, after indicating the unsatisfactory nature of the situation, that the council of the league intervene in order that the Saar Basin might be allowed to adhere to that convention. After discussing the matter at length Mr. Koo moved that the advisory and technical committee on communications and transit of the League of Nations be requested to give the council an opinion on the communications and transit questions raised by the request of the Saar Basin Governing Commission for adhesion to the Berne Convention.

The report and motion were adopted.

PROTECTION OF MINORITIES IN RUMANIA AND HUNGARY.

Mr. Balfour moved that whereas under article 12 of the treaty between the principal allied and associated powers—that is, United States, British Empire, France, Italy, and Japan, on the one hand, and Rumania on the other, signed at Paris, December 9, 1919—Rumania had agreed that the stipulations of articles 1 to 11 of the treaty, so far as they affected persons belonging to racial, religious, or linguistic minorities, constituted obligations of international concern and should be placed under the guaranty of the League of Nations, it be resolved by the council that such stipulations were thereby placed under such guaranty.

The motion was adopted, as was a similar motion by Mr. Balfour as to Hungarian minorities.

NEUTRALIZATION OF AALAND ISLANDS.

The secretary general announced that on August 10 the following Governments, to wit, Denmark, Esthonia, Finland, France, Germany, Great Britain, Italy, Latvia, Poland, and Sweden, had been invited to send representatives to a conference in accordance with the council's resolution of June 24, relating to nonfortification and neutralization of the Aaland Archipelago. His action was approved.

WORK OF THE EPIDEMIC COMMISSION OF THE LEAGUE.

Dr. Norman White, Chief of the League's Epidemic Commission, then stated that a detailed report of the work of the commission since its inception in resisting epidemic conditions in Poland and in cooperating with the Epidemic Commissariat of the Polish Government, was being prepared for the council and the coming session of the assembly.

He said that subscriptions to the work had been paid as follows: Bulgaria, Aug. 20, 1920, £27; Persia, Sept. 1, 1920, £2,000; Siam, Sept. 6, 1920, £1,000; Japan, Jan. 6, 1921, £5,316 15s. 10d.; Sweden, Jan. 6, 1921, £3,000; Switzerland, Jan. 6, 1921, £2,150 10s. 9d.; Belgium, Jan. 14, 1921, £1,000; Great Britain, Jan. 17, 1921, £50,000; Greece, Jan. 21, 1921, £10,000; Austria, Feb. 9, 1921, £42 17s.; Finland, Feb. 15, 1921, £500; Peru, Mar. 14, 1921, £363 12s. 9d.; Albania, Mar. 25, 1921, £981 7s. 5d.; Canada, June 4, 1921, £41,905, 17s. 10d.; Denmark, June 11, 1921, £5,000; Norway, July 21, 1921, £1,919 7s. 9d.; China, Aug. 2, 1921, £2,000; making a total of £126,397 9s. 4d. The following countries, he said, had not yet paid their subscriptions: France, Germany, Honduras, Netherlands, Spain, Uruguay. Of the amount paid in, about £119,000 had been expended as follows: Hospital and sanitary equipment, £22,397; motor ambulance and other transport, £15,892; clothing, £13,166; drugs, £4,913; soap, £4,470; foodstuffs, £15,772; construction, completion, or repair of bathing and disinfecting establishments, and epidemic hospitals, £35,000, freight, insurance, port dues, etc., £3,051; salaries, traveling expenses, office expenses, etc., £4,406.

Assistance to the Polish health administration had taken the form of supplies of articles and stores most difficult to obtain, motor ambulance and other transport facilities in area most needed—that is, northern portion of most eastern area under Polish administration—foodstuffs and hospital equipment in that area, equipment for quarantine stations, through which prisoners of war, refugees, and emigrants returning from Russia were to pass, and so forth.

All arrangements had worked successfully and the percentage of loss was unexpectedly small. The epidemic situation was far more satisfactory than a year before.

UPPER SILESIAN QUESTION.

The council accepted the task of solving the question of Upper Silesia, which had been submitted to it by the supreme council of the allied powers, and appointed a committee to take up the matter, as before described.

DEPORTATION OF WOMEN AND CHILDREN IN TURKEY AND NEIGHBORING COUNTRIES.

Representative da Cunha, Brazil, stated that information received from members of the commission appointed by the council to inquire into the question of the deportation of women and children in Turkey and neighboring countries seemed to show that while a considerable number of Armenians, 90,819, had been reclaimed, an almost equal number of Christian women and children remained in Turkish houses; that immediate action was needed in a problem of such magnitude; that the commission had made various suggestions as to the continuance and extension of this work. He moved, therefore, that the report of the commission be placed before the assembly and that a member of the commission be invited to attend the meetings of the assembly at which this question should be discussed. The motion carried.

No meeting of the council seems to have been held on September 1, and for this date in my address of October 5, 1921, that of August 30 should be substituted.

FRONTIERS OF ALBANIA AND PROTECTION OF RACIAL MINORITIES.

The second meeting of the council at its fourteenth session was held on September 2, and it was decided on that date that all questions connected with Albania, frontiers, minorities, and so forth should be referred to the assembly.

PROVISIONAL HEALTH COMMISSION AND INTERNATIONAL INTELLECTUAL COOPERATION.

Decisions on this day of the council relating to a provisional health commission and international intellectual cooperation have been set out in my address of October 5, 1921.

RUSSIAN REFUGEES.

The council then heard a report by the secretary general as to the proceedings of a conference held by interested countries at the instance of the council on the subject of Russian refugees. It appeared, among other things, that Doctor Nansen had been appointed high commissioner to look after these refugees and that he would arrive at Geneva shortly. The council resolved that the league should be asked to consider financial assistance to the work of Doctor Nansen should it become necessary.

REPORTS OF BLOCKADE AND COMMUNICATIONS COMMITTEES.

The international blockade committee and the advisory committee for communications and transit announced that their reports were ready for transmission through the council to the assembly.

APPOINTMENT OF CHAIRMAN OF COMMITTEE ON WATERWAYS IN DANUBE BASIN.

The council decided to appoint Mr. Charguerand chairman of the permanent technical commission for the régime of waterways in the Danube Basin, under authority of article 293 of the treaty of Trianon. The duty of the commission was the settlement of all questions relating to the régime of waterways in the Danube Basin. The ambassador's conference had on June 6 urged the council to act as soon as practicable, stating that urgent necessity existed for prompt action. The treaty of Trianon required that the chairman of this committee should be appointed by the council.

MANDATES.

Proceedings of the council in respect to mandates on September 3 are outlined in my address of October 5, 1921. On September 8 the president of the council addressed, on behalf of and by authority of the council, a letter to the principal allied powers urging that negotiations with the United States regarding mandates be speedily brought to a satisfactory conclusion.

TEMPORARY MIXED COMMISSION FOR REDUCTION OF ARMAMENTS.

On September 12 Mr. Leon Bourgeois, representative of France, announced to the council that there had just been received from the temporary mixed commission for reduction of armaments its report on the questions submitted to it; that the commission was to be congratulated on its activity; that it had met for the first time about the end of July and a second time at the beginning of September; that in the short time at its disposal it had accomplished much useful work and had established an admirable program of subsequent investigation.

He suggested that the council, before discussing the questions raised in the report, and while reserving decisions within its competence, accede to the wish expressed by the third assembly committee by immediately communicating the report to that committee in order that the council might have the benefit of

discussion by the committee and the assembly. The suggestion of Mr. Bourgeois was agreed to.

PERMANENT ADVISORY COMMISSION FOR MILITARY, NAVAL, AND AIR QUESTIONS.

On September 12 the council received a communication from the permanent advisory commission for military, naval, and air questions. It began by stating that on September 8, 1921, a member of the assembly, Lord Robert Cecil, had in a speech before the assembly criticized the work of the commission; that these criticisms of the commission were in reality criticisms of the council, for which the commission acted as a technical advisory body; and that the best answer was a full statement of the work of the commission.

That work was of two kinds, one consisting of giving opinions when required by the council which had covered examination of forces of States not original members of the league but applying for membership, gas as a weapon of warfare, exercise of right of investigation as laid down in the treaties of peace, military defense of the free city of Danzig, and so forth; the other relating to plans under article 8 of the covenant for reduction of armaments, private manufacture of war material, and exchange of information. The permanent advisory commission had begun the examination of these matters in 1920, without waiting to be asked to do so, and had pursued the work as far as possible, considering the conditions on which the assembly had made the final solution depend.

The council at its meeting in February, 1921, had stated that the permanent advisory commission for military, naval, and air questions had already begun to consider the reduction of armaments in accordance with article 9 of the covenant and had submitted the first opinion to the council in its report of December 11 at Geneva; that the problem was one calling for profound study carried out with a view to finding progressive solutions; that these solutions were themselves concerned with conditions, some of which, such as the execution of the military, naval, and air clauses of the treaties, were outside the scope of the league, while others, such as the enforcement of the execution of these clauses by means of the exercise of the right of investigation, would one day come within its sphere.

The council's statement had contained the further assertion that when the council on December 11, 1920, adopted the procedure proposed by the permanent advisory commission as to the exercise of the right of investigation it took a step toward the solution of the question of the reduction of armaments and removed in advance one of the objections put forward by the governments against the carrying out of article 8, that the standard questionnaire adopted by the council on the suggestion of the advisory commission would facilitate the application of article 8 as soon as it was possible to exchange the information referred to in said article; that these were the efficient measures taken by the council at the instance of the commission to continue its work; that the commission had not been hindered by any lack of expert knowledge but rather by the policy of the governments and the conditions laid down by them with regard to any undertaking relating to a definite reduction of armaments; that these conditions were familiar to the council and that the assembly itself had declared that the question of the limitation of armaments had depended upon them in the first place; that it would take time to improve these conditions, but the essential work would be carried out and would continue to engage the attention of the council during its progressive stages.

The council's statement had then referred to the fact that the assembly had called for the institution of a temporary commission possessing the necessary competence in political, social, and economic questions connected with armaments to enable it to undertake the study of this problem in collaboration with the existing permanent advisory commission; that in instituting the temporary commission the assembly's evident desire was that the question should be considered from the social point of view, as well as the technical and material; that the way to accomplish this was to set up a temporary mixed commission comprising a certain number of distinguished political personalities of undisputed authority, and some technical members from existing league organizations, such as the permanent advisory commission, the economic and financial sections of the provisional economic and financial commission, and the governing body of the labor office; that such a mixed commission would be able to coordinate its work with that of the technical organizations, and especially with that of the permanent advisory commission on military, naval, and air questions.

The communication from the permanent advisory commission then stated that it seemed that certain members of the temporary mixed commission on armaments had lost sight of these considerations when they opposed the right of members of the permanent advisory commission to be spokesmen for their commission, and requested the council once again to define the rôle of mandatories assigned to delegates of the permanent advisory commission sitting on the temporary commission on armaments, and to insist on the close relations which should exist between the two commissions.

The council in reply expressed high appreciation of the services of the permanent advisory commission and said that before giving an opinion as to the status of delegates from the permanent commission to the temporary commission it wished to confer with the president of the latter.

CONFERENCE ON TRAFFIC IN WOMEN AND CHILDREN.

On September 12 Mr. Fisher, representative of Great Britain who had taken Mr. Balfour's place, called the council's attention to the fact that at its meeting on February 22 the council, pursuant to a resolution by the assembly of December 15, had summoned an international conference on traffic in women and children; that the conference had met in Geneva from June 30 to July 5 and had recommended (1) that all States which had not ratified or adhered to the existing international instruments should be urged to do so both for themselves and their colonies; (2) that the secretariat of the league should prepare an annual report, and that a permanent advisory committee should be constituted to advise the council on these matters; (3) that certain additions to or modifications in the existing international agreement and convention on this traffic should be made.

The speaker said that the conference had made substantial progress and suggested that the council approve its recommendations and authorize the secretariat to take the action indicated; that the following States be invited to nominate representatives on the proposed advisory committee: France, Denmark, Chile, Great Britain, Japan, and possibly one of the mid-European States, Austria, Germany, or Czechoslovakia, and that three assessors be nominated by societies mentioned by the conference; that a draft convention which had already been prepared embodying recommendations by the conference for changes in existing international instruments and conventions be referred to the assembly. These suggestions were approved and adopted by the council.

REQUEST SUBMITTED BY AUSTRIA FOR LEAGUE INTERVENTION.

Viscount Ishii, representative of Japan, stated to the council on September 12 that the secretary-general of the league had received communications from the chief Austrian delegate to the second assembly and from the representative of the Austrian Government with the secretariat of the League of Nations, respectively, the first stating that regular Hungarian troops in conjunction with irregular bands had made incursions into Austrian territory; that several Austrian guards had been killed or wounded; that renewed attacks were feared, and that the writer had been instructed by his government to draw the council's attention to these facts and to request the intervention of the council under articles 10, 11, and 17 of the covenant to assure the integrity of Austrian territory against aggression; the second stating that the Austrian Government had also referred its claims against Hungary to the conference of ambassadors whose intervention seemed to be specially indicated in view of the putting into force of the treaty of peace of Trianon; that the conference of ambassadors had just addressed a note to the Hungarian Government; that the Austrian Government wished to inform the members of the League of Nations of the violation of its territory in order that they might be completely informed, and that the writer would supply the council with all additional information.

Viscount Ishii then proposed that a reply be addressed by the council to the chief Austrian delegate stating that both communications had been received and noted; that the council had observed that the Austrian Government had informed the ambassadors' conference of its difficulties with the Hungarian Government concerning the execution of the treaty of Trianon and that the ambassadors' conference, which was intrusted with the execution of the recent peace treaties, had already taken steps in the matter; that under these conditions the council was of the opinion that for the moment there was no need of intervention by the League of Nations; that the request of the Austrian Government was being held over; that the council would follow the matter with the greatest attention and would be glad to receive the promised additional information to enable it to decide on its further course. The proposal was adopted.

EXPENSES IN CONNECTION WITH THE PROBLEM OF UPPER SILESIA.

On September 12 the council decided that the expenditures of its committee on the Upper Silesian problem should not, without its special authorization, exceed the sum of 100,000 gold francs.

REPORT OF PERMANENT ADVISORY COMMISSION ON MILITARY, NAVAL, AND AIR QUESTIONS.

On September 16 Mr. Leon Bourgeois, representative of France, made a report to the council stating that on September 14 the permanent advisory commission on military, naval, and air questions had submitted a report on the three following subjects: (1) Amendment to article 9 of the covenant, French proposal; (2) military, naval, and air status of Esthonia, Latvia, and Lithuania; (3) financial question concerning right of investigation.

He proposed that the council make an immediate decision as to the second subject and transmit the commissions' proposals to the assembly's sixth committee, which was at that time considering requests for admission by the three countries mentioned.

As to the second, which involved a request for the sum of 250,000 gold francs to defray expense of investigation, he said he thought it preferable that the council draw any sum that might be found necessary from the item of "Unforeseen expense" rather than request the assembly, to which the budget had already been referred, to open a special credit for that purpose.

As to the first, he recommended that inasmuch as the council had already intrusted to the assembly's third committee the examination not only of this amendment to article 9 but of a similar amendment to article 8, it should postpone consideration of any opinions or proposals of the permanent advisory commission until the third committee and the assembly had formulated their proposals on the question as a whole; that only when the council had been informed of the assembly's decisions as to principles would it be possible for the council, in so far as the execution of these decisions was concerned, to take the advice both of the permanent advisory commission and of the temporary mixed commission should the assembly ask that the latter be maintained either in its present or in a modified form.

The report and proposals of Mr. Bourgeois were adopted.

FREE CITY OF DANZIG.

The council decided on September 15 to postpone the question of the draft law regarding acquisition and loss of citizenship in the free city of Danzig until its fifteenth session, the information having been received that the Polish-Danzig negotiations on this subject had resulted in an agreement not yet finally reduced to writing.

The council also decided before taking further action regarding the case of Puppel against Deutsche Bauern Bank, as to which differences existed between Poland and Danzig, to invite the delegate of the Republic of Poland and the president of the free city of Danzig to take up the matter with a view to settlement.

It decided further to refer the report of the high commissioner of the League of Nations in Danzig, dated August 30, 1921, concerning the defense of the free city, and which had been confidentially circulated among the members of the council to the permanent advisory commission for military, naval, and air questions for study and report. The same action was taken on the high commissioner's report on the establishment of a "port d'attaché" for Polish warships in Danzig.

The council requested the provisional economic and financial committee to make further study of the question of the financial position of Danzig, which the president of that city had reported as unsatisfactory, said further study not to be taken with the idea on the part of the council to provide for direct financial assistance to the city.

REPORT OF PROVISIONAL ECONOMIC AND FINANCIAL COMMITTEE.

On September 19 the provisional economic and financial committee presented to the council a review of its work since its creation. The Brussels conference a year before had dealt with the critical condition in which the economic world had been placed by the war. The nations in general were at that time unable to balance their budgets and continued to print paper money, providing continuous inflation and depreciation of exchanges, factors aggravated by shortage of merchandise and raw materials and many restrictions on free dealings in goods.

The primary aim of the Brussels conference had been to recommend a sound and reasonable financial policy and the restoration of the world to normal conditions of economic prosperity, as well as the mitigation of the shock of adaptation to the new commercial situation dependent on the adoption of the principles of "financial morality" proclaimed at Brussels. The council had charged the provisional economic and financial committee with the duty of endeavoring to secure the application of these principles and of studying the methods of their application. Most countries had undergone profound financial and economic changes since the Brussels conference and might be considered with reference to these changes in two groups.

First. Countries outside Europe and countries in western Europe, including most of the former neutrals, had in the main shown a considerable and often rapid advance toward deflation, or at least a cessation of inflation. Some had substantially reduced, if they had not completely closed, the gap between expenditure and receipts, and had shown better understanding of the idea that loans should not be incurred except for productive expenditure. Some had stopped the issue of paper money and reduced the quantity of such paper in circulation. This deflation movement had caused great changes commercially. The urgent demand for goods of a year before had disappeared and products were being sold with difficulty, because buyers were under the impression that falling prices would continue and become more marked on account of forced disposal of stocks accumulated during the war. This was now compelling owners of merchandise to seek new markets for their goods, and to do so under difficult world conditions. These changes had been accompanied by increase of unemployment and other unfortunate features, all of which had been foreseen as a part of the process of readjustment by the Brussels conference, which had been careful to urge that deflation operations, if and when undertaken, should be carried out gradually and cautiously to avoid disastrous disturbances to trade and credit. Whether the period of transition was ending for these countries it was hard to say; but many of them had shown distinct improvement in public finance, the balance of their foreign trade had been largely redressed, and a large number of restrictions on commerce, especially discriminations in prices, had been lifted. To help exporters seeking markets the committee had developed an international credits organization, whose services had proved of great value.

Second. Other countries had not been so successful in meeting readjustment problems. Many of these, especially countries in eastern Europe, with the notable exception of Czechoslovakia, had been unable to close or reduce the gap between income and expenditure, were still issuing paper money, and still had falling exchanges. While the constant process of inflation afforded an artificial stimulus to industry, its inevitable end was disaster. Though certain export trades might flourish temporarily, there was no escape from the difficulty of obtaining essential imports due to the disorganized exchange of these countries. Obtaining of credits was seriously hampered, and no markets could be provided by countries with depreciated currencies.

The present derangement of economic relationships was a great economic loss and damage "to all the partners in the trade of the world."

The committee had given much attention to the promotion of machinery to provide credits for bringing exporter and importer together. Its inquiry into systems of finishing credits had satisfied the committee that they would not be employed on any large scale. It had continued, therefore, to develop the organization of the international credits scheme, which had great advantages. The provision of credits, however, was not the sole remedy for existing ills. It was necessary that each State should apply to its own finances the principles laid down by the Brussels conference. In this belief the committee had accepted the invitation to examine the finances of Austria. With the cooperation of the Austrian Government it had applied these principles and utilized the international credits scheme to which the Brussels conference had given rise. The committee felt that if the league was able to promote the financial reconstruction of one of its members—for example, Austria—it would contribute to the welfare of mankind and to that cooperation of nations in peaceful progress which was one of the league's primary aims. In the well-being of Austria was involved that of southeastern Europe and a beneficial effect on the trade of the world. The committee was dealing not only with immediate but with permanent problems. It had begun the publication of certain financial information. It was making inquiry into questions of double taxation, of the treatment of foreign branch banks, and of international action looking to uniform laws relating to bills of exchange.

The financial section of the committee had on May 31 last presented to the council a plan for the reform of the finances of Austria, stating that assurance had been received that temporary advances, enabling the program to operate for some months, would be available in a few weeks; that these advances would be conditioned on the execution by the Austrian Government of its program of financial reform, and on the suspension

of liens on Austrian assets for reparations and other debts in accordance with the statement of the supreme council of March 17. These two conditions were as yet but partly realized. The Austrian Government, despite the lack of foreign credit, had tried to give immediate proof of its sincerity, had taken measures which should substantially lessen the budgetary deficit, and was maintaining industry and production in a satisfactory condition, had improved economic relations with neighboring States, while Vienna's importance in trade and finance was steadily growing. The measures taken by Austria had not produced, however, all the beneficial effects rightfully expected. Almost all the Governments had agreed to suspend their liens on the national resources of Austria, provided all similarly interested should do likewise. The United States had not yet announced its decision, and this had prevented complete execution of the financial program devised by the committee. While the committee recognized the good will shown by the United States administration, it regretted the delay, due to the failure of the United States so far to act. The delay had made it impossible for Austria to secure foreign credits, had caused deep pessimism in Vienna, and had contributed largely to the depression of the crown.

Mr. SHIELDS. Mr. President, I do not remember what it was that they desired the United States to do for relief in Austria.

Mr. SHEPPARD. They desired the United States to suspend the lien which it had on the public assets of Austria as security for payment for foodstuffs we sent there some time after the armistice. Nearly all the other nations had suspended their liens, and they were waiting on the United States to do so.

The financial section had carefully considered the progress of the work under the international credits scheme, work covered by a report from the organizer in an annex to this report to the council. With the views of the organizer the committee agreed, it being their belief that for the present the work should be conducted by the existing organization, and that the duties of the international commission under the scheme should continue to be performed by the financial section, as recommended in the committee's report of November 30, 1920, and as approved by the council on December 14, 1920. The committee believed that an application of the Ter Meulen scheme under existing conditions would have a steadying and improving effect on international economic relations, especially if applied to the support of credits designed to aid reconstruction enterprises, and to facilitate financial reforms by governments in the most serious difficulties.

The report of the organizer of international credits, contained in the annex to this report of the committee, stated that the duties of the organizer, as laid down in a prior report of the committee which had been adopted on December 14, 1920, were (a) to prepare a constitution for the international commission, (b) to work out details of the international credits scheme, including preparation of forms of bonds, pledges, and so forth, (c) to consider how far the scheme could be worked in conjunction with existing services in various countries—for example, export credits scheme in the United Kingdom, Edge Act in United States—(d) to inquire how far borrowing countries might use the scheme, (e) to advise as to the executive organization likely to be required, with estimate of cost. The organizer's report then stated that the plan for general organization and administration machinery had been completed as far as possible; that standard forms of necessary documents, forms, and so forth, had been prepared; that the organizer had kept in close touch with the department administering the British export credits scheme, a scheme dependent largely on the availability of such a security as would be provided by Ter Meulen bonds; that as to the Edge Act the organizer was hopeful for results in connection with his visit to the next meeting of the American Bankers' Association. The organizer had also kept in touch with countries that might be desirous of borrowing funds, and they were seriously considering the committee's international credits scheme. It was the judgment of the organizer, however, that the governments of these countries, before applying for the scheme, would have to be convinced, first, that credits would really be provided on the security of the bonds, and, second, that they would be supported by internal public opinion. The organizer had accordingly taken steps to give general publicity to the scheme and to secure favorable consideration by exporters and bankers in the principal leading countries. A pamphlet explaining the scheme had been issued in several languages and given to the press. Important firms and commercial organizations had been communicated with. Articles had been published, and public meetings addressed, by the organizer.

The organizer had attended two very important international conferences—the World's Cotton Conference at Manchester and Liverpool, in the first half of the preceding June, and the Congress of the International Chamber of Commerce in London, in the last part of that month. Both these congresses were attended by representative business men, including strong delegations from the United States. In each body the American delegates had come with a scheme of their own, which they intended to submit but had on investigation become convinced of the superior merits of the Ter Meulen scheme, a one-standard scheme which could be understood and accepted in all countries.

Mr. DIAL. Mr. President——

The PRESIDING OFFICER (Mr. FERNALD in the chair). Does the Senator from Texas yield to the Senator from South Carolina?

Mr. SHEPPARD. I yield.

Mr. DIAL. I would like to call attention to the action of Czechoslovakia in buying cotton. My recollection is that it purchased cotton at as high a price as it has brought since immediately after the Civil War, and notwithstanding the fact that the price went down over 50 per cent—approximately 75 per cent, in fact—yet Czechoslovakia paid every dollar of her debt before it was due, be it said to her credit.

Mr. SHEPPARD. I am very glad to have that suggestion. Did they do that under any particular credit system, or was it an ordinary transaction?

Mr. DIAL. I think it was an ordinary transaction. The point I make is that it shows they respected their debts very highly and carried out their contract, which they paid before maturity. Some people might have wanted to repudiate their obligation, but, to the credit of Czechoslovakia, they paid the debt before maturity.

Mr. SHEPPARD. I pointed out a few moments ago that Czechoslovakia had made an exceptionally excellent record in reconstructing its finances and in restoring its economics.

Mr. DIAL. I was not in the Chamber at the time the Senator referred to that.

Mr. SHEPPARD. The organizer's report then pointed out that the world's cotton conference—June, 1921—had adopted the following resolution:

"While the conference recognizes the existence of various credit schemes and the contemplated formation of other schemes, it is of opinion that at the present moment the scheme which offers the best instrument for promotion of imports into impoverished countries by exporters in other countries is that known as the Ter Meulen scheme, and urges all engaged in the cotton industry and in the financing of it to avail themselves of the Ter Meulen scheme whenever and wherever it shall be established.

"They accordingly unanimously recommend that exporters to impoverished European countries should urge importers in these countries to induce their respective governments to apply for approval of the issue by them of Ter Meulen bonds."

The Congress of the International Chamber of Commerce—June, 1921—had adopted the following:

"That the congress recognizes the necessity of the establishment under government auspices of credits for the reconstruction of the devastated and impoverished countries of Europe.

"To this end the congress is prepared to support the Ter Meulen scheme as modified and put into operation by the provisional economic and financial committee of the League of Nations.

"Further, this congress advises the establishment of permanent committees of business men and bankers in all the countries affected to furnish all information and to lend all assistance in the choice of credits and participations."

The organizer's report then went on to state that the organizer had, with the approval of the international credits subcommittee of the financial section of the provisional economic and financial committee, accepted an invitation to explain the Ter Meulen scheme at the annual convention of the American Bankers' Association, to be held in October, 1921; that this invitation had provided the organizer with the opportunity he required for the completion of his work; that he felt the scheme could not realize its full development as an instrument for helping the countries for whose aid it was intended unless American bankers would finance credits given against Ter Meulen bonds.

One of the chief features of the international credits scheme, the report stated, was the function of the league in connection with its application. Through the proposed international commission it could provide an impartial body with the necessary authority, but without political bias, which could aid a government in carrying out financial reforms and watch administration of pledged revenues or assets in such way as to inspire confidence among lenders and not to interfere with the sov-

ereignty of the borrowing country. This function of the league had been well illustrated in the Austrian negotiations. This function would also be valuable in supporting commercial credits. Much depended on the outcome of the experiment with Austria. The situation there was an exceptional one, and the plan proposed was not the Ter Meulen scheme in its entirety, because credit was to be given directly to the government, and the double security of bonds as collateral for private credits would not exist. However, the case was being generally watched, and if successful would encourage others to utilize the league's services in the matter of international credits.

The financial section of the committee had considered the council's request to study the financial situation of Danzig, had collected material, but had been unable as yet to make much progress. The finances of Danzig were apparently affected by the world-wide economic situation and could hardly be alleviated by local measures. However, an inquiry at the council's instance might well be undertaken, in view of the relations between the league and Danzig, and the committee had delegated two of its members to make more thorough study, with authority, subject to the council's approval, to consult representatives of Danzig and Poland.

As to claims by holders of bonds on which interest was in arrears, the committee had considered memoranda by Mr. Carneiro and Mr. Ter Meulen which had come before them while considering the results of the Brussels conference. Difficulties of fact and principle stood in the way of a report to the council without more specific direction.

The committee had decided not to consider direct applications from private associations or interests in relation to specific loans.

As to double taxation, the committee had considered the objections to existing systems of taxation in so far as taxes were required in more than one country on the same taxable objects. The committee thought that the question should be submitted to English, Italian, and Dutch experts, with the assistance of an American expert.

As to the gold standard, the financial section had given continued study to the resolutions of the Brussels conference on the question, which were as follows:

"Without entering into the question whether gold is or is not the ideal common standard of value, we consider it most important that the world should have some common standard, and that as gold is to-day the nominal standard of the civilized world it is highly desirable that the countries that have lapsed from an effective gold standard should return thereto.

"It is useless to attempt to fix the ratio of existing fiduciary currencies to their nominal gold value, as, unless the conditions of the country concerned were sufficiently favorable to make the fixing of such ratio unnecessary, it could not be maintained.

"The reversion to or establishment of an effective gold standard would in many cases demand enormous deflation, and it is certain that such deflation if and when undertaken must be carried out gradually and with great caution, otherwise the disturbance to trade and credit might prove disastrous."

I know that the Senator from Alabama [Mr. HEFLIN], who has just entered the Chamber, will be glad to hear the stand of the Brussels conference, a conference called at the instance of the League of Nations on the question of too rapid deflation, and I want to refer to it again for his benefit.

Mr. HEFLIN. I will be glad to hear the Senator.

Mr. SHEPPARD. It reads: "The reversion to or establishment of an effective gold standard would in many cases demand enormous deflation, and it is certain that such deflation if and when undertaken must be carried out gradually and with great caution, otherwise the disturbance to trade and credit might prove disastrous."

Mr. HEFLIN. If the Senator will permit me——

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). Does the Senator from Texas yield to the Senator from Alabama?

Mr. SHEPPARD. I yield.

Mr. HEFLIN. As it proved very disastrous, not only to our country in 1920 and 1921, but to Great Britain and other countries as well.

Mr. SHEPPARD. The resolution proceeds:

"We can not recommend any attempt to stabilize the value of gold, and we gravely doubt whether such attempt could succeed, but this question might well be submitted to the committee to which we refer later, if such should be appointed."

The financial section, after studying the situation and considering suggestions that the possibility of stabilizing currencies should be reconsidered with a view to an international agreement, had concluded that the opportune moment for such action had not yet arrived. Financial, economic, and political conditions in many countries were still so unsettled, so many countries were still unable to meet budgets and engagements without new issues of paper money, that it was not practicable to offer any immediate method of stabilization of currency other than the principles announced at the Brussels conference.

The economic section of the provisional financial, and economic committee had considered the question of raw materials referred to it by the council on October 25, 1920, and submitting a unanimous report in separate form. It had also considered questions of unfair international competition, uniform legislation regarding bills of exchange, commercial methods in relation to instability of exchanges, and would make reports on all these at a later date.

The financial and economic sections of the committee had considered in joint session the proposal of the Belgian Government that the International Institute of Commerce, a body created by the Interparliamentary Union, be made the league's general statistical organ, and had concluded that this question should be held in abeyance until the scope of the league's statistical activities could be determined; that for the present it was believed the league should not venture on original statistical work, except as to definite objects and on requests of competent organs of the league. The committee had also concluded that it was doubtful whether member States would accept a bureau to which they had not all adhered. It was also advisable before final action could be taken on this proposal by the Belgian Government that the relation of the International Institute of Commerce to the international bureau of commercial statistics, established by international convention in 1913, be clearly defined.

The two sections of the committee had also considered in joint session suggestions for the improvement of the Monthly Bulletin of Financial and Economic Statistics, but did not believe that any should be immediately adopted except that from South Africa that statistics of gold production and exports should be included.

The two sections had also jointly considered the resolution of the council adopted at Brussels in October, 1920, requesting the provisional economic and financial committee to study the agenda for the next economic and financial conference and to submit concrete suggestions for the establishment of a permanent economic and financial organization of the League of Nations. The committee was of opinion that for reasons already stated it was not advisable to call in the near future a conference on economic and financial matters in general. Consultative conferences on special problems arising out of the committee's work might be held. This did not necessitate, however, the creation of a permanent economic and financial organ to prepare the ground for such special conferences. Further experience should be had before taking up the matter of a permanent financial and economic organization. The committee believed the existing provisional organization, embodied in itself, should be continued another year, at the expiration of which it would probably be possible to lay proper foundations for a permanent body. The committee did not wish, however, to prolong the provisional mandate intrusted to its members in November, 1920, and their resignations were accordingly placed before the council as from December 31, 1921.

The committee presented to the council the report of its advisory committee on finishing credits annexed to the committee's report of March 2, 1921. This advisory committee at its Geneva meeting had instituted an inquiry in industrial and financial circles in various countries to see to what extent the system of finishing credits might be applicable. The provisional financial and economic committee had examined the results of this inquiry and had come to the conclusion that there was no likelihood in practice of a demand for the application of such a system, that while it was worthy of investigation it did not reach actual economic needs and involved legal difficulties that could not be overcome.

The council after receiving this report passed resolutions thanking the committee for its services and approving the manner of their performance; expressing regret over the delay in the Austrian negotiations; transmitting the report to the assembly; referring to its action of September 15 requesting the committee to undertake further inquiry into the finances of Danzig; asking the committee to take no further steps in the matter of interest-defaulted bonds and approving the committee's decision not to entertain direct applications from private sources; suspending decision on the Belgian Government's proposal as to the International Institute of Commerce and referring the matter to the assembly which had under discussion the general sta-

tistical functions of the league; accepting the committee's proposal for its continuance through another year and asking present members to continue to serve until the next session of the assembly; approving the remaining sections of the committee's report and asking the committee to carry out their suggestions; requesting the committee to consider and report upon the meaning and scope of the provision dealing with equitable treatment of commerce in article 23, paragraph (e), of the covenant.

MANDATES.

On October 2 the council approved a note to the mandatory powers through its president on the subject of mandates.

The note contained the report of the subcommittee on mandates of the sixth committee of the assembly, a report adopted by both the sixth committee and the assembly, and approved by the council on October 2. That report was made by the subcommittee to the sixth committee of the assembly on September 19, 1921. It started out by reciting that the subcommittee had considered the draft resolution handed in at the assembly by Lord Robert Cecil in the following language:

"The assembly regrets the delay which has taken place in the definition of the mandates, recognizes that the council is not responsible for that delay, and is of opinion that it would be desirable that the mandates of the A and B classes should be forthwith defined."

The report stated that the subcommittee fully agreed with that part of Cecil's resolution relating to delay in defining the A and B mandates and also agreed that the fault could not be said to lie with the council; that notice from the United States of objection to definitions without consultation with that nation had caused the council to delay confirmation until the United States could express its views; that it was understood that negotiations were still proceeding between the principal allied powers and the United States; that a memorandum from the United States had been received by these powers only a few days before the assembly met and that its terms were under examination; that the council seemingly had no option but to await the conclusion of these negotiations before confirming the remaining mandates; that nevertheless the subcommittee realized that delay in issuing the remaining mandates might cause anxiety and apprehension—anxiety because the trust conferred by article 22 of the league covenant had not yet been fully defined, apprehension lest in the absence of completed mandates the sacred trust laid down by that article might not in all respects be fulfilled.

The report went on to say that the subcommittee had not felt that its duties required an examination of the draft mandates A and B, or of the reports which the mandatory governments had in some cases submitted to their legislatures or submitted to the council for information, on the administration of the mandated territories committed to them during the preliminary period; that these reports were all public property and the world could draw its own conclusions; that it was hoped the perusal of such reports would allay all anxiety and apprehension.

The report continued by stating that as to the A mandates the subcommittee felt it would be premature to press for immediate action by the council; that it took note of the fact that the treaty of Sevres had not yet been ratified by the powers; that as to these mandates the subcommittee expressed the hope that during the transitory period the administration of the territories involved would be carried out in the spirit of article 22 of the covenant.

The report held, however, that the B mandates were in a different condition, having been authorized by the ratified treaty of Versailles; that drafts of these had been before the council since the beginning of the year; that even if they were still subject to change in details, the principles they embodied were certainly worthy of approbation; that the French and British Governments were charged by the decision of the supreme allied council of May 7, 1919, with the duty of agreeing on the future of Togo and the Cameroons, and to recommend steps agreed upon to the league for adoption; that this agreement had been reached and that the council should at the first possible opportunity (a) formally approve the application of the mandate system to Togoland and the Cameroons, (b) adopt in principle the declarations signed by representatives of the French and British Governments on July 10, 1919, as to the respective spheres to be placed under the authority of each Government.

The report concluded by urging that the assembly invite the council to present this construction of the situation to the mandatory powers. The report was adopted by the sixth committee on September 20 and by the assembly on September 23. The review of the assembly's proceedings in my address of October 5, 1921, fails to mention this action of the assembly. It should have been recorded in the description of the assembly's transactions on September 23. The council, as before stated, also approved the report, and accordingly addressed a note, heretofore mentioned, to the mandatory powers advising them of the league's position.

The note advised these powers (a) that as to the territories to be administered under paragraph 5, article 22, league covenant—that is, the former German possessions of East Africa, Togoland, and the Cameroons—the council, while reserving examination of the details of the draft mandates laid before it for modifications which might be found desirable, considered generally the principles contained therein to express the high objects which the covenant had in view and to safeguard the rights of all league members in a spirit in harmony with that of the covenant; (b) that as to Togo and the Cameroons the council, in accordance with the joint recommendation of the French and British Governments of December 17, 1920, approved the application of the mandate system to these territories and adopted in principle the declarations signed by the representatives of the French and British Governments on July 10, 1919, as to the respective spheres to be assigned each government; (c) that the council felt that the mandatory powers would continue to administer the territories committed to their charge in accordance with paragraphs 4 and 5, article 22, of the covenant, in the spirit of the draft mandates until such time as the mandates could be regularly defined and conferred.

The note expressed to the mandatory powers the council's appreciation of their courtesy in communicating to the league for its information reports concerning certain of the territories confided to their care in accordance with article 22 of the covenant even before it had been possible to confirm their mandates, and concluded by saying that the council had noted the declarations before the sixth committee of the second assembly by representatives of Belgium, British Empire, and France as to supply of information to the permanent mandates commission.

PERMANENT MANDATES COMMISSION.

On October 10, 1921, the council heard the report of the permanent mandates commission through its chairman, Marquis Theodoli. He referred to the provision of article 22 of the league covenant that the permanent commission should be constituted to receive and examine the annual report which the mandatory powers were pledged to send to the council concerning the territories under their charge and should advise the council on all matters relating to the observance of mandates. He said that such investigations and such advice could only be of value if inspired by absolute independence and impartiality of judgment; that the council evidently intended that the commission should act in such spirit because it had insisted that the commission should consist of experts answerable only to the league as a body and that the majority of its members should be nationals of nonmandatory States. He said that the commission would aid the mandatory powers in carrying out their tasks in the spirit of the covenant and would endeavor to do justice to all concerned.

He then stated that the commission had worked along three lines of effort.

First. It had adopted rules of procedure in accordance with the resolution creating the commission, and asked the council's approval of such rules.

Second. The commission had realized when it first met at Geneva that no annual report could be placed before it, a year not yet having elapsed since the council confirmed the first mandates, but it also knew that under a recommendation of the first assembly, adopted by the council in June, 1921, the mandatory powers had consented to authorize the commission to study reports on their administration in accordance with the principle of the mandates.

Reports communicated to the commission in this way dealt with French Cameroons, French Togoland, British Tanganyika, Belgian East Africa, Southwest Africa, Mesopotamia, and Palestine, and had all been carefully studied except the last two. Interesting as the last two were, the commission considered that the state of uncertainty still existing concerning everything affecting mandates mentioned in paragraph 4, article 22, of the covenant, would make such study of little use for the time being. The commission in studying the other reports were conscious of restrictions imposed by their nature, and by the fact that they were not annual reports but documents drawn up for the parliaments of the mandatory powers and communicated voluntarily for the league's information. The commission would therefore say nothing of them at that juncture except to express appreciation of the courtesy of the powers in permitting the commission to study them and ad-

miration for "the magnificent and generous effort at colonial reorganization and reconstruction" which they showed.

Third. The commission had drawn up questionnaires to aid the mandatory powers in preparing annual reports to the council after the first year of regular administration. The questionnaires were of two kinds relating to mandates B and C, mentioned in paragraphs 5 and 6 of article 22 of the covenant, and were therewith submitted to the council with the hope that the council would approve the proceeding, transmit the questionnaires to the mandatory powers, requesting such powers to consider them as far as possible when drafting their first annual reports. The commission admitted that the questionnaires were open to criticism and reserved the right to complete and improve them as experience might suggest.

The speaker said that in arranging these questionnaires the commission had in mind the "C" mandates, whose terms had been definitely laid down by the council nearly a year before, and the draft "B" mandates, which still awaited the council's confirmation. The commission had refrained, however, from giving any opinion on these drafts because they considered that the commission was limited by the last paragraph of article 22 of the covenant to the examination of questions relating to the observance of mandates. To facilitate the work of the mandatory powers, however, and to throw light on doubtful points the commission had prepared for submission to the council certain questions and suggestions based on a study of the reports and draft mandates before the commission.

These questions and suggestions and the questionnaires were presented in annexes to this report.

The council authorized the chairman of the commission and two of his colleagues to form a subcommittee to seek further information on the question of the nationality of the inhabitants of "B" and "C" mandated areas. This question was raised in one of the annexes to the chairman's report.

PROTECTION OF MINORITIES IN ALBANIA AND FINLAND.

The council on October 2 adopted a resolution taking note of the declaration by the Albanian delegation for the protection of minorities and providing that the stipulations therein, so far as they concerned racial, religious, or linguistic minorities, should be placed under the guaranty of the League of Nations, as from the date of their ratification by the Albanian Government; also providing that the Albanian Government be invited to inform the secretary general as soon as possible of the ratification; also, providing that a copy of the resolution and the declaration therein mentioned be forwarded to the assembly of the League of Nations under reference to its recommendation of December 15, 1920, regarding protection of minorities in Albania. Satisfactory information was received by the council as to the protection of minorities in Finland and the assembly notified.

INTERNATIONAL HYDROGRAPHIC BUREAU.

The council on October 2 resolved, in view of information received on the final constitution of the International Hydrographic Bureau, its public character and international utility, that it should be placed under the direction of the league in conformity with article 24 of the covenant.

MANUFACTURE OF CIVILIAN AIRPLANES AT DANZIG.

The council on October 6, in response to an inquiry from the high commissioner of the league in Danzig as to what types of airplanes and airplane material should be defined as war material, forwarded to him the decision of the air subcommission of the permanent advisory commission on armaments, holding certain heavier-than-air craft and dirigibles to be military, with the understanding that these definitions should be revised every two years.

REDUCTION OF ARMAMENTS.

The council on October 12 decided to instruct the secretary general to inform Mr. Viviani, president of the temporary mixed commission on armament, that said commission was requested by the council to continue its work; to make proposals on general lines for reduction of national armaments in the form of a draft treaty or other equally definite form, to be presented to the council, if possible, before the next annual assembly; to carry out its statistical investigations, as suggested in the assembly report on the reduction of armaments; to continue the examination of the questions of the private manufacture of armaments and the trade in arms. The council also decided to send a new letter to the States that had not yet notified their attitude in respect of the convention of Saint-Germain, requesting them to do so. It decided to send a communication to the governments which would participate in the Washington conference on disarmament in the terms of the draft included in report of the third committee to the assembly. It decided also to ask the temporary mixed commission on armaments, in consultation with the permanent advisory commission on military, naval, and air questions, to consider the advisability of addressing an appeal to the world's scientific men to publish their discoveries in poison gas and similar subjects, so as to minimize the probability of their use in war.

TRAFFIC IN OPIUM.

The council on October 12 resolved in reference to the opium traffic:

1. That the provisional health committee be informed in reference to the inquiry to determine approximately the average requirements of the drugs mentioned in chapter 3 of the International Opium Convention for medical and other legitimate purposes in different countries that it was understood that the inquiries would be of scientific character, and, when applicable to any particular country, would be made through or with the consent of the government of such country.

2. That whereas notice of provisions of article 15, International Opium Convention, relating to prevention of contraband trade in opium and other dangerous drugs, had been called to the attention of the contracting powers having treaty relations with China, they should also be called to the attention of China.

3. That original paragraph 7 of council resolution of June 28 be modified so as to read that in view of world-wide interest in league's attitude toward the opium question and of the general desire to reduce and restrict cultivation and production of opium to legitimate purposes, the advisory committee on the traffic in opium be requested to consider and report at its next meeting on the possibility of making an inquiry to determine approximately the average requirements of raw opium specified in chapter 1 of the convention for legitimate purposes in different countries.

4. That the Governments be invited, if they have no objection, to furnish the secretariat in addition to the official annual report any information as to illicit production, manufacture, or trade in opium and other dangerous drugs which they might think helpful to the league in carrying on its work on this subject.

5. That the Governments of Germany and the Serb-Croat-Slovene State be invited to nominate members of the advisory committee on the traffic in opium.

6. That the secretary general advise Governments concerned of the resolution urging all States members of the league which had not signed and ratified the opium convention to do so as soon as possible.

7. That the secretary general advise all Governments concerned of the resolution urging all States members of the league which were parties to the convention to notify the secretariat as soon as possible of their acceptance of the fourth recommendation of the advisory committee as to importation certificates.

8. That the advisory committee on the traffic in opium be requested to investigate not only drugs mentioned in convention of 1912, but all dangerous drugs of whatever origin producing similar effects, and to advise as to desirability of a further international conference of States parties to the convention, as well as States members of the league, with a view to a convention for the suppression of the abuse of such drugs.

PRINCIPLE OF ROTATION IN CHAIRMANSHIPS OF COMMITTEES.

The council, on October 12, resolved that, being in agreement with views already adopted by the advisory and technical committee for communications and transit, in organizations under the League of Nations the principle of rotation should be obligatory with regard to the chairmanship; this principle should apply to the provisional economic and financial committee so far as consistent with its constitution; that said committee be requested to apply that principle at their next meeting; and that M. Ador be confirmed as chairman of that committee until the next assembly.

COMMISSION FOR CONTROL OF LEAGUE'S FINANCES.

The council on October 12 resolved that in accordance with the assembly recommendation of October 3 a commission for control of the league's finances be immediately appointed, and that the following persons be invited to serve: Messrs. Noblemaire, France; Waddington, Chile; Nederbagh, Holland; James Allen (Sir), New Zealand; and Dusek, Czechoslovakia.

THE COUNCIL'S RECOMMENDATIONS AS TO UPPER SILESIA.

On October 12 the council transmitted to the supreme council of the principal allied powers its recommendation as to Upper Silesia. Reference was first made in the recommendation to the letter from the supreme council stating that in pursuance of article 11, paragraph 2, of the covenant it had been decided to submit to the council of the League of Nations the difficulties attendant on fixing the frontier between Germany and Poland in Upper Silesia, and to request it to be so good as to inform the supreme council of the solution it recommended as to the

delimitation of the frontier which the principal allied and associated powers should adopt. Reference was then made to a subsequent letter from the supreme council stating that each of the Governments represented on the supreme council had formally undertaken to accept the solution recommended by the council of the league. It was then stated in the text of the recommendation that the council of the league after accepting this invitation had given the matter long deliberation and thorough investigation; that it had endeavored to interpret faithfully and equitably the provisions of the Versailles treaty regarding Upper Silesia; that the council, feeling that its duty above all was to endeavor to find a solution in conformity with the wishes of the inhabitants, while keeping in view the geographical and economic situation of the various districts, had concluded that it was necessary to divide the industrial region of Upper Silesia; that on account of the geographical distribution of the population and the mixture of racial elements any division must leave relatively large minorities on both sides of the line and separate important interests; that under such conditions the council deemed it would be desirable to take measures to guarantee, during a provisional period of readjustment, the continuous economic life of this region, which presented a complicated problem with its dense population, numerous industrial undertakings, and many interwoven systems of transportation and communication.

The council had carefully examined various methods of giving accurate expression to the results of the plebiscite. The council recognized that the mere proportion of votes would work injustice to one side or the other, and endeavored to find a system assigning to each State a number of electors not differing substantially from the total number of votes in its favor and at the same time equalizing and reducing the minorities as far as possible. Based on these considerations, the council had decided on the frontier line contained in the appendix to the recommendation. The council's recommendation then set out the special measures it considered essential to the continuity of the economic and social existence of Upper Silesia, and to the avoidance as far as possible of the inconveniences of readjustment.

The supreme council accepted the recommendation with thanks and asked the league council to name presidents for the commissions needed to carry out its suggestions.

At the close of business on October 12 the fourteenth session of the council closed.

FIFTEENTH SESSION OF THE COUNCIL, PARIS, NOVEMBER 16–19, 1921.

Members of the council at the fifteenth session, which was held at Paris from November 16 to 19, 1921, were as follows: Belgium, Mr. Paul Hymans, president (replaced by Baron de Gaiffier d'Hestroy for the first three meetings); Brazil, Mr. Gastao da Cunha; China, Mr. Tung Tsai-Fow; British Empire, Mr. H. A. L. Fisher; France, Mr. Leon Bourgeois; Italy, Marquis Impenali (replaced by Count Bonin-Longare for first meeting); Japan, Viscount Ishii; Spain, Mr. Quinones DeLeon.

CONTROVERSY BETWEEN ALBANIA AND SERB-CROAT-SLOVENE STATE.

At the first public meeting, November 17, Mr. Fisher, representative of Great Britain, was asked to make a statement. Mr. Fisher stated that the meeting had been called to consider a communication received by the secretary general from Mr. Lloyd-George, Prime Minister of Great Britain, asserting that inasmuch as the continued advance of Serb-Croat-Slovene forces into Albania were of such nature as to disturb international peace, His Majesty's Government desired to call the council's attention thereto, and to request the secretary general to take immediate steps to summon a meeting of the council to consider the situation, and to agree upon measures to be taken under article 16 of the covenant, in the event the Serb-Croat-Slovene Government refused or delayed to execute their obligations under the covenant; that the ambassadors' conference had decided on the frontiers of Albania which would at once be communicated to those interested. Mr. Fisher then said that the Government of Great Britain had for some time been disturbed over events in northern Albania; that Mr. Lloyd-George's invitation to the secretary general was based on article 11 of the covenant, which stated that it was the friendly duty of each member of the league to bring to the attention of the assembly or the council any circumstances whatever affecting international relations threatening to disturb international peace or the good understanding between nations, on which peace depended. He said that His Majesty's Government had reason to fear that the disturbed area was rapidly widening, and that immediate action was essential to check the spread of hostilities. He stated, further, that both Serbia and Albania were members of the league, and both had taken solemn pledges, such as were contained in article 12 of the covenant, by virtue of which members of the league agreed that if there should arise between them any dispute likely to lead to a rupture they would submit the matter either to arbitration or to inquiry by the council, and agreed in no case to resort to war until three months after the award by arbitration or the report by the council. He added that an appeal to the league had been made which could not be disregarded without stultifying the covenant; that it appeared to the British Government that the council should assemble without delay; that the council should receive from the two interested parties the required explanations and assurances; and that should these be unsatisfactory the council should consider measures to insure respect for the obligations of the covenant. The speaker then gave further details which had led the British Government to act.

Albania was represented at this meeting by Messrs. Konitza and Frasheri; Serb-Croat-Slovene State (Serbia) by Messrs. Jovanovitch and Popovich.

After hearing arguments and statements from representatives of Albania and Serbia on November 17 and 18, the council on November 19 adopted a resolution to the effect that the council, having heard the statement concerning information which led the British Government to request the immediate convocation of the council, having heard the explanations by representatives of Serbia and Albania, considering that the assembly recognized on October 3 that the principal allied and associated powers were responsible for fixing the frontiers of Albania, considering that the conference of ambassadors decided on November 9, 1921, that it was necessary to confirm with certain specified alterations the line of the frontiers of Albania established in 1913 by the conference of ambassadors in London, and considering that the frontiers were consequently now fixed and must be respected in accordance with the guaranties assured to the members of the League of Nations by the covenant, noted the declaration of the prime minister of the Serb-Croat-Slovene State to the effect that his State, in accordance with the above decision, was taking all steps to assure immediate evacuation of its troops from all territory belonging to Albania; noted also the assurance given by the representatives of two States that they intended to live as neighbors in good relations, which implied that neither would take, directly or indirectly, any action tending to disturb the other's internal peace; and decided to give the commission of inquiry, sent to Albania in accordance with a prior resolution, the following instructions: First, to keep the council informed of the retirement of both the Serbian and Albanian troops from the provisional zone of demarcation defined in the decision of the conference of ambassadors of November 18, 1921, to keep in touch with the delimitation commission, whenever necessary, and to place itself at the disposal of the local authorities to assist in carrying out the evacuation, so as to avoid incidents. Second, to satisfy itself that no outside assistance was being given in support of a local movement which might disturb internal peace in Albania, and to examine and submit to the council measures to end present disturbances and prevent their recurrence.

The resolution was accepted by the representative of Albania and by that of Serbia, subject to his declaration of protest against the procedure of the conference of ambassadors and against certain language in the council's resolution, to wit, language specifically defining what good relations meant, the Serbian delegate considering the definition unnecessary. He stated also in his protest that the commission of inquiry had been sent to Albania by the second assembly and that it should be clearly understood that the commission's field of activity should be limited to Albania. The Serbian representative requested that his declarations in the nature of protest be inserted in the minutes.

MESOPOTAMIA, OR IRAK.

On November 17 Mr. Fisher, representative of Great Britain, stated that his Government wished to acquaint the council with the policy it was pursuing as the mandatory of the league with reference to Irak or Mesopotamia, and had notified the president of the council that its representative would make a statement at the present session. He said that the council had been kept advised as to the manner in which his Government had hitherto discharged its obligations toward the league by printed documents already sent the league, namely, (1) the draft mandate, (2) review of civil administration in Mesopotamia or Irak since October, 1920, which was being sent to members of the council, this note describing events culminating in the selection of the Emir Feisal as King of Irak and his accession on August 3; that the attitude of the people of Irak during the last two and a half months had confirmed the results of the plebiscite which had developed an overwhelming vote for the Emir Feisal.

The speaker said all this showed that the British Government had not delayed to act on article 94 of the treaty of Sevres, by which the high contracting parties agreed that Irak should, under paragraph 4, article 22, of the covenant of the League of Nations, be provisionally recognized as an independent State, subject to administrative advice and assistance by the mandatory until it was able to stand alone; that the British Government had obligations not only to Irak but to the league; that besides the duty to submit the draft mandate to the league in accordance with article 96, treaty of Sevres, the League of Nations, article 22, prescribed that the degree of authority, control, or administration to be exercised by the mandatory should, if not previously agreed upon by the members of the league, be explicitly defined in each case by the council. Political developments in Irak had led the British Government to the conclusion that its obligations to the league could be most effectively discharged if embodied in a treaty to be made between it and the King of Irak. It had been unable to resist the desire of the people of Irak for a national government under an Arab ruler. Events had moved so rapidly as not to permit consultation by the British Government with the council before doing what it felt the council would approve, namely, recognizing the sovereign whose accession to the throne had followed the universal demand of the people. The position of the mandatory power had been modified somewhat by this recognition, and its relations in the new situation should be defined by the suggested treaty. The spirit in which the new sovereign, King Feisal, proposed to act was shown by his accession speech, part of which was as follows:

"My first task will be to proceed with the election and convocation of the constituent assembly. The nation should understand that it is this congress that will, in consultation with me, draw up the constitution of its independence on the basis of democratic government and define the fundamental principles of political and social life. Finally, it will confirm the treaty which I shall lay before it regarding relations which are to exist between our Government and the great British Government. Furthermore, the congress will establish freedom of religion and worship, so that all men may follow their own law and religion, provided they do not conflict with security and public morals. It will also enact certain judicial laws safeguarding the interest of foreigners and insure them against any interference with their religion, race, or language, and will guarantee equity of commercial dealing with foreign countries."

The other passages in King Feisal's inaugural address had shown his readiness and willingness to include in his treaty with the British Government provisions insuring the conduct of the Government of Irak in thorough harmony with the spirit of the covenant of the league. The proposed treaty would give a more satisfactory definition of the relations between the mandatory power and the mandated State than any other form of instrument, provided it secured: First, control by the British Government over the foreign relations of Irak; second, fulfillment of international obligations incurred by the British Government by treaty, mandate, or agreement; third, such degree of financial control as might be necessary; fourth, conformity in every respect with the spirit and letter of the covenant. The treaty was not intended as a substitute for the mandate which would remain the operation document defining the obligations undertaken by the British Government in behalf of the league. The treaty would serve simply to regulate the relations between the British Government as mandatory power and the Arab Government of Irak.

The fifteenth session of the council closed on November 19, 1921.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

The official journal of the league shows that on October 8, 1921, Portugal ratified its signature of the statute of the permanent court of international justice, and that Esthonia on October 18, 1921, signed the statute.

LIMITATION OF ARMAMENTS.

The official journal shows that on July 23, 1921, India replied to the letter containing the assembly's recommendation of December 14, 1920, as to limitation of expenditure on military, naval, and air services during the following two financial years, stating that the policy of the Government of India was in harmony with the spirit of the recommendation; that expenditure had been reduced substantially and further economies in the next two years might be possible; but that all economies would be subject to the reservations mentioned in the recommendation and that India's policy would be liable to reconsideration if the assembly's recommendations were not adopted by other powers.

The official journal shows that on August 19, 1921, Sweden replied to the effect that the Swedish Government gladly welcomed all schemes which might contribute to bring about an effective and simultaneous limitation of armaments in all countries; that in accordance with this attitude the Swedish representative had adhered at the first assembly to the recommendation regarding limitation of military, naval, and air expenditure; that the Swedish Government believed that if this recommendation were universally adopted notable progress toward reduction of armaments would be obtained; that so far, however, as the national defense of Sweden was concerned, the question of its future organization was under thorough examination and the result could not at the time be foreseen; that this made it impracticable for the Swedish Government to make a definite statement for the time being as to the action it was likely to take in accordance with the assembly's recommendation.

CAMPAIGN AGAINST INFECTIOUS DISEASE.

On October 6, 1921, the presidents of assembly and council issued an appeal to members of the league for more funds to support the league's efforts against infectious disease in Poland and elsewhere.

Czechoslovakia replied on October 18 that it would contribute for this purpose during 1922 a sum not exceeding a million Czecho-Slovak crowns. Belgium replied on November 4 that it would repeat its gift of 1,000 pounds sterling which it had furnished at the end of 1920.

PERMANENT LABOR ORGANIZATION—WASHINGTON CONVENTION OF UNEMPLOYMENT—GENOA CONVENTIONS ON EMPLOYMENT AT SEA.

By October 27, 1921, the league's official journal shows the following countries had ratified the convention concerning unemployment adopted at the first international labor conference at Washington in November, 1919, namely, Greece, Rumania, Great Britain, India, Sweden, Denmark, and Finland. The journal also shows that on October 18 Sweden ratified the conventions fixing minimum age for admission of children to employment at sea, and establishing facilities for finding employment for seamen adopted by the International Labor Conference at Genoa June 15–July 10, 1920. Inasmuch as the British Government had also ratified the first of these two conventions it became effective as between Sweden and Great Britain on October 18.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

According to the official journal, Brazil on November 2, 1921, Japan on November 17, 1921, and Venezuela on December 7, 1921, adopted ratifications of the statute of the permanent court of international justice, and on December 31, 1921, Panama accepted the compulsory jurisdiction of the court.

LIMITATION OF ARMAMENTS.

On October 29, 1921, Rumania replied to the league's recommendation as to armament limitation; stated that a reduction in the Rumanian military budget for the year 1921–22 had been made amounting to 197,404,600 lei less than the budget for the preceding year.

ARMS TRAFFIC CONVENTION.

On September 8, 1921, Bulgaria informed the secretary general that it was prepared to ratify the Arms Traffic Convention signed at St. Germain on September 10, 1919, such ratification to be conditioned on ratification by other signatory powers. Guatemala stated on September 10, 1921, that it had the matter under advisement. Liberia stated on October 21, 1921, that it could not at present see its way to adhere. New Zealand stated on October 4, 1921, that it was prepared to sign on condition that the other signatory powers did likewise, and subject to safeguards being provided against the convention being rendered nugatory by nonsignatory States. San Salvador, on September 6, 1921, reserved decision pending negotiations for a union of Central American States. Bolivia announced on September 24, 1921, willingness to ratify provided treaty should not come into force until all the other signatory parties had agreed. Venezuela stated on October 10, 1921, that it had adhered to the convention in February preceding. France announced on October 24, 1921, that it would ratify as soon as the other signatory powers were prepared to do likewise.

SAAR BASIN.

On November 1, 1921, the governing commission for the Saar Basin presented to the secretary general its ninth periodical report covering economic and social conditions, steps taken to comply with resolutions of the council, legislative and administrative measures, conduct of railways, post, public works, public education, justice and worship, and public relief. The commission stated that the work of administrative organization was nearly complete, that the creation of new services had practically been confined to the sphere of social insurance and public welfare, that the alarming depreciation of the mark constituted a serious problem for both the population and Gov-

ernment of the Saar, but that industrial activity was for the moment satisfactory, the number of unemployed not exceeding 3,000 in a population of more than 700,000, including 180,000 workmen.

PROTECTION OF MINORITIES.

The official journal shows that by December 21, 1921, the following States had adhered to the council's resolution of June 27, 1921, modifying procedure concerning protection of minorities laid down in Mr. Tittoni's report adopted by the council October 22, 1920: Austria, Hungary, Poland, Rumania, Serb-Croat-Slovene State, and Czechoslovakia.

ARMENIA.

On November 3, 1921, the Armenian delegation to the Peace Conference addressed from Paris a letter to the league stating that on October 13, 1921, an agreement had been signed at Kars between representatives of Angora on the one hand and Bolshevik representatives of Moscow, Erivan, Tiflis, and Baku on the other regulating the question of frontiers and other questions pending between the Caucasian Republics and Turkey; that the Bolshevik administration, which had been imposed on Armenia by force of arms and by whose representatives the above agreement was signed, did not represent the wishes of the Armenian nation; that the delegation of the Armenian Republic to the Peace Conference desired to state that it made formal reservations with regard to any partial or general infringement by the agreement in question of the terms of the treaty of Sevres and the rights which had been acquired by Armenia and recognized as hers by reason of international agreements.

ORGANIZATION OF A SERVICE OF EPIDEMIOLOGICAL INTELLIGENCE UNDER THE LEAGUE OF NATIONS.

On December 5, 1921, the medical director of the health committee of the league announced that this committee had decided to organize at once a service of epidemiological intelligence under the health section of the league; that this service was intended to insure rapid and effective interchange of information on epidemic diseases; that it was at present difficult to obtain trustworthy information on the prevalence of epidemics, because the various national health administrations received most of their information through diplomatic channels, a system often resulting in great delay.

TRAFFIC IN WOMEN AND CHILDREN.

On September 27, 1921, Australia and its various States, and on November 16, 1921, Newfoundland, replied to the league questionnaire relating to their laws against the white-slave traffic and for the protection of women and girls.

On November 19, 1921, the International Bureau for the Suppression of the White Slave Traffic and the International Traffic in Women addressed a communication to the league thanking it for inviting the bureau to take part in the official conference of Government delegates at Geneva on June 30 on the traffic in women and children, and expressing appreciation of the recommendations of the conference which the bureau believed would strengthen the international legislation already in existence and result in necessary progressive measures in the future.

On December 1, 1921, the secretary general announced that 23 countries had through their representatives adhered to the draft convention submitted by the Geneva conference on traffic in women and children, and that it would remain open for signature by other members of the league until March 31, 1922.

LETTER FROM WORLD PROHIBITION FEDERATION.

On October 13, 1921, the World Prohibition Federation, representing more than 40 countries, assembled at Lausanne, Switzerland, addressed a letter to the league urging all possible steps to protect small nations against all attempts to force the alcohol traffic upon them; expressed the hope that the league would support the principle that each nation, without risk of trade or other wars, should freely decide what steps to take to serve its physical and moral welfare; urged the governments of the various countries in making commercial treaties to respect the self-determination of other countries on all matters involving the physical and moral welfare of their people, and not try to force the alcohol traffic on any country that had adopted prohibition.

PERMANENT LABOR ORGANIZATION.

On November 1, 1921, the secretary general announced that the Union of South Africa had ratified the convention concerning the employment of women during the night adopted by the International Labor Conference at Washington on November 29, 1919; that other countries also ratifying were Greece, Rumania, Great Britain, India, Czechoslovakia.

SIXTEENTH SESSION OF THE COUNCIL, GENEVA, JANUARY 10–14, 1922.

At the sixteenth session of the council, which was held at Geneva from January 10 to January 14, 1922, the member States were represented as follows: Belgium, Mr. Paul Hymans, president; Brazil, Mr. Gastao de Cunha; China, Mr. Tang Tsai-Fou; British Empire, Mr. Cecil Harmsworth; France, Mr. Gabriel Hanotaux; Italy, Marquis Imperiali; Japan, Viscount Ishii; Spain, Mr. Quinones de Leon (replaced for the eleventh, twelfth, and thirteenth meetings by Mr. de Reynoso).

UPPER SILESIA.

On January 10, 1922, the first day of the sixteenth session, it was announced that negotiations between Germany and Poland pursuant to the Upper Silesian decision were proceeding satisfactorily.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

The secretary general reported to the council on January 10 that up to January 6 preceding the following States had signed the statute of the Permanent Court of International Justice: Albania, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Columbia, Costa Rica, Cuba, Czechoslovakia, Denmark, Esthonia, Finland, France, Greece, Haiti, India, Italy, Japan, Siberia, Lithuania, Luxemburg, Netherlands, New Zealand, Norway, Panama, Paraguay, Persia, Poland, Portugal, Rumania, Salvador, Serb-Croat-Slovene State, Siam, South Africa, Spain, Switzerland, United Kingdom, Uruguay, Venezuela.

That the following States had accepted the compulsory jurisdiction of the court: Brazil, Bulgaria, China, Costa Rica, Denmark, Finland, Haiti, Liberia, Lithuania, Luxemburg, Netherlands, Norway, Panama, Portugal, San Salvador, Sweden, Switzerland, Uruguay.

That the following States had deposited ratifications of their signatures to the statute: Albania, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Cuba, Czechoslovakia, Denmark, France, Greece, Haiti, India, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Serb-Croat-Slovene State, South Africa, Spain, Sweden, Switzerland, United Kingdom, Uruguay, Venezuela.

That the following States ratified their signatures of the clause accepting compulsory jurisdiction: Bulgaria, Brazil, China, Denmark, Netherlands, Norway, Portugal, Switzerland, Uruguay.

The secretary general stated further that the Cuban ratification of statute signature had been received but not yet notified to the powers, because there was a slight question as to its legal validity; that the Chinese and Siamese ratifications had been completed, but had not yet reached the secretariat; and that Brazil had signed the clause for compulsory jurisdiction, with the understanding that it was to be deemed invalid unless the clause should be signed by at least two of the States who were permanent members of the council.

ECONOMIC WEAPON.

On January 10 the council addressed a letter to the members of the league calling attention to the fact that the second assembly had adopted 19 resolutions concerning the economic weapon of the league and certain proposals of amendment to article 16 of the covenant, all of which were set out in an annex to the letter, one of the resolutions providing that these resolutions and proposals should, as long as the amendments had not been put in force in the form required by the covenant, constitute rules for guidance which the assembly recommended as a provisional measure to the council and to league members in connection with the application of article 16.

The letter stated further that the council would be guided by the assembly's suggestion if necessity for action should arise before final rules had been formally established; that the rules already tentatively suggested constituted a complete system, however, and the council could not adequately determine all the details of its own action until it had learned the attitude of members as to such of the rules as related to their action; that the council would be glad to have for its own information and guidance the opinion of members of the proposed rules; that the particular attention of members was directed to the resolution requesting the council to urge on all States members to take necessary preparatory measures, especially legislative ones, to enable them to enforce at short notice necessary measures of economic pressure.

ALLOWANCES TO MEMBERS OF PERMANENT MANDATES COMMISSION.

The council on January 10 adopted a resolution amending paragraph K of the constitution of the permanent mandates commission approved by the council on December 1, 1920, so as to provide that members of the commission should receive an allowance of 70 gold francs per day during their meetings, that their traveling expenses should be paid, and that all expense of the commission should be borne by the League of Nations.

AUDIT OF ACCOUNTS FOR THIRD FISCAL PERIOD (1921).

The council on January 10 resolved that in accordance with article 8 of the second recommendation of the fourth committee adopted by the first assembly on December 17, 1920, the Netherlands Government be requested to make the audit of the accounts of the League of Nations for the third fiscal period (1921).

RULES OF PROCEDURE OF PERMANENT MANDATES COMMISSION.

The secretary of the Permanent Mandates Commission, Mr. Rappard, advised the council that the commission had unanimously adopted rules of procedure. These rules were submitted to the council and approved.

PROTECTION OF MINORITIES IN ESTHONIA, LATVIA, AND LITHUANIA.

The council on January 11 adopted resolutions inviting representatives of Esthonia, Latvia, and Lithuania to collaborate with the secretariat of the league in preparing a draft declaration concerning protection of minorities.

CONVENTION FOR NONFORTIFICATION AND NEUTRALIZATION OF AALAND ISLANDS.

Mr. Harmsworth, representative of Great Britain, presented on January 11 a report to the council on the convention signed at Geneva October 20, 1921, by the interested powers after a conference on the nonfortification and neutralization of Aaland Islands, congratulating the league on the settlement of this complicated question and stating that it was a victory for the league. Mr. Harmsworth then proposed a resolution thanking the president of the conference for his letter of October 21, 1921, asking the council on behalf of the conference to agree, subject to the ratification of the convention by the signatory powers, to carry out the duties provided for in article 7 of the convention and to give favorable consideration to the request formulated in article 9, stating that in view of the fact that the duties described in article 7 were in complete conformity with the spirit of the covenant and its object, the council accepted the request with the idea of maintaining peace and justice, and instructing the secretary general to bring this convention to the knowledge of league members as soon as it came into force in order that the legal status of the Aaland Islands might be universally respected in the interest of general peace. The resolution was agreed to.

CONTROL OF LIQUOR TRAFFIC IN AFRICA.

The council decided on January 11 to request the Belgian Government to continue in Brussels the work of the international bureau for the control of the liquor traffic in Africa, as stipulated in the convention of September 10, 1919; that the bureau, having been placed under the direction of the league, be required to conform to the general principles laid down by the council for international bureaus coming under its control.

SUGGESTIONS OF SWEDISH AND NORWEGIAN GOVERNMENTS FOR CONCILIATION PROCEDURE.

The council on January 11 appointed a committee, in conformity with a suggestion of the assembly, to investigate the procedure of conciliation proposed by the Swedish and Norwegian Governments.

FURTHER CORRESPONDENCE WITH HUNGARIAN GOVERNMENT.

The secretary general on January 11 submitted to the council a letter on the interpretation of articles 11 and 17 of the covenant, which he proposed to send the Hungarian Government in reply to a further note from that Government dated December 19, 1921. The council approved the letter, which held in substance that intervention by the league could be considered under article 11 only on the initiative of a league member, and that article 17, while it did not provide any special method of bringing a question before the council involving one or more States not members of the league, laid down the means by which action might be extended to nonmembers, assuming that the question had been properly brought before the council. In the matter of initiation, the letter stated, the secretary general had no more right by virtue of article 17 than article 11.

DISPUTE BETWEEN LITHUANIA AND POLAND.

On January 12 the council again took up the dispute between Lithuania and Poland, Mr. Narushevitch representing Lithuania, and Mr. Askenazy representing Poland. After hearing both sides, the council decided to ask the President to prepare a draft recommendation as to the questions involved.

DANZIG.

The council on the same day took up matters relating to Danzig, Mr. Askenazy representing Poland, Mr. Sahm representing Danzig, and General Haking, the league's high commissioner for Danzig, representing the league's interest. The council, after discussion, resolved to request the representatives of the Polish and Danzig Governments to talk over the question of the control and administration of the Vistula River, and to inform the secretary general before the end of the session whether the question could be settled by direct negotiation. The council also resolved that the principles of the draft law concerning the acquisition and loss of nationality in the free city of Danzig, forwarded the high commissioner by the president of the Danzig senate on November 26, 1921, were acceptable; that any modification of principle therein must be approved by the council before enactment into law. The council also decided not to veto under article 6 of the treaty of November 9, 1920, the provisional commercial and consular agreement between Poland and Danzig on the one part and Norway on the other. The council then decided to accept, in accordance with article 103, paragraph 1, treaty of Versailles, the constitution of the free city of Danzig when amended so as to embody the draft law concerning the term of office of senators annexed to the letter of November 14, 1921, from the president of the senate. The council also received the Polish-Danzig agreement of October 24, 1921, by which the treaty of November 9, 1920, was executed and completed. It was decided to postpone to a later session the question of a port d'attaché for Poland in Danzig, the preliminary agreement providing safety and necessary harbor facilities for Polish war vessels remaining in force.

DISPUTE BETWEEN POLAND AND LITHUANIA.

On January 13, 1922, the council passed a resolution to the effect that it noted with regret that the Lithuanian and Polish Governments—the former by a note dated December 26, 1921, the latter by oral announcement of its representative at the meeting of the council on September 20, 1921—had refused to accept the council's final recommendation of September 20 for the settlement of the dispute between the two Governments over the Vilna district;

That the council noted these refusals, which under article 15 of the covenant ended the procedure of conciliation begun by the council's resolution of March 3, 1921;

That the council would accordingly withdraw its military commission of control in one month, and extend to the commission highest appreciation of its services;

That the council noted with satisfaction the formal engagement undertaken for both Governments by their representatives to abstain from any hostile act, and thus maintain the peace which had been preserved during the past year by the intervention of the League of Nations;

That the council invited the two Governments, if they could not come to an understanding, to confide their respective interests to friendly powers whose representatives could be intrusted with the supervision of peace measures recommended by the present resolution;

That the council's military commission had established two neutral zones, one in the Suwalki region on both sides of the so-called Curzon line, fixed by the supreme council on December 8, 1919, the other in the Vilna district; that it would be advisable as a modus vivendi after the commission's withdrawal to substitute a provisional line of demarcation for these neutral zones, no territorial rights to be prejudiced; that should this solution be accepted by the two Governments, the council was prepared to suggest measures for marking out the line;

That the council had received from the Lithuanian Government a protest, dated December 15, against the elections organized in the Vilna district by the administration established there under the military authority which had been in occupation since October 9, 1920.

That the council could not recognize any solution of a dispute submitted to the league by one of its members which might be reached without regard to the recommendation of the council or without the consent of both parties to the controversy.

That as to the protection of minorities Poland was bound by the Versailles treaty of June 28, 1919, and Lithuania by her declaration of September 14, 1921.

That as to the Vilna district, inasmuch as it was the league's duty to see that minorities were protected in Poland and Lithuania, the council believed both parties would consent to its sending representatives, if it thought proper, to collect information for a report to the council.

Mr. Narushevitch, representing Lithuania in the dispute, expressed disappointment that the council had been compelled to cease its efforts at a time when the situation was inflamed by attempts of the Polish Government to confirm the status quo by elections held under military occupation. He said that the origin of the dispute was the lack of a definite frontier between Lithuania and Poland; that Lithuania wished the council to request the allied and associated powers to determine the eastern frontiers of Poland in accordance with article 87 of the treaty of Versailles; that the absence of any league control

might affect seriously the future relations of the two countries, and that frontier incidents would probably revive on the commission's departure; that the Lithuanian delegation requested the council to appoint a high commissioner from a neutral nation to serve as intermediary between the two Governments and to protect racial groups in the controverted area; that the delegation could not consent to a new line of demarcation between Lithuanian forces and those of Zaligowski, as that would be a recognition of the position he had created and would practically set aside the agreement of Suwalki.

Mr. Askenazy, representing Poland, declined to accept these proposals and said he would forward the council's resolution to his Government. He thanked the council for its efforts in behalf of peace between the two countries, stating that Poland would continue to act in a spirit of conciliation, and expressing the hope that in time the parties might agree through direct negotiations.

The President, in the name of the council, requested the representatives of Poland and Lithuania to ask their Governments to reply in regard to the resolution in 10 days.

OPIUM TRAFFIC.

On the same day, January 13, the council authorized the secretary general to convene the second session of the opium advisory committee for April 25, 1922, or on some other date if after conference with the chairman it should seem advisable.

SALARIES OF PERSONNEL OF PERMANENT COURT OF INTERNATIONAL JUSTICE.

A memorandum was presented on January 13 by the secretary general as to action to be taken by council in accordance with article 32 of the statute of the court of international justice. The council then by resolution authorized the secretary general to inform the council concerning measures to be taken to regulate the question of the salaries to be allocated to the personnel of the permanent court of international justice.

EXPENSES CONNECTED WITH THE POLAND-LITHUANIA DISPUTE.

The secretary general on January 13 presented a memorandum on the expenses of the Polish-Lithuanian dispute setting forth that at a meeting at Brussels on October 20, 1920, the council had decided that the interested parties might reasonably be asked to pay the costs; that accordingly all expenditure incurred during 1921 had been regarded as reimbursable advances from working capital; that inasmuch as the second assembly had decided that a statement showing the status of the working capital fund should be prepared for audit at the end of 1921 it now became necessary for the council either to determine what should be done to obtain a recognition of the obligation on the part of Lithuania and Poland or to reconsider and amend its decision of October 20, 1920, so as to permit this expenditure, which amounted approximately to 225,000 gold francs, to be charged to current account.

The president stated that the two countries had never declined to bear the costs connected with the attempts to arrange the dispute and that the council would not surrender its right to reimbursement.

Representative Hanotaux advocated apportionment of expense between the two countries according to the system of allocation for league contributions, calling this a fairer method than an equal distribution. His proposal was adopted and the secretary general directed to so advise Poland and Lithuania.

RUSSIAN REFUGEES.

In the case of the Russian refugees it developed that Doctor Nansen in his work for them had through his personal prestige collected considerable sums of money, but that the league had not placed any funds at his disposal; that Doctor Nansen proposed to open an office at Constantinople to expedite relief measures.

ADMINISTRATION OF VISTULA IN TERRITORY OF FREE CITY OF DANZIG.

The council on January 13 authorized further negotiations between the harbor board of Danzig and Poland regarding the control and administration of the Vistula River in the territory of the free city of Danzig.

GENERAL HAKING REAPPOINTED HIGH COMMISSIONER FOR LEAGUE AT DANZIG.

On the same day the council reappointed General Haking as the league's high commissioner at Danzig for one year, the president of the council thanking him for his labors.

EASTERN CARELIA.

The president then invited Mr. Enckell, representing Finland, Mr. Pusta, representing Esthonia, Mr. Walters, representing Latvia, and Mr. Askenazy, representing Poland, to come to the council table for the purpose of considering the situation in eastern Carelia.

Mr. Enckell presented a statement in the form of a letter from the Finnish Government describing conditions in eastern Carelia, giving a history of its people and of their endeavor to secure freedom from Russia, both before and after the Bolshevist revolution. He said that in the treaty of Dorpat, between Finland and Russia, in 1920, Russia had agreed to grant autonomy to eastern Carelia, which was composed mostly of Finnish people, but had not fulfilled its agreement. He described the oppression of these people by Soviet Russia and the outbreak of a new effort on their part for independence, which was still in progress. He said the situation involved international peace, and he called on the league to act under article 11, paragraph 2, and article 17 of the covenant.

Mr. Pusta, representing Esthonia, supported Finland's request, while Latvia presented a statement taking a neutral position. Mr. Askenazy said that Poland had offered to mediate between Finland and Russia, but the offer had not been accepted.

The council requested the Marquis Imperiali to prepare a resolution on this subject for consideration at its next meeting.

TURK AND GREEK ATROCITIES IN NEAR EAST.

On motion of Mr. Harmsworth, representative of Great Britain, the council resolved on January 13 that having heard various reports of excesses alleged to have been committed both by Turkish and non-Turkish inhabitants in Turkish and Greek territories instructions be given the commissioner of the league at Constantinople to investigate any report of atrocities committed in these territories in the future and to report to the council.

REDUCTION OF ARMAMENTS.

The council of January 13 approved a letter to be sent by the secretary general, as ordered by the second assembly, to league members urging that for the succeeding two years no increase be made in expenditures on military, naval, and air forces over that of the current year and inclosing replies received to date from members to the similar letter authorized by the first assembly.

AGRICULTURAL LABOR.

The council decided on January 13 to submit on request of the French Government, through the French representative, Mr. Hanotaux, to the permanent court of international justice the question of the competency of the international labor office of the league to deal with problems of agricultural labor.

MANDATES.

The council decided to postpone until its next session consideration of the report of a subcommittee of the permanent mandates commission on the national status of the inhabitants of the territory under mandates B and C.

EXPENSE OF UPPER SILESIAN QUESTION.

The council resolved on January 13, in reference to its resolution of September 12, 1921, that the expense incurred in carrying out decisions relating to Upper Silesia should be charged in 1922 under the budget heading of "Unforeseen expenditure," such as special commissions of inquiry, etc.

SPANISH REPRESENTATIVE.

On January 14 Mr. de Reynoso replaced Mr. Quinones de Leon as Spanish representative.

EASTERN CARELIA.

On January 14 the Lithuanian delegation presented a letter from its Government joining in the appeal to the league to bring about a peaceful settlement of the eastern Carelia question.

The Marquis Imperiali then submitted a resolution relating to Eastern Carelia, which declared that the council, having heard the statement of the Finnish delegation on Eastern Carelia, contained in a letter from the Finnish Government, dated November 26, 1921, and the statements submitted by the Esthonian, Latvian, Polish, and Lithuanian representatives, was willing to consider the question with a view to arriving at a satisfactory solution if the parties concerned were agreeable; that one of the interested States, members of the league, which had diplomatic relations with the Soviet Government at Moscow, might ascertain the views of that Government in such respect; that it was to be hoped that one of these States could lend its good offices as between the parties to bring about a settlement in accordance with the league's ideals; that the secretary general be instructed to obtain all necessary information for the council.

ARMENIANS IN CILICIA.

The president stated to the council on January 14 that the recent evacuation of Cilicia by the French, following the treaty of Angora, had profoundly stirred the Armenian world; that complaints from the Armenian people and from the Catholic

Armenian Hierarchy had reached the Belgian Government; that it was considered to be the duty of the league to watch over the fate of the Armenian people in the future. He said that fortunately no deplorable incident had occurred during the evacuation, this being due to measures taken by the French Government; that the outlook for the future was dark, however, and that the council ought to suggest to the principal allied powers measures which would protect these people; that the moment was auspicious because negotiations were about to take place for definite peaceful conditions in that section; that promises had been made to the Armenian people, and that the second assembly had enacted a resolution which the council had laid before the principal allied powers in the shape of a recommendation; that the council should again direct the attention of these powers to the matter.

Mr. Hanotaux, representative of France, then presented a statement of France's course following her Angora agreement with nationalist Turkey. He said that for many reasons, and especially to reduce the burden of military expenditure, France had long intended to withdraw her troops from the Turkish territory she was still occupying; that the San Remo agreement of 1920 had roughly defined the zones which would be relieved of Turkish sovereignty and in which, under article 22 of the covenant, practically independent nations were to be set up under the guidance of a mandatory state; that north of the Syrian territories, which were to come under mandate, France had kept troops, which had been subjected to attacks by bands of Turkish nationalists, and which became involved, despite France's desire to end the state of war, in the conflict between Turkish nationalists and the Greek armies under Constantine. France determined, however, in reaching a peaceful understanding with Angora chiefs, to take all possible steps under existing conditions to protect and safeguard the Christian populations established in or who had returned to Cilicia, the Turkish nationalist territory from which France was retiring. The negotiations for this retirement and for peaceful relations had taken place in London with representatives of the nationalist chiefs of Angora, the nationalist capital of these chiefs and their followers. France had not been able to obtain at these negotiations all the conditions which had been imposed on a beaten and supposedly disarmed Turkey by the treaty of Sevres, but had succeeded in securing guaranties similar to those which the Allies had considered sufficient for racial and religious immunities in eastern Europe. These guaranties were covered by article 6 of the treaty with the Turkish nationalists, known as the treaty of Angora, in which it was declared that the government of the great national assembly of Turkey would confirm the rights of minorities which were solemnly recognized in the national covenant in accordance with the principles established in the conventions on this subject concluded between the allied powers, their enemies, and certain of their allies. Mr. Hanotaux averred that by this declaration the Angora military chiefs agreed to grant to the minorities in Cilicia full and entire protection of life and property, free exercise of religion, entire legal equality, including the right to hold office, free use of their own language even in the courts, and the right to establish and direct charitable, religious, social, and educational institutions. He said further that by article 5 of the same treaty the Angora chiefs agreed to grant full and complete amnesty, and had kept the agreement, having issued a proclamation of amnesty when these representatives began to officiate at Adana.

The French Government was not satisfied with having secured these promises, however, but sent a special mission under the supervision of a consul general experienced in eastern affairs, the members of this mission having taken up residence at Adana, Mersina, Deurtyol, and Ain Tab. The mission got into communication with the Angora chiefs, secured the removal of Turkish officials whose attitude toward the minorities was under suspicion, obtained a suspension of the military recruiting law for six months as to the Christians in Cilicia, and organized a Franco-Turkish commission, with a special police force to protect property abandoned by owners. Every assistance, Mr. Hanotaux continued, has been given the French mission by the recently appointed Turkish authorities in reassuring native Christians, among whom an attempt had been made to scatter panic. This attempt had borne fruit even before the French mission arrived, large numbers of Armenians having fled from their homes to look for refuge abroad. They had found ships ready to take them on the coast, ships which then proceeded to Egypt, Palestine, and Cyprus, the refugees encountering strict regulations by the local authorities, who would not permit them to land. Panic-stricken and homeless, they turned to the relief offered them under the French flag and were landed in the French mandated territories of Syria and Lebanon. The speaker went on to say that the French high commissioner organized a distribution point for the emigrants at Mersina, dividing them according to religion, means of support, occupation, etc.; that transportation by means of chartered or requisitioned ships was placed at their disposal to enable them to reach Syria; that other distribution points were set up on the frontiers of Cilicia and Beirut; that those with adequate means of support, or who could be reliably vouched for, or who were sure of getting employment, were permitted to live wherever their interests required; that for the others accommodations had been secured in barracks or in the Lebanon convents, which were at present unoccupied; that all able-bodied men were employed on works of public utility provided by the high commissioner; that wages were paid, of which a small part was reserved for the maintenance of their families; that many of the refugees had received reassuring news from Cilicia and were already talking of returning to their homes.

Mr. Hanotaux said further that the French high commissioner in Syria, although convinced that the French mission, in cooperation with the new Ottoman authorities, would handle the situation successfully, and that Christians in Cilicia would not be molested, had nevertheless taken measures to receive any further refugees and to care for them temporarily. He pointed out that the French Parliament had increased the credit at the disposal of the high commissioner in Syria from 20,000,000 francs to 50,000,000, in order that he might be able to do everything humanly possible for the Armenian refugees. He added that since January 4 the flight of refugees seemed to have ceased; that the French Government felt that by its treatment of the Cilician minorities it had maintained its traditional policy of generous protection to Christian communities in the East; that it gave this frank explanation to the council of the league pending ratification by Turkey and the Allies of a final treaty defining the rights of ethnical and religious minorities and the manner of their guaranty by the league; that according to the council's procedure the league's intervention could not become effective until the council had accepted the mandate which would be offered it by a treaty actually in force.

Mr. Harmsworth, representative of the British Empire, and Marquis Imperiali, representative of Italy, thanked Mr. Hanotaux for his statement.

The council then adopted a resolution reminding the principal allied powers, in view of the fact that the sufferings of the Armenian Nation had been aggravated by the delay of the restoration of peace in the East, and in the hope that negotiations then in progress between the principal allied powers would enable outstanding questions to be satisfactorily settled, leading to return of peaceful conditions in regions so long ravaged by war and by acts of violence from which Armenian populations had especially suffered, of the resolution adopted by the assembly on September 21, 1921, in which representatives of these powers participated, relating to the safeguarding of the future of the Armenian people—noting with satisfaction the statements of the French representative showing the steps taken by France to protect the Armenian populations—drawing attention of the principal allied powers to the urgent need for restitution of all possible measures for the protection of minorities in the Ottoman Empire, and stating the willingness of the council to cooperate to this end.

REPORT OF HEALTH COMMITTEE.

A report on the work of the health committee of the league was then presented by Doctor Rajchmaun, medical director. It covered the efforts of the subcommittee on opium, the relations between the health section and the health committee of the league, sanitary work in Russia and Poland, the question of the pneumonic plague in Manchuria and Siberia, the standardization of antitoxic sera, and so forth. The report was approved.

Mr. CURTIS. Mr. President, will the Senator yield, that I may move an executive session?

Mr. SHEPPARD. I yield for that purpose.

EXECUTIVE SESSION.

Mr. CURTIS. 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 10 o'clock and 15 minutes p. m.) the Senate, under the order previously entered, took a recess until to-morrow, Tuesday, February 20, 1923, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 19, 1923.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Miles Poindexter, of Washington, to be ambassador extraordinary and plenipotentiary of the United States of America to Peru, effective March 5, 1923.

COMPTROLLER BUREAU OF ACCOUNTS, POST OFFICE DEPARTMENT.

Francis P. Sullivan, of the District of Columbia, to be Comptroller, Bureau of Accounts, Post Office Department, vice Charles A. Kram.

COMPTROLLER OF CUSTOMS.

Harry W. Spaulding, of New Hampshire, to be Comptroller of Customs in customs collection district No. 4, with headquarters at Boston, Mass., in place of Stephen S. Jewett, resigned.

RECEIVER OF PUBLIC MONEYS.

Oscar P. Hovind, of Montana, to be receiver of public moneys at Glasgow, Mont., vice Frank Seymour Reed, deceased.

PROMOTIONS IN THE REGULAR ARMY.

To be colonels.

Lieut. Col. Fred Radford Brown, Infantry, from February 15, 1923.

Lieut. Col. James Hanson, Infantry, from February 10, 1923.

To be lieutenant colonels.

Maj. Benjamin Delahauf Foulois, Air Service, from February 10, 1923.

Maj. Ralph Hill Leavitt, Infantry, from February 15, 1923.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

QUARTERMASTER CORPS.

Col. Edward Julius Timberlake, Coast Artillery Corps, with rank from August 22, 1919.

CHEMICAL WARFARE SERVICE.

Maj. Oscar Andrew Eastwold, Coast Artillery Corps, with rank from July 1, 1920.

FIELD ARTILLERY.

Maj. Nathan Horowitz, Finance Department, with rank from July 1, 1920.

Maj. George Williamson DeArmond, Air Service, with rank from July 1, 1920.

Capt. George Sampson Beurket, Coast Artillery Corps, with rank from January 1, 1920.

First Lieut. Clarence Dixon Lavell, Infantry, with rank from July 1, 1920.

Second Lieut. Alexander Thomas McCone, Infantry.

Second Lieut. George Bryan Conrad, Infantry.

APPOINTMENT IN THE REGULAR ARMY.

Viking Torsten Ohrbom, second lieutenant of Infantry with rank from February 14, 1923. Mr. Ohrbom's nomination was previously submitted to the Senate January 25, 1923, but was subsequently withdrawn as he had not reached the age of 21 years. He was born February 14, 1902.

PROMOTIONS IN THE NAVY.

Commander Clarence L. Arnold to be a captain in the Navy from the 9th day of February, 1923.

The following-named lieutenants to be lieutenant commanders in the Navy from the 3d day of June, 1922:

Frederick Baltsly.

Fred K. Elder.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 31st day of December, 1921:

John A. Rogers.

Arthur H. Cummings.

Lieut. (Junior Grade) Alfred J. Byrholdt to be a lieutenant in the Navy from the 1st day of January, 1922.

Lieut. (Junior Grade) Harold K. Smoot to be a lieutenant in the Navy from the 13th day of January, 1922.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 3d day of June, 1922:

Joseph Buchalter.
William D. Sample.
William L. Marsh.
Arthur F. Anderson.

Lieut. (Junior Grade) Braxton Rhodes to be a lieutenant in the Navy from the 12th day of July, 1922.

Lieut. (Junior Grade) Elwood H. Barkelew to be a lieutenant in the Navy from the 16th day of July, 1922.

Lieut. (Junior Grade) Emil B. Perry to be a lieutenant in the Navy from the 1st day of August, 1922.

Lieut. (Junior Grade) Louis T. Young to be a lieutenant in the Navy from the 16th day of August, 1922.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 2d day of September, 1922:

Donald McA. Mackey.

James E. Dyer.

Ensign Kenneth D. Muir to be a lieutenant (junior grade) in the Navy from the 1st day of July, 1920.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 31st day of December, 1921:

Frank Kerr.
Gilbert R. Whitworth.
Marvin G. Fox.
Edward J. Spuhler.
John J. Gaskin.
Joseph W. McColl, jr.
Claude B. Arney.

Ensign James R. Harrison to be a lieutenant (junior grade) in the Navy from the 1st day of January, 1922.

Ensign Edgar C. Suratt to be a lieutenant (junior grade) in the Navy from the 15th day of February, 1922.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 22d day of April, 1922:

John P. Bowling.
Sidney L. Huff.
Clarence H. Pike.
James M. Fernald.
Clarence L. Waters.

Ensign Nelson H. Eisenhardt to be a lieutenant (junior grade) in the Navy from the 9th day of May, 1922.

Ensign Lewis R. McDowell to be a lieutenant (junior grade) in the Navy from the 1st day of June, 1922.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1922:

Joseph H. Severyns.
Marcy M. Dupre, jr.
Daniel F. Worth, jr.
Thomas A. Gaylord.
Edgar P. Kranzfelder.
Robert W. Bockius.
Robert Bolton, jr.
Fred B. Avery.
Harry Corman.
Edward P. Wilson.
Levi D. York.
John F. Crowe, jr.
Goold N. Bull.
William A. Swanston.
Edwin H. Tillman, jr.
Frederick J. Cunningham.
John T. Bottom, jr.
Martin J. Gillan, jr.
Paul S. Slawson.
Charles D. Porter.
Valentine M. Davis.
Charles R. Woodson.
George W. Mead, jr.
David A. Hughes.
Richard P. Glass.
William Butler, jr.
Henry S. Dunbar, jr.

Ensign Arthur S. Billings to be a lieutenant (junior grade) in the Navy from the 1st day of August, 1922.

Carpenter Hamilton P. K. Lyons to be a chief carpenter in the Navy, to rank with but after ensign from the 19th day of January, 1922.

Ensign Ralph P. Noisat to be a lieutenant (junior grade) in the Navy from the 15th day of July, 1922.

The following-named assistant paymasters to be passed assistant paymasters in the Navy, with the rank of lieutenant, from the 3d day of June, 1922:

Robert H. Mattox.

Golden F. Davis.

Asst. Paymaster Herman F. Gingrich to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 16th day of August, 1922.

Asst. Paymaster Harry R. Hubbard to be a passed assistant paymaster in the Navy, with the rank of lieutenant, from the 2d day of September, 1922.

MARINE CORPS.

Lieut. Col. Harold C. Snyder to be a colonel in the Marine Corps from the 11th day of February, 1923.

Maj. Charles F. Williams to be a lieutenant colonel in the Marine Corps from the 11th day of February, 1923.

Capt. Harry Schmidt to be a major in the Marine Corps from the 2d day of January, 1923.

First Lieut. Julius T. Wright to be a captain in the Marine Corps from the 18th day of July, 1922.

First Lieut. Samuel J. Bartlett to be a captain in the Marine Corps from the 26th day of July, 1922.

First Lieut. Oliver A. Dow to be a captain in the Marine Corps from the 18th day of August, 1922.

First Lieut. Louie W. Putnam to be a captain in the Marine Corps from the 21st day of October, 1922.

POSTMASTERS.

ALABAMA.

John W. Johnson to be postmaster at Langdale, Ala. Office became presidential October 1, 1921.

ARKANSAS.

Arthur V. Cashion to be postmaster at Eudora, Ark., in place of W. W. Ward, resigned.

Samuel G. Helm to be postmaster at Marianna, Ark., in place of C. J. Cotter, resigned.

CALIFORNIA.

Leonard G. Hardy, jr., to be postmaster at South San Francisco, Calif. Office became presidential October 1, 1922.

Alonzo F. Hann to be postmaster at Compton, Calif., in place of C. A. Dickison, resigned.

Charles P. Hoffman to be postmaster at Cement, Calif. Office became presidential October 1, 1922.

Nana M. Halferty to be postmaster at Tujunga, Calif. Office became presidential April 1, 1922.

COLORADO.

William A. Russom to be postmaster at Bristol, Colo. Office became presidential January 1, 1923.

Nellie M. Connelly to be postmaster at Hartman, Colo. Office became presidential January 1, 1923.

Merrill D. Harshman to be postmaster at Wiggins, Colo., in place of M. D. Harshman. Incumbent's commission expired September 9, 1922.

GEORGIA.

Mark A. Greene, jr., to be postmaster at Tallapoosa, Ga., in place of V. L. Howe, resigned.

E. Stelle Barrett to be postmaster at Union City, Ga., in place of W. M. Rogers. Incumbent's commission expired December 6, 1922.

James M. Lewis to be postmaster at Sparta, Ga., in place of Julia Fleming, deceased.

IDAHO.

Herbert L. Spencer to be postmaster at Paris, Idaho, in place of S. M. Rich, resigned.

ILLINOIS.

Marion F. Watt to be postmaster at Atlanta, Ill., in place of A. O. Haines. Incumbent's commission expired October 24, 1922.

Sheldon J. Portersfield to be postmaster at Chatsworth, Ill., in place of J. A. O'Neil. Incumbent's commission expired October 24, 1922.

Arthur G. Arnin to be postmaster at Columbia, Ill., in place of F. H. Henckler. Incumbent's commission expired October 24, 1922.

Seymour Van Deusen to be postmaster at Greenville, Ill., in place of M. M. Sharp. Incumbent's commission expired October 24, 1922.

Ross O. Bell to be postmaster at Heyworth, Ill., in place of M. B. Boyd. Incumbent's commission expired October 24, 1922.

Ray W. Birch to be postmaster at Neoga, Ill., in place of T. V. Worland. Incumbent's commission expired December 6, 1922.

Charles T. Wilson to be postmaster at Eldorado, Ill., in place of C. T. Wilson. Incumbent's commission expired December 6, 1922.

John F. Odell to be postmaster at Fairbury, Ill., in place of G. H. Franzen. Incumbent's commission expired December 6, 1922.

Thomas E. Richardson to be postmaster at Flanagan, Ill., in place of I. M. Garrison. Incumbent's commission expired December 6, 1922.

George H. Bargh to be postmaster at Kinmundy, Ill., in place of F. O. Grissom. Incumbent's commission expired October 24, 1922.

Wallace G. Harsh to be postmaster at Peotone, Ill., in place of B. R. Croxen. Incumbent's commission expired December 6, 1922.

William A. Fay to be postmaster at Jacksonville, Ill., in place of R. I. Dunlap. Incumbent's commission expired October 24, 1922.

INDIANA.

Allen J. Wilson to be postmaster at Danville, Ind., in place of W. J. Thompson, resigned.

James C. Taylor to be potsmaster at Mooreland, Ind. Office became presidential January 1, 1923.

IOWA.

Susana F. O'Bryan to be postmaster at Lovilia, Iowa, in place of T. M. States. Incumbent's commission expired November 21, 1922.

Jennie M. Berg to be postmaster at Royal, Iowa, in place of Clifford Bowman, removed.

Albert L. Richards to be postmaster at West Liberty, Iowa, in place of S. W. Koster, resigned.

KANSAS.

Adna E. Palmer to be postmaster at Kingman, Kans., in place of W. R. Long. Incumbent's commission expired September 13, 1922.

Margaret M. Marks to be postmaster at Oberlin, Kans., in place of C. N. Page. Incumbent's commission expired September 13, 1922.

LOUISIANA.

Clyde L. Nelson to be postmaster at Lillie, La. Office became presidential July 1, 1922.

MARYLAND.

Helen K. Longridge to be postmaster at Barton, Md. Office became presidential January 1, 1923.

MASSACHUSETTS.

Edward A. Hunt to be postmaster at South Sudbury, Mass. Office became presidential January 1, 1923.

Berton Williams to be postmaster at Ayer, Mass., in place of J. L. Markham. Incumbent's commission expired October 1, 1922.

Harry T. Downes to be postmaster at Hanover, Mass., in place of W. S. Curtis. Appointee failed to qualify.

M. Warren Wright to be postmaster at Rockland, Mass., in place of A. I. Randall, resigned.

Harry S. Tripp to be postmaster at Spencer, Mass., in place of H. E. Lanagan. Incumbent's commission expired October 1, 1922.

MICHIGAN.

Myrtle Cross to be postmaster at Au Gres, Mich. Office became presidential January 1, 1923.

Albert H. Rhody to be postmaster at Capac, Mich., in place of W. E. Warren. Incumbent's commission expired November 21, 1922.

MINNESOTA.

Frank L. Lane to be postmaster at Bigelow, Minn. Office became presidential January 1, 1923.

Frank A. Lindbergh to be postmaster at Crosby, Minn., in place of F. A. Lindbergh. Incumbent's commission expired September 26, 1922.

Aida P. Conger to be postmaster at Becker, Minn. Office became presidential July 1, 1920.

Francis E. Iams to be postmaster at Cloverton, Minn. Office became presidential July 1, 1922.

William B. Stewart to be postmaster at Bemidji, Minn., in place of A. P. Ritchie. Incumbent's commission expired January 6, 1920.

Marie C. Bergeson to be postmaster at Lake Park, Minn., in place of E. T. Vigen, resigned.

Charles C. Jarvis to be postmaster at Mora, Minn., in place of W. J. Struble, removed.

Daniel Shaw to be postmaster at Thief River Falls, Minn., in place of John Morgan, resigned.

MISSISSIPPI.

Myra P. Varnado to be postmaster at Osyka, Miss., in place of J. J. Stokes, deceased.

John M. Curlee to be postmaster at Rienzi, Miss., in place of H. L. Robins. Incumbent's commission expired November 18, 1922.

Prentice O'Rear to be postmaster at Columbus, Miss., in place of T. H. Sharp, resigned.

J. D. Hale to be postmaster at Scott, Miss., in place of C. J. Carpenter, appointee, declined.

Walter L. Collins to be postmaster at Union, Miss., in place of W. L. Collins. Incumbent's commission expired September 26, 1922.

NEBRASKA.

Estella E. Murray to be postmaster at Belgrade, Nebr., in place of E. E. Murray. Incumbent's commission expired November 21, 1922.

Vernon D. Hill to be postmaster at Diller, Nebr., in place of J. O. Blauser. Incumbent's commission expired November 21, 1922.

Harry C. Haverly to be postmaster at Hastings, Nebr., in place of R. B. Wahlquist. Incumbent's commission expired November 21, 1922.

Frederick Nielsen to be postmaster at Lexington, Nebr., in place of O. K. Jones. Incumbent's commission expired December 6, 1922.

Frederick H. Davis to be postmaster at Madison, Nebr., in place of F. H. Davis. Incumbent's commission expired October 3, 1922.

Charles T. Gammon to be postmaster at Rushville, Nebr., in place of J. C. Dullaghan. Incumbent's commission expired October 3, 1922.

Charles M. Steil to be postmaster at Scribner, Nebr., in place of A. G. Schoeneck. Incumbent's commission expired October 3, 1922.

Harry S. Prouty to be postmaster at Spencer, Nebr., in place of W. D. Bradstreet. Incumbent's commission expired October 3, 1922.

Harvey A. Loerch to be postmaster at Tekamah, Nebr., in place of John Canfield. Incumbent's commission expired October 3, 1922.

NEW HAMPSHIRE.

Willard P. Wakefield to be postmaster at Profile House, N. H. Office became presidential January 1, 1923.

Joseph H. Geisel to be postmaster at Manchester, N. H., in place of J. R. Willis, removed.

NEW JERSEY.

Forrest Green to be postmaster at Long Branch, N. J., in place of T. L. Slocum. Incumbent's commission expired October 24, 1922.

Arthur Knowles to be postmaster at Phillipsburg, N. J., in place of C. D. Garis, removed.

Alfred J. Perkins to be postmaster at Atlantic City, N. J., in place of W. B. Loudenslager. Incumbent's commission expired October 24, 1922.

Rufus O. Walling to be postmaster at Keyport, N. J., in place of R. O. Walling. Incumbent's commission expired November 21, 1922.

B. Frank Barkley to be postmaster at Lambertville, N. J., in place of J. A. Cleary. Incumbent's commission expired October 24, 1922.

NEW MEXICO.

Charles B. Thacker to be postmaster at Raton, N. Mex., in place of W. C. Brannin. Incumbent's commission expired September 1, 1920.

Antonio Martinez to be postmaster at Taos, N. Mex., in place of E. A. Trujillo, resigned.

Chester G. Parsons to be postmaster at Wagon Mound, N. Mex., in place of C. G. Parsons. Incumbent's commission expired December 6, 1922.

NEW YORK.

Harrison D. Todd to be postmaster at Arkville, N. Y., in place of J. A. Harrington. Incumbent's commission expired July 21, 1921.

Walter L. Bibbey to be postmaster at Fort Edward, N. Y., in place of E. G. Boyd. Incumbent's commission expired November 21, 1922.

William A. Baldwin to be postmaster at Norwich, N. Y., in place of E. S. Moore. Incumbent's commission expired November 21, 1922.

Earl J. Conger to be postmaster at Waterville, N. Y., in place of A. C. Salisbury. Incumbent's commission expired October 24, 1922.

Irving Barrett to be postmaster at Bedford Hills, N. Y., in place of Irving Barrett. Incumbent's commission expired October 24, 1922.

William D. Shepard to be postmaster at Geneseo, N. Y., in place of J. M. Dwyer. Incumbent's commission expired September 19, 1922.

Arthur C. Davis to be postmaster at Gilboa, N. Y., in place of M. L. Lewis, resigned.

Ashmer R. Collins to be postmaster at Norwood, N. Y., in place of A. R. Collins. Incumbent's commission expired November 21, 1922.

Carroll F. Simpson to be postmaster at Phoenicia, N. Y., in place of C. F. Simpson. Incumbent's commission expired October 24, 1922.

NORTH CAROLINA.

Benjamin E. Atkins to be postmaster at Apex, N. C., in place of S. A. Branch. Incumbent's commission expired October 24, 1922.

Charles F. Smathers to be postmaster at Canton, N. C., in place of F. R. Mease, resigned.

NORTH DAKOTA.

John M. Carignan, sr., to be postmaster at Fort Yates, N. Dak. Office became presidential January 1, 1923.

James R. Meagher to be postmaster at Velva, N. Dak., in place of Frank Renning. Incumbent's commission expired September 5, 1922.

OHIO.

William C. Ledman to be postmaster at Zanesville, Ohio, in place of J. R. Alexander, resigned.

OKLAHOMA.

Edward C. Baxter to be postmaster at Gage, Okla., in place of G. E. Baker. Incumbent's commission expired May 24, 1922.

Edith B. Foster to be postmaster at Wagoner, Okla., in place of V. B. Ellington. Incumbent's commission expired January 27, 1923.

George H. Blackwood to be postmaster at Hominy, Okla., in place of G. H. Blackwood. Incumbent's commission expired October 24, 1922.

OREGON.

Chester G. Coad to be postmaster at Dallas, Oreg., in place of V. P. Fiske. Incumbent's commission expired September 5, 1922.

Thomas W. Angus to be postmaster at Gardiner, Oreg., in place of L. M. Perkins, resigned.

PENNSYLVANIA.

Fred L. Webster to be postmaster at Emporium, Pa., in place of P. H. Eagan, deceased.

H. H. McDowell to be postmaster at Denbo, Pa., in place of H. B. Hinsley, resigned.

TENNESSEE.

William M. Rogers to be postmaster at Pressmen's Home, Tenn., in place of L. D. Carmack. Incumbent's commission expired March 16, 1921.

TEXAS.

Thomas M. Welch to be postmaster at Palestine, Tex., in place of R. C. Matthews. Incumbent's commission expired September 5, 1922.

Harry Reast to be postmaster at Whitesboro, Tex., in place of R. J. Kennedy. Incumbent's commission expired September 5, 1922.

VIRGINIA.

Lawrence L. Jacobs to be postmaster at Hanover, Va. Office became presidential January 1, 1923.

Charles F. Flanary to be postmaster at Jonesville, Va., in place of C. H. Willoughby, resigned.

WASHINGTON.

Alfred B. Brewster to be postmaster at Benton City, Wash. Office became presidential April 1, 1922.

Edward A. Morris to be postmaster at Rockport, Wash. Office became presidential January 1, 1923.

Thomas A. Graham to be postmaster at Goldendale, Wash., in place of Talleyrand Bratton, resigned.

James F. Greer to be postmaster at Pe Ell, Wash., in place of Albert Meade. Incumbent's commission expired October 24, 1922.

Fred W. Hoover to be postmaster Eatonville, Wash., in place of C. O. Jackson. Incumbent's commission expired October 14, 1922.

Edward C. Campbell to be postmaster at Kettle Falls, Wash., in place of G. H. Bevan. Incumbent's commission expired October 14, 1922.

Sydney Relton to be postmaster at Richland, Wash., in place of W. M. Relton. Incumbent's commission expired October 14, 1922.

Arthur A. Bousquet to be postmaster at Wenatchee, Wash., in place of C. A. Battles. Incumbent's commission expired October 14, 1922.

WISCONSIN.

Nicholas Hubing to be postmaster at Belgium, Wis. Office became presidential January 1, 1923.

Ellen E. Hains to be postmaster at Fall River, Wis. Office became presidential October 1, 1922.

Carl V. Dahlstedt to be postmaster at Port Wing, Wis. Office became presidential January 1, 1923.

George B. Keith to be postmaster at Milton Junction, Wis., in place of G. B. Keith. Incumbent's commission expired January 24, 1922.

Bernard A. McBride to be postmaster at Adams, Wis., in place of C. R. Eaton. Incumbent's commission expired October 4, 1922.

Frank M. Le Count to be postmaster at Hartford, Wis., in place of A. J. Hemmy. Incumbent's commission expired September 8, 1921.

Stephen S. Summers to be postmaster at Milton, Wis., in place of D. A. Holmes. Incumbent's commission expired September 5, 1922.

WYOMING.

Edward Bottomley to be postmaster at Kleenburn, Wyo. Office became presidential January 1, 1923.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 19, 1923.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Miles Poindexter to be ambassador extraordinary and plenipotentiary to Peru, effective March 5, 1923.

POSTMASTERS.

CONNECTICUT.

George L. Gardner, Central Village.
William P. English, Collinsville.
Burton Hodge, Roxbury.

FLORIDA.

Albert H. Maxwell, Eastport.
Ethel H. Gannaway, Lemon City.

IDAHO.

Osmond Buchanan, Blackfoot.

ILLINOIS.

Blanche V. Anderson, Leland.
Harry C. Shales, North Crystal Lake.
William C. Kelley, Simpson.
John F. Mains, Stronghurst.
David G. Birkett, Washington.

KENTUCKY.

Elizabeth M. Godsey, Hardburly.
Eugene C. Stockwell, Trenton.

MAINE.

James Mahaney, Cherryfield.

MICHIGAN.

Grace Tillie, Honor.
Perry Anderson, Stanwood.
Gertrude S. Scott, Sterling.

NEBRASKA.

Harry A. Riley, Spalding.

NEVADA.

Annie J. Christensen, Fernley.

NEW JERSEY.

Reuben Coyte, Coytesville.
William G. Britton, Frenchtown.
Clayton E. Green, Glen Gardner.
Walter W. Whitman, Pleasantville.
Peter Tillman, Rahway.
Edward J. Tidabach, Short Hills.
William A. Polhemus, Whippany.

NEW YORK.

Christopher Martin, Altamont.
Hilbert W. Becker, Brightwaters.
Emil M. Pabst, Huntington Station.
Robert B. Hoag, Iona Island.
Albert M. Thayer, Livonia.
Charles G. Mackey, jr., Milton.
Henry A. Holley, Otisville.
Henry E. Johnston, Spencer.
Francis D. Lynch, Stony Point.

NORTH CAROLINA.

Jasper R. Guthrie, Graham.
Joseph M. Carstarphen, Tarboro.

NORTH DAKOTA.

Inez Grams, Bowbells.
Henry W. Willis, Lansford.
Will N. Thompson, Marmarth.
Clarence A. Vasey, Mott.

OHIO.

Leonard T. Cool, Canton.
Eugene G. Dick, Oberlin.

OKLAHOMA.

Eugene F. Harreld, Ardmore.
S. Edgar Thomas, Dewey.
Cora A. Sharp, Foraker.
Charles C. Sellers, Quapaw.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 19, 1923.*

The House met at 12 o'clock noon.

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

Almighty God, in the strength which Thou hast most graciously given us, we bow in Thy presence. May the thought of Thy loving Father fatherhood arouse in us devout reverence and holy desire to do Thy will. Do Thou accept our humble offerings of gratitude and praise. So direct us that all endeavor shall be with high aims that touch the present and future welfare of our country. Bestow great wisdom and courage so that the integrity of all Christian institutions shall be made secure. Nobly will our work be done if molded by the standards of Him who is the perfect model for all men. Help us to go on each day from strength to strength in the cultivation of those virtues which are the abiding realities for all time; through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Saturday, February 17, and of Sunday, February 18, were read and approved.

The SPEAKER. To-day is suspension day, and the Clerk will report the first bill on the Unanimous Consent Calendar.

LAC DU FLAMBEAU BAND—LAKE SUPERIOR CHIPPEWAS.

The first bill on the Calendar for Unanimous Consent was the bill H. R. 6428, for the enrollment and allotment of members of the Lac du Flambeau Band of Lake Superior Chippewas in the State of Wisconsin, and for other purposes.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, although I question whether it is for the best interests of these Indians to have their lands allotted, yet in view of the statements of the gentleman from Wisconsin and the Assistant Secretary of the Interior I will not press my objection in view of amendments that are going to be offered by my colleague.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That within 90 days after the approval of this act the Secretary of the Interior be, and he hereby is, authorized and directed to add to the existing rolls of the Lac du Flambeau Band of Chippewa Indians the names of all persons legally entitled to enrollment born prior to the approval of this act, including the issue of members of the band heretofore enrolled or who may be enrolled hereunder, such roll to constitute the final roll of the Lac du Flambeau Band. In the preparation of this roll the said Secretary shall be assisted by a committee of members of the said band duly appointed at a general council of the Lac du Flambeau Band called for that purpose. Immediately after the approval of the roll the Secretary of the Interior shall cause allotments of land within the Lac du Flambeau Indian Reservation to be made to the members of the band whose names appear on said additional roll (exclusive of the merchantable timber on such land) in conformity with the provisions of the treaty of September 30, 1854 (10 Stat. L., p. 1109), and acts of Congress applicable to allotting lands to members of an Indian tribe: *Provided,* That if there is not sufficient unappropriated land on the reservation to give each member the full acreage to which he or she is entitled, the Secretary of the Interior may prorate the lands as nearly as practicable among the members so enrolled. The patents for the allotments made hereunder shall issue to the allottees as early as practicable after the merchantable timber thereon has been removed, and the right is hereby reserved to the United States to cut and market the merchantable timber on the lands so allotted, the proceeds to be disposed of as herein provided. When the merchantable timber has been cut from the lands so allotted the title to such timber as remains on said lands shall thereupon pass to the respective allottees: *Provided further,* That the land allotted or reserved hereunder shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country until otherwise provided by Congress.

Mr. A. P. NELSON. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. A. P. NELSON: On page 2, line 8, after the word "the" before treaty, strike out all following up to and including the word "tribe," on line 11, and insert in lieu thereof the following: "General allotment act of February 8, 1887 (24 Stat. 338), as amended, the trust patents to said allotments to contain the usual 25-year restriction clause as to alienation and taxation."

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

The amendment was agreed to.

The Clerk, continuing the reading of the bill, read as follows:

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized to sell, at the current market value in the year which the timber is cut or logged the merchantable timber on the lands allotted under the provisions of this act under such rules and regulations as he may prescribe, the net proceeds derived therefrom, together with any undistributed proceeds derived from the sale of timber heretofore cut and sold from such lands, shall be distributed per capita and paid to the members of the band enrolled under the provisions of this act where such members are or may hereafter be adjudged by the Secretary of the Interior to be competent to manage their own affairs and care for their own business; and in cases where members have not been adjudged competent by the Secretary of the Interior their shares shall

be deposited to their individual credit as individual Indian moneys are now deposited and paid to them or used for their benefit under the supervision of the Secretary of the Interior: *Provided*, That of the amount now on deposit derived from the sale of tribal timber, at least $50,000 shall be distributed among the members enrolled under the provisions of this act as early as practicable after the approval of the roll as herein provided.

Mr. STAFFORD. Mr. Speaker, I move to strike out the last word. I understand the amendment adopted in section 1 places a limitation on the alienation for 25 years so that the Indians can not dispose of their allotments within 25 years?

Mr. A. P. NELSON. That is correct; and, furthermore, if at the end of 25 years some Indians are found not to be competent, then the bureau under the law has a right to make an extension of 10 years more.

Mr. STAFFORD. Mr. Speaker, I withdraw the pro forma amendment.

Mr. A. P. NELSON. Mr. Speaker, I offer the following amendment to section 2.

The Clerk read as follows:

Page 3, section 2, line 4, after the word "authorized," insert the following: "by the advice and consent of the Indian council representing the band."

Mr. STAFFORD. Will the gentleman please make some explanation of that?

Mr. A. P. NELSON. This has been offered to meet the objection of my colleague from Pennsylvania [Mr. KELLY], who insisted that it ought to be within the province of the Indians themselves to consent and agree to the sale of timber when made. Hence I offer the amendment suggested by Mr. KELLY, which was that it should be by the advice and consent of the Indian council representing the band.

Mr. STAFFORD. Will not the effect of that be to hold up the sale of the timber that has been cut until the band gathers in communal meeting and approves of the sale?

Mr. A. P. NELSON. Not necessarily.

Mr. STAFFORD. If this amendment is agreed to it will read:

That the Secretary of the Interior be, and he hereby is, authorized, by the advice and consent of the Indian council representing the band to sell at the current market value in the year in which the timber is cut or logged.

And so forth.

I question whether it is not going to result in holding up unnecessarily the timber that has been cut.

Mr. A. P. NELSON. Personally I am in favor of the bill as originally drawn, but this amendment is offered to meet the objection of the gentleman from Pennsylvania [Mr. KELLY], who would not consent to the bill being passed without that amendment. However, if there is objection to it I am willing to withdraw the amendment.

The SPEAKER. The gentleman withdraws his amendment.

Mr. A. P. NELSON. Mr. Speaker, I have another amendment, which I send to the desk.

The Clerk read as follows:

Page 3, section 2, line 20, after the word "deposit," insert the words "and hereafter."

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

Mr. BLANTON. Mr. Speaker, what is that for?

Mr. A. P. NELSON. At the present time there is only about $24,000 on deposit, and the amendment is offered so that there at least will be $50,000.

Mr. BLANTON. Are all these amendments committee amendments?

Mr. A. P. NELSON. They are all agreed to by the committee.

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

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. That there be set aside for the village of Lac du Flambeau, lots 3 and 4 of section 8, and lots 3 and 4 of section 5, township 40 north, range 5 east; for the Indian village, lots 1, 2, 3, 4, and 5 of section 1, and lots 1, 5, 6, and 7 of section 2, and lots 1, 2, and 3 of section 12, township 40 north, range 5 east; and for the school agency farm, approximately 200 acres of unappropriated land, and sections 6 and 7, township 40 north, range 5 east.

With the following committee amendment:

Page 4, line 1, beginning with the word "that," strike out the remainder of the section and insert in lieu thereof the following: "sold from such lands, shall be distributed per capita to the members of the band enrolled under the provisions of this act where such members are or may hereafter be adjudged by the Secretary of the Interior to be competent to manage their own affairs and care for their own business; and in cases where members have not been adjudged competent by the Secretary of the Interior, their shares shall be deposited to their individual credit as individual Indian moneys are now deposited and paid to them or used for their benefit under the supervision of the Secretary of the Interior: *Provided*, That of the amount now on deposit derived from the sale of tribal timber, at least $50,000 shall be distributed among the members enrolled under the provisions of this act as early as practicable after the approval of the roll as herein provided."

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.

JURISDICTION OF MISSISSIPPI RIVER COMMISSION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13459) extending the jurisdiction of the Mississippi River Commission and making available funds appropriated under authority of an act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917, for the purpose of controlling the floods of the Mississippi River from the mouth of the Ohio River to Rock Island, Ill., and for the purpose of controlling the floods of the tributaries of the Mississippi River between the mouth of the Ohio River and Rock Island, Ill., including levee protection and bank protection, in so far as said tributaries are affected by the flood waters of the Mississippi River.

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

Mr. WILSON. Mr. Speaker, this is the bill from the Committee on Flood Control, and on behalf of the author, Mr. KOPP, who is absent to-day, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

SALARIES OF AUDITOR AND DEPUTY AUDITOR OF PHILIPPINE ISLANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3617) to fix the salaries of the auditor and deputy auditor of the Philippine Islands.

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

Mr. STAFFORD. Mr. Speaker, I object.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent that the bill may continue its place on the calendar. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, may I ask the gentleman from Iowa what rights will accrue to the bill by having it die in the closing hours of Congress still on the calendar?

Mr. TOWNER. I hope to find some propitious moment when gentlemen will feel that they ought not to object.

Mr. STAFFORD. It will have the advantage that the calendars on the last day will show that the bill is on two separate calendars.

Mr. BLANTON. I notice that nothing that affects the Philippine Islands or any islands in that direction ever passes without the gentleman protecting its interests, so I shall not object.

The SPEAKER. Is there objection to the request of the gentleman from Iowa that the bill may retain its place on the calendar?

There was no objection.

PINEY BRANCH ROAD.

The next business on the Calendar for Unanimous Consent was the bill (S. 1066) to authorize the Commissioners of the District of Columbia to close Piney Branch Road between Seventeenth and Taylor Streets and Sixteenth and Allison Streets NW., rendered useless or unnecessary by reason of the opening and extension of streets called for in the permanent highway plan of the District of Columbia.

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 Commissioners of the District of Columbia be, and they are hereby, authorized to close Piney Branch Road from Seventeenth and Taylor Streets to Sixteenth and Allison Streets NW., upon the application in writing of the owner or owners of all of the property abutting on said road between the limits named, and upon the closing of said road the land embraced therein shall revert to the owners of the abutting property.

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.

EXTENSION OF REMARKS.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. HAWES] have permission to extend his remarks in the RECORD in 8-point type on the alien-property question.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Missouri [Mr. HAWES] may extend his remarks in the RECORD in 8-point type on the alien-property question. Is there objection?

There was no objection.

PRIVATE PROPERTY SHOULD NOT BE CONFISCATED FOR PUBLIC DEBT.

Mr. HAWES. Mr. Speaker, the United States should return all property now held by the Alien Property Custodian except those patents which are now in litigation, or if part is withheld, a definite statement should be contained in the partial release that the balance is not retained for security or ultimate confiscation.

The bill under consideration defends the medieval doctrine of the use of private property as security for public debt, and, in addition, contains the threat of confiscation.

We are not dealing with the property of the German Government. We are considering the disposition of the private property of individuals.

These individuals were invited to make investments in our country and had the right to feel entirely secure because of the established policy of the American Government.

The United States is not constrained to violate the uses of civilization, either to punish an enemy or palliate a friend. Our policy should be one of justice, humanity, and right, irrespective of the acts of others. There is no obligation of imitation that binds us to do those things which are wrong.

The private property of alien individuals must be secure in times of peace, war, and the settlement of war. There should never be a period when it is not secure. Its established security will be our best bid for the business of the world and the respect of the world.

Retaining the principle is the grave issue. What proportion of money shall be returned is of secondary consequence. Humane reasons dictate a return of all or a large portion of this private property, but the principle of the sacredness of private property in its relation to public debt should be preserved without impairment.

In violating our traditions we pass a legacy to posterity which will rise to strike them at a future time.

If we change our policy and now hold as security—with the threat of ultimate confiscation—the private property of individuals, Japan, England, or any other nation may in the future justify similar conduct.

We have the power to confiscate. That is not in dispute. It is whether we shall exercise the power that causes this discussion.

The limitation of $10,000 in the release is wrong in both equity and principle. If only a limited portion of the property is to be returned now it should be upon an agreed percentage, affecting all property held, whether small or large. We can not justify an arbitrary dead line regulated by the amount of property.

While the State Department is advocating a policy of holding private property of individuals for security for a public debt, the responsibility for the passage of this act rests exclusively upon Congress and upon each individual Member of Congress, and not upon the State Department, which can only carry out the expressed will of Congress.

American investments abroad are increasing, and it is manifestly to our advantage that they should increase, because with their increase we add to our ability to sell our surplus products.

No discussion is necessary to prove not only the advantage but the necessity for increased sales of our surplus products abroad.

The decision of Congress in this matter will fix the status of all of our foreign investments.

We have refused to recognize Mexico because of her laws relating to American investments; and yet this bill proposes, and the State Department advocates, the principle of holding the private property of individuals as security for a public debt.

An extension of this principle would mean the right to seize the private property of any national and use it as security for the public debt of the Government of that national.

Once this principle is recognized in our public life all international comity, stability, and certainty will cease.

We can not afford to sacrifice a great fundamental principle for a seeming transitory benefit.

THE ORIGINAL ACT.

Shortly after our entrance into the World War Congress created the office of Alien Property Custodian for the following avowed purposes:

First. To prevent the use of this property in a manner injurious to the interests of the United States; and

Second. To conserve and protect the property of alien nationals situated within the United States.

The bill was discussed by two great committees of the Senate and House. Representatives of all the executive departments of the Government who appeared as witnesses, without exception, declared with great positiveness that it was not the intention of Congress to confiscate this property, but that, upon the contrary, it was to be returned to the private owners upon the conclusion of hostilities.

In the discussions on the floor of both the House and Senate the declaration was made time and again by the sponsors of the bill that the United States was taking over the property temporarily in the capacity of a custodian, and that the property would be returned to the private individuals owning it upon the conclusion of the war.

There was an absolute, unqualified unanimity of opinion on this subject. This unanimity was not broken by recorded declaration from any executive officer of the Government by either a Senator or a Member of the House.

PROPERTY CONSERVED.

Acting as official custodian for the American people, Mr. Palmer took possession of German, Austrian, and Hungarian property belonging to the private citizens of those countries, amounting to approximately $600,000,000; and, in addition, the Government took over 128 German vessels then in American ports. None of these vessels was seized upon the high seas or captured during the war. They were interned in the ports of the United States and had at the time of their seizure an approximate valuation of $400,000,000.

The value of these interned ships has been greatly reduced and their selling price to-day can only be estimated. It has been asserted that a fair estimate would proximate $200,000,000.

The Alien Property Custodian, because of certain amendments releasing property held under the original act, and because of various rulings of his department, has released property held by him until he now holds approximately $350,000,000 in trust for the civilian citizens of Germany and Austria-Hungary.

This property is largely of an investment character made many years prior to our entrance into the war, at a time when peace and cordial relations existed between Germany, Austria, and the United States. Nearly every species of real and personal property is covered by it. Some of the investments are small; some of large proportions. Investments in partnerships; investments in private businesses; investments in corporations, in banks, railroads, and various forms of public utilities and public works.

Many of the investments were made for these foreign citizens by relatives and friends, citizens of our country; by children for their parents; by the brother for the sister. Usually there existed close ties of blood or friendship.

The invitation to make these investments was due to a well-established American policy understood by all law writers and recognized throughout the world.

The American doctrine that private property could not be used as security or confiscated for the payment of a public debt was so clearly established that it was not in dispute.

American representatives at The Hague time and again stood for this declaration of principle.

Cordial invitations to invest were made and accepted and there seemed to be little doubt of the American position in this matter until Secretary Hughes had approved the novel theory of holding private property as security for public debt.

It is proposed under this bill to return $44,362,002.08, leaving in the possession of the custodian $273,966,899.82, and in the custody of the Government the 128 German ships, of an estimated value of $200,000,000, so that, if this bill passes, we will still retain and hold property belonging to the civilian nationals of Germany and Austria-Hungary amounting to approximately $500,000,000.

PROPERTY HELD BY GERMANY.

Austria-Hungary never took over any American property during the war and never held the property of any American citizen.

Germany has released all real and personal property, excepting certain bank accounts which are now in dispute regarding the value of the mark. Of the money now held by her it may be safely estimated that over 90 per cent is in the nature

of bank balances which were in German banks at the time of our entry into the war and were largely counterbalanced by the equalizing of deposits of German citizens in American banks. So that, eliminating the question of adjustment between these bank deposits on each side, there remains no American property held by Austrians and but a very small amount held by Germany.

The Alien Property Custodian had this to say on this subject:

"Question by Mr. LEA: I have gathered from statements in the newspapers that an agreement was made between the United States and Germany by which American citizens were to be paid the full value of the mark as of the day the United States entered the war. Do you know whether or not there is any such agreement?

"Mr. MILLER. I was informed by an attorney of the Mixed Claims Commission that they had either arrived at such a decision, or were about to arrive at a decision, which would settle the value of the mark at the average cable value 30 days preceding our entry into the war. That was 18 cents, as I understand it, Mr. LEA.

"Mr. LEA. Do you know about the total value of the claims of American citizens of property in the hands of the German alien property custodian?

"Mr. MILLER. I do not. This is merely a guess, Mr. LEA, but I understand that at no time did the German custodian have over one hundred millions of property over there, and the Austria-Hungarian Government, so I am informed, never had any alien property custodian, and did not seize property belonging to American citizens."

This would seem to indicate that, as soon as the question of the value of marks was settled, all property of every character formerly held by Germany will have been released and satisfied.

Showing our view of the Government of seizing and holding private property of enemy nationals, we must remember that all German and Austrian subjects found within the United States during the period of the war were never dispossessed of their property. They are still in possession of it, and only when interned and placed under specific suspicion was their property taken over, so that we see at once that a distinction is made between those nationals who were in our country and those nationals who were abroad.

CHARACTER OF AMERICAN CLAIMS.

American claims, with the possible exception of the bank balances still in dispute, are not claims of American citizens against the private citizens of Germany, Austria, and Hungary, but are claims of American citizens against the German Government, and are for damages growing out of the war because of acts committed by the German Government and not by the civilian citizens of Germany.

It has been stated before our committee and not disputed that 90 per cent of these claims are those of marine-insurance companies, growing out of the sinking of cargoes during the war, for which the insurance companies were paid in the form of premiums, and the insurance companies have paid the owners of the cargoes damages for their losses.

Insurance risks are based upon the hazard incurred.

Insurance may be described as a scientific gamble on probabilities. Insurance companies write insurance upon the duration of a man's life, upon an accident, upon contagious diseases. They gamble on the act of God, a storm, hail, tornado, earthquake, flood. They gamble upon fire. They gamble against the breaking down of machinery at sea, on the storm at sea, upon all forms of accidents at sea. They gamble on the collision of automobiles. They gamble on a man's honesty or dishonesty. They gamble on the lawbreaker, insuring against theft and burglary. They compute by chances and fix their rates according to risk.

Modern civilization could hardly exist without these great companies, and their element of chance is worked out upon scientific bases insuring their own capacity to pay.

In insuring cargoes during the war they voluntarily assumed the risk created by the war, and charged according to the risk assumed. Instead of losing money during the war by the sinking of cargoes, they are reported to have made great sums of money, because the loss of life and loss of cargoes by American citizens was comparatively small compared with the extent of tonnage and passenger transportation which safely crossed the ocean during the period of the war.

If the statement that 90 per cent, or even 75 or 50 per cent of the total claims by American citizens are of this character is true, they are certainly open to contention if not objection.

There are about 130 claims for loss of life during the entire period of the war, including the *Lusitania* outrage. These claims for loss of life vary from $10,000 to $100,000, but if each were allowed $100,000, the total, including the Pittsburgh Plate Glass Co. claim for damages done in Belgium, would not exceed $15,000,000.

This estimate is the maximum, and it is not believed by either the custodian or the counsel for these claimants that over 50 per cent of this amount will be awarded.

On this subject the Alien Property Custodian made the following statement:

"Mr. MILLER. Now, to depart briefly and give merely what I understand personally, it is said there will be probably a billion dollars worth of claims filed with the Mixed Claims Commission against Germany and Austria-Hungary. That seems like a large sum of money. All precedents show that all war claims in past wars were settled on a basis of about 8 per cent. If that is carried out in an adjudication of these claims the settlement would amount to eighty million. Not that I adhere to this principle, but you will find, if you look over the record of past wars, that loss of life has been settled at a 2 per cent percentage. So that in the case of our hundred and ninety million dollars of claims against Germany for losses of life on the high seas, if we go by any precedents in the past, they are to be considerably boiled down."

MIXED CLAIMS COMMISSION.

These claims are all made against the German Government for the acts of the German Government and for the purpose of adjusting these claims the United States entered into an agreement with Germany for the creation of what is called the Mixed Claims Commission.

The object of this commission is set forth as follows:

1. Claims of American citizens arising since July 31, 1914, in respect of damages to or seizure of their property, rights, and interests, including any company or association in which they were interested within German territory as it existed on August 1, 1914.

2. Other claims for loss or damage to which the United States or its nationals have been subjected with respect to insurance to persons or to property, rights, and interests, including any company or association in which American nationals are interested since July 31, 1914, as a consequence of the war.

3. Debts owing to American citizens by the German Government or German nationals.

Each government was to select and appoint one commissioner. These two commissioners were by agreement to select an umpire to decide upon any case concerning which the respective commissioners disagreed. The American representative selected was Judge Edwin B. Parker, the German representative Dr. Wilhelm Kisselbach. These two agreed upon another American, Justice W. R. Day, of the Supreme Court, to act as umpire, the German representative waiving his right to suggest as umpire a citizen of a neutral nation and agreeing upon the selection of an American.

The total amount of the American claims has not been ascertained, but the following statement from Alien Property Custodian Miller may be given as an approximation:

"Question by Mr. HUDDLESTON: Would the cash credit to the alien property administration be sufficient, in your opinion, to discharge claims that might be properly made against the German Government?

"Mr. MILLER. Oh, yes; as I have said informally before to-day, that amount of money, $174,000,000, would eventually guarantee all American claims, but this is my personal opinion."

Any award made by this commission will be against the German Government and not against the private citizens of Germany. The property held by the Alien Property Custodian belongs to the private citizens of Germany and Austria-Hungary, so that even after the Mixed Claims Commission has made its report this Congress is confronted with the full and undivided responsibility of deciding whether the private property of enemy citizens shall be taken over for the purpose of either confiscation or security in the payment of a Government debt.

PATENTS.

Among other German and Austrian property taken over by the custodian there were 34,000 patents, trade-marks, copyrights, and so forth.

There were sold to an American corporation, called the Chemical Foundation, certain patents belonging to these German and Austrian citizens. Certain other patents were held and used by the War and Navy Departments, and our committee believes that where such transfers had created an uncertainty as to ownership they should be held subject to the termination of the litigation now in progress and to certain disposition to be made by the War and Navy Departments of patents used by them.

Complications attendant upon the taking over and use of some of these patents require adjudication, and our committee seemed unanimous in the opinion that they should be reserved in the interests of both the enemy nationals and our own Government officials until the litigation is terminated.

But whatever disposition is made of the 34,000 patents, their value must be added to the other property of German citizens, which approximates $500,000,000.

OBLIGATION OF CONGRESS.

Congress having assumed jurisdiction over this alien property by the passage of the act creating the custodian, is under an obligation to provide by subsequent enactment for the form of its release.

The war has been over four years. This property is still in the possession of the custodian, and it is agreed by everyone that it is the duty of Congress to act.

In reading the testimony before our committee it will be found that representatives of the State Department, the Attorney General's office, the Secretary of the Navy, the Secretary of War, and the Alien Property Custodian all are in unanimous agreement that the property can be released only by act of Congress, and that the Executive will be bound by the manner of release; and, furthermore, that the full responsibility for the form of the release rests solely and exclusively upon Congress. It is a responsibility which the House can not avoid. Therefore its decision should only be made after considering not only the exigencies of the hour but of the effect its action will have upon international law.

This bill proposes the release of all claims not exceeding $10,000 and the release of all patents excepting those enumerated and covered by litigation.

Personally, aside from motives of humanity, the matter of the amount of property to be returned is, in my opinion, of secondary importance to the manner of its return.

I am opposed to holding any of this property either for the purpose of confiscation or for the purpose of securing the debts of the German Government, because "security" in effect means ultimate confiscation if the Government of Germany fails to provide means for the payment of the awards made by the Mixed Claims Commission and destroys effectively the time-honored American doctrine, now well established in international law, that private property can not be seized to pay a Government debt.

It is the principle involved that concerns me.

If part of the property is now returned and the bill contains a statement that the balance is being held subject to litigation and adjustment, but that it will not be confiscated but ultimately returned to the private citizens of Germany and Austria, to whom it belongs, American precedent will be preserved; but this precedent can not be maintained unless all the property is returned or part of it is temporarily retained, with the distinct statement that all of it will ultimately be returned. To hold this property for the purpose of security or ultimate confiscation will involve an element of almost national dishonor.

All of the witnesses appearing before our committee seemed to be opposed to the thought of confiscation, but the representative of the State Department, speaking for Mr. Hughes, advocates that part of the property shall be held as security for the payment of the debts of the German Government.

My position is one of opposition to the use of private property for the payment of a Government debt.

THE OPPOSITION OF SECRETARY HUGHES.

Congress is confronted with a plain, simple, understandable proposition. Will it scrap all precedents of international law? Will it repudiate the uniform decisions of our courts? Will it repudiate all the Presidents from Washington to and including Wilson? Will it repudiate all of our Secretaries of State from Jefferson to and including Knox and Lansing? Will it make a scrap of paper of the statement made upon the battlefields of France by General Pershing? Will Congress support the American view or support Secretary Hughes in his demand that private property shall be held as security for the payment of a public debt?

The position of the Secretary of State is in conflict with all international precedent and with the American doctrine on this subject from the first Secretary of State, Jefferson, to and including Knox and Lansing.

Secretary Knox acted for the United States Government in the recent peace treaty which bears his name jointly with that of Mr. Porter under date of June 11, 1921, and defined his opinion in the following language:

"MY DEAR MR. BORCHARD: I am in entire sympathy with your views relative to the seizure of German private property during the war. I have expressed on the floor of the Senate the opinion that in order to follow our traditions and be decent this property should be returned; that our only proper function was to conserve it during the period of hostilities, and in the peace resolution I introduced there is a clear indication that our retention of such property shall continue only until the adjustment of the terms upon which we are to live with Germany in peace are satisfactorily determined.

"Yours sincerely,

"P. C. KNOX."

This statement of Senator Knox has been the established American doctrine until it has been recently challenged by Secretary Hughes.

It is the opinion maintained by our courts, our law writers, and our statesmen from Washington to and including McKinley, Roosevelt, Taft, and Wilson, and is, for the first time in American history, challenged in the following language used by Secretary Hughes, in a letter directed to Mr. WINSLOW, chairman of our committee, of July 22, 1922:

"It is understood that this bill has been introduced upon the assumption that it would require the return of a relatively small amount of property and that the security for the settlement of American claims would not be substantially impaired. Unless this were the fact, I could not approve this bill even though amended as above suggested."

This was again repeated by Mr. Hughes in a letter to Mr. WINSLOW on December 8, 1922, and again in a letter of December 21, 1922.

Mr. Carr, representing Mr. Hughes before our committee, refused to either enlarge or explain these communications of the Secretary (p. 337, hearings):

"Mr. CARR. These letters, Mr. Chairman, set forth the views of the Secretary of State on this subject. Congress laid down the principle that this property should be held as a pledge for the satisfaction of American claims against Germany. That provision of law has been carried into an agreement with Germany. The claims against Germany are now being determined by a commission, so that we shall soon know the amount due from Germany. We do not yet know the amount, and we do not know how much security will be necessary. The Secretary merely wants these facts laid before the committee, so that the committee itself will be in a position to determine what it wants to do or what Congress wants to do. This is practically all that I have to say."

It is true that under the treaty of Versailles the right is given to the American Congress to either confiscate German civilian property situated in this country or to hold it as security; but while Congress has the undisputed right to do this, nowhere, either in the hearings before committees, on the floor of the House or the Senate, or by resolution, or by act of Congress, has the legislative branch of our Government ever intimated that it intended to hold this property as security or for purposes of confiscation.

Mr. Carr, representing Mr. Hughes, stood steadfastly upon the Secretary's letters and refused to vary or explain them.

As there may later be some dispute as to the position of the Secretary in withholding his approval of the return of this property unless a large proportion is held as security for the payment of the national debts of the German Government, I add the following interrogations and answers:

"Question by Mr. SANDERS: Do you regard anything we have done up to date as being inconsistent with the present determination on the part of Congress to return this property? Suppose we should not determine, as a legislative proposition, that the property should be returned, notwithstanding we may have reserved the right as between us and the German Government or the Austrian Government, to appropriate any part of it, do you see anything inconsistent, even though we have reserved that right, in determining not to exercise that right and now returning the property?

"Mr. CARR. That, sir, is an expression of opinion which I prefer not to make. I regard that matter entirely as one in the complete discretion of Congress to do what it, in the face of the facts, sees fit to do.

* * * * * * *

"Mr. SANDERS. Whose nationals' property would be thus confiscated, rather than the Government's property?

"Mr. CARR. Yes; quite so.

"Mr. SANDERS. The point I have in mind is that if we shall establish a legislative policy, either directly or indirectly, that this property is kept as security or as a pledge, that means ultimately, in the event the thing which is secured or pledged is not carried out, that the property is confiscated to the extent that it is necessary to carry out the terms of the surety or

pledge. In other words, if we should by law expressly provide in this legislation by an amendment that we should keep $200,000,000 worth of this property and then return the rest, that the $200,000,000 should be kept for a period of 20 years, at the end of which time, if these claims had not been satisfied, that property should be applied to the payment of the claims; that would be a clear confiscation, would it not, to that extent?

"Mr. CARR. To that extent, yes; but with the consent, if you please, of the Government whose nationals' property is concerned.

* * * * * * *

"Question by Mr. HAWES. Well, I will repeat my question, Mr. Carr, and you can refuse to answer if you want to. I think it is perfectly clear. You are here representing an important branch of the Government, and what you say will have great weight in my determination of this subject. If we hold this property, to be paid either for an enemy's debts or damages, or hold it as security, do we not, for the first time in our history, change an established American policy of international law?

"Mr. CARR. Perhaps we may; but if we do, it has been done because Congress has directed that it should be done.

"Mr. HAWES. No; Congress has not decided that question, and under the peace resolution, while we have the power to retain it, there is nothing in the treaty that directs us to assume that policy; and I again ask you, if we do take the action intimated by you and hold the property of these nationals, do we not violate all American precedents on that subject?

"Mr. CARR. But Congress has directed that the property shall be held temporarily, and until Congress says to the contrary the property has to be held.

"Mr. HAWES. Will you decline to answer that question?

"Mr. CARR. I think I have in effect answered the question.

"Mr. HAWES. Well, I will state it again: Suppose Congress does act and does hold this property as security, or does hold it subject to litigation, then does not Congress for the first time in the history of the American Congress violate an established principle?

"Mr. CARR. I do not know whether for the first time exactly in the history of our country or not. Perhaps it is, but——

"Mr. HAWES (interposing). Are you not quite sure that it is?

"Mr. CARR. It is, so far as I now recall.

* * * * * * *

"Mr. RAYBURN. What is your interpretation, then, of the word 'guaranty'—holding this property as a guaranty?

"Mr. CARR. I did not use the word 'guaranty.' I merely used the word 'security.' The Secretary used the word 'security.'

"Mr. RAYBURN. What is your interpretation of the meaning of 'holding this property as security'?

"Mr. CARR. As a pledge.

"Mr. RAYBURN. What do you mean by the word 'pledge'?

"Mr. CARR. To be held until the other Governments have satisfied these claims, in accordance with the purpose of the Knox resolution.

"Mr. RAYBURN. Well, 'guaranty' and 'pledge' and 'security' in a debt are about the same thing, aren't they?

"Mr. CARR. They are related to each other very closely.

* * * * * * *

"Mr. LEA. So that in this letter that you read from the Secretary, as I understand it, he has withheld his recommendation of a bill that would substantially impair the American security as represented in this property?

"Mr. CARR. He has withheld his approval of it if the security was substantially impaired.

"Mr. LEA. Yes; if it was being substantially impaired; but he has not affirmatively asserted that he objected to Congress doing as it pleases?

"Mr. CARR. No."

It is quite apparent from the Secretary's letter and from the statement of his representative before our committee that the position of the State Department is that the private property of enemy nationals should be held as security for the payment of Government debts.

It is an entirely new policy for our State Department, and it is a new policy in international law, because the logical sequence of holding property for security means the confiscation of the property belonging to private individuals to satisfy a public debt if the public debt is not paid.

SECURITY.

There might be some other reason why this property should not be returned, but there being no opposition to its return upon the part of the Alien Property Custodian, the Attorney General's office, or the Departments of War or Navy, and as the sole objection, clearly defined, comes from the State Department to hold it as security, that must be the issue.

"Security" means a pledge, a taking over and holding until such time as some obligation is performed or payment made. It means in this case that if the German Government refuses to pay the awards of the Mixed Claims Commission, then the American Government may seize and confiscate the property of German citizens invested in this country prior to the war.

Two citations are sufficient to define the word "security."

Webster defines security to be "something to be given or deposited to make certain the fulfillment of an obligation; the observance of a provision for the payment of a debt." He also says "it may mean an evidence of a debt, a contract, which secures or clearly ascertains the amount of the money due on the performance of a certain work or the furnishing of a certain material; it is security in law." (In re Sloan's Estate (Pa.), 2d Del. Co. R. 309, 310.)

"Security is something which makes the enjoyment or enforcement of a right more secure or certain. A security on property is where a right over property exists by virtue of which the enforcement of a liability or promise is facilitated or made more certain." (78 Iowa, 575.)

It can not be disputed that if this property is held as security, it carries with it the direct implication that if certain conditions are not met it will be confiscated. If there is no confiscation or threat of confiscation in the holding of this property, then it is not security.

When property is taken as security for the payment of an obligation, it means that the property will be confiscated if the debt is not paid.

The difference between security and confiscation is merely one of duration of time. A security which is not liquidated is followed by confiscation. Therefore the distinction which the Secretary of State seems determined to draw between "security" and "confiscation" is unsound. The indefinite holding of property from its rightful owner is in itself confiscation.

If the friends of this bill propose to release only $44,000,000 and to hold over $300,000,000 as security, they can easily release themselves of any charge of a desire to ultimately confiscate by making a statement to that effect in a bill making a partial release of the property.

A declaration of this kind, preserving American policy, and in fact the enlightened policy of the world, would preserve our faith and honor no matter what portion is released.

SETTING A NEW PRECEDENT.

The advance of civilization has been marked by guideposts created by the mutual agreements of nations regarding the conduct of war.

These agreements are known as international law and, as Christianity has expanded, the rule of humanity has extended in ever-broadening fields as it applied to noncombatants in the actual field in which war was conducted.

The right of private property and the persons of civil and noncombatant nationals are more respected, and enlightened people sought if not to stop war at least to provide rules by which it would be limited in its operation to combatants and to such orderly assessments and penalties upon civilians as the actual and acute necessities of the combat made unavoidable.

Civilized nations not only provided these rules for the theater of war, but there was general and universal agreement regarding the treatment of enemy person and property during the war and the right and title to enemy property was conceded to be resumed at the conclusion of peace.

There have been contentions upon the rules of warfare upon the seas, but there has been general admission as to the rule upon the land.

But every great power, without dispute, had finally admitted by the fatal year of 1914 that the former rights and interests of nationals in respect of private property situated in the territory of each of the belligerent powers automatically revived, and such nationals were, as far as was possible, relegated to the position which they held before the outbreak of hostilities.

The United States, beginning with Franklin and Jefferson and supported by every Secretary of State to and including Knox and Lansing, have without exception maintained and advocated this human and enlightened doctrine of civilization.

Twice our great Supreme Justice Marshall has spoken upon the subject in the following language:

"It may not be unworthy of remark that it is very unusual, even in case of conquest, for the conqueror to do more than to displace the sovereign and assume dominion over the country.

"The modern usage of nations, which has become law, would be violated; that sense of justice and right which is acknowledged by the whole civilized world would be outraged if private property should be generally confiscated and private rights annulled. * * *"

And again:

"Between debts contracted under the faith of laws and property acquired in the course of trade on the faith of the same laws reason draws no distinction."

These opinions of our own Chief Justice have been sustained by the courts of this country and England.

Never before during the entire history of this country has there been held a contrary opinion until the year 1922, when for the first time either in the decisions of courts, the promulgation of treaties, or the opinion of our statesmen, Mr. Hughes wrote his letter of July 26, 1922, enunciating the entirely new and radical doctrine of holding the private property of enemy nationals as security for a public debt.

PRIVATE PROPERTY IN THE THEATER OF WAR.

Even in the theater of war itself, where actual combat takes place, there are certain rules of civilized warfare found in our treaties and conventions, and especially in The Hague agreements providing for the protection of private property.

If private property has this protection in the actual scene of the war, where necessity seems to be the first rule, how much more important, how much more compelling, should it be when it relates to private property of nationals thousands of miles away from the theater of war?

Immovable private property can not under any circumstances be appropriated by an invading belligerent. Should he confiscate and sell private property and buildings, the buyer would acquire no right whatever to the property.

All private railroad stock, ships, carts, horses, and so forth, seized for military purposes by an invading belligerent must be returned at the conclusion of peace and compensation must be paid for them.

This is expressly enacted by article 53 of The Hague regulations.

Articles of art and science may not be appropriated for use for military operations.

See article 56 of The Hague regulations prohibiting such seizure.

Articles 46 and 47 of The Hague regulations expressly stipulate that private property may not be confiscated, and pillage is formally prohibited.

Even cash, jewelry, and other articles of value found upon the dead, wounded, and prisoners must, according to article 14 of The Hague regulations and article 4 of the Geneva convention, be conserved for the benefit of captured prisoners or their heirs in case of death.

Private property is classified into real and personal. Real property can not be confiscated. It may be used temporarily and only such personal property as is susceptible of direct military use may be taken, and money can only be taken by computation of requisitions regularly imposed or by levy in the nature of a contribution.

Contributions must be on the written order and responsibility of the commander in chief, not merely by a local commander. They must not be imposed indiscriminately but must follow assessment rules and be general in character.

Money, unless by way of contribution, clothing and cloth, and not adapted for use as uniforms, and all other products, manufactures, and commodities are exempt from capture and entitled to protection by the laws of war.

It was on the battle field of France on July 1, 1918, during one of the most critical periods of the world conflict, that General Pershing issued the following order:

General Orders, No. 106.

GENERAL HEADQUARTERS,
AMERICAN EXPEDITIONARY FORCES,
France, July 1, 1918.

* * * * * * *

3. By the treaty of Berlin, 1799, still in force, the United States of America and the King of Prussia solemnly pledge themselves to the world and to each other "That the prisoners of war whom they may take from the other shall be placed in wholesome situations"; that they shall not be confined; that the officers shall have comfortable quarters and the men be disposed in cantonments or barracks as roomy and as good as provided for their own troops, and that they shall be allowed the same rations. "And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the preceding articles; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be sacredly observed as the most acknowledged articles in the law of nature and nations."

The obligations of this treaty will be scrupulously observed unless and until substantially violated by Germany, in which case further orders will be published from these headquarters.

* * * * * * *

VIII—REGULATIONS.

Regulations and instructions will be promulgated from these headquarters for the carrying of the provisions of this order into effect.

By command of General Pershing.

JAMES W. MCANDREW,
Chief of Staff.

Official:

ROBERT C. DAVIS,
Adjutant General.

The Prussian treaty to which General Pershing referred and which has always been accepted in this country reads as follows:

"ART. XXIII. If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price."

And section 24, which follows, is particularly significant:

"ART. XXIV. * * * And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and the next preceding article, but on the contrary that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations."

We have seen where both real property and private property belonging to noncombatant civilians situated in the path of war itself are immune from confiscation.

President Wilson time and time again proclaimed that our war was one against the German Government and its military autocracy and not against the German people.

We sent tons of literature on this subject across the battle lines to the civilian population of Germany. We dropped it in their midst from airplanes and balloons.

To win the war two things were necessary: The first was to break the military morale of the German Army, and, failing in this, to break the civil morale of the noncombatant inhabitants of Germany. And it is claimed by many that the civil morale broke first.

The whole correspondence carried on at that time between the President of the United States and the German people indicated a desire for humane and proper treatment. This related to treatment in Germany itself.

Certainly it would seem that property which we had taken over in the capacity of a custodian—in a fiduciary capacity—with express promises made for its return, should be treated with the same consideration and leniency as that in the actual field of war.

OUR HISTORICAL POSITION.

One of the latest American law writers on this subject, Mr. Charles C. Hyde, describes the situation exactly as follows:

"Upon the outbreak of hostilities a belligerent may find large amounts of enemy property within its territory, and that remote from a field of military operations. It seems to be acknowledged that the bare existence of war does not serve in such case to affect any change of ownership. Confiscation, whether rightful or wrongful, requires affirmative legislative action. According to Chief Justice Marshall, the terms of the Constitution of the United States forbid the inference that a declaration of war operates by its own force to transfer title to property within the national domain."

Article 4 of the Geneva Convention makes it apparent that private enemy property found on the battle field, other than military papers, horses, arms, and the like, is no longer booty.

Congress must decide whether the property of private citizens of Germany situated in the United States, over 3,000

miles from the field of conflict, shall now be considered booty; for security in this case means booty.

In Wilson on International Law, we find the following statement:

"The opinion of the Supreme Court of the United States is 'that the laws of the United States ought not, if it be avoidable, so to be construed as to infract the common principles and usages of nations and the general doctrine of international law.'"

Again: "An act of Congress ought never to be construed to violate the law of nations, if any other possible construction remains, and consequently can never be construed to violate the neutral rights or to affect neutral commerce further than is warranted by the law of nations as understood in this country."

The treaty made with Prussia was written by Benjamin Franklin and presented to the Prussian Government by Benjamin Franklin, John Adams, and Thomas Jefferson.

Hamilton joins with Jefferson in an expression of the same opinion, in one of his letters (18) to Camillus, in the following language:

"No powers of language at my command can express the abhorrence I feel at the idea of violating the property of individuals, which, in an authorized intercourse in time of peace, has been confided to the faith of our Government and laws, on account of controversies between nation and nation. In my view, every moral and every political sense unite to consign it to execration. * * * It would have been an inestimable gem in our National Constitution had it contained a positive prohibition against such a practice, except perhaps by way of reprisal for the identical injury on the part of another nation."

Camillus's letter 19:

"The right of holding or having property in a country always implies the duty on the part of its government to protect that property and to secure to the owner the full enjoyment of it. Whenever, therefore, a government grants permission to foreigners to acquire property within its territories or to bring and deposit it there it tacitly promises protection and security. There is no parity between the case of the persons and goods of enemies found in our country and that of the persons and goods of enemies found elsewhere. In the former there is a reliance upon our hospitality and justice; there is an express or implied safe conduct; the individuals and their property are in the custody of our faith; they have no power to resist our will; they can lawfully make no defense against our violence; they are deemed to owe a temporary allegiance, and for endeavoring resistance would be punished as criminals, a character inconsistent with that of an enemy. To make them a prey, is, therefore, to infringe every rule of generosity and equity; it is to add cowardice to treachery.

* * * * * * *

"Will justice sanction, upon the breaking out of a war, the confiscation of a property which, during peace, serves to augment the resources and nourish the prosperity of a State?

"The property of a foreigner placed in another country, by permission of its laws, may justly be regarded as a deposit of which the society is the trustee. How can it be reconciled with the idea of a trust to take the property from its owner when he has personally given no cause for its deprivation?"

It is unnecessary to quote other writers of international law on the subject of confiscation, because there is unanimous agreement on the subject. Only one possible point of dispute could be raised, and that would be the distinction between seizing such property and using it for security and confiscating it outright.

President Taft stated in his annual message of 1909 that in considering whether American enterprise should be encouraged in a particular country "the Government should give full weight to the fact whether or not the government of the country in question is in its administration and in its diplomacy faithful to the principles of moderation, comity, equity, and justice, upon which alone depend international credit, in diplomacy as well as in finance."

In the hearings before our committee there will not be found a single witness, excepting the representative of the State Department, who is demanding the holding of this property as a matter of security. The position of the Alien Property Custodian is described in these questions and answers:

"Mr. HAWES. And I understand, Mr. Miller, that you do not believe the United States Government should take the position that property seized by the Alien Property Custodian from private individuals should be used by the American Government in the enforcement of its claims against Germany?

"Mr. MILLER. I have stated here to-day a number of times that personally I would be opposed to the confiscation of private property to pay claims against the enemy government."

Mr. Herman J. Galloway, representing the Attorney General's office, a witness of unusual ability and clearness, referring to his request that patents now under litigation in connection with the Chemical Foundation should be temporarily withheld and not released by Congress, answered the following questions:

"Mr. HAWES. Upon the successful prosecution of the suit, to whom will the property be returned?

"Mr. GALLOWAY. Our theory is that the property should be put back where Congress intended it should be, namely, in the custody of the Alien Property Custodian, to let Congress dispose of it as they see fit. That was the intention of the original law, and that is the way we look at it.

"Mr. HAWES. So that the object of the suit, then, is to take from this Chemical Foundation these patents and restore them to the possession of the Alien Property Custodian?

"Mr. GALLOWAY. That is right.

"Mr. HAWES. For him to decide, subject to enactment by Congress.

"Mr. GALLOWAY. Well, I don't think he has any decision as to what should be done with them. I think Congress is the sole judge of that. The law was intended, according to my theory of the original law, and that must determine what should be done.

"Mr. HAWES. And it is your opinion that all of these patents ultimately are to be restored to the original German nationals who own them, is it not?

"Mr. GALLOWAY. I should not like to express my official opinion on that, but my personal opinion is that it is contrary to the enlightened policy of international law to confiscate private property, of course."

AUSTRIA-HUNGARY.

The situation of Austria-Hungary to-day is pitiful. Formerly a great nation of 52,000,000 people, its territory has been divided into six different nations. Its capital city—Vienna—has a population of 2,000,000 people. The balance of its territory is largely mountainous and without sufficient tillable land to feed its population and with substantially no coal deposits.

After the division of its original territory into six different parts, the property held by the Alien Property Custodian of those nations which were carved out of the original territory was all returned to these nationals, so that to hold any property belonging to what is now but a fraction of the former Austria-Hungarian Empire is to make one-sixth of the country responsible for five-sixths of what was the former country.

This may be best illustrated by the following answers made by Mr. Whitman:

"Mr. HAWES. Mr. Whitman, in the examination of the custodian the other day, he emphatically recommended the return of all property held by him, coming under his jurisdiction, from Austria-Hungary. Now, if the committee should make such provision in this bill for the absolute return of all such property, will that include the matter you have specially in hand?

"Mr. WHITMAN. I take it it would; yes sir.

"Mr. HAWES. So I have been able to ascertain no one, unless the State Department interposes some objection, who desires to hold any of the property of Austria-Hungary, and if such a general amendment is placed in the bill by the committee that would cover your case as well as the special amendment?

"Mr. WHITMAN. It would; yes, sir. And now that I am on my feet, may I say a word in behalf of that particular suggestion? I need not say to this committee anything about the deplorable condition in which little Austria is left. I think perhaps they are familiar with it, and if not, I have taken the liberty of making a very short printed brief which I think will concisely call the attention of the committee to the situation; but there are now, as the Alien Property Custodian tells us, between eight and nine million dollars only of Austrian funds and some $2,000,000 of Hungarian funds held by him. That is only a fraction of what he originally held, because under an amendment to the trading with the enemy act moneys and properties which belonged to former citizens of the old Empire who are now citizens of some of these other fragments, such as Czechoslovakia, Yugoslavia, Rumania, etc., their money has been returned to them, so that the situation comes down to the question of whether the United States proposes to make this little Austria, distressed as it is, the goat. In other words, to load upon that little country the obligations and burdens which grew out of the war.

"Mr. GRAHAM. By what process was the money returned to these other fragments of countries which are friendly to us?

"Mr. WHITMAN. Under the amendment to the trading with the enemy act persons who had become citizens of these new States were entitled to apply to the Alien Property Custodian,

and on approval of their claims by presidential authority to have the property returned to them."

* * * * * * *

"Mr. HOCH. At the close of the war there were carved out of the old Austria-Hungarian Empire how many States—five or six?

"Mr. WHITMAN. It made seven in all.

"Mr. HOCH. Which you call the succession States?

"Mr. WHITMAN. That is what they are called in Europe; yes, sir.

"Mr. HOCH. The population of the whole Austria-Hungarian Empire was something like 50,000,000, as I remember.

"Mr. WHITMAN. Yes, sir.

"Mr. HOCH. And the present Austria has a population of something like six or seven million?

"Mr. WHITMAN. A trifle over 6,000,000.

"Mr. HOCH. Now, those nations that were carved out of the old Austria-Hungarian Empire were during the war as much enemies of this country as the present Austria?

"Mr. WHITMAN. Yes.

"Mr. HOCH. And the nationals of those sections which are now parts of these succession States were in every sense enemies of the United States as much as the present nationals of Austria?

"Mr. WHITMAN. Absolutely.

"Mr. HOCH. Do you know any reason in equity why there was a discrimination in favor of the nationals of the section with 44,000,000 as against the 6,000,000 people? Was it simply a matter of name, because the 6,000,000 retained the name of Austria?

"Mr. WHITMAN. It was largely a feeling of European prejudice. They retained the name and somebody had to be made responsible for reparations, and the result is that the treaties provided very heavy reparations on Austria, which nobody ever expects will ever be paid, and when the Reparation Commission arrived in Vienna the first thing they did was to demand the surrender of 6,000 cows, and on practically the same day they facilitated the importation of 25,000 cases of condensed milk, and even the Austrians saw the joke of that situation.

"Mr. HOCH. In other words, here were about 50,000,000 people who were enemies of this country; and merely because 44,000,000 of them had been set apart into new States, they have released all the claims of these people?

"Mr. WHITMAN. We have.

"Mr. HOCH. But with reference to the 6,000,000 who remain in what is technically Austria, we have not released them?

"Mr. WHITMAN. That is exactly the situation."

The personal position of Mr. Miller, Alien Property Custodian, is illustrated by the following questions and answers:

"Mr. HAWES. And Austria-Hungary is the only nation in Europe that did not seize American property during the war?

"Mr. MILLER. They are. Now, I do not want to get in conflict with the Department of State, which may come back and say, 'Here is something they did do.' I have it informally from the representatives of these governments here, and they are the ones that should know.

"Mr. HAWES. So the status of the Austria-Hungary portion of this bill is this: In the first place, they did not seize the property of Americans during the war, and, in the second place, what was Austria-Hungary is now six different republics or monarchies; and we are trying to hold the Austrian Government responsible, in an indirect way, for the conduct of five other governments over which they have no control.

"Mr. MILLER. Yes, sir. That is the situation, and I have recommended to the chairman, in response to his letters to me, as chairman, action on the Austrian-Hungarian property as I have outlined.

"Mr. HAWES. And you would recommend an amendment in this bill which would release all property of the former Empire of Austria-Hungary that is held?

"Mr. MILLER. I do; and a number of those cases are pathetic cases. We hold hundreds of death benefits which we have collected on account of their nationals who were killed out in the steel mills and in the mines of the West, and we would like to give that back to them.

"Mr. HAWES. So we are violating the traditions of international law, the opinion of Marshall, and the dictates of humanity, and all spirit of equity in holding these claims?

"Mr. MILLER. May I put in there so anyone reading this testimony will understand my position? I am willing to recommend this, but, on the other hand, if the State Department comes to the hearings and through their representatives say that there are claims against Austria, I do not want to be criticized for suggesting this, but I have done it personally."

* * * * * * *

"Mr. HAWES. As to the character of those claims against the Austrian Government, are not nearly all of these made by insurance companies?

"Mr. MILLER. I think they are, sir; but I am not certain."

Former Austria-Hungary comprised an area of 261,107 square miles and had a population of about 52,000,000 people.

The present Republic of Austria has an area of only 32,400 square miles and a population of about 6,500,000 people.

These questions and answers prove conclusively the following things:

1. That Austria-Hungary did not seize any American property during the war.

2. That Austria-Hungary has been reduced from a population of 52,000,000 to 6,500,000, and that all property formerly held by the Alien Property Custodian of those people, composing the 45,500,000 taken from the whole empire of Austria-Hungary, has been returned.

3. That if this property is held, it is holding 6,500,000 people responsible for the acts committed by 52,000,000 people.

4. That the original sum seized from the Empire of Austria-Hungary was approximately $30,000,000; that $20,000,000 of this has been returned to the citizens of the new States carved out of the old empire; and that $10,000,000 is still retained by the custodian.

5. That there are practically no American claims against Austria-Hungary excepting those of insurance companies, and these are in dispute.

If American precedent, if the opinion of our statesmen, if our national policy and all appeal against the brutal, savage, and medieval doctrine of confiscation apply to Germany, how much stronger are the equities and justice in the claim for the restoration of the Austria-Hungarian property?

FAITH WITH THE PEOPLE.

President Wilson always contended that our war was not against the people of Germany but against the German Government and the military autocracy controlling that Government.

On April 2, 1917, Mr. Wilson said: "We have no quarrel with the German people. We have no feeling toward them but one of sympathy and friendship. We are but one of the champions of the rights of mankind. We shall be satisfied when those rights have been made as secure as the faith and the freedom of the nation can make them."

Now, Mr. Hughes, four years after the war has been fought and won, advances the novel doctrine of holding the private property of German citizens as security for the debts of the German Government.

Again Mr. Wilson said, on the same date:

"We are, let me say again, the sincere friends of the German people and shall desire nothing so much as the early reestablishment of intimate relations of mutual advantage between us, however hard it may be for them for the time being to believe that this is spoken from our hearts.

* * * * * * *

"The American people have suffered intolerable wrongs at the hands of the Imperial German Government, but they desire no reprisal upon the German people, who have themselves suffered all things in this war which they did not choose."

Are we now to engage in bad faith? If the President of the United States could say these things upon entering a war and during the war, now that we are at peace with Germany and this last act is to settle our remaining disputes we should proceed quickly.

THE LARGER VIEW.

Can we afford at this time to announce a new American doctrine which would be notice to the world that we had abandoned the old?

Turning for a moment from the contemplation of our relations with European nations we must think of Mexico, the Central American and South American Republics.

It has been frequently stated in the press that the reason we have withheld recognition from Mexico was because of the treatment accorded the private property and personal investments of Americans situated in Mexico, and we have demanded that Mexico should change her laws in relation to American investments before she would be given recognition in this country.

We are increasing our business, we are tightening the bonds of friendship, and making a special endeavor to make more close and cordial our relations with the Latin American nations.

If Congress announces the new doctrine of holding private property for security for public debt, what is to prevent any

other nation from adopting the same policy, and even in time of peace will some one not arise and urge that we take over the private property of French citizens in this country for the purpose of liquidating French obligations, that we shall take over the private property of Italians in this country to liquidate the Italian obligations, take over the private property of the English in this country to liquidate the English obligations?

Once we start a new precedent we do not know where it will stop.

We must remember that this property was not seized on the battle field but was the private investment of the peaceful citizens in a country which had invited them to invest.

We must divorce entirely the idea of Government obligations from private obligations.

When the Mixed Claims Commission has made its award the claims arising out of the loss of life on the *Lusitania*, the *Sussex*, and *Essex* must be paid.

There can be little doubt when that claim has been adjudicated and determined that our State Department, if it lives up to its best traditions, will demand the payment of the award by the German Government. And there can be little doubt of the result of such demand. Self-interest alone will cause payment.

The United States stood aside while England, France, Italy, and all of our allies have demanded reparations and have acquired vast new territories from the former German Empire, and it seems it would be a State Department of little efficiency and small courage which could not secure from Germany a quick and satisfactory settlement of an award made by a commission in which she had equal representation with the United States.

It is inconceivable that there should be opposition, or even unnecessary delay, in the payment of the awards made by the Mixed Claims Commission.

Year after year great conventions have been held composed of earnest American men and women, delegates have been sent to The Hague, that humane American doctrines might be impressed into international law.

The principles contained in the Prussian treaty presented by Franklin, Adams, and Jefferson, indorsed by Hamilton, sustained by Chief Justice Marshall, recognized and approved by every international law writer in America, emphasized by every President of the United States who has discussed the subject, down to and including Taft and Wilson, should not be set aside four years after the conclusion of the war.

ORDER OF BUSINESS.

Mr. BANKHEAD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BANKHEAD. As I understand it, on Saturday at the hour of adjournment the House had ordered the previous question on the then pending bill from the Committee on Banking and Currency. As I understand the matter of the order of business, immediately after the reading of the Journal to-day it was in order to call up that bill for passage, with the possible exception of taking up first some conference reports.

The SPEAKER. The Chair thinks it would be in order to do that if the bill was called up, but the Unanimous Consent Calendar is also in order. The Chair understands that it is the intention of those in charge of the bill referred to to bring it up to-morrow instead of to-day.

Mr. BANKHEAD. But as a matter of order it must come up to-day. As I understand it, under the rule it is mandatory.

The SPEAKER. The Chair will be glad to have that pointed out to him.

Mr. BANKHEAD. I call the attention of the Chair to a decision found in section 864 of the Manual, page 389, which holds that when the House adjourns before voting on a proposition on which the previous question has been ordered, either directly or by the terms of a special order, the question comes up the next day immediately after the reading of the Journal, regardless of the requirement of the rule for the order of business.

The SPEAKER. That decision was rendered before the rule was adopted, which the Chair will now read:

> On days when it shall be in order to move to suspend the rules the Speaker shall, immediately after the approval of the Journal, direct the Clerk to call the bills which have been for three days upon the Calendar for Unanimous Consent.

The decision to which the gentleman refers was rendered before this rule was adopted, which directed the Chair to immediately call the Calendar for Unanimous Consent.

Mr. BANKHEAD. I just wanted to get a clear understanding of the question.

The SPEAKER. The Chair thinks that either of these things is in order, that both are privileged, that either could be taken up. On the suggestion of gentlemen in charge of the bill to which reference has been made, it has gone over until to-morrow. The Clerk will call the next bill on the Calendar for Unanimous Consent.

RELIEF OF CERTAIN HOMESTEAD ENTRYMEN.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 2347) for the relief of certain homestead entrymen.

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, two weeks ago this bill was passed over that it might be given further consideration to-day. I wish to have some information from the chairman of the committee reporting the bill as to what the effect will be.

Mr. SINNOTT. Mr. Speaker, the gentleman who reported the bill and who was to obtain the information is not present, and if the gentleman is not satisfied I will ask to have it temporarily passed.

The SPEAKER. The gentleman asks unanimous consent that the bill be temporarily passed. Is there objection? [After a pause.] The Chair hears none.

INVESTIGATION COLUMBIA BASIN AND OTHER IRRIGATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3808) authorizing the Secretary of the Interior to investigate and report to Congress upon the Columbia Basin irrigation project.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Mr. Speaker, this bill is a rather important bill to be considered under the Unanimous Consent Calendar call. I reserve the right to object.

Mr. SUMMERS of Washington. Mr. Speaker, we have been endeavoring to get this bill up for a considerable length of time and enact it into legislation, but we were not able to do so earlier. It has had very full hearings and consideration by the committee and part of the bill has passed the Senate. The committee will move to strike out one item of $100,000 and will move to reduce another item $125,000, cutting out half of it. The main item of the bill is a matter that the State of Washington has been working on in the interest of the development of that great State for the past five years. The State legislature appropriated $100,000 and later $50,000 and later expended a considerable sum, so altogether the State and her citizens have expended from $300,000 to $500,000. This is an international and interstate navigable river that we are dealing with, and we have to have a Federal investigation before we can accomplish anything further. This is to authorize an appropriation, and I trust the gentleman will withdraw his objection and let us consider the bill on its merits.

Mr. McARTHUR. Will the gentleman yield?

Mr. SUMMERS of Washington. I will.

Mr. McARTHUR. How much has the State of Washington expended?

Mr. SUMMERS of Washington. The State itself about $200,000, and the citizens at least $200,000.

Mr. McARTHUR. The State made the appropriations through the legislature?

Mr. SUMMERS of Washington. Yes. Of $100,000 four years ago, and $50,000 two years ago, and has expended other moneys out of the reclamation fund in addition to these appropriations.

Mr. McARTHUR. If the gentleman will yield further. This proposition involves also a survey of the Umatilla Rapids?

Mr. SUMMERS of Washington. Yes; it does.

Mr. McARTHUR. It might be interesting to the gentleman to know that the State Legislature of Oregon has appropriated $10,000 to cooperate with the Government to carry forward this survey.

Mr. SINNOTT. If the gentleman will yield just a moment, this bill is merely an authorization. It merely gives them an opportunity to go before the Committee on Appropriations and make good their claims. Now, this is about the only and about the last opportunity in this Congress to do something for irrigation. Both parties in their platforms have advocated legislation favorable for irrigation, and the President himself, and I hope the gentleman will withdraw his objection.

Mr. MONDELL. Mr. Speaker, if the gentleman will allow me just a moment. There are two great irrigation basins in the West, the Columbia and the Colorado. We have already made provision for dealing with the State of Colorado. It is being carried on now. We made that provision the same way

that the provision for the study of the Columbia is now being proposed. It is one of those things which must be done sooner or later, and I think it is a good time, a very good time to begin the study and investigation of that great watershed, that great empire which is drained by the Columbia River.

Mr. STAFFORD. Mr. Speaker, as I intimated when this bill was last under consideration, the committee, instead of confining the subject matter to the project that was submitted to the House by the Senate, added two or three diverse provisions. I do not think it is good practice, especially in the closing days of a Congress when a bill comes from the Senate involving one project, to couple two or three other projects of a diverse character.

Mr. McARTHUR. Will the gentleman yield?

Mr. STAFFORD. Now, I wish to know from gentlemen who will be conferees on this bill what assurance we will have that if a recession is made to this provision providing for a general survey, an authorization for a survey, the $125,000 will be agreed to? I am not in favor in the closing days of Congress, when the bill has been lying dormant in the committee for months and months, to have general legislation coupled on for an authorization of $250,000. What assurance can we have, if the House accepts the committee amendment of $125,000, that the conferees on the part of the House will insist on that amount? I am opposed to that provision. Now, the committee has seen fit to add on to this bill, providing for individual projects, a general authorization for surveys for all time.

Mr. SINNOTT. As one of the conferees I am sure I would stand with the House provision.

Mr. SUMMERS of Washington. The chairman of the committee assures us that he would do the same.

Mr. RAKER. This committee gave the matter full consideration, and one of the reasons why all the rest of the committee unanimously joined in agreeing that the third provision should remain in the bill for the investigation of the feasibility of reclamation projects was that $250,000 was added as an authorization. A number of members of the committee were able to show that there were a number of projects in their States where the States and counties and individuals were progressing and that by cooperation with the Federal Government we would be able to get valuable results.

Mr. STAFFORD. Well, the gentleman does not appreciate the peculiar legislative condition which characterizes the situation of this bill. You add something that is extraneous—something that has never been considered by the Senate.

Mr. RAKER. The gentleman would have no objection to the $125,000?

Mr. STAFFORD. No; provided I can get the assurance of the conferees that they will stand on that amount. Under those circumstances, Mr. Speaker, I will withdraw the reservation of an objection.

Mr. BLANTON. Mr. Speaker, I reserve the right to object in order to ask a question. I understand that this provision for new surveys is going to be left in the bill, but reduced in amount.

Mr. SUMMERS of Washington. Yes; but an amendment will be offered to cut it.

Mr. BLANTON. How much?

Mr. SUMMERS of Washington. To cut it $125,000—half of it.

Mr. BLANTON. In that connection I want to call attention to what is known as the Red Bluff proposition in New Mexico, on the Pecos River. There is a proposition where, with the expenditure of the least amount of money that has ever been expended on any other project, there could be impounded sufficient water to properly irrigate thousands and thousands of acres all the way down the Pecos River, not only in New Mexico but in western Texas, where all they need to make a paradise of the location is water. Now, if the amount is cut down, it should be understood that it is not to be at the expense of such a worthy project as that. It is not in my district, but it affects quite a large portion of western Texas, a portion of my State, in the district of my colleague [Mr. HUDSPETH]. If it is cut down it will afford diminished chances for the completion of that survey.

Mr. SINNOTT. You will have another chance. There is $100,000 in the Interior Department appropriation bill. This doubles the amount, and doubles the assurance.

Mr. BLANTON. The gentlemen from the Northwest who have had the private conference over there will not exclude those investigations in the Southwest, but will permit some of the money to be used there?

Mr. SUMMERS of Washington. It will provide for investigations where they are needed.

The SPEAKER. The reservation of objection is withdrawn. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized and directed to investigate and report as early as possible, and not later than the 1st day of January, 1924, on the essential features of the proposed Columbia Basin irrigation project referred to in the act of the Legislature of the State of Washington entitled "An act providing for the survey of the Columbia Basin irrigation project, creating a commission therefor, defining its powers and duties, and making an appropriation, and declaring that this act shall take effect immediately," approved March 1, 1919, in the following particulars:

Its water supply and the permanency and sufficiency thereof; the approximate watershed from which said water supply is to be derived and what, if any, natural reservoirs, such as lakes, are available for the storing of surplus water for the irrigation of the land, the reclamation of which is contemplated by the said act, and any other lands capable of being irrigated by the waters to be conserved through such project in the said State of Washington or any other State; the character of the climate as it affects the agricultural development of the said land; the transportation facilities available therefor; the prospects and means of settlement; the engineering features of the proposed project, stating point of diversion of the water to be used in the said project and from what streams; the principal dam or dams which may be needed therefor and the general location, nature, length, and character of such aqueducts or canals as may be necessary for conveying the water to the lands to be irrigated thereby; the cost and feasibility from an engineering and physical standpoint of such work as may be required to accomplish the purposes of the said project, both in the aggregate and the ultimate cost per acre to the land to be benefited thereby; and the views of the Secretary of the Interior as to the general benefits to be derived from the completion of the said project in the way of markets for manufactured products, of increased agricultural productions, of opportunities for home building, and the effect of the same, both upon the communities immediately affected and upon the Nation at large, and such other matters as in the judgment of the said Secretary may be of importance and pertinent to the proposed development.

SEC. 2. That for the purpose of carrying out the provisions of this act there is hereby authorized an appropriation, from any money in the Treasury not otherwise appropriated, of the sum of $100,000, to be expended under the direction of the Secretary of the Interior in making such investigation, studies, and report.

With a committee amendment, as follows:

On page 1, strike out all of lines 3 to 10, inclusive. On page 2, strike out all of lines 1 to 25, inclusive. On page 3, strike out all of lines 1 to 13, inclusive, and insert in lieu thereof the following:

"That the following sums are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for expenditure by the Secretary of the Interior, namely:

"For investigations of the feasibility of irrigation by gravity or pumping, water sources, water storage, and related problems on the Columbia River and its tributaries, including the Columbia Basin project, $100,000; the Umatilla Rapids project, $50,000; in all, $150,000.

"For continued investigation of the feasibility of irrigation, water storage, water sources, and related problems on the Colorado River, $100,000.

"For cooperative and miscellaneous investigations of the feasibility of reclamation projects, $250,000 annually."

Amend the title so as to read: "An act authorizing the Secretary of the Interior to investigate the feasibility of reclamation projects on the Columbia River, the Colorado River, and various other irrigation projects."

Mr. SUMMERS of Washington. Mr. Speaker, I move to amend the amendment by striking out lines 23, 24, and 25, on page 3.

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

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington: Page 3, from lines 23 to 25, inclusive, strike out the paragraph.

Mr. RAKER. Mr. Speaker, I am not going to oppose this amendment, because provision has already been made for this authorization on the general appropriation bill. This matter had full and extended hearings before the Committee on Irrigation of Arid Lands, and before that committee appeared some of the most distinguished engineers in the world. We heard General Goethals before the committee, and also some distinguished men from the State of Washington relating particularly to the Washington Columbia River Basin. Some evidence at that particular time was also had in regard to the Colorado River, but that was provided for in the bill.

The third provision, on lines 1 and 2 of page 4, is an authorization for secondary projects in the future. I understood—and I am not going to break an understanding—that for the purpose of bringing the bill up, so that there would be no objection, so that we might get some legislation, my friends on the committee have agreed to an amendment cutting down the $250,000 authorization to $125,000. Of course, it is going to disappoint a number of members of the committee who presented this matter and who heard the evidence; the fact that there are a few large projects getting all the attention of Congress and getting all the money, whereas there are a number of A No. 1 projects in the West of minor importance, but important so far as irrigation development of the country is concerned, whereby men may go and make splendid homes and the desert land may be utilized. The small projects ought to be considered, and in the opinion of the committee here was an opportunity for us to

bring forward and give these people who have expended their money an opportunity to cooperate with the Federal Government and with the States, which, in many instances, have expended their own money on the development of these projects.

What we want now is the benefit of this great organization that has been built up in the Reclamation Service, for the purpose of assisting and developing this great work. Many of us feel that the small projects, the projects that are bound to make good, that are sure to be brought into utilization within a short time, should be developed as soon as possible, so that the land which is now barren may be utilized and the water that is now going to waste may be placed upon the land, to cause it to give a hundred-fold return. We are compelled to take $125,000 instead of $250,000. I am sorry that the gentleman from Wisconsin [Mr. STAFFORD] could not in the largeness of his heart make it $250,000.

Mr. STAFFORD. In the largeness of my heart I allowed this bill to be considered.

Mr. RAKER. And for that I thank the gentleman from the bottom of my heart. If the gentleman will go out and see the benefits that will be bestowed and the good that will be accomplished from this he will not even feel like objecting to this kind and character of legislation.

Mr. MONDELL. Mr. Speaker, I do not quite understand the gentleman's position. He is not objecting to the striking out of the Colorado River amendment?

Mr. RAKER. Oh, no. I am just simply calling the attention of the House to the fact that we would have liked to have $250,000; but under the circumstances we can not get it. We are taking the best we can get. We are going to make the best of it, and we are coming back to ask further consideration, because we know we will develop something worth while, of the value of which we can convince you.

Mr. BLANTON. Will the gentleman yield?

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

Mr. BLANTON. Is not the gentleman afraid that he might cause us to chop off another chunk of it?

Mr. RAKER. Oh, no.

Mr. BLANTON. The next time you come back they might refuse it all.

Mr. RAKER. I am in favor of economy, but I am against make-believe economy and idle talk that brings nothing. We want results. When you develop your country you have got to spend a little money for that purpose.

The SPEAKER. The time of the gentleman has expired. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. SUMMERS of Washington. Mr. Speaker, I offer another amendment, in line 2, page 4, strike out "$250,000" and insert "$125,000."

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

The Clerk read as follows:

Amendment offered by Mr. SUMMERS of Washington to the committee amendment: Page 4, line 2, strike out "$250,000" and insert "$125,000."

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

The amendment to the amendment was agreed to.

Mr. CRAMTON. Mr. Speaker, I move to amend the committee amendment, on page 3, line 15, by striking out the words "any money in the Treasury not otherwise appropriated," and inserting in lieu thereof the words "the reclamation fund."

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

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 3, line 15, strike out the words "any money in the Treasury not otherwise appropriated," and insert in lieu therefor the words "the reclamation fund."

Mr. CRAMTON. Mr. Speaker, there is a fund devoted to the development of reclamation projects, which originated with appropriations of many millions of dollars from the Federal Treasury. That money is devoted to the development of reclamation projects. When a project is fully developed and the water is put on the land and the land is turned over to settlers, it is sold to them, and the water rights are sold to them, to be paid for in 20 annual payments without interest. So that in effect they pay 5 per cent of the cost of the project each year for 20 years, which is in effect a reasonable rate of interest for 20 years, and then the principal is wiped out without any charge. I call attention to this to emphasize the fact that Congress has been reasonably liberal in furnishing money for these projects. In the current appropriation act for the Interior Department we are appropriating for just such propositions as that which the gentleman now proposes.

These appropriations are to be taken from the reclamation fund for such purposes. Then, if the project is any good, eventually that money comes back into the reclamation fund through the development of irrigation on that project, and the reclamation fund does not lose from it. And, of course, if a project is not a good one, we ought not to make any appropriations for it.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. CRAMTON. In one moment I will. In the current appropriation for reclamation there is an item "for the continued investigation of the feasibility of irrigation, water storage, and related problems on the Colorado River, and for the investigation of the water sources of said river, $100,000." This is the second year of that, or $100,000 each year for investigation of that great Colorado River project, to be paid out of the reclamation fund, and there has been no protest against that from any Member of the House interested in that project. There is a further item "for cooperative and miscellaneous investigations, $100,000," out of the reclamation fund. That has been carried, I think, for several years, and perhaps always, paid for out the reclamation fund. It is proposed here to change that policy.

The SPEAKER pro tempore (Mr. MCARTHUR). The time of the gentleman has expired.

Mr. CRAMTON. I ask unanimous consent to proceed for five minutes.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CRAMTON. It is proposed here to saddle the expense of developing these projects upon the Federal Treasury without making it reimbursable. I hope therefore that the amendment I have offered will be adopted as a reasonable protection to the Treasury of the United States.

Mr. SINNOTT. Mr. Speaker, I hope the amendment will not be adopted, because it would practically nullify the purpose of the bill. It is true that appropriations are made out of the reclamation fund, but the reclamation fund is a small and limited fund; and, as I said before, all of our platforms have promised additional legislation for reclamation purposes. The President himself has advocated this, and this is the only opportunity this Congress will have to show its friendliness to the reclamation of the West.

Now, there is a difference between the projects covered in this bill and the ordinary projects taken up under the Reclamation Service. The Columbia River in part is an international stream. It is an interstate stream. In addition to that it is a navigable stream. We shall have to use the services of the Secretary of War and the Federal Power Commission, and we need this money out of the Federal Treasury to make this investigation. We can not make it out of the reclamation fund. That fund is too limited.

Mr. BLANTON. Will the gentleman yield?

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

Mr. BLANTON. I think the gentleman is correct; but the gentleman speaks of it being a platform promise. May I ask the gentleman how long after election is a platform promise to be kept alive?

Mr. SINNOTT. The statute of limitations is running rapidly and this will partially stop it running against both platforms. [Laughter.]

Mr. CRAMTON. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. CRAMTON. The Columbia River, as well as the Colorado River, each of them, if successful, will bring in many million dollars through the water rights, the water power, and so forth, and ought not that project to take care of its own expenses? If it is necessary to spend $200,000 or $300,000 on preliminary work, should not the irrigation project itself take care of that expense instead of burdening it on the taxpayers of the country?

Mr. SINNOTT. The projects will ultimately take care of 99 per cent of the expense that is for investigation purposes.

Mr. CRAMTON. Would the gentleman agree that this amount should be reimbursable to the Treasury of the United States?

Mr. SINNOTT. It will be.

Mr. CRAMTON. There is no such provision in the bill.

Mr. SINNOTT. I have no objection to making it reimbursable.

Mr. CRAMTON. It will be reimbursable if you adopt my amendment.

Mr. SINNOTT. I have no objection to making it ultimately reimbursable. You can put that in the appropriation bill. I

hope, Mr. Speaker, that the amendment of the gentleman from Michigan will be defeated.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. The question now is on the committee amendment.

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

The SPEAKER pro tempore. The question now is on the third reading of the Senate bill.

The question was taken, and the bill was ordered read a third time, was read the third time, and passed.

The title was amended.

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

Mr. VAILE. Mr. Speaker, I ask to return to a previous number on the calendar which was passed temporarily.

The SPEAKER. Bills passed temporarily go to the foot of the calendar. The Clerk will read the next bill.

RETIRED PAY OF CERTAIN ENLISTED MEN IN THE COAST GUARD.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 2187) to regulate the retired pay of certain enlisted men in the Coast Guard.

The Clerk read the title to the bill.

Mr. MERRITT. Mr. Speaker, the circumstances governing this bill have changed, and I ask that the bill may be stricken from the calendar.

The SPEAKER. The gentleman from Connecticut can object, and that will strike the bill from the calendar.

Mr. MERRITT. I object.

Mr. MCARTHUR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bill just passed.

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

There was no objection.

TO AMEND THE GRADE PERCENTAGES OF ENLISTED MEN.

The next bill on the Calendar for Unanimous Consent was the bill (S. 4037) to amend the grade percentages of enlisted men as described in section 4(b) of the national defense act as amended.

The Clerk read the title to the bill.

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

Mr. BLANTON. I object.

SALE OF MONTREAL RIVER LIGHTHOUSE RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13032) to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American Legion, Bessemer, Mich.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I do not like the policy of the National Government granting away its property to individuals or associations, even though it is to be used for charitable or humanitarian purposes. I am afraid if we launch on that policy the Government will be asked to transfer too much of its land gratuitously to charitable institutions and other associations.

Mr. MAPES. Mr. Speaker, the information which came to the committee from the Department of Commerce and from others familiar with the situation is to the effect that this property is of no practical value. It has been set aside for lighthouse purposes, but the Bureau of Lighthouses informs the committee that it has never been used for that purpose, and that it is doubtful if it ever will be used for that purpose. It is rough land that has no particular value for any agricultural purposes or for any other purpose.

Mr. STAFFORD. Mr. Speaker, if it is of little or no value, as the gentleman from Michigan has stated, I shall not press the objection. I do not wish, however, that this bill shall be taken as a precedent of the policy of the Government to give away its domain to private individuals or associations; no matter how worthy the purpose may be, they should pay the value of the land. If the land is valueless and will revert to the Government if the purpose is not being carried out, as this bill provides, I withdraw the reservation.

The SPEAKER. The gentleman from Wisconsin withdraws his reservation of his objection. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce, for and on behalf of the United States, is hereby authorized and directed, in his discretion, to sell and convey to the Gogebic County Board of the American Legion, Bessemer, Mich., for the sum of $1, that certain piece or parcel of land known as the Montreal River Lighthouse Reservation, Mich., with all the rights, easements, and appurtenances thereto belonging, which is all that parcel of land situate at the mouth of the Montreal River in the county of Gogebic, State of Michigan, comprising lot 2, section 10, township 48 north, range 49 west, and containing 40.85 acres more or less, no longer required for lighthouse purposes: *Provided*, That said Gogebic County Board of the American Legion shall use this site for park purposes and as a home for invalid members of the American Legion: *And provided further*, That in the event of the discontinuance by the said Gogebic County Board of the site for park purposes and as a home for invalid members of the American Legion, then the title to the premises hereunder transferred shall revert to the United States, and the $1 consideration paid by said Gogebic County Board shall be retained by the United States in consideration of the provisions hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

Page 2, line 5, after the word "less," insert the words "the same being."

Page 2, line 8, after "Legion," strike out the balance of the paragraph and insert in lieu thereof the following:

"*Provided further*, That the deed of conveyance shall be upon the express condition that if at any time the Secretary of Commerce shall determine that the site hereby authorized to be conveyed is not being maintained by the said Gogebic County Board of the American Legion as a site for park purposes and as a home for invalid members of the American Legion, and shall file and cause to be recorded a certificate to that effect in the office of the official custodian of the records pertaining to real estate in the county in Michigan in which said lands are located, then the estate thereby conveyed shall immediately terminate and revert to the United States, which may thereupon reenter into and upon said premises as of its first and former estate.

Mr. PARKER of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

Mr. PARKER of New Jersey. What is the value of this land?

Mr. MAPES. It is of no practical value.

Mr. PARKER of New Jersey. How much would it be worth in the market?

Mr. MAPES. I do not think there would be any market value for it at all.

Mr. PARKER of New Jersey. I call attention to one other thing. The gentleman provides a sale and conveyance for $1, with the right to repeal the act. What good would the repealing of the act have after the sale was actually made?

Mr. MAPES. Probably not any.

Mr. PARKER of New Jersey. Ought there not to be a provision for reentry if it is needed for lighthouse purposes?

Mr. MAPES. The bill provides that the conveyance be made upon condition that the title revert to the United States in case the property is no longer used for the purposes stated in the act.

Mr. PARKER of New Jersey. It provides simply that it must be used for certain purposes. There is no proviso that if they want it again for lighthouse purposes they can have it back again.

Mr. MAPES. That is true, but the Bureau of Lighthouses informed the committee that it will probably never be needed for lighthouse purposes.

Mr. PARKER of New Jersey. Probably, but it might be.

The SPEAKER. The question is on agreeing to the 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.

INCOME TAX OF NONRESIDENT ALIENS.

Mr. GREEN of Iowa. Mr. Speaker, by direction of the Committee on Ways and Means I present a privileged report upon the bill (H. R. 14050) to amend the revenue act of 1921 in respect to the income tax of nonresident aliens.

The SPEAKER. The gentleman from Iowa presents a privileged report from the Committee on Ways and Means on the bill H. R. 14050. It will be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

TO AMEND THE GRADE PERCENTAGES OF ENLISTED MEN.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to withdraw the objection which I made to the consideration of the bill S. 4037, to amend the grade percentages of enlisted men, as prescribed in section 4(b) of the national defense act, as amended.

The SPEAKER. The bill being objected to, it can not be taken up until we finish the rest of the calendar.

Mr. BLANTON. Upon explanation, I find that it will not do what I thought it would.

The SPEAKER. The Chair regrets that the gentleman objected; but it can not be taken up until the end of the calendar.

Mr. BLANTON. Then I ask unanimous consent to withdraw the objection and that the bill retain its place on the calendar.

The SPEAKER. Is there objection?

There was no objection.

DISTRIBUTION OF CAPTURED WAR DEVICES, ETC.

The next business on the Calendar for Unanimous Consent was the bill (S. 674) to provide for the equitable distribution of captured war devices and trophies throughout the States and Territories of the United States and to the District of Columbia.

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

Mr. STAFFORD. Mr. Speaker, this is too important to be considered on the Calendar for Unanimous Consent, and I object.

NATIONAL MILITARY PARK AT YORKTOWN, VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13326) in reference to a national military park at Yorktown, Va.

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 War be, and he is hereby, directed to investigate the feasibility of establishing a national military park in and about Yorktown, in the State of Virginia, for the purpose of commemorating the campaign and siege of Yorktown in the fall of 1781 and the preservation of said battle field for historical purposes, and to prepare plans of such park and an estimate of the cost of establishing and acquiring the same, and obtain such further information as may enable Congress to act upon the matter after being fully advised. To aid and assist him in this undertaking the Secretary of War is authorized to appoint a commission of not to exceed three persons, one of whom shall be a member of the Daughters of the American Revolution and one a member of the Society of the Sons of the American Revolution: *Provided, however*, That they shall serve without compensation or expense to the Government.

SEC. 2. That the expense of the investigation herein directed to be made shall be paid from the appropriation, "Contingencies of the Army."

With the following committee amendment:

Page 2, after the word "person," strike out "one of whom shall be a member of the Daughters of the American Revolution and one a member of the Society of the Sons of the American Revolution: *Provided, however*, That they," and insert in lieu thereof the word "who."

The SPEAKER pro tempore (Mr. TILSON). The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

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.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon this bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

AMERICAN BATTLE MONUMENTS COMMISSION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14087) for the creation of an American Battle Monuments Commission to erect memorials commemorating the services of the American soldier in Europe, and for other purposes.

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

Mr. STAFFORD. Mr. Speaker, I am in sympathy with the general purposes of the bill, but I think it is too important to be considered on the Calendar for Unanimous Consent.

Mr. PORTER. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. STAFFORD. Yes.

Mr. PORTER. Mr. Speaker, there is an imperative necessity for the immediate passage of this bill. It has been recommended by the President, by the Secretary of War, the president of the Budget Commission, by the American Legion, the Veterans of Foreign Wars, and a number of other organizations. It is before this House as the result of the unanimous vote of the Committee on Foreign Affairs. If we are unable to secure consideration at this time, it is quite probable that it will fail of passage. The importance is this: We must have some control over the erection of memorials in France. We do not want a repetition of some of the things that have occurred in our own national cemeteries. The bill vests in the President the power to name a commission of seven to perform this work, subject to the approval of the Commission of Fine Arts.

A number of the States, a number of municipalities, a number of counties, and voluntary organizations are awaiting the passage of this bill so that they can construct memorials. The other day there was a dispute between the Thirty-seventh Division and the Seventy-ninth in regard to which division won a certain battle. This commission, vested with the powers that it has, will be able to determine from records in the War Department the exact justice in these matters. Moreover, the tentative plan—and it is only tentative, though I believe every member of the committee and every man who is at all familiar with it approves of it—provides for the erection of about 125 memorial markers, granite blocks about waist high, with a bronze relief map on top, placed in such a position on the battle field that a visitor may look at the map and secure an accurate idea of how the battle was fought.

Now, that is helpful, because it will protect the tourists from misinformation from guides. Moreover, it will aid all of these organizations in the construction of their memorials, because they will have the exact line of battle, and I say very frankly that if we do not get this bill through at this time it will fail of passage and very much retard the construction of memorials in France.

Mr. BLANTON. Will the gentleman yield?

Mr. PORTER. I will.

Mr. BLANTON. This is practically the same idea we carried out on the battle field of San Jacinto, Tex. There are markers all over that field. Tourists visiting there can find out exactly the various points of interest, and I think it is a good matter. I want to call the attention of the membership to this fact: As the gentleman says, if this bill does not pass now—the President assures us there will be no extra session of Congress—it will go over until next December, and I hope the gentleman from Wisconsin will not press his objection.

Mr. STAFFORD. Mr. Speaker, I will say to the gentleman if this bill is not given consideration to-day it is going to be given consideration before the end of the session under a rule.

Mr. PORTER. I do not think there is a possibility of it. There are enough rules before the Rules Committee now to keep the House busy for two months.

Mr. MOORE of Virginia. Will the gentleman yield for a question?

Mr. PORTER. I will yield.

Mr. MOORE of Virginia. Is not time rather the essence of the thing because the physical conditions are changing, and unless you can have these markers placed very speedily and have the photographs taken speedily, as contemplated by the bill, after a while there may be uncertainty as to the various situations and what occurred in those situations?

Mr. PORTER. The gentleman from Virginia is entirely right.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I wish to inquire about the matter referred to by the gentleman from Virginia, and that is the authorization providing for the taking of photographs of the terrain of the various battle fields. I had understood that the War Department, through the Signal Corps, had already complete photographs of the various battle fields of Europe.

Mr. PORTER. These photographs are about 90 per cent complete. It will require some additional work, and hence there is a provision in the bill authorizing the completion of the photographic record of the war.

Mr. STAFFORD. Then it is not in any way, so far as that provision is concerned, a duplication of the work already performed by the Signal Corps of the Army?

Mr. PORTER. Not at all. If the gentleman will read the bill closely, he will observe the limitation.

Mr. STAFFORD. I wish to see whether the bill is properly confined or not, with the idea of withdrawing the reservation.

Mr. FAIRCHILD. Will the gentleman yield for a further suggestion?

Mr. STAFFORD. I will.

Mr. FAIRCHILD. If the gentleman had been with me in December, going over the battle fields, he would have been impressed with the necessity of action not only to secure proper historical markings but also to prevent improper historical markings. At the present time unauthorized people, with no man in authority to prevent, are erecting monuments both for individuals and organizations that create a false historical statement as to the events and location of troops. In addition to that private individuals who happen to have a lot of money

are going over there and erecting monuments at different points entirely exaggerating the position of any one individual in the Army.

Mr. STAFFORD. I will say to the gentleman I do not dispute the need of having this legislation at this session. I have read the report very carefully, but I thought it was a matter of such importance it should not be considered under the Unanimous Consent Calendar in the unanimous consent way, where we do not have a very close scrutiny. Let me ask the chairman of the committee, What is the necessity of having this bill extend to battle fields in Asia?

Mr. PORTER. We had a number of troops in Siberia, and we thought it fitting and proper that some memorial should be erected at Vladivostok and at Harbin.

Mr. STAFFORD. Of course, the gentleman knows when you are going to grant a blanket authority to a commission they are going to exercise it. Of course, something must be done in a united way, but why extend it to Asia because we had some troops in Asia? Why not confine it to Europe? We had troops at Archangel, true. It was all right to commemorate the services of men in the frozen north, but why should we go and allow this commission to travel over Asia? Would it not be sufficient merely to confine it to Europe?

Mr. PORTER. Well, of course, if the gentleman insists upon an amendment of that sort I will be compelled to accept it, but my study of the Siberian situation has convinced me that the American soldiers in Siberia performed a great service for their country and suffered intensely in so doing.

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

Mr. PORTER. Yes.

Mr. McKENZIE. There were no conflicts. They did not fight any battles.

Mr. PORTER. There were no conflicts or battles in the sense the gentleman understands those words.

Mr. STAFFORD. Without the gentleman thinking that I am too insistent, I would like to have the Asia provision withdrawn.

Mr. PORTER. Very well.

Mr. STAFFORD. Then I will have no objection.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That a commission is hereby created and established, to be known as the American Battle Monuments Commission (hereinafter referred to as the commission), to consist of seven members who shall be appointed by the President, who shall also appoint one officer of the Regular Army to serve as its secretary. The members and secretary shall serve at the pleasure of the President, who shall fill any vacancies that from time to time occur.

The members of this commission shall serve without compensation except that their actual expenses in connection with the work of the commission may be paid from any funds appropriated for the purposes of this act, or acquired by other means hereinafter authorized.

Upon the request of the commission the President is authorized to designate such personnel of any department or of the Army, Navy, or Marine Corps as may be necessary to assist in carrying out the purposes of this act, and the commission is authorized to employ such further personnel as may be necessary to carry out the purposes of this act, within the limits of any appropriation or appropriations made for such purposes.

With a committee amendment, as follows:

Page 1, line 10, after the word "occur," insert the words: "The secretary shall also serve as disbursing officer of the commission, who shall make disbursements upon vouchers approved by its chairman."

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

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 3, after the word "of," strike out the word "this" and insert the word "the."

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

The amendment was agreed to.

Mr. BLANTON. Mr. Speaker, I offer an amendment on page 1, line 3, preceding the word "commission," to insert the word "nonpartisan."

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

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 3, before the word "commission," insert the word "nonpartisan."

Mr. PORTER. Mr. Speaker, I rise in opposition to the amendment.

Mr. BLANTON. I want to be heard in favor of the amendment.

The SPEAKER pro tempore. The gentleman from Texas will be recognized first in favor of the amendment.

Mr. BLANTON. Mr. Speaker, ordinarily the amendment which I have offered would be considered superfluous, because when a commission of seven—an important commission of this kind—which, from its very nature is nonpartisan, is appointed to serve the country we would presume—everybody would presume—that it would be nonpartisan; that the chairman or the President or anybody else who had any connection with its appointment would say that in a commission of seven Americans there should be at least four members of the dominant party and three members of the minority party. But so many instances have arisen here lately where, in the appointment of such commissions of Americans, where there is no issue of partisanship, the minority party has been allowed no representation whatever that I think attention should now be called to that subject.

Take the Debt Funding Commission, one of the most important that has ever been appointed in this Nation.

Mr. SNYDER. Did they do a good job——

Mr. BLANTON. And one of the most important that ever will be appointed.

Mr. SNYDER. Did they do a good job?

Mr. BLANTON. I will leave it to the gentleman from New York to answer to his people on his vote whether they have done a good job. My vote did not say so.

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

Mr. BLANTON. Yes.

Mr. FAIRCHILD. Does not the gentleman realize that the introduction of his amendment would of itself introduce a political aspect to a nonpolitical project?

Mr. BLANTON. No; but it will call the attention of the President to the fact that this commission should be American, made up of Republicans and Democrats alike. If Army officers or members of organizations are appointed, let there be a representation of the minority party upon that commission.

I know we are treading along in ruts, some of them new ruts and some of them old. This is one of the new ruts that I object to being formed, into which we may get and out of which we may not be able to remove ourselves. You gentlemen had better watch these propositions just as we are watching them. The time will come when you Republicans will be in a minority, in the near future, where you might be prevented from sitting in important conferences connected with the service of your country. Do you want us to point to the precedents that you have set and are setting in this regard, and which may harass you hereafter? I am in favor, so long as I am a Member of Congress, of giving members of the minority party, whether they be Republicans or Democrats, a voice in the affairs of this Nation.

We should look after these things with a little closer scrutiny. The safeguarding of the best interests of the American people, after all, lies in the fact that there are two parties watching each other, the minority watching the majority, and vice versa. That is the only way the rights of the American people are amply protected. We do not want to drift into these dangerous ruts where the minority party is forgotten. What harm will it do to put the word "nonpartisan" in front of this commission? This is an important commission. Numerous men in this Nation would like to serve on it. It is a commission that can accomplish great good for the future history of this country and for the civilization of the world.

Mr. VAILE. The gentleman would not want all the members of this commission to be members of the Nonpartisan League, would he?

Mr. BLANTON. Oh, it would be an insult to the commission to even mention the "Nonpartisan League" in connection with it.

Mr. VAILE. The word is a little irritating in connection with this subject.

Mr. BLANTON. The term "Nonpartisan League" means to me simply disloyalty to the Government.

Mr. SNYDER. You are right about it.

Mr. BLANTON. Republicans and Democrats alike should not stop until they wipe out of existence all evidence of the Nonpartisan League. But the word "nonpartisan," as I submit it in this matter, means just the opposite to that organization. A nonpartisan commission means something in which all Americans as Americans are interested.

I appeal to my colleague to let this word go in there, for the future protection of the gentleman's party as well as of my own party.

The SPEAKER pro tempore (Mr. TILSON). The time of the gentleman has expired.

Mr. PORTER. Mr. Speaker, I rise in opposition to the amendment. When this bill was first recommended by the President it provided for the appointment of the Secretary of

War, the General of the Army, the national commander of the Veterans' Legion, the national commander of the Veterans of Foreign Wars, one Member of the House, and one Member of the Senate, but after consideration the committee concluded to leave the matter entirely to the President for the reason that the tenure of office of all these men is very uncertain, and the proposed commission above all things must be a permanent one. This is not the ordinary commission. Its members will serve without compensation except their actual expenses, and I have not the slightest doubt that the President, when he appoints the commission, will follow the recommendations that he made to Congress.

Mr. BLANTON. Will the gentleman permit me to ask him——

Mr. PORTER. Pardon me just a moment, to show you where you will get with your amendment. Let us assume that the President says to the American Legion, "Name a member," and to the Veterans of Foreign Wars, "Name a member," and perhaps to the gold-star mothers, "Name a member," and it should turn out that the persons named are all Democrats or all Republicans, does not the gentleman see the embarrassment that this nonpartisan amendment would cause the President?

Mr. BLANTON. Will the gentleman permit me to ask that that word be changed to "bipartisan" instead of "nonpartisan"?

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to modify his amendment as stated by him. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment to the amendment offered by the gentleman from Texas [Mr. BLANTON].

The question being taken, on a division (demanded by Mr. BLANTON) there were—ayes 10, noes 36.

Accordingly the amendment was rejected.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the commission shall prepare plans and estimates for the erection of suitable memorials to mark and commemorate the services of the American forces in Europe and Asia and erect memorials therein at such places as the commission shall determine.

The commission shall control as to materials and design, provide regulations for and supervise the erection of all memorial monuments and buildings in the American cemeteries in Europe and Asia.

The commission shall cause such photographs to be secured or taken of the terrain of the various battle fields of Europe and Asia, upon which units of the armed forces of the United States were actively engaged with the enemy, as will complete the historical photographic record of the operations of such units; and the commission shall transmit such record when completed to the Secretary of War for permanent file with the records of the War Department.

Mr. MOORE of Virginia. Mr. Speaker, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. MOORE of Virginia: Page 2, line 20, after the word "determine" substitute a comma for the period and add the following: "including works of architecture and art in the American cemeteries in Europe."

Mr. MOORE of Virginia. Mr. Speaker, I understand that that amendment has the approval of the chairman of the committee.

Mr. PORTER. We have no objection to the amendment.

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

The amendment was agreed to.

Mr. PORTER. Mr. Speaker, I move to amend, on page 2, line 19, by striking out the words "and Asia," and also to strike out the same words in line 24, and also to strike out the same words in line 3, on page 8.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Amendment offered by Mr. PORTER: Page 2, line 19, strike out the words "and Asia." Page 2, line 24, strike out the words "and Asia." Page 3, line 3, strike out the words "and Asia."

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

The amendment was agreed to.

Mr. HUSTED. Mr. Chairman, I move to strike out the last word. I introduced the first bill on this subject about a year ago. That bill is practically identical with the one now under consideration. The matter was brought to my attention by Colonel Hayes, the son of ex-President Hayes, who has done this work for the Government on other battle fields. Now I realize the great need for immediate action. I am sorry the legislation has not gone into effect long before this. I do not care to take further time of the House at this time and I ask unanimous consent to revise and extend my remarks in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 3. That before any design or material for memorials constructed under the provisions of this act is accepted by the commission, the said design or material shall be approved by the National Commission of Fine Arts.

With the following committee amendment:

Page 3, line 10, strike out the words "constructed under the provisions of this act."

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

The amendment was agreed to.

Also with the following committee amendment:

Page 3, line 11, strike out the words "said design or material" and insert the word "same."

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

The committee amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 5. That the commission is authorized to receive funds from any State, municipal, or private source for the purposes of this act, and such funds shall be deposited by the commission with the Chief of Finance of the United States Army and shall be kept by him in separate accounts and shall be disbursed upon vouchers approved by the commission.

With the following committee amendment:

On page 3, line 22, after the word "the," insert the words "chairman of the."

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

The committee amendment was agreed to.

The Clerk read as follows:

SEC. 6. That authority is hereby given for the preparation of models and designs and the fabrication of memorials, and the materials for such memorials, at arsenals or navy yards or by other governmental agencies, if the commission shall so determine.

Authority is hereby given for the use of captured war materials, not otherwise disposed of by congressional action, in the fabrication of not to exceed 10,000 pounds of bronze to be used on the memorials constructed under the provisions of this act: *Provided*, That in the selection of materials the commission shall refrain from utilizing material which might otherwise be available for decorative or memorial purposes.

Mr. MOORE of Virginia. Mr. Chairman, during the discussion of this matter in the committee there was some question as to whether the limitation contained in line 6 on page 4 should be adopted. The limitation is that the bronze used shall not exceed 10,000 pounds. It has been suggested to me by relatives of some of the young men who are buried in the cemeteries of Europe that the limitation should be removed, inasmuch as 10,000 pounds of bronze would suffice only to construct the outside memorials and would not suffice for memorials to be made for location in the cemeteries. I ask the gentleman if he can not see his way clear to agree to omit the limitation of 10,000 pounds? I shall not propose an amendment, but I hope the gentleman will agree to that.

Mr. PORTER. Mr. Speaker, the War Department assured the committee that 10,000 pounds of bronze was ample to make these relief maps. The committee did not feel inclined to give the War Department the right to use unlimited quantities of these materials. We thought it should be limited, as there is legislation now pending for the disposition of the war relics. For that reason I do not care to agree to the amendment.

Mr. MOORE of Virginia. The gentleman thinks the matter can be taken care of hereafter, does he?

Mr. PORTER. Oh, certainly.

Mr. MOORE of Virginia. By the War Department itself?

Mr. PORTER. Certainly.

Mr. MOORE of Virginia. Under the general discretion that is or will be vested in the Secretary of War?

Mr. PORTER. I am inclined to agree with the gentleman.

The SPEAKER pro tempore. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 8. That the commission is authorized and directed to cooperate with American citizens, States, municipalities, or associations desiring to erect war memorials in Europe and Asia in such manner as may be determined by the commission: *Provided*, That no assistance in erecting any such memorial shall be given by any administrative agency of the United States unless the plan has been approved in accordance with the provisions of this act.

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

The Clerk read as follows:

Page 4, line 20, strike out the word "Asia."

The amendment was agreed to.

The Clerk read as follows:

SEC. 12. That the records and archives of the commission shall, upon the termination of its duties, be deposited with the Secretary of War.

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

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 5, line 15, after the word "War," strike out the period, insert a colon, and add the following proviso, to wit: "*Provided*, That the life of this commission shall terminate on January 1, 1924, and the said commission shall make its final report before that date."

Mr. BLANTON. Mr. Speaker, I think whenever Congress creates any kind of a commission it ought to provide for its termination. It is the hardest thing in the world to get rid of a commission once authorized by Congress.

Mr. PORTER. That is where the members of the commission draw salaries.

Mr. BLANTON. Oh, there is something connected with this commission that is equal to a salary. The way the bill was drawn the commission could not only travel all over Europe and some other countries but they could travel all over Asia. Of course, under the insistence of our alert friend from Wisconsin he has forced the chairman to forego travel in Asia. They have stricken that out. I imagine that when the commission gets through with its real work—and there is real important work to be performed, and I am willing for them to travel in the performance of that work—but when they get through with the work and the Congress lasts on and on and the commission still remains alive, I imagine there could be some very elaborate and extensive junketing parties under this authority that we are granting. We ought to watch that and stop it in its incipiency.

Mr. TINCHER. Will the gentleman yield?

Mr. BLANTON. I will.

Mr. TINCHER. Agreeing with the gentleman that the life of the commission should be terminated at some time, does not the gentleman think that the 1st of next January is too short a time?

Mr. BLANTON. Not if they will get to work and get busy—they have 10 months. Whatever there is that ought to be done, it ought to be done before the expiration of 10 months. I think the gentleman from New York [Mr. HUSTED] should have pushed his first bill which he introduced a little faster. I am glad his proposition has materialized, but he has waited too long already. We ought to stop the life of this commission when the work is done and not permit them to have authority for junketing all over the world after the work has been completed. I know there is great temptation for Members to take these trips. It is nice, pleasant, and instructive. They get to see the world, and it does not cost them anything—they think the knowledge is worth the public expense. But about the time they get the knowledge some fellow comes out in the district and defeats them, and they go home as lame ducks and the people do not get the benefit of the knowledge. I think the 1st day of January is long enough for the commission to last, and I hope the amendment will prevail.

Mr. PORTER. Mr. Speaker, I rise in opposition to the amendment. This is a permanent commission intended to supervise and control the material used in the construction of memorials. It is intended to supervise the construction of memorials by States, municipalities, and private individuals. Now, assuming that we accept the amendment of the gentleman from Texas, in four years from now the people of Texas may decide to erect a magnificent memorial to the soldiers of that State who died on the battle fields of France, the commission would be abolished and the State would not have its aid and advice. I would regret to see any limitation placed upon it. As to this matter of junketing, I doubt very much whether this commission will ever visit Europe. The work will be done in Washington, where the records are on file.

Mr. McKENZIE. Will the gentleman yield?

Mr. PORTER. Certainly.

Mr. McKENZIE. Is it not a fact that the national cemeteries for soldiers are under the supervision of the War Department, and what is the argument based upon that it is necessary to have a special commission to do this work, when the War Department has all the maps and all the things necessary to carry out the plan?

Mr. PORTER. Many civilians feel that there should be some restrictions on the War Department.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. PORTER. Yes.

Mr. MOORE of Virginia. May I make this suggestion: The War Department itself approves of this proposition. The War Department, as I understand, does not care to take the entire responsibility, but wants the work done by a commission.

Mr. HUSTED. Mr. Speaker, this is not a new proposition. The Congress did the same thing in respect to the battle fields in other foreign wars. We created a commission which was in existence for years, of which Colonel Hays was the chairman, doing the same work; and we did it with reference to the Boxer rebellion, the Philippine insurrection, and in Cuba.

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

Mr. STAFFORD. Mr. Speaker, I offer an amendment to the amendment. Strike out "1924" and insert "1928."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STAFFORD to the amendment offered by Mr. BLANTON: Strike out the figures "1924" and insert in lieu thereof the figures "1928."

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

Mr. BANKHEAD. Mr. Chairman, I rise in opposition to the amendment to ask the gentleman from Wisconsin whether he has conferred with the chairman of the committee with reference to this proposed amendment?

Mr. STAFFORD. I have not.

Mr. BANKHEAD. Of course, that is not necessary, but I want to inquire the reason for such an unusual limitation of time? I fear if we place that limitation upon it the commission will take that as an implication that they are supposed to take that much time to finish the job. It seems to me that is a pretty long time to which to defer this matter.

Mr. STAFFORD. It is four years and more now since the armistice was signed. The War Department in the Cemeterial Division is just about completing or will in the next fiscal year complete the work of the arrangement of our six cemeteries in Europe where our soldier dead are buried. January 1, 1924, is altogether too short a time. The State of Pennsylvania has provided a large sum of money with which to erect a monument. Other States will do likewise; States like Kansas, for instance, that lost many men on the foreign fields. They will want to erect memorials. I want to have in existence some commission that will be able to suggest to the various States and others interested in the erection of memorials the proper design and place of location. It seems to me that 1928 would be a reasonable time to fix. I think no objection could be made otherwise, unless you wish to make it permanent.

Mr. BANKHEAD. I have no desire to go into that controversy at all except it seems to me that this is rather an unusual length of time. Of course, if it meets with the approval of the chairman of the committee, I shall not object to it.

Mr. PORTER. I will say that it is unusual, but this is an unusual undertaking. A commission was created for the construction of memorials in China, in Cuba, and in the Philippines. Those commissions are still in existence. It is not a year since the State of Pennsylvania erected a magnificent monument to her soldier dead in Virginia. These memorial monuments will be in process of construction for years to come.

Mr. BANKHEAD. Does this amendment meet with the approval of the chairman of the committee?

Mr. PORTER. Indeed it does not.

Mr. BLANTON. Under the bill as now written, this will be a permanent commission. The limitation of the gentleman from Wisconsin is to prevent it from being permanent. He limits its life to four and three-quarter years.

Mr. BANKHEAD. That is all I want to say on the matter.

Mr. HUSTED. Mr. Speaker, I move to strike out the last word. As the chairman of the committee has stated, this is a permanent commission which is provided for in the bill, and it should be. It will have two kinds of work. The first is of a temporary nature, and that is the business of marking the battle fields, and that work should be cleaned up in 10 or 15 months. In addition to that it has to pass upon the designs, supervise the construction, and fix the location of all memorials that may hereafter be erected on any of the battle fields in France, and it is important that there should be a commission with jurisdiction over this work, because if you do not have a commission there is not going to be any uniformity about it and good taste will not always be displayed, and we will have memorials put

up by irresponsible parties that will not be creditable or in harmony with any proper general plan.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. HUSTED. Yes.

Mr. MOORE of Virginia. Taking the practical view of the matter, as the commission is to make a report at the beginning of each fiscal year, will not its expenditures and also its tenure of service be really within the control of the Committee on Appropriations?

Mr. HUSTED. Entirely so, because it can not expend a dollar unless it is appropriated by Congress. That is provided for in the bill. The great expense they are talking of is the $500,000 for marking the battle fields. That will be all over probably within two years, possibly within 18 months. After that the expense will be practically nothing. The commissioners serve without any compensation. After this initial expense necessary to mark the battle fields, all they will have to do will be to pass on the plans and specifications for future memorials and to designate their locations. The bill provides also that those plans must have the approval of the Fine Arts Commission. We are under no danger of providing for unlimited junkets or unlimited expense. You must have a permanent commission if we are really going to do the work which is of most importance.

The SPEAKER pro tempore. Without objection, the pro forma amendment will be withdrawn, and the question is on the amendment to the amendment offered by the gentleman from Wisconsin.

The amendment to the amendment was rejected.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Texas.

The amendment was rejected.

Mr. BLANTON. Mr. Speaker, I offer another amendment, on page 5, line 15, to strike out the period, insert a colon, and add the proviso that the commission shall incur no traveling expenses other than those first authorized by Congress through the Commitee on Appropriations.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 5, line 15, after the word "work," strike out the period, insert a colon, and add: "*Provided*, That said commission shall incur no traveling expenses other than those first authorized by specific appropriations therefor."

Mr. SANDERS of Indiana. Mr. Speaker, I move the previous question on the amendment and bill to final passage.

The previous question was ordered.

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

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 1, noes 51.

So the amendment was rejected.

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.

PROTECTION OF DECORATIONS AND SERVICE MEDALS ISSUED BY THE WAR DEPARTMENT.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 4036) to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 hereafter the wearing, manufacture, or sale of the congressional medal of honor, distinguished service cross, distinguished service medal, or any of the service medals or badges awarded by the War Department, or the ribbon, button, or rosette thereof of the form as is or may hereafter be prescribed by the Secretary of War, or of any colorable imitation thereof, is prohibited, except when authorized under such regulations as the Secretary of War may prescribe.

Any person who offends against the provisions of this section shall, upon conviction, be punished by a fine not exceeding $250 or by imprisonment not exceeding six months, or by both such fine and imprisonment.

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

BOISE BARRACKS MILITARY RESERVATION.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 3332) to provide for a grant to the city of Boise, in the State of Idaho, of the use of a certain part of the Boise Barracks Military Reservation under certain conditions.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, reserving the right to object, I think the gentleman should explain the bill.

Mr. HULL. Mr. Speaker, the bill is simply to allow the city of Boise the use of 5.45 acres of land of the military reservation. The part they are going to use is disconnected from the reservation, and it is not used in any way—the weeds are growing up there—and the city wants to use it as a park and keep it in repair and in good shape for the use of the public for recreation purposes, and this bill simply permits that to be done. It does not transfer title at all, but allows the city to use it for public purposes as long as it is used in that manner. As long as the Government finds it is unnecessary to use it, the city can use it.

Mr. BLANTON. The Government bought this 5 acres for reservation purposes?

Mr. HULL. I do not know the history of that, but I rather doubt it.

Mr. BLANTON. The point I am trying to get at is: Should the Government ever again need these 5 acres, it will have a controversy with this city on the transformation of these 5 acres of public park back into a military reservation.

Mr. HULL. Not at all; that is properly protected in the bill.

Mr. BLANTON. If the Government ever needs it——

Mr. HULL. It comes back automatically.

Mr. BLANTON. How much is the Government going to ask every year in maintaining this park?

Mr. HULL. Not a cent.

Mr. SMITH of Idaho. I will state to the gentleman there will be no demand for maintaining it. The city will take care of it. It is in an inexcessible portion of the reservation and can not be used in any way by the officers of the reservation.

Mr. BLANTON. Whenever the Government owns title to property and it is made into a public park, my experience in looking into these bills is that in two or three or four or five years afterwards gentlemen come in here and say, "Did not the Government expect to take care of its own property?" We are getting tired of maintaining them and having them ask for an appropriation.

Mr. McKENZIE. If the gentleman will yield, I simply wish to say to the gentleman from Texas that my recollection of this matter is that this particular parcel of land is cut off by a very large drainage canal and it is not being used by the War Department.

Mr. BLANTON. There are lots of reservations that the Government needed during the war, and for which it paid fabulous sums, which, of course, we do not need now in peace times. I notice there is hardly a week passes but what there are bills coming up in this House to cede back to some city for private use——

Mr. HULL. I would like to inquire of the gentleman there, What bill does he refer to in which we have ceded land back?

Mr. BLANTON. Oh, there are lots of them; several in Virginia; from Vermont down to Washington.

Mr. HULL. Now, in this case we simply allow the use of it until we need it, if we should.

Mr. BLANTON. At any rate, no fee has been granted the city——.

Mr. SMITH of Idaho. The bill originally proposed to transfer in fee, but the Secretary of War suggested an amendment.

Mr. BLANTON. The only thing is: Are the rights of the Government reserved by this bill to retake the use of this land without costing the Government anything when the necessity arises?

Mr. SMITH of Idaho. They are.

Mr. BLANTON. If that is the case, there is no objection.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant permission to the city of Boise, in the county of Ada, State of Idaho, to occupy and use a certain parcel of land constituting a part of the Boise Barracks Military Reservation, the property of the United States, situated in the said county of Ada, in the State of Idaho, described as follows: Beginning at the most westerly corner of the United States Military Reservation, thence north 69 degrees 35 minutes east 1,319.64 feet to the center of the Capitol Water Co. ditch; thence up said ditch south 26 degrees 29 minutes west 57.32 feet; thence south 69 degrees 41 minutes west 530.56 feet; thence south 35 degrees 42 minutes west 862.2 feet; thence south 70 degrees 3 minutes west 35.81 feet; thence north 20 degrees west 518.89 feet to the place of beginning, excepting therefrom any

rights of said Capitol Water Co.; such occupative grant to be as and for a public park, and upon the agreement of said city of Boise to repair, maintain, and protect above-described part of the reservation and the public property thereon during the continuance of its occupancy at its own expense: *Provided*, That the said permission shall be subject to such conditions, restrictions, rules, and regulations as the Secretary of War may from time to time prescribe: *Provided further*, That the Secretary of War may terminate the said permission to use said grounds whenever and at such time as he may deem it expedient to do so.

SEC. 2. That any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to above-described part of the reservation, made by the municipal authorities at Boise, shall be made only according to detailed plans submitted to and approved by the Secretary of War in each case prior to the commencement of any work under such plans, and all such repairs, improvements, changes, or alterations made by said city of Boise shall be made without expense to the United States, and in the event of the withdrawal of said permission such improvements as the Secretary of War may deem valuable to the military service shall become the property of the United States without cost to the Government; and such structures as may have been placed upon above-described part of the reservation by said city of Boise which are directed to be removed therefrom by the Secretary of War shall be removed forthwith and the grounds placed in a condition entirely satisfactory to him at the expense of the city, and no claim of any character whatever incident to the occupation by said city of such part of the reservation shall ever be made by it against the United States.

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

EXTENSION OF CHARGES ON FEDERAL IRRIGATION PROJECTS.

The next business in order on the Unanimous Consent Calendar was the bill (S. 4187) to extend the time for payment of charges due on reclamation projects, and for other purposes.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, we have on prior occasions, when there has been failure of crops, extended the time of payment of reclamation charges, but I notice in this bill for the first time a provision providing for charging back payments to the principal of the indebtedness owing. I do not recall ever before whereby the Congress has enacted legislation to add the deferred interest of the indebtedness to the principal. In the letter of the Secretary of the Interior (Mr. Fall) he cites what he claims to be a parallel case, that in case the mortgagee, in Iowa, I believe he said, would force foreclosure on default of payment of the mortgagor it would result in hardship, and he justifies the practice in cases between private individuals as warrant for this bill, but in my limited experience in foreclosure cases in private dealings with farmers out in North Dakota, in the old frontier days when they had chinooks in successive seasons and crop failure, I do not remember ever of any mortgagee adding the interest of the indebtedness to the principal and keep on adding the default ad infinitum.

This bill, so far as that feature is concerned, seems to put a premium on the action of the debtor in postponing the payment of his honest debts. Why?

Mr. SMITH of Idaho. Mr. Speaker, referring to the particular objection urged by the gentleman from Wisconsin [Mr. STAFFORD] I will say that this extension will in no way impair the security the Government holds as a guaranty of the payment. It is just as it would be when a man owes a bank and it is impossible for him to pay the interest, and the banker gives him a new credit, including the interest, in a new note.

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

Mr. STAFFORD. Mr. Speaker, if we are going to have that kind of performance, I shall object.

Mr. SMITH of Idaho. I hope the gentleman from Texas will permit me to explain the bill.

Mr. BLANTON. I will withhold it.

Mr. STAFFORD. I will withdraw my objection and enter a reservation. I do not withdraw the original reservation.

Mr. SMITH of Idaho. Mr. Speaker, a year ago, because of the adverse conditions which confronted some of the farmers on these reclamation projects, we enacted legislation, which was approved on the 31st of March, to authorize the Secretary of the Interior to extend the time of payment if it were shown that the settlers were so absolutely embarrassed financially that they could not meet the payments.

Mr. STAFFORD. I know that the gentleman is interested in the welfare of those people on reclamation projects, and I would not set my judgment up against that of the Secretary of the Interior in favor of postponing the payments another year. But why add the interest to the principal?

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

Mr. STAFFORD. Yes; I will yield, because I hope in the future that the gentleman and I both, being then in the same position, will have the pleasure of listening to each other on unanimous-consent days.

Mr. MONDELL. Their payments for constructive charges increase annually. The payments for what are known as operation and maintenance charges, which we are deferring, constantly continue about the same. They have reached this condition, that in some cases it will be hardly worth while, I think, to relieve the settlers for one or two years of the trying conditions which they are laboring under unless they can know that in connection with the deferring of that interest at the end of the period they will not be compelled to pay the cumulative charges, because in that case their condition at the end of the period would be practically hopeless. This legislation is proposed with the intention of holding out to those people the hope of saving their homes by not only relieving them of the necessity of paying at the end of the period, but of the additional obligation to meet the payment at the end of the year.

Mr. STAFFORD. Will not this be a dangerous precedent that will plague us in the future?

Mr. MONDELL. No. I think it will be the only businesslike thing to do. It seems to me that if we do not do it, it would be equivalent to saying to the settler, "You can only meet the payment of $7 or $8 per annum on construction and operation and maintenance charges. Now, we relieve you for two years of the operation and maintenance charges," and that piles up a charge at the end of the period. So that the settler, looking forward to it, will say, "Well, this relief does not hold out much hope. If I must add the cumulative charges at the end of the relief period, not only meeting those charges as they accumulate in their normal way but paying these deferred payments, I will be confronted with a situation that will be impossible to overcome."

Now, the Government loses nothing by making a very businesslike arrangement—and this is a departmental suggestion, I will say to the gentleman from Wisconsin, and I think it a very wise one——

Mr. STAFFORD. Oh, yes.

Mr. MONDELL. Of adding these deferred charges to the total, and thereby creating a condition under which a settler now relieved can have a reasonable hope and expectation of going on through with his payments.

Mr. SINNOTT. Mr. Speaker, will the gentleman yield for a suggestion?

Mr. MONDELL. Yes.

Mr. SINNOTT. We compel them to pay interest, but at the rate of 6 per cent.

Mr. STAFFORD. I know that. You have on line 12 language to make the interest payable on these fixed charges.

Mr. SINNOTT. Yes.

Mr. STAFFORD. Now, further, is it the purpose to grant extensions only to the assessments in 1922, 1923, and 1924?

Mr. SMITH of Idaho. Yes. Those for 1922 and 1923 and those payable in December, 1924.

Mr. STAFFORD. What is the necessity of this language in the last proviso, found on page 3:

Provided further, That the applicant for the extension shall first show to the satisfaction of the Secretary of the Interior detailed statement of his assets and liabilities and actual inability to make payment at the time of the application and an apparent ability to make the deferred charges in 1924 and subsequent years.

Why "subsequent years"?

Mr. SMITH of Idaho. In order to enable the Secretary of the Interior to determine whether or not, if this extension is granted, he will be able to pay.

Mr. HAYDEN. I think the gentleman from Wisconsin misread the language "and apparent ability."

Mr. STAFFORD. Yes. "And apparent ability to meet the deferred charges in 1924 and subsequent years."

Mr. HAYDEN. If the farmer has good judgment and the Secretary thinks under the conditions that he can pay it, he will do it. If he is not making a success of his business, then he will not.

Mr. STAFFORD. Mr. Speaker, in view of the statements made by those who have expressed opinions and who are acquainted with the conditions in their districts, I will withdraw the reservation.

The SPEAKER. The reservation is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 3. (a) That every charge, the date of payment of which has been extended under section 1 of such act of March 31, 1922, shall, in lieu of the rate of interest provided in such act, draw interest at the rate of 4 per cent per annum from the date of the passage of this act.

With a committee amendment:

Page 2, line 5, strike out lines 5 to 9 inclusive.

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

The committee amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

(b) That every charge, the date of payment of which is extended under the provisions of section 2 of this act, shall draw interest at the rate of 4 per cent per annum from the date from which it was so extended in lieu of any penalty that may now be provided by law, but in case such charge is not paid at the end of the period for which it is so extended any such penalty shall attach from the date the charge was originally due, as if no extension had been granted.

With the following committee amendment:

Page 2, line 10, at the beginning of the line insert "section 3" and strike out "(b)."

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

The amendment was agreed to.

Also the following committee amendment:

Page 2, line 12, strike out the figure 4 and insert the figure 6.

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

The amendment was agreed to.

The Clerk read as follows:

SEC. 4. That section 2 of such act of March 31, 1922, is amended by striking out the words "season of 1922" where they appear in such section and by inserting in lieu thereof the words "seasons of 1922, 1923, and 1924."

With the following committee amendment:

Page 2, line 22, after the figures "1922" insert the word "and" and after "1923" strike out "and 1924."

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

The amendment was agreed to.

The Clerk read as follows:

Page 2, after line 22, insert a new section, as follows:

"SEC. 5. That where an individual water user, or individual applicant for a water right under a Federal irrigation project constructed or being constructed under the act of June 17, 1902 (32 Stat. L., p. 388), or any act amendatory thereof or supplementary thereto, is unable to pay any construction or operation and maintenance charge due for the year 1922, or prior thereto, the Secretary of the Interior is hereby authorized, in his discretion, to add such accrued and unpaid charges to the construction charge of the land of such water user or applicant, and to distribute such accumulated charges equally over each of the subsequent years, beginning with the year 1924, at such rate per year as will complete the payment during the remaining years of the 20-year period of payment of the original construction charge: *Provided*, That upon such adjustment being made, any penalties or interest which may have accrued in connection with such unpaid construction and operation and maintenance charges shall be canceled, and in lieu thereof the amount so due, and the payment of which is hereby extended, shall draw interest at the rate of 6 per cent per annum, paid annually from the time said amount became due to date of payment: *Provided further*, That the applicant for the extension shall first show, to the satisfaction of the Secretary of the Interior, detailed statement of his assets and liabilities and actual inability to make payment at the time of the application and an apparent ability to meet the deferred charges in 1924 and subsequent years: *And provided further*, That in case the principal and interest herein provided for are not paid in the manner and at the time provided by this act, any penalty now provided by law shall attach from the date the charge was originally due."

Mr. SMITH of Idaho. Mr. Speaker, I wish to offer a committee amendment.

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

The Clerk read as follows:

Amendment to the amendment by Mr. SMITH of Idaho: Page 3, line 4, after the word "due" insert "excepting operation and maintenance charges for drainage on the Boise project."

Mr. STAFFORD. I reserve a point of order on that amendment.

Mr. SMITH of Idaho. This amendment is made necessary because of the fact that the settlers on this project are taking care of the operation and maintenance charges for drainage purposes incurred after the work was completed, and the representative of the settlers, Mr. L. J. Magee, is here and wishes these words inserted so as to require the payment of those charges regularly, instead of having the extension provided here.

Mr. STAFFORD. I have no objection to anything that will recoup the Treasury of the United States so far as reclamation fund projects are concerned. These projects are always in default and great amounts are always owing upon them. I withdraw the reservation of the point of order.

Mr. HAYDEN. I suggest that the gentleman should insert the word "Idaho" after the word "Boise."

Mr. SMITH of Idaho. I accept that amendment.

The SPEAKER. Is there objection to the modification of the amendment as suggested?

There was no objection.

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

The amendment to the amendment was agreed to.

Mr. STAFFORD. Is there any other project which the gentleman wishes to add that will relieve the settlers on any project from the effect of this act?

Mr. SMITH of Idaho. The committee wishes to offer another amendment, which is at the Clerk's desk.

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

The Clerk read as follows:

Amendment offered by Mr. SMITH of Idaho: Page 4, line 4, after the word "due," insert:

"*And provided further:* That similar relief in whole or in part may be extended by the Secretary of the Interior to a legally organized group of water users of a project, upon presentation of a sufficient number of individual showings made in accordance with the foregoing proviso to satisfy the Secretary of the Interior that such extension is necessary."

Mr. STAFFORD. Mr. Speaker, I reserve a point of order on that amendment.

Mr. BLANTON. I make the point of order that it is not germane.

Mr. SMITH of Idaho. This amendment is simply a provision which was in the law passed last March——

Mr. BLANTON. I make the point of order that it is not germane.

Mr. STAFFORD. I hope the gentleman from Texas will let the gentleman from Idaho have his inning, so that he may make a statement.

Mr. FAIRCHILD. Will the gentleman reserve his point of order?

Mr. BLANTON. I do not think we ought to admit this amendment, but I will reserve the point of order for the purpose of letting the gentleman make his statement.

Mr. SMITH of Idaho. That sentence, which is lifted out of the existing law, is made to apply to water users' associations. If it were not carried in this bill the relief would not be afforded to settlers where they are organized into an association. The committee in reporting the bill inadvertently omitted that provision of the existing law.

Mr. BLANTON. Was that matter considered by the committee?

Mr. SMITH of Idaho. Yes, indeed.

Mr. BLANTON. And did the whole committee agree to it?

Mr. SMITH of Idaho. Yes; and I have here the minutes of the proceedings.

Mr. BLANTON. All of the committee come from reclamation districts, and, of course, they would not disagree to anything of that kind?

Mr. SMITH of Idaho. We have some members of the committee who are not from reclamation districts.

Mr. BLANTON. I withdraw the point of order.

Mr. STAFFORD. I reserve the point of order.

Mr. RAKER. I reserve a point of order against the amendment. I wish to ask the gentleman from Idaho when was that acted on by the committee?

Mr. SMITH of Idaho. This amendment was considered by the committee on the 9th day of February in the forenoon, and I have the verbatim report of the minutes of the meeting here.

Mr. RAKER. The matter was clearly gone into, and one of the objections was that this relief should not be extended to organizations but that we should give it to private individuals and let each man make a separate showing.

Mr. SMITH of Idaho. Yes; but we had a subsequent meeting to take up this question, because it was shown by the Director of the Reclamation Service and also by the representatives of the water users here that without this provision the relief would not reach the settlers who were organized into districts.

Mr. STAFFORD. Still reserving the objection——

Mr. BLANTON. I ask for the regular order.

Mr. SMITH of Idaho. It is simply a provision in the existing law. It does not extend any relief that is not in the existing law.

The SPEAKER. Does the gentleman from California make the point of order?

Mr. RAKER. I make the point of order.

The SPEAKER. Does the gentleman from Idaho admit the point of order?

Mr. SMITH of Idaho. Oh, no. It seems to me it is germane to this bill. It is for the relief of settlers who are organized into districts rather than individual settlers.

The SPEAKER. The Chair is not familiar with the matter.

Mr. HAYDEN. Mr. Speaker, last year we passed a bill very similar to this, containing the very provision now offered as an amendment, and it was only omitted by the committee here inadvertently.

The SPEAKER. The Chair thinks this should be approached from the other direction. Will the gentleman from California state his point of order? The Chair does not know what it is.

Mr. RAKER. That it is not germane to this bill; that this bill provides for individual water users upon these projects.

The present amendment authorizes the projects and associations to seek relief. I do not want to be captious in this matter, but I thought it was distinctly understood and determined that the bill should provide only for relief of individuals.

The SPEAKER. The Chair overrules the point of order.

Mr. STAFFORD. Mr. Speaker, let us see about this. When a bill on the Unanimous Consent Calendar passes the objection stage it is always understood that there is not going to be any material amendment offered by the committee or anyone else. We are not considering this bill under the rules of the House. It is being considered because as reported it is not objectionable to any Member. There is nothing in the report accompanying this bill that relates in the slightest degree to this proposal. The gentleman says it is in the existing law. If it was the intention to offer this amendment, it should have been incorporated in the report. The gentleman is not proceeding according to the well-established practice of the House.

Mr. SMITH of Idaho. Mr. Speaker, is there anything unusual in amending a bill brought up under unanimous consent?

The SPEAKER. Of course, the bill can be amended, but the Chair does not think it is fair to give unanimous consent to the consideration of a bill and then make radical amendments.

Mr. SMITH of Idaho. This can not be considered a radical amendment.

The SPEAKER. Of course, the Chair knows nothing about the facts of this particular case; he was speaking in the abstract.

Mr. RAKER. Mr. Speaker, I will say that I would have objected to the bill if it had contained this provision, although I am heartily in favor of giving private individuals relief. We worked on this measure, and it was understood that associations should not come in. The Reclamation Service has been against it; all parties interested in favor of this project have been against extending the right to organizations but in favor of letting the individuals have it.

Mr. SMITH of Idaho. This amendment is in the existing law.

Mr. STAFFORD. It is not in the existing bill, and the gentleman, in fairness to the Members, ought to withdraw the amendment.

Mr. RAKER. I think so; I do not think it is right to put it in.

Mr. SMITH of Idaho. Mr. Speaker, I have been instructed by the Committee on Arid Lands to offer the amendment, and I have done so. The fact that the gentleman from California did not happen to be at the committee meeting is not the fault of the committee.

Mr. RAKER. Let me say that I am there practically at every meeting unless I am at another meeting. It was decided at one meeting that this should not go in, and it was never called to my attention that you were going to offer it.

Mr. SINNOTT. Mr. Speaker, I will state that the committee held a subsequent meeting after the report was made on the bill, and it was ascertained that certain of these individuals entitled to relief and who needed relief could not get the relief without this provision being added to the bill, and therefore it was authorized. It is not that we are endeavoring to relieve these organizations—the settlers will get the benefit of it. As it is now, they act through the instrumentality of the associations.

Mr. RAKER. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. RAKER. Is it not a fact that any individual under any project can come in, whether he is in a district association or not, and get relief?

Mr. SINNOTT. No; I think not. Some act through irrigation districts. They pay their assessments through the county officers, and without this provision it is thought that the very men that we want to relieve could not get relief.

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

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 26 ayes and 7 noes.

So the amendment to the committee amendment was agreed to.

The SPEAKER. The question now is on the amendment as amended.

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

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

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4146. An act permitting the State of Wyoming to reconvey certain lands to the United States and select other lands in lieu thereof, and providing for the patenting of certain lands to Natrona County, Wyo., for public-park purposes;

S. 425. An act authorizing the Attorney General of the United States to fix the salaries of United States attorneys and United States marshals of the several judicial districts of the United States within certain limits;

S. 4333. An act for the relief of Howard R. Gurney;

S. J. Res. 282. Joint resolution to amend the resolution of December 29, 1920, entitled "Joint resolution to create a joint committee on reorganization of the administrative branch of the Government"; and

S. 4071. An act for the relief of David C. Van Voorhis.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 10003) to further amend and modify the war risk insurance act disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. SMOOT, and Mr. WILLIAMS as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 2049. An act for the relief of the Delaware River Lightering Co.;

H. R. 3461. An act for the relief of Eugene Fazzi;

H. R. 3499. An act for the relief of the Atlas Lumber Co., Babcock & Willcox, Johnson, Jackson & Corning Co., and the C. H. Klein Brick Co.;

H. R. 3836. An act for the relief of Nolan P. Benner;

H. R. 4619. An act for the relief of the Link-Belt Co. of Philadelphia, Pa.;

H. R. 4620. An act for the relief of Th. Brovig;

H. R. 4622. An act for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania*;

H. R. 5429. An act for the relief of Ephraim Lederer, collector of internal revenue for the first district of Pennsylvania;

H. R. 5475. An act for the relief of the Standard American Dredging Co.;

H. R. 5648. An act for the relief of Ike T. Boyles;

H. R. 6177. An act for the relief of the owner of the fishing smack *Mary S. Dolbow*;

H. R. 8214. An act to compensate the owners of the American steamship *Vindal* for damages and expenses in repairing the said steamship, and to make an appropriation therefor;

H. R. 9316. An act for the relief of Robert J. Ashe; and

H. R. 9887. An act for the relief of Pennsylvania Railroad Co.

SENATE BILLS REFERRED.

Under clause 2 of 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. 425. An act authorizing the Attorney General of the United States to fix the salaries of United States attorneys and United States marshals of the several judicial districts of the United States within certain limits; to the Committee on the Judiciary.

S. 3879. An act for the relief of William H. Lee; to the Committee on Claims.

S. 4071. An act for the relief of David C. Van Voorhis; to the Committee on Claims.

S. 4146. An act permitting the State of Wyoming to reconvey certain lands to the United States and select other lands in lieu thereof, and providing for the patenting of certain lands to Natrona County, Wyo., for public-park purposes; to the Committee on the Public Lands.

EXCHANGE OF CERTAIN SCHOOL LANDS IN WYOMING.

The next business on the Private Calendar was the bill (H. R. 11637) authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands.

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 Clerk read the bill, as follows:

Be it enacted, etc., That upon the selection by the State of Wyoming under the provisions of sections 2275 and 2276, United States Revised Statutes, as amended by the act of February 28, 1891 (26 Stat. p. 796), and in accordance with the regulations of the Department of the Interior governing such selections of other lands approximately equal in area in exchange for tract No. 60, township 36 north, of range 69 west, of the sixth principal meridian in that State,

which is a segregation by resurvey of granted school section 36 in said township, the Secretary of the Interior is hereby authorized to convey title to the State for the land so selected if found regular.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. I would like to ask whether or not there is any opportunity for one owning land of little value under this bill to have it exchanged for mineral land or oil land or other valuable land?

Mr. VAILE. I will say that this takes care of only one section of land.

Mr. BLANTON. It is not a general provision?

Mr. VAILE. No.

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

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

SUITS UNDER SOLDIERS AND SAILORS' CIVIL RELIEF ACT.

The next business on the Calendar for Unanimous Consent was the bill H. R. 14144, to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the solders and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States.

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

Mr. BRIGGS. Mr. Speaker, reserving the right to object, will the gentleman state what this bill is attempting to accomplish?

Mr. CHRISTOPHERSON. Mr. Speaker, the bill seeks to remove a doubt now existing as to all mortgage foreclosures by advertisement had while the soldiers and sailors' relief act was in force. Section 302, paragraph 3, of that act provides—

No warrant under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of military service or within three months thereafter unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

It was perfectly proper for Congress to pass such an act, but the Supreme Court of Massachusetts in the case of Hoffman against Charlestown, reported in One hundred and twenty-first Northeastern Reporter, 15, extended its provisions beyond the intent of Congress, I believe, when it held that this act does apply to the equitable owner of the property as well as the record owner. Thereby the situation becomes such that any foreclosure conducted by advertisement while this act was in force is subject to this cloud; that is, the record does not disclose the equitable owner. Consequently every foreclosure that has been conducted during the time that this act has been in force is subject to that question, because there may be an equitable owner of that title not disclosed by the record, and not even known to the mortgagee.

The court held in this case that it made no difference whether the mortgagee knew of this equitable ownership. Therefore, under this holding in the Massachusetts case every title depending upon a foreclosure by advertising while this law was in force is subject to that attack. The purpose is by this bill to fix a reasonable time in which to assert any claim under said section 302 against a foreclosure. The bill fixes 90 days as a reasonable time. The statute has already run some two years since the soldiers and sailors relief act was repealed, and it seemed that 90 days would be sufficient time in view of the time that has already elapsed.

Mr. BRIGGS. This is the moratorium feature of the act, the one in which the Government granted moratorium to the soldiers.

Mr. CHRISTOPHERSON. Yes; and this bill requires those who have any rights against such foreclosures to assert them within the time specified in the bill.

Mr. BRIGGS. Does the gentleman think 90 days will be sufficient?

Mr. CHRISTOPHERSON. I believe so, in view of the time that the statute has already run. I think it is some two years now since this act ceased to be effective and repealed by the treaty of peace.

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 any person entitled to and claiming any right, title to, or interest in any real estate because of any failure to comply with the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States, in the foreclosure of a mortgage, or the sale upon a judgment, of such real estate shall be barred forever from asserting such claim unless the claim is successfully asserted in an action or proceeding, in a court of competent jurisdiction, commenced prior to the passage and approval of this act or within 90 days thereafter.

With the following committee amendment:

Page 1, line 3, strike out the words "and claiming" and insert the word "claim."

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

The committee amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I offer a formal amendment on page 2, line 4, to strike out the words "passage and."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, strike out the words "passage and."

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.

EASTERN BAND OF CHEROKEE INDIANS, NORTH CAROLINA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5699), providing for the final disposition of the affairs of the Eastern Band of Cherokee Indians of North Carolina.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I am inclined to object to this, but will reserve my objection so that if the gentleman wishes to make some explanation of the bill he may do so. It is a bill of 18 pages. That is not the basis of my objection. I find upon reading the bill and the report that the United States Government at the present time has not and never has had any title whatsoever to these lands sought to be allotted to the Eastern Band of Cherokee Indians living in North Carolina. These lands were purchased from funds that this Eastern Band received out of moneys that were coming to them by reason of allotment to them as members originally of the Cherokee Band. They have lived in some sort of tribal relation. With the Government not having any title to the land and the bill providing that the Eastern Band shall convey the title to the National Government and then that the National Government shall allot the lands according to certain prescribed provisions, it seems we have a rather unusual arrangement. I have never known of the Government allotting any lands of Indians unless the title to those lands was in the National Government. I understand also that the State of North Carolina, exercising its sovereign rights over title to lands which was in individuals or tribes in that State, has legislated as to how these lands should be distributed. Why should the National Government now step in and determine the method of allotment over property over which it has no control whatsoever?

Mr. WEAVER. Mr. Chairman, to answer the gentleman would require a short statement of the history of the Cherokee people. When the Cherokee Indians were removed from western North Carolina and north Georgia under the treaty of 1835 a number of them refused to go. The United States Government by treaty with the Cherokee Indians in 1835 obligated itself to pay to those Indians about $5,000,000 for the land owned east of the Mississippi River. The Government finally had to resort to force in order to move some of those Indians west of the Mississippi. Some of them they were unable to get at all. They fled to the mountains and hid themselves in the hills and remained there for many years. Afterwards the Government of the United States collected these people together again and took the per capita money, their part of the $5,000,000 which the Government had obligated itself to pay for these lands, and through Col. W. H. Thomas, as agent for the Indians, it was invested in the present lands, about 60,000 acres, now owned and controlled by the Eastern Band of Cherokee Indians. It is true that in 1889 this band of Indians became incorporated under the laws of North Carolina, but this was for mere convenience, and they still maintain their tribal councils, elect their chiefs, and have held these lands as community property, and under the act of Congress of July 27, 1868, the Secretary of the Interior was authorized to take over and manage the affairs of the Eastern Band of Cherokee Indians, just as the affairs of all other Indians. The Government has so managed and exercised supervision over them by direct act of Congress. The council of these Indians met a year or two ago and asked the Government to partition this land among the Indians and allot to each member of the tribe his part in severalty. They are anxious to do this. They wish

this legislation passed in order that they may settle up their affairs and relieve the Interior Department from supervision over them. It is one case where a large number of Indians, wards of the Government, will be allowed to hold their property severally and manage their own affairs. This legislation looks to that end. I do hope the gentleman from Wisconsin will not interpose an objection.

Mr. STAFFORD. Mr. Speaker, there are many other objections involved in this bill. We should not in the closing days of Congress consider such bills. I have read it and also the report. It is too important for us to launch into this policy at this time.

Mr. DALLINGER. I call the gentleman's attention to the fact that this bill was drawn by the Indian Bureau, and it follows the general line of legislation passed in regard to the Five Civilized Tribes in Oklahoma.

Mr. STAFFORD. The report so states. It is too important to be considered, Mr. Speaker.

Miss ROBERTSON. Mr. Speaker, I hope the gentleman will withdraw his objection.

Mr. STAFFORD. I withhold the objection at the request of the lady from Oklahoma. I am always considerate of anything she may wish to suggest.

Miss ROBERTSON. Mr. Speaker, we have given this very careful consideration in committee. I know these Indian people. My grandparents went with those who went West when these stayed East.

Mr. STAFFORD. By reading the report it brings me to the conclusion these Indians are not very far advanced in intelligence; that is the trouble, that they have not reached the same stage of advancement as the Indians who have crossed into the Indian Territory. I want to do all possible in fairness to the gentleman who represents these Indians, but I could not see where it was proper for the bill to be considered by unanimous consent.

Miss ROBERTSON. I merely desire to say as a member of that committee we gave very careful attention to this bill and I agreed that it ought to come up. I believe it is right, but of course——

The SPEAKER. Objection is heard.

MUNICIPAL COURT, DISTRICT OF COLUMBIA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 13998) making section 1535c of the Code of Law for the District of Columbia applicable to the municipal court of the District of Columbia, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. HILL. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the committee. This court is confined exclusively to civil cases and does not take up criminal cases?

Mr. VOLSTEAD. That is right.

Mr. HILL. And at one time they had six judges and now they have five?

Mr. VOLSTEAD. Yes.

Mr. HILL. And those judges do not engage in private practice, but devote their whole time to the service of the court?

Mr. VOLSTEAD. Yes.

Mr. HILL. I withdraw the reservation of the right to object.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I hardly think in the closing days of the session we ought to attempt to fix the salary of these five municipal judges. I am in favor of increasing their salary, but we have not the time to determine what should be their proper salary. It may be that the judges of the other courts should have their salary raised also.

Mr. VOLSTEAD. Yes.

Mr. STAFFORD. If the gentleman will agree to eliminate section 2 and only have the substantive legislative feature of the bill considered, I would have no objection.

Mr. VOLSTEAD. I think it is very unfortunate, but I am willing for the amendment to be offered, and I shall make no opposition to section 2 going out.

Mr. STAFFORD. With that understanding, I have no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That hereafter section 1535c of the Code of Law for the District of Columbia, permitting equitable defenses to be interposed in actions at law, shall be applicable to proceedings now pending in the municipal court of the District of Columbia as well as to actions hereafter brought in said court.

SEC. 2. That hereafter each of the judges of the municipal court of the District of Columbia shall receive an annual salary of $5,000, payable monthly.

Mr. VOLSTEAD. Mr. Speaker, I move to strike out section 2.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, strike out all of section 2.

The amendment was agreed to.

Mr. McSWAIN. Mr. Speaker, I move to strike out the last word. I ask unanimous consent to extend my remarks in the RECORD on the bill (H. R. 14300) regulating interstate commerce with respect to the transportation of coal.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extension of remarks referred to above is as follows:

Mr. McSWAIN. Mr. Speaker, I feel it my duty to call to the attention of the Congress and to the country one more time before the Sixty-seventh Congress passes into history the tremendous issues involved in the just and righteous and permanent settlement of the coal problem.

I have introduced two bills relating to this matter, but am advised that there will be no action upon them nor upon any bills relating to this question until after the report of the Fact Finding Commission shall have been filed with the next Congress. The result is, Mr. Speaker, that the profiteers will continue to pile up their unconscionable profits upon coal that must be bought in order to keep American industries going and in order to keep the American "home fires burning." In this connection, I call attention to the preliminary report of the said commission made on January 15, 1923. There are some high spots in that report that are worthy to emphasize and to disseminate.

The first important proposition is that there is no logical reason why there should be a shortage of coal anywhere in the United States at any time. It is a fact that coal is to be found in all of the States except 13, and mines are being operated profitably in 29 of the States, and there is enough coal here to meet the needs of our own people for at least 1,000 years and maybe much longer. Another important fact is that there are only about two and one-half billion dollars invested in the coal mining industries as against about $80,000,000,000 in farms and about the same amount in manufacturing industries.

Still another striking fact is that the railroads use nearly one-third of all the coal produced in the United States and that only 10 per cent is used for heating the homes of the people and the balance is used in factories, in the making of gas, and in public utilities, and a small part is exported and for shipping. Consequently the argument we often hear made that the coal industry is not stable and the price fluctuates because people will not buy coal and store it in their cellars during the early summer is shown to be no reason for the fluctuations. Ten per cent of the production is too slight to cause such serious dislocation in the whole industry. The statement also is made that the charges of the railroad and the wholesaler or broker and the retailer usually exceed the price of the coal at the mines. This is a very conservative statement. With coal selling through the country at about $12 per ton for bituminous coal and $16 to $18 per ton for anthracite coal, we believe that the facts will show that the price of the coal at the mouth of the mine is only about one-third of what the ultimate consumer pays. This spread in the price of a commodity which does not have to be manufactured and only to be transported is entirely unjustifiable.

PROFITEERING CONCEDED.

We are therefore not surprised to find that this commission of impartial and disinterested men with wide experience in affairs of business and of state concludes with the statement that "large profits" have been made by coal operators, brokers, and retailers, and that these profits are so disproportionate to the cost of the coal and of the service rendered in connection therewith as to justify the use of the word "profiteer." It is very significant that the commission finds that the labor employed in the mining of coal has found employment for only about 66⅔ per cent of the time on an average for a period covering about 30 years. This seems to justify the statement that we have often seen, that the miners are demanding an opportunity to work a larger number of hours each week and, failing in this, that they are compelled to receive a generous wage per diem in order to maintain themselves and their families.

Mr. Speaker, I have been in some of the coal-mining districts and have been down in some of the mines and have been in some of the homes of the miners; and while their per diem wage seems to be large, yet when we realize that they are able to work only two-thirds of the time, and when we see the dangers that surround them, and when we read in the newspapers

almost daily how the lives of miners are snuffed out by the score and by the hundred, and when we see the harsh and squalid conditions under which they and their families must live in order to be close enough to the mines to work, we must in all fairness concede that there is merit in their plea to be allowed to work more days during the year.

SPECULATION DESTROYS STABILITY.

Mr. Speaker, it is obvious from the report of these fair and impartial examiners that the trouble with the coal industry is that practically everybody connected with it is a speculator. We find the statement made that operators, as a general thing, will contract for the sale and delivery of only about 60 per cent of the output of their respective mines, and the balance of 40 per cent is left free to speculate on. As a matter of fact, Mr. Speaker, the whole 100 per cent of the output is practically free and not bound by contract, because what is called a "contract" is not properly so described. It does not bind the operator in a strict sense. He is given two loopholes through which he may jump at will. The first is that his deliveries upon contract are not to be made when his output is interrupted by strikes or other unavoidable occurrences, and he is left to be the judge of what is a strike and of what is unavoidable; and if it be found to his advantage to get rid of a contract by a strike, then he could deliberately and purposely bring on a strike. Then the contract also excuses the operator from performance if he can not get coal cars in which to make deliveries, and again he alone is in possession of facts and he alone is the judge, and when he wants to he can use coal cars to fill high-priced profiteering orders and let his contracts wait a more convenient season.

Another peculiar thing about these coal contracts is that they reserve to the operator the right to change the price of coal under contract if the wage scale should change. The result is that manufacturers and coal dealers in the South Atlantic States who had pieces of paper, which they supposed to be contracts, under which they innocently thought that they would obtain coal for the next 12 months at the price of $1.95 per ton, found coal coming to them—when it did come at all, when it suited the pleasure of the operators to send same, when the operators were unable to find buyers at the high and speculative prices that prevailed for a season—these same manufacturers and dealers found their coal being billed to them at $2.95 per ton and at $3.05 per ton, instead of $1.95 per ton.

MANUFACTURERS MAKE REAL CONTRACTS.

Now, these manufacturers in my section of the country can not exactly understand why it is that when they make a contract to manufacture and deliver cotton cloth at a given price per yard that they must keep their contracts and deliver the cloth, even though the price of labor should rise, and the price of cotton rise, and the price of coal rise. Mr. Speaker, what the coal industry needs is "stabilization." The American people are primarily interested in some standardization and fixity of price and quantity. While we should like to have our coal reasonably cheap, we are more vitally interested in a steady and sufficient quantity of coal and in some certainty as to price of coal than we are in mere cheapness of coal. Therefore, Mr. Speaker, we must proceed to eliminate the element of speculation. Speculation feeds upon uncertainty. Without variation in price and in quantity, the speculator would have to go out of business.

RAILROADS HOLD THE KEY.

Upon an intimate and analytic consideration of this coal problem we find that the railroad is the key to the problem. The 180 railroads that distribute the coal from the mouth of the mine to all parts of the country and ultimately to every home and fireside constitute the narrow neck of the bottle through which the contents of the bottle must pass. With so many men digging coal and so many coal mines open that they can supply all the needs of the country by working only two-thirds of the time, we see that scarcity of coal at any place is due to some defect in the distribution of coal.

A REMEDY SUGGESTED.

Therefore, Mr. Speaker, I introduced on September 19, 1922, a bill which I fully explained at the time as designed to stabilize the distribution of coal. Briefly, that bill contemplates conferring power upon the Interstate Commerce Commission to prescribe a uniform contract that must be employed by buyers and sellers of coal to pass through interstate commerce. It requires all such contracts when executed to be registered with the Interstate Commerce Commission and then requires the Interstate Commerce Commission to see that those contracts are carried out by requiring the railroads to furnish the cars and haul them. Then again, on February 12, 1923, I introduced a bill seeking to regulate another feature of the railroad problem that my investigations have uncovered. I have been induced to believe from facts and circumstances that the "bootlegging" of coal has been made possible by reason of some undue influence being exerted by coal speculators upon certain operating agents of railroads, such as superintendents, yardmasters, and so forth, having to do with the placing and movement of cars.

It may be that a school or a public utility has a prior order for coal, but unless the railroad furnishes a car in which to haul the coal the coal will not move. During the periods of scarce coal, when that scarcity is attributable to lack of coal cars, we find the "bootlegging" speculator going up and down the land offering those who are most in need of coal to insure deliveries to them if they will pay the necessary price. Now, Mr. Speaker, what I ask and what I have a right to ask in the name of the American people who love justice and fairness is this: How can this speculator, this bootlegger, get coal delivered when a man who has a contract six months old and has a prior order signed by Government authorities can not get coal? Consequently I introduced this bill on February 12, 1923, to punish any agent or employee of a railroad who shows illegal and improper preference to the movement of cars for any person, firm, or corporation, and requires every such agent or employee of an interstate railroad to see that cars are placed and moved in the order of priority fixed by law, and if there be no law then priority is fixed by the order of time in which demands for cars are filed.

BOOTLEGGING VERSUS FAIR BUSINESS.

Mr. Speaker, it is my firm belief that if the bootlegger of coal did not have some secret and improper influence over certain controlling and operating officials of railroads, then these bootleggers could not handle coal as they do, and therefore they should and would go out of business.

I am quite sure that the cotton-manufacturing business could not endure 12 months upon a speculative basis. It is stabilized and it is therefore sound and satisfactory. The cotton manufacturer places his contracts far in advance for the entire output of his mills. He can not continue manufacturing very long unless he has orders. He dares not pile up indefinitely in storage his manufactured product, because that would make him a speculator. But, when his contracts in advance are signed with responsible firms who can be compelled to keep their contracts, then the manufacturer goes into the market and buys from responsible sellers cotton enough to manufacture that cloth, and he knows with reasonable certainty what his labor will cost, and if he only knew what his coal would cost then practically every element in his process would be certain. I contend that he is entitled to know what the coal will cost him. Therefore, Mr. Speaker, why should not the coal operator be willing to contract by a binding contract for the delivery of 100 per cent of his coal? The American public expects to pay the coal operator a good profit on the coal in addition to the cost. If the coal operator would contract 100 per cent of his output, then he could keep the miners working 100 per cent of the time each year, rather than two-thirds of the time. If the bills I have introduced were enacted into law, then the coal operators would be of necessity required to contract for their entire output, and therefore their miners would be steadily and constantly employed and the business would be standardized and stabilized.

It is true that not every mine in the country would be kept working 100 per cent of the time. In fact the result would be that those mines that can be most economically operated, and therefore can underbid the others, would be kept at work 100 per cent of the time and the other mines would have to close, and they would stay closed until the supply in the most favorably situated mines should be exhausted, and then the digging would be resumed in the other mines. It is a simple and necessary law of progress; it is the survival of the fittest; it is the law of competition that prevails among manufacturers, among merchants, and among farmers. The farmer who does not hold down the cost of production soon finds that he is sold out by the foreclosure of a mortgage on his home. The merchant or manufacturer who does not hold down the cost of production soon finds himself in bankruptcy. Therefore, Mr. Speaker, the coal industry will not be stabilized and standardized until it is subject to the same inexorable and uniform law of competition.

PROFITEERING IN COAL, A NECESSITY, IS SINFUL.

Mr. Speaker, it is not just, it is not right, it is not reasonable that the coal operators and their allies, the speculators and the bootleggers, should be extorting from the American industries and from the American householders at least one thousand million dollars per year in unjustifiable and excessive profits in order that we may have a sufficient supply of coal

to keep industries moving and to keep our homes warm. I submit that things that are wrong can not long endure. This fair, unbiased fact-finding commission says that there has been "profiteering," and we know that the profiteering will average at least $2 per ton on five hundred million tons of coal a year. Therefore, we find the families of the coal profiteers, the speculators and the bootleggers, rolling upon the sands of Palm Beach with their profuse diamonds glittering in the sunlight while their victims are suffering and shuddering and shivering around an insufficiently fed heater in New England and in other sections of the country.

We hear that these coal speculators and profiteers and bootleggers heap up unconscionable profits amounting into the tens of thousands of dollars within a short space of 30 days, while legitimate manufacturers of cotton and of furniture and of shoes and of machinery are happy if they are able to pay their taxes and to declare dividends of 8 or 10 or 12 per cent. Also we find the American farmers, with their $80,000,000,000 invested and with the work of 30,000,000 of men, women, and children in the fields through sunshine and rain, through summer's heat and winter's cold producing everything that our 110,000,000 people must have in order to live, must have in order to eat and wear, and yet these farmers for the last several years have made no profits and have in fact lost substantially of their investments and have lost their labor and their time, and, sad, though it may be, some of them have almost lost courage and have well-nigh lost confidence.

DELAY MEANS MORE PROFITEERING.

Mr. Speaker, this Congress should have taken up the coal proposition when it was convened in April, 1921. We knew then, as we had known for several years, that the specter of winter would breed its offspring of coal speculators and bootleggers. We knew the facts then just as this unbiased and disinterested commission has found them, but we could have appointed such a commission in April, 1921, and we should have then enacted legislation that would have saved the American people by this time at least $2,000,000,000. But we closed our eyes.

The majority Members of Congress have stood bound hand and foot by a system of rules that puts all power into the hands of a few men, and then, when the situation became acute, in the fall of 1922, these few men generously gave us a Fact Finding Commission. They gave us this commission to find out something which everybody knew. They simply wanted to prove that 2 and 2 make 4, and the result is that the coal speculators and bootleggers get by the present winter, and the commission will not report until December, 1923, and then no legislation can get by this oligarchy until late in the next winter to save the American people from the predatory methods of the coal speculators and the bootleggers. So these same despoilers of the public will for the next winter at least take the last $1,000,000,000 of unearned profits.

So, Mr. Speaker, we are compelled to ask: How long will the American people tolerate this endless-chain game of "hide and seek"? How long will they be tickled with this political manipulation and quieted by this political pacifier, which might be entitled "Now you see it and now you don't"?

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

EXTENDING BENEFITS OF SECTION 14, PAY READJUSTMENT ACT.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14077) to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes.

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 wish to inquire whether the gentleman will agree to eliminate section 3. I will say to the gentleman that section 3 is included in a Senate amendment to the War Department appropriation bill, and before the bill comes out of conference there will be embodied the provision of section 3.

Mr. FROTHINGHAM. Mr. Speaker, so far as I am concerned, speaking for the committee, I have no objection——

Mr. STAFFORD. Of course, we do not want to have duplication. It is now included as a Senate amendment in the War Department appropriation bill, and while the conferees have not reached that item I do not think there will be any question it will be reached and agreed to.

Mr. McKENZIE. It is the only point involved, if the gentleman from Wisconsin can assure us that will be carried in the appropriation bill.

Mr. STAFFORD. Although we have not reached that item, I do not think there will be any question it will be carried. I also wish to inquire, under the reservation of objection, as to this first section applying to reserve officers, and particularly referring to reserve warrant officers. I do not see anything in the report which would extend the provision to reserve warrant offices or even reserve officers. What is the need of extending this provision of the national defense act to warrant officers?

Mr. FROTHINGHAM. Mr. Speaker, I brought this bill in originally and it applied merely to National Guard officers who have done their duty at camp, who were paid, and then under a subsequent decision of the Attorney General they were told they would have to give back the money that they received for quarters; that they were not on the same basis as the Regular Army officer; but when the bill came before the committee we felt that the reserve officers ought to be included and also warrant officers, who I did not know before existed anywhere except in the Navy, but apparently the only warrant officers are the bandmasters, and these reserve warrant officers and reserve officers, of course, when they go to camp they would be placed on the same basis as Regular Army officers and National Guard officers, so I was perfectly willing to have this section put in the bill.

Mr. STAFFORD. Well, the committee amendment will limit the applicability of the provisions of this section to reserve officers and reserve warrant officers. Without the committee amendment it would apply to warrant officers of any service mentioned in the table of the pay readjustment act.

Mr. FROTHINGHAM. I understand that that applies to the regular warrant officers, so that the only need in this legislation is to take care of the reserve National Guard.

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

Mr. FROTHINGHAM. Yes.

Mr. McKENZIE. I wish to say to the gentleman from Wisconsin—and I think he is perfectly familiar with the facts—that in the drafting of the service pay bill we put language into that bill to the effect that wherever the National Guard or the reserve rendered the same service and held similar grades to those in the Regular Army they should receive equal pay. Now, so far as warrant officers in the Army are concerned, the gentleman from Wisconsin will remember that the grade of field clerk was abolished in the Army reorganization bill and the grade of warrant officer created. However, in the National Guard and in the reserve the only warrant officers that they have are, as the gentleman from Massachusetts [Mr. FROTHINGHAM] has said, bandmasters. I presume they will have little to do; but in order that the legislation should be perfectly plain, and that no question should arise hereafter, this is an attempt to put them all on the same level, where they will receive the same compensation for the same service rendered. That is the only purpose.

Mr. STAFFORD. Mr. Speaker, I wish to inquire of either gentleman whether under existing law reserve officers are entitled to a commutation or allowance for quarters?

Mr. McKENZIE. Well, that was the understanding that we had when they were called out for camp duty. As a matter of fact, not many of them will claim pay for that particular purpose. But we felt that the law should apply to them all alike. The comptroller, however, has held that it does not, and therefore they asked for this legislation. It is in the interest of the National Guard.

Mr. STAFFORD. I am inquiring more as to the effect on the reserve officers. My understanding was that when the reserve officers went into camp for summer training they did not get any allowance for quarters.

Mr. McKENZIE. The comptroller held they would not.

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

Mr. STAFFORD. Yes.

Mr. BRIGGS. Is it not a fact that these officers all understood that they would have these allowances, and that that was the construction the War Department put upon the act? On that assurance they went to the camps and underwent the expense, and now the comptroller holds that they were not entitled to the allowance.

Mr. HILL. Mr. Speaker, will the gentleman yield for a question?

Mr. STAFFORD. Yes.

Mr. HILL. I would like to ask the gentleman from Wisconsin not to object to any legislation that makes it clear that there is no difference between the National Guard and the reserve. The gentleman will remember that last year there was a difficulty about reserve officers receiving 15 days' pay, they only receiving pay for 14 days. On the appropriation bill there is a provision taking care of that for the National Guard, and the gentleman's subcommittee has taken care of it and put both

the National Guard and the reserve officers on the same basis. I ask the gentleman that he will allow it to remain the same way in this bill.

Mr. STAFFORD. I question if we should change it, as suggested, as to reserve warrant officers. I withdraw the reservation.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That officers and warrant officers of the National Guard, while participating in exercises or performing the duties provided for by sections 94, 97, and 99 of the national defense act, approved June 3, 1916, as amended, and reserve officers and reserve warrant officers of any of the services mentioned in the title of the pay readjustment act of June 10, 1922, while on active duty, including duty for training purposes, shall receive the allowances prescribed for officers and warrant officers of the Regular services under sections 5, 6, and 11 of the said pay act, and payments heretofore made for rental allowances to officers and warrant officers of the National Guard or reserves while attending camps of instruction or service schools are hereby validated.

SEC. 2. That service rendered by National Guard officers during temporary Federal recognition, prior to December 15, 1922, shall be deemed to have been rendered in compliance with the provisions of section 75, national defense act, approved June 3, 1916, and all payments heretofore or hereafter made therefor are hereby validated and authorized.

Mr. TILSON. Mr. Speaker, there seems to be a committee amendment to section 1 of the bill. Should not that be acted upon?

The SPEAKER. This is the first reading of the bill.

The Clerk read as follows:

Committee amendment: Page 1, line 7, after the word "and," insert the word "reserve."

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

The amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 3. That the laws providing for land-grant deductions shall not apply to travel at 4 cents per mile heretofore performed under the War Department appropriation act, approved June 30, 1922 (Public No. 259, 67th Cong.), by members of the Officers' Reserve Corps.

Mr. STAFFORD. Mr. Speaker, I move to strike out section 3.

The SPEAKER. The gentleman from Wisconsin moves to strike out section 3. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 4. That hereafter the payments authorized by section 3, act of September 14, 1922 (Public, No. 299, Sixty-seventh Congress), may include the entire amount lawfully accruing to such officers as pay, allowances, and mileage on account of such service, and, including pay and mileage for their return home, may be paid to the officers during said period and prior to their departure from the camp or other place at which such service is performed.

Committee amendment: "SEC. 5. That payments heretofore made to captains and lieutenants belonging to organizations of the National Guard for drills provided for in section 109, national defense act, at which at least 50 per cent of the commissioned strength and 60 per cent or more of the enlisted strength, but not less than 60 per cent of the required recognition strength, attended and participated for the required time be, and the same are hereby, validated."

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

The amendment was agreed to.

Mr. FROTHINGHAM. Mr. Speaker, I ask that we be permitted to change the numbering of the sections. Section 3 was dropped out.

The SPEAKER. Without objection, the request will be agreed to.

There was no objection.

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

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

The SPEAKER. The Clerk will report the next bill.

AMENDING THE HOMESTEAD LAW.

The next business on the Calendar for Unanimous Consent was the bill (S. 3103) to amend section 2294, United States Revised Statutes, relating to homesteads.

The title of the bill was read.

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 section 2294, Revised Statutes of the United States, as amended by the act of March 11, 1902 (32 Stat. p. 63), and the act of March 4, 1904 (33 Stat. p. 59), be amended to read as follows:

"SEC. 2294. That hereafter all proofs, affidavits, and oaths of any kind whatsoever required to be made by applicants and entrymen under the homestead, preemption, timber-culture, desert-land, and timber and stone acts may, in addition to those now authorized to take such affidavits, proofs, and oaths, be made before any United States commissioner or commissioner of the court exercising Federal jurisdiction in the Territory or before the judge or clerk of any court of record in the county, parish, or land district in which the lands are situated: *Provided*, That in cases where because of geographic or topographic conditions there is a qualified officer nearer or more accessible to the land involved, but outside the county and land district, affidavits, proofs, and oaths may be taken before such officer: *Provided further*, That in case the affidavits, proofs, and oaths hereinbefore mentioned be taken outside of the county or land district in which the land is located the applicant must show by affidavit satisfactory to the Commissioner of the General Land Office that it was taken before the nearest or most accessible officer qualified to take such affidavits, proofs, and oaths; but such showing by affidavit need not be made in making final proof if the proof be taken in the town or city where the newspaper is published in which the final proof notice is printed. The proof, affidavit, and oath when so made and duly subscribed, or which may have heretofore been so made and duly subscribed, shall have the same force and effect as if made before the register and receiver when transmitted to them with the fees and commissions allowed and required by law. That if any witness making such proof or any applicant making such affidavit or oath shall knowingly, willfully, or corruptly swear falsely to any material matter contained in said proofs, affidavits, or oaths, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register. That the fees for entries and for final proofs when made before any other officer than the register and receiver shall be as follows:

"For each affidavit, 25 cents.

"For each deposition of claimant or witness, when not prepared by the officer, 25 cents.

"For each deposition of claimant or witness prepared by the officer, $1.

"Any officer demanding or receiving a greater sum for such service shall be guilty of misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding $100."

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

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

MINING ON THE PUBLIC DOMAIN.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (S. 3794) to amend section 35 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920.

The Clerk read the title of the bill.

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

Mr. BLANTON. I object, Mr. Speaker.

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

Mr. SMITH of Idaho. Mr. Speaker, I will ask the gentleman from Texas to withhold his objection a moment until I can explain this bill.

Under the existing law, the money coming from royalties on oil is held in the Federal Treasury until the end of the fiscal year. This bill simply provides that the money shall be paid out at the end of each quarter, so that the States, counties, the reclamation fund, and the Federal Treasury who are entitled to this division of the fund may have it quarterly instead of annually. It will be a very great convenience.

Mr. BLANTON. Are the States that hard up?

Mr. SMITH of Idaho. They can utilize this money advantageously, and it will be very acceptable for roads and schools. There is no occasion for it to remain in the Federal Treasury nine months beyond the time when it might be divided.

Mr. BLANTON. I know that individuals get hard up sometimes, but I did not know that the States of the great West ever did.

Mr. SMITH of Idaho. Some of the States need this money for road building and schools. It is legislation suggested by the Secretary of the Interior and is a departmental bill. I have no personal interest in it.

Mr. BLANTON. Is it recommended by the Secretary of the Interior?

Mr. SMITH of Idaho. Yes; as very wise legislation.

Mr. BLANTON. I withdraw my objection.

Mr. STAFFORD. Reserving the right to object, are these reclamation funds under the control of the Secretary of the Interior or of the Secretary of the Treasury?

Mr. SMITH of Idaho. The funds are under the control of the Secretary of the Treasury, but of course they can only be paid out on an appropriation by Congress.

Mr. STAFFORD. I have no objection to the fund being paid quarterly if it is not going to inconvenience the Treasury officials. The question I should like to ask is whether it is feasible from the administrative standpoint for the Treasury

to determine each quarter the amount of money that is coming to the respective States under the allotment of the reclamation fund.

Mr. SMITH of Idaho. The only additional trouble will be the issuance of a warrant, after adding up the receipts, each quarter instead of at the end of the year.

Mr. STAFFORD. There is nothing in the report to show whether it is practicable from an administrative standpoint. This amount is changing continuously, as I understand.

Mr. SMITH of Idaho. It accumulates.

Mr. STAFFORD. It accumulates continuously? It is an ever-receptive fund?

Mr. SMITH of Idaho. Yes.

Mr. STAFFORD. The Treasury Department at the end of the year will know how much should be paid to each State under the percentage plan?

Mr. SMITH of Idaho. Yes.

Mr. STAFFORD. But I have some doubt whether the Treasury Department will know how much should be paid to each State at the end of each quarter.

Mr. SMITH of Idaho. It is just a matter of adding up the accretions each quarter.

Mr. STAFFORD. But the accretions do not come in every quarter.

Mr. SMITH of Idaho. Oh, yes; they come in constantly.

Mr. STAFFORD. They are coming in all the time. Now let me ask the gentleman how soon after the fiscal year is ended does the Treasury Department issue its warrant to the respective States? How long does it take the Secretary of the Treasury to determine just how much each State is entitled to under the law?

Mr. SMITH of Idaho. I could not answer that definitely, but I do not think it is over a week or 10 days.

Mr. STAFFORD. In the Post Office Department it takes several weeks and months before the department is able to tell how much the salary of a postmaster will be.

Mr. SMITH of Idaho. That is a different proposition.

Mr. BLANTON. I ask for the regular order. We have found out what the bill is.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that this bill may retain its place on the calendar.

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

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. When again could this bill be brought up?

The SPEAKER. The Chiar is unable to answer.

Mr. BLANTON. Never.

Mr. COOPER of Wisconsin. That is what I thought.

Mr. BLANTON. But the gentleman would rather have it die on the calendar than to die somewhere else.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, I should like to ask the gentleman from Idaho a question. I notice, in lines 5 to 10, inclusive, of page 2 of this bill, there is a provision that 37½ per cent of the amounts derived from royalties, bonuses, and rentals shall be paid by the Secretary of the Treasury to the States in which the leased lands are situated. Would that cover the Teapot Dome lease?

Mr. SMITH of Idaho. If the Teapot Dome lease comes within the provisions of the oil leasing law, it would.

Mr. STAFFORD. That is the existing law. The gentleman will notice that the last proviso of this bill says that all moneys which may accrue to the United States under the provisions of this act from lands within the naval petroleum reserves shall be deposited in the Treasury as "miscellaneous receipts." The Teapot Dome lease is a naval petroleum reserve, and the original enactment did not provide for the allotmnet of those funds to the various States. It excepted those funds in the original leasing law.

Mr. COOPER of Wisconsin. Inasmuch as this was proposed by the Secretary of the Interior, and inasmuch as the proposition is to give such percentage of the royalties of leased oil lands to the different States, I am unwilling so late in the session to permit anything to be done which will look like a ratification by the House of Representatives of that Teapot Dome lease. Therefore I object.

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

SOLDIERS AND SAILORS' HOMESTEAD ENTRIES IN ALASKA.

The next business on the Calendar for Unanimous Consent was the bill H. R. 7762, to provide for soldiers and sailors' homestead entries in Alaska.

The Clerk read the title to the bill.

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

There was no objection.

Mr. STAFFORD. Mr. Speaker, I ask unanimous consent that the substitute be read in lieu of the original bill.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the substitute bill, as follows:

Be it enacted, etc., That from and after the passage of this act officers, soldiers, sailors, or marines who served in the Army or Navy of the United States in the war with Germany, or in the war with Spain, or during the suppression of the insurrection in the Philippines, and have been honorably separated or discharged therefrom, or placed in the Regular Army or Naval Reserve, in addition to the rights and privileges at present provided by the homestead laws, shall be entitled, in the event of making homestead entry in the Territory of Alaska, to a period of one year from date of entry within which to begin residence upon the land and thereafter show compliance with the homestead law: *Provided*, That in the event such an entry shall be relinquished at any time prior to actual residence upon the land by the entryman, for not less than one year, lands so relinquished shall not be subject to entry for a period of 60 days after the filing and notation of the relinquishment in the local land office, and shall, after the expiration of such 60-day period, be subject to entry by the first qualified applicant.

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

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

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

GRANTING CERTAIN LANDS TO THE CITY OF SKAGWAY, ALASKA.

The next business on the Calendar for Unanimous Consent was the bill H. R. 12171, to grant certain lands to the city of Skagway, Alaska, for a public park.

The Clerk read the title to the bill.

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

There was no objection.

The Clerk read the bill, as follows:

A bill to grant certain lands to the city of Skagway, Alaska, for a public park.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the city of Skagway, Alaska, for use as a public park, that certain portion of unsurveyed public land adjacent to the city of Skagway, Alaska, which is bounded on the east by the Skagway River, on the south by Lynn Canal, on the west by Lynn Canal and Long Bay, an arm of Lynn Canal, and on the north by a line running from a point approximately 400 feet north of Alpine Bridge, on the west bank of the Skagway River, in an approximately westerly direction to Long Bay, on Lynn Canal, the land embraced in these boundaries containing approximately 250 acres: *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:

With the following committee amendment:

Page 2, line 18, strike out the period at the end of the line, insert a colon, and add the following:

"*And provided further*, That the land to be conveyed to the city of Skagway, Alaska, shall be paid for at the rate of $1.25 per acre."

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

The committee amendment was agreed to.

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

AMENDING SECTION 2 OF THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION ACT, APPROVED JULY 31, 1894.

The next business on the Calendar for Unanimous Consent was the bill H. R. 13434, to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894.

The Clerk read the title to the bill.

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

Mr. STAFFORD. Mr. Speaker, this is included in a Senate amendment to the War Department bill, and as some action will be taken by the conferees, I object.

DAM ACROSS POTOMAC RIVER, NEAR WILLIAMSPORT, MD.

The next business on the Calendar for Unanimous Consent was the bill H. R. 13554, authorizing the construction, maintenance, and operation of a dam and other structures across or in the Potomac River, at or near Williamsport, Washington County, Md.

The Clerk read the title to the bill.

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

Mr. BLANTON. Mr. Speaker, I think there ought to be some explanation of this bill, and I reserve an objection.

Mr. DENISON. This bill is to authorize the Williamsport Power Co. to construct a dam across the river near Williamsport, Md. The dam is to be used to impound water for a power plant which is to be built on the banks of the Potomac and connected in some way with a coal company at some distance away. This is not to be used for the creation of a water power, but only in connection with the steam power.

Mr. STAFFORD. Where is Williamsport?

Mr. DENISON. It is 75 or 80 miles up the river from Washington, near Hagerstown.

Mr. STAFFORD. It is unusual to authorize such legislation, but on reading the bill it seems to safeguard the interests of all concerned.

Mr. DENISON. I will state to the gentleman that the Committee on Interstate Commerce gave the bill very careful consideration. The attorney general of the State of Maryland and Mr. ZIHLMAN, the author of the bill, came before the committee and made full statements with regard to the matter. All public rights are reserved and safeguarded. The company that is going to put this plant there owns the land between the canal and the river. It is located between the Potomac River and the Cumberland Canal, where the canal bends out somewhat from the river. The company owns the land and they are going to put a power plant there, and they want to put in this dam with an intake and an outtake connection with the river, so as to hold a fresh supply of water for steam purposes. We give them no right to construct a water-power plant, but if at any time the Government wants to utilize that part of the river for water purposes, they have a right to submerge the dam or destroy or remove it without payment of damages to anyone.

Mr. STAFFORD. I presume the reason they do not exercise their power under the general dam law is because that requires the dam to have provision made for navigation?

Mr. DENISON. I suppose so.

Mr. STAFFORD. This has no navigable feature connected with the project?

Mr. DENISON. None whatever.

Mr. BLANTON. And this bill will not cost the Government anything?

Mr. DENISON. No; not a cent.

Mr. BLANTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Williamsport Power Co., a corporation organized and existing under the laws of the State of Maryland, its successors and assigns, is hereby authorized to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and other structures across or in the Potomac River at or near Williamsport, Washington County, Md.: *Provided*, That the work shall not be commenced until the plans therefor have been submitted to and approved by the Chief of Engineers, United States Army, and by the Secretary of War: *Provided further*, That this act shall not be construed to authorize the use of such dam and/or other structures to develop water power or generate hydroelectric energy.

SEC. 2. That the authority granted by this act shall cease and be null and void unless the actual construction of the dam and other structures hereby authorized is commenced within one year and completed within three years from the date hereof: *Provided*, That from and after thirty days' notice from the Federal Power Commission, or other authorized agency of the United States, to said company or its successors, that desirable water-power development will be interfered with by the existence of such dam and/or other structures, as the case may be, the authority hereby granted to construct, maintain, and operate such dam and/or other structures designated in such notice shall terminate and be at an end; and any grantee or licensee of the United States proposing to develop a power project at or near such dam and/or other structure shall have authority to remove, submerge, or utilize such dam and/or other structures under such conditions as said commission or other agency may determine, but such conditions shall not include compensation for the removal, submergence, or utilization of such dam if the water level to be maintained in said power project is higher than the level of the crest of said dam.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

In the second line of the title eliminate the word "other" and insert "appurtenant intake and outlet."

Page 1, line 3, change the letter "t" in the first word "the" to a "T."

Page 1, line 7, strike out the word "other" and insert "appurtenant intake and outlet."

Page 2, line 10, strike out the word "hereof" and insert the words "of approval of this act."

Page 3, line 1, after the word "dam" eliminate the words "if the water level to be maintained in said power project is higher than the level of the crest of said dam."

The committee amendments were agreed to.

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

The title was amended.

GLACIER NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill S. 3593, to authorize an exchange of lands with owners of private land holdings within the Glacier National Park.

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 Interior, for the purpose of eliminating private holdings of land within the Glacier National Park, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private ownership within the boundaries of said park by accepting from the owners of such privately owned lands complete relinquishment thereof and by granting and patenting to such owners, in exchange therefor, in each instance, like public land of equal value situate in the State of Montana, after due notice of the proposed exchange has been given by publication for not less than 30 days in the counties where the lands proposed to be exchanged or taken in exchange are located.

SEC. 2. That the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of other lands of the United States elsewhere situate, to be given in exchange therefor, shall be ascertained in such manner as the Secretary of the Interior may direct; and the owners of such privately owned lands within said park shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and lands conveyed to the Government under this act shall be and remain a part of the Glacier National Park.

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.

UNITED STATES COAL COMMISSION.

The next business on the Calendar for Unanimous Consent was the bill H. R. 13882, to amend the act entitled "An act to establish a commission to be known as the United States Coal Commission for the purpose of securing information in connection with questions relative to interstate commerce in coal, and for other purposes," approved September 22, 1922.

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

Mr. BLANTON. Mr. Speaker, I object.

SCHOOL FUND OF CHEROKEE NATION IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was House Resolution 393, directing the Attorney General to make an immediate investigation of the school funds of the Cherokee Nation in Oklahoma.

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

Mr. MOORE of Virginia. Mr. Speaker, at the instance of the gentleman from Oklahoma [Mr. CARTER], I object to the consideration of the bill. He states that all of the information that would result from the proposed investigation can now be furnished by the Commissioner of Indian Affairs.

The SPEAKER. The gentleman from Virginia objects.

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

The SPEAKER. Is there objection?

There was no objection.

CEDING CERTAIN LANDS IN MICHIGAN TO THE STATE OF MICHIGAN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8625) to provide for the cession to the State of Michigan of certain public lands in the county of Isle Royal, State of Michigan.

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

Mr. BLANTON. I object.

Mr. STAFFORD. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. Is the gentleman in favor of this bill?

Mr. STAFFORD. We have done this same thing in the State of Wisconsin. Years ago the National Government ceded all of the islands in the northern lakes to the State of Wisconsin, so that the State could conserve them for State park purposes and thereby prevent private individuals from preempting on them. This relates only to a very few islands, in extent only

33 acres of land, in Lake Superior. It safeguards the State and the Government.

Mr. BLANTON. There was just one question involved, and that is this: Suppose there should be governmental uses for this in the future, we will have ceded them away.

Mr. STAFFORD. Any private person can now enter on these islands and get title to them. How much better is it not to allow the National Government to establish a park, but the State to establish a park? This is public land not utilizable for any other purpose, and the bill seeks to cede the lands to the State of Michigan so as to allow it to establish parks. There is no future burden upon the National Government. If we do not do that, it will permit some private individual to enter and preempt the land.

Mr. BLANTON. But it is left to the Government after all to determine whether or not it will pass title.

Mr. STAFFORD. Oh, no; these lands are open to entry now, and people will enter on them for pleasure resort purposes. We considered that question many years ago in Wisconsin in reference to the islands in the lakes there.

Mr. BLANTON. If the matter has passed the eagle eye of the gentleman from Wisconsin, I have no objection.

Mr. HUDSPETH. How much land is involved?

Mr. STAFFORD. Only 33 acres.

The SPEAKER pro tempore (Mr. TILSON). 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 following-described lands located in the county of Isle Royal, State of Michigan, be, and they are hereby, ceded to the State of Michigan for public park purposes: Isle No. 1, section 4, township 66 north, range 34 west; Isle No. 2, section 4, township 66 north, range 34 west; Isle No. 2, section 2, township 66 north, range 34 west; Isle No. 1, section 36, township 67 north, range 34 west; Dean Isle, sections 31 and 36, township 67 north, ranges 33 and 34 west; Green Isle, sections 25 and 36, township 67 north, range 34 west; Isle No. 1, section 32, township 67 north, range 33 west; Isle No. 2, section 32, township 67 north, range 33 west; Isle No. 3, sections 29 and 32, township 67 north, range 33 west; containing, in all, 33.71 acres: *Provided, however*, That in case the State of Michigan shall at any time use the said described lands, or any portion of them, for other than public park purposes, the title thereto shall revert to the Government of the United States.

The following committee amendments were severally reported and severally agreed to:

Page 1, line 4, strike out the words "Isle Royal" and insert the word "Keweenaw."

Page 2, line 11, strike out "thirty-three and seventy one-hundredths" and insert "thirty-three and seventy-five hundredths."

Page 2, line 12, strike out the word "however" and insert:

"That any grant hereby made shall not defeat any prior valid settlement claim initiated when the land was subject to settlement and legally maintained: *And provided further.*"

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.

The title was amended to read as follows:

A bill to provide for the cession to the State of Michigan of certain public lands in the county of Keweenaw, State of Michigan.

UNITED STATES COAL COMMISSION.

Mr. LEA of California. Mr. Speaker, I ask unanimous consent that Calendar No. 491 (H. R. 13882), relating to the United States Coal Commission, retain its place on the calendar without prejudice.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, may I ask the gentleman what purpose there can be in keeping it on the calendar?

Mr. LEA of California. I do not know that the purpose is very material.

Mr. BLANTON. We are now approaching the end of the Congress, and there will hardly be another unanimous-consent day.

Mr. LEA of California. If there is any advantage, I would like to retain it.

Mr. BLANTON. I would like very much to do the gentleman a personal courtesy, but if there is any chance for any advantage to be derived by this legislation I shall object, because I do not want to see it have any advantage at all.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

The SPEAKER pro tempore. The gentleman from Texas objects, and the bill is stricken from the calendar.

PAYMENT OF PER DIEM EMPLOYEES, ETC.

The next business in order on the Calendar for Unanimous Consent was H. J. Res. 256, proposing payment to certain employees of the United States.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I notice from the report this would involve the expenditure of $333,000, and more. What character of employees will this extend the payment of a day's wage to?

Mr. VOLSTEAD. All per diem employees. Of course, there are a good many of those.

Mr. STAFFORD. As to those who were employed on regular salaries it would be impossible to deduct their day's pay?

Mr. VOLSTEAD. Yes; those who are paid by the month or year get their pay just the same. Of course, nearly all of these holidays, I think, in every instance, they are paid for the day. This was passed without any mention made of the question of pay and subsequently the comptroller has held that they were not entitled to pay and they went upon the supposition that the ordinary rule would prevail. The departments went on and paid. Now, the question is, Shall we attempt to collect that back or allow it to go?

Mr. STAFFORD. I notice in reading the report the War Department has attempted in a good many instances——

Mr. VOLSTEAD. Some instances.

Mr. STAFFORD. To have the Treasury reimbursed. Perhaps it was the intention of Congress that all employees of the Government should have a holiday and not pay it back, whether they were per diem or salaried employees.

Mr. VOLSTEAD. Of course, that was the understanding of the department because they allowed it and paid them.

Mr. STAFFORD. That is the question, whether it was the intention of Congress or not.

Mr. BLANTON. Mr. Speaker, reserving the right to object, is this a unanimous report of the Committee on the Judiciary?

Mr. VOLSTEAD. I think so; I do not remember of any opposition to it. There is no minority report.

Mr. BLANTON. If it is a unanimous report, I think the gentleman from Wisconsin ought to go into it a little more thoroughly.

Mr. VOLSTEAD. I do not remember there is any minority report.

Mr. BLANTON. It had about the same consideration that the murder bill which the gentleman brought in here had?

Mr. VOLSTEAD. No; this was up and considered very carefully, and we had before us the comptroller to explain it to us quite fully. I can say that the bill which the gentleman refers to——

Mr. BLANTON. Slipped by the chairman——

Mr. VOLSTEAD. Well, it was sent to us twice, and it was assumed that it was all right because it came from hands which ought to have seen that it was in proper shape.

Mr. STAFFORD. Did the comptroller hold it was the intention of Congress to allow all these employees to have their salary on this holiday?

Mr. VOLSTEAD. No; I can not say the comptroller said that; but it was evident the department so understood it because they allowed these employees to be paid and did pay them.

Mr. STAFFORD. I withdraw the reservation of objection.

The Clerk read as follows:

Whereas under the terms of House Joint Resolution 212, approved November 4, 1921, and the proclamation of the President, dated November 7, 1921, Armistice Day, November 11, 1921, was declared a legal public holiday; and

Whereas it was understood such action by Congress automatically carried with it payment for such holiday to per diem as well as annual salaried employees; and

Whereas the Comptroller General has ruled that per diem employees can not be legally paid for the holiday, November 11, 1921: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all per diem employees of the several departments and independent establishments of the Government who were carried on the rolls as employees and excused from work on November 11, 1921, shall be allowed pay for that day.

Mr. STAFFORD. Mr. Speaker, I move to strike out the preamble.

The motion was agreed to.

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

EXPENSES OF SUBSISTENCE, OFFICERS AND ATTORNEYS, DEPARTMENT OF JUSTICE.

The next business in order on the Unanimous Consent Calendar was the bill (H. R. 13430) to amend section 370 of the Revised Statutes of the United States.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

Mr. FOSTER. Will the gentleman withhold his objection?

Mr. BLANTON. I will withhold.

Mr. FOSTER. Mr. Speaker, the purpose of this bill is to secure for the officers of the Department of Justice, when on travel on Government business, an allowance more in keeping with the present prices. When the per diem of $4 was fixed in 1914 we had different conditions from those we have now. The Army, Navy, and Marine Corps when on duty are allowed $7 per day; Federal judges are allowed $10 per day; the general appraisers of the Government engaged under the tariff act of 1922, $10 per day; and even the stenographic force is allowed $8 per day. The Senate recently passed a similar bill allowing the Department of Justice $7 per day. The Judiciary Committee of the House, after hearings and full consideration, amended the Senate provisions to make it read $6 per day, in lieu of actual expenses. In view of the fact that even the stenographic force draw $8 per day and judges $10 per day, we consider the allowance of $4 per day, made before the war, an injustice to the Department of Justice and should raise this amount.

Mr. BLANTON. I will state when this practice first started of raising this allowance for subsistence in various departments my colleague [Mr. BLACK] and myself and several others called attention to where it would lead, that it would be an excuse for raising the allowance for subsistence all the way up the line and down the line. But gentlemen said, "No; it would be confined to that particular bill."

Mr. FOSTER. Does the gentleman from Texas think that representatives of the Department of Justice going out on official business, say, to Chicago or to Dallas, Tex., can subsist upon $4 a day? Instead of the $10 allowed to the judges, we propose to cut what the Senate put in and make it $6.

Mr. BLANTON. Well, under another bill we passed the other day some employees are allowed $8 a day. Now, you are coming in and granting a raise in this department, and some others will come in with bills granting raises to others, and I think we should stop these raises. There was a time when a man could live on less than $4 subsistence where he had his salary and traveling expenses allowed. There was a time in the country when he could do it, and we may get back to those normal conditions. But the gentleman will never be able to amend the future bills downward; it will always be upward.

Mr. FOSTER. That question came before our committee whether we should agree to the Senate bill, making it $7, and your Judiciary Committee unanimously agreed to make it $6, realizing that would hardly reimburse. Now, if this is passed all expense accounts must be itemized and must not exceed $6 per day.

Mr. BLANTON. I want the distinguished gentleman to look back into the RECORD of probably about three weeks ago, to the list of the special attorneys employed in this department, on the Government pay roll, drawing a large salary, and the history of some of them that was given at that time, and the class of services they were giving to this Government. Some who used to be messenger boys a short while ago are now special attorneys employed at large salaries.

Mr. FOSTER. I do not hold against them the fact they were once messenger boys. I myself for seven years sold newspapers.

Mr. BLANTON. But before a man is employed by the Government to represent the Government in the Department of Justice cases, where he will be pitted against highly paid private attorneys, he should have some legal education and training and at least some practical training in the courthouse as well as in the theory of pleading and practice.

Mr. FOSTER. I am conscious of the fact that the gentleman from Texas is a good enough lawyer and realizes that the exception does not prove the rule. But if the Department of Justice sends an Assistant Attorney General out, for example, to Columbus, Ohio, he ought not to be asked to subsist on $4 a day under present prices and conditions. The hotel bill alone is frequently that much. This law does not fix it at $7, or $10, or at $8, such as the stenographic force may get, but it fixes the reasonable maximum price of $6 a day to be itemized, which the gentleman admits is reasonable. I am not asking any special favor for this department.

Mr. BLANTON. There is one more trouble. The gentleman, if he will investigate these expense accounts as I have done, and will go down into them and look at the different items that are put into these various expense accounts, will find out that where you have made a big allowance for subsistence besides traveling expenses the trips have been prolonged over 40 or 50 or 60 days, which sometimes could have been ended in probably a week; and it is an incentive to make the trips last when they are drawing $6 or $8 a day for subsistence, for every day they can prolong the trip is so much money in their pockets.

Mr. FOSTER. I do not question but that the gentleman from Texas has rendered a great service to this House by making such investigations; but——

Mr. BLANTON. I have tried, but I have not been able to stop all waste.

Mr. FOSTER. This bill provides that it must not exceed $6.

Mr. BLANTON. The Post Office Department is more important to the people of the United States—our home people—than the Department of Justice just now. Why does not the gentleman raise the $4 allowance for traveling expenses for the inspectors and officials of the Post Office Department?

Mr. FOSTER. My belief is that a gentleman under the Post Office Department, going out on field duty, can no more live on $4 a day than can those from the Department of Justice.

Mr. BLANTON. The gentleman's party has one of the finest men in this Government down in the Post Office Department as Postmaster General, and you have not found Doctor Work, or his First Assistant, Governor Bartlett, who is slated for Doctor Work's place—you have not found them asking for $8 or $6 allowance. They are satisfied with $4.

Mr. FOSTER. I know that the gentleman from Texas realizes that if Doctor Work should go to-day to Denver on Government business he could not subsist on $4 a day.

Mr. BLANTON. Doctor Work knows present conditions. He is presumed to have and does have the interests of his post-office inspectors at heart. Why has he not asked for it?

Mr. FOSTER. I do not know as to that, but I do know, and the gentleman from Texas knows, that neither Doctor Work nor anyone else can subsist on $4 a day if placed subject to our city prices.

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

Mr. FOSTER. Yes.

Mr. SWING. I remember a conversation that I had with the late lamented Franklin K. Lane while still Secretary of the Interior. I had occasion to present him with some California fruits. He said, "This will help out." He stated that it had been a subject of conversation in the Cabinet a few days before how the Cabinet members could travel on official business and live on the $5 per day allowed them. He said it could not be done.

Mr. BLANTON. I think there ought to be a special committee—not another committee appointed, because, God knows, we have enough already—but there ought to be some concerted action by your steering committee that will make these subsistence allowances more consistent. Until such a committee has worked out a consistent plan each bill will come in on its own footing, as it does now, and I do not think we ought continually to raise the amount.

Mr. FOSTER. I have observed the gentleman from Texas during the past four years—he as a persistent speaker; I as an interested listener. I believe that generally the gentleman from Texas tries to do what he believes is right.

Mr. BLANTON. But you will not vote with me.

Mr. FOSTER. I have voted with the gentleman, as an examination of the RECORD will disclose, more times than he may realize. I do not think the gentleman believes that these men can subsist on $4 a day. I think he believes in his own heart that this provision in the bill is a just one. The gentleman should realize that the House Judiciary Committee brought the amount down to $6 a day maximum, on itemized statements. I do not think the gentleman should object to the bill.

Mr. BLANTON. I saw in the paper this morning that the German mark is being stabilized. If they can do that, we certainly are getting back to normal.

Mr. SUMNERS of Texas. Mr. Speaker, I object to the consideration of this bill.

The SPEAKER. Objection is made.

Mr. FOSTER. Where does the objection come from?

The SPEAKER. The gentleman from Texas objects.

Mr. HUSTED. Will the gentleman withhold that objection for a moment?

Mr. SUMNERS of Texas. I will reserve the objection——

Mr. BLANTON. I make it.

The SPEAKER. The gentleman from Texas [Mr. BLANTON] objects. The Clerk will report the next bill.

UNITED STATES MARSHAL, SOUTHERN DISTRICT OF NEW YORK.

The next business on the Calendar for Unanimous Consent was the bill (S. 3614) relating to the official bond of the United States marshal for the southern judicial district of the State of New York.

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 for amendment.

The bill was read, as follows:

Be it enacted, etc., That whenever the business of the United States district court in the southern judicial district of the State of New York shall make it necessary, in the opinion of the Attorney General, for the United States marshal to furnish greater security than the official bond now required by law, a bond in an amount not to exceed $75,000 shall be given, when required by the Attorney General, who shall fix the amount thereof.

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

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

FOREIGN POSTAGE AND REVENUE STAMPS.

The next business on the Calendar for Unanimous Consent was the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates.

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 for amendment.

The bill was read, as follows:

Be it enacted, etc., 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 Stat. L. p. 1118, 1121, 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.

With the following committee amendment:

On page 1, line 8, after the word "illustrations," strike out the word "of" and insert the words "in black and white or foreign."

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

The amendment was agreed to.

Also the following committee amendment:

Page 2, line 3, after the word "album," strike out the words "but no such illustration shall be made in colors, and no such illustration or plate shall be of a stamp of the United States" and insert in lieu thereof the following: "and nothing in said sections shall be construed to forbid or prevent similar illustrations, in black and white only, in philatelic or historical articles, books, journals, albums, or the circulars of legitimate publishers or dealers in such stamps, books, journals, albums, or circulars of such portion of the border of a stamp of the United States as may be necessary to show minor differences in the stamp so illustrated, but all such illustrations shall be at least four times as large as the portion of the original United States stamp so illustrated."

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

Mr. VOLSTEAD. Mr. Speaker, I offer an amendment to the amendment.

The SPEAKER. The gentleman from Minnesota offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VOLSTEAD: At the end of the committee amendment insert: "*Provided, however*, That no such postage or revenue stamp is printed or published without the printer or publisher thereof first having obtained the written consent of the Secretary of the Treasury for such purpose."

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

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

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

CONSTRUCTING A DRAIN FOR SEWAGE ACROSS GOVERNMENT LAND AT MIAMI BEACH, FLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13272) granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands.

The Clerk read the title to the bill.

The SPEAKER pro tempore (Mr. TILSON). Is there objection?

Mr. FOSTER. I object.

Mr. SEARS. Will the gentleman withhold his objection? I did not object to the gentleman's bill. This is simply a question of passing over 20 feet of Government land in order that they may put in modern sewerage. The War Department and the Interior Department reported favorably on it. It provides for the repeal of the law at any time, and unless this is granted now the system can not be put in. I hope the gentleman will not object.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. I object.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13996) granting the consent of Congress to the cities of Minneapolis and St. Paul, or either of them, to construct a bridge across the Mississippi River in section 17, in township 28 north, range 23 west of the fourth principal meridian in the State of Minnesota.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to substitute the Senate bill which is on the Speaker's table.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to substitute the Senate bill of a similar import on the Speaker's table. Is there objection?

Mr. SEARS. I object.

Mr. NEWTON of Minnesota. Go ahead, then, with the House bill.

Mr. SEARS. Mr. Speaker, the gentleman from Minnesota being my good friend, I withdraw the objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 4411) granting the consent of Congress to the cities of Minneapolis and St. Paul, Minn., or either of them, to construct a bridge across the Mississippi River in section 17, township 28 north, range 23 west of the fourth principal meridian, in the State of Minnesota.

Be it enacted, etc., That the consent of the Congress is hereby granted to the cities of Minneapolis and St. Paul, or either of them, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation in the northwest quarter of section 17, township 28 north, range 23 west of the fourth principal meridian, between the cities of Minneapolis and St. Paul, in the State of Minnesota, in accordance with the provisions of an 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 SPEAKER pro tempore. The question is on the third reading of the Senate bill.

Mr. NEWTON of Minnesota. Mr. Speaker, I move to amend, on page 1, line 7, after the word "in," insert the words "or near."

The Clerk read as follows:

Amendment by Mr. NEWTON of Minnesota: Page 1, line 7, after the word "in," insert the words "or near."

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

The amendment was agreed to.

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

The House bill was laid on the table.

CONSTRUCTION OF THREE BRIDGES ACROSS THE JUNCTION OF THE MINNESOTA AND MISSISSIPPI RIVERS.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 14081) granting the consent of Congress to the Valley Transfer Railway Co., a corporation, to construct three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers at points suitable to the interests of navigation.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to inquire what is the character of the railroad that is to be constructed on these three bridges authorized by this bill?

Mr. NEWTON of Minnesota. As I understand it, it is to be in the nature of a sort of industrial road. There is an island lying at the junction of the Mississippi and Minnesota Rivers, probably about 50 acres in extent. That has not as yet been developed in any way. There is no building upon it. The desire is to develop and make use of that island for industrial purposes. The only approach to the island is the approach on the southwest over the Dakota county side, and then the one on the west which is over the Fort Snelling Reservation side.

Mr. STAFFORD. What is the necessity of having the bridge extend over the Fort Snelling Military Reservation?

Mr. NEWTON of Minnesota. It is on the west side of the Mississippi River and at the junction. Minneapolis lies north

of Fort Snelling, up the Mississippi River. The traffic is downstream. In order to get from Minneapolis to the island you must cross over the Fort Snelling Reservation.

Mr. STAFFORD. Why is it necessary to go onto the island from the Fort Snelling side?

Mr. NEWTON of Minnesota. You have got to go over the Fort Snelling Reservation in order to get upon the island from Minneapolis.

Mr. STAFFORD. I thought you could approach it from one side only.

Mr. NEWTON of Minnesota. Not from Minneapolis.

Mr. STAFFORD. It does not mean the spoliation of the land on the Government reservation?

Mr. NEWTON of Minnesota. Not at all. It is low flat land that has never been utilized and never will be for military purposes.

Mr. STAFFORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Valley Transfer Railway Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, to construct, maintain, and operate three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers at points suitable to the interests of navigation, at or near Pike Island in the State of Minnesota, said bridges to be constructed so as to connect the southwesterly shore of Pike Island with the west bank of the Mississippi River in Dakota County, Minn., the westerly shore of Pike Island with the Fort Snelling Military Reservation on the west bank of the said Mississippi River, and the southeasterly shore of Pike Island with the east bank of said river, in Ramsey County, Minn., 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 ordered to be read the third time, was read the third time, and passed.

SEWAGE DRAIN ACROSS GOVERNMENT LANDS, MIAMI BEACH, FLA.

Mr. SEARS. Mr. Speaker, I ask unanimous consent to return to House bill 13272, granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to return to Calendar No. 498.

Mr. FOSTER. Mr. Speaker, I object.

Mr. SEARS. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Florida makes the point of order that there is no quorum present. The Chair will count.

Mr. STAFFORD. Will not the gentleman withdraw his point of order? I think that later on we will be able to pass the gentleman's bill.

Mr. SEARS. But what assurance have we——

Mr. STAFFORD. Of course, I am not in control; but I shall use my good offices toward having the bill passed. I think some means will be devised whereby the gentleman's bill will be considered later. It is a meritorious measure.

Mr. SEARS. Mr. Speaker, I withdraw my point of no quorum.

Mr. FOSTER. Mr. Speaker, I withdraw my objection to the bill.

The SPEAKER pro tempore. Is there objection to returning to the bill?

There was no objection.

Mr. BLANTON. Mr. Speaker, the gentleman from Minnesota [Mr. VOLSTEAD] has made a statement to me that causes me to withdraw my objection to the bill (H. R. 13430) to amend section 370 of the Revised Statutes, and I do withdraw my objection to it.

The SPEAKER pro tempore. Is there objection to the consideration of the bill H. R. 13272?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the city of Miami Beach, Fla., a municipal corporation organized and existing under the laws of the State of Florida, be, and it is hereby, granted a license and permit to lay, construct, and maintain a drain for sewage from its sewage disposal plant across the lands of the United States Government known as the Government reservation and into the Government channel, which Government reservation lies in the extreme southern portion of said city and immediately adjacent to said Government channel, immediately south of said city, provided said drain is laid underground along the following described line: Begin with the intersection of the west line of Jefferson Avenue in said city, proceed south to the north line of said United States Government lands; thence run southeasterly parallel with the east shore of Biscayne Bay as said shore exists along the west boundary line of said United States Government land, to the low water mark in a cut between Biscayne Bay and the Atlantic Ocean; thence continuing under water at such a depth as will not interfere with navigation to the edge of the Government channel used for ships.

SEC. 2. That this act shall become and be effective immediately upon its passage and approval as provided by law.

The following committee amendments were severally reported and severally agreed to:

Page 1, line 9, strike out all of lines 9 and 10, and lines 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 on page 2 and insert in lieu thereof the following: "situated on the north side of the Government cut from Biscayne Bay to the Atlantic Ocean immediately south of the city of Miami Beach, at such location and in accordance with such plans as may be approved by the Chief of Engineers, United States Army, and by the Secretary of War."

Page 2, strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

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.

EXPENSES OF SUBSISTENCE OFFICERS AND ATTORNEYS, DEPARTMENT OF JUSTICE.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 13430, to amend section 370 of the Revised Statutes of the United States.

The SPEAKER pro tempore. Is there objection?

There was no objection.

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

Mr. STAFFORD. Mr Speaker, reserving the right to object, I wish to inquire of the gentleman who has reported the bill whether the committee considered limiting the time to which the per diem allowance should be granted to these respective employees. Many years back in consideration of the Postal Service we found this abuse, which we sought to correct. Inspectors who were entitled to the $4 per day per diem allowance would leave their domiciles and depart for long periods of time for the sole purpose of getting the allowance. We provided that they would not be entitled to a per diem allowance for a period exceeding 15 days. I assume that it is not the purpose of the Government to grant this per diem allowance to these Department of Justice employees when they are assigned to some place in the field for a long period of time. I do not know whether the gentleman has considered that phase of the matter in connection with this bill.

Mr. FOSTER. No limit was suggested, because there was nothing to suggest such a thing to the committee. What would be a reasonable limit? Take the nature of the work of the Department of Justice, with the work that has been piled upon it in consequence of the war.

Mr. STAFFORD. I am not directing my inquiry to the amount carried, but I am directing my inquiry to the possible abuse that may be indulged in where the Department of Justice assigned some person in the field to stay one, two, three, four, or five months. It certainly should not be the purpose of the Government to pay him at those rates if he virtually takes up his abode there, even though he is engaged on Government work assigned by the department.

Mr. FOSTER. There surely would be no departmental O. K. for such a bill as that, and as long as he is there temporarily he can not make any money at $6 a day.

Mr. STAFFORD. This is not limited to temporary assignments, and it is that feature of it that I had in mind when I considered the bill.

Mr. FOSTER. I see no objection to such an amendment as that, if the gentleman can conceive what would be a reasonable limit, in view of the work of the Department of Justice.

Mr. STAFFORD. What would the gentleman say to a period not exceeding two months?

Mr. BLANTON. Oh, no; two weeks.

Mr. STAFFORD. Oh, no; we do not want to restrict them too much.

Mr. FOSTER. Suppose the Department of Justice sends a man to Chicago in the case pending out there, would two weeks be a reasonable time?

Mr. STAFFORD. It would not.

Mr. FOSTER. I would rather trust the common sense and good judgment of the department than to have such an amendment at this time.

Mr. VOLSTEAD. Some of these cases run along for two or three months.

Mr. FOSTER. I shall turn the inquiry back to the gentleman from Wisconsin. What would he suggest as a reasonable limitation for a Department of Justice employee going out to Chicago?

Mr. STAFFORD. I said two months.

Mr. BLANTON. May I make this suggestion: If you fix it at two months in this bill, the gentleman will find that most of them will have a period of two months in their accounts.

Mr. STAFFORD. I think there is a great deal in that. They will consider this an authorization of Congress.

Mr. BLANTON. I would rather leave it as it is without putting in the two months.

Mr. STAFFORD. I will not press the amendment in view of the great insistence of the gentleman from Ohio on this bill, but I really believe it is going to be the subject of abuse in certain limited cases.

The SPEAKER pro tempore. Is there objection?

Mr. MACGREGOR. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MACGREGOR. I want to ask the gentleman why there were these differences in allowances. A short time ago I went out to St. Paul as a member of the joint committee on agricultural credits, and I put in a bill and the Comptroller General came back and said I was only entitled to $4 a day for all my expenses; and that trip cost me money. Why should there be this difference in allowances?

Mr. STAFFORD. That is the weakness of this bill. We are singling out one department and allowing a per diem of $7 when the law limits it in other activities to $4 and in some cases to $5. That is the objection to this bill; it is special legislation, because one department of the Government has been active in trying to press some needed legislation. It will naturally result in extending it to the rest of the departments.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 370 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 370. Whenever the Solicitor General, an attorney, an assistant attorney, a special assistant to the Attorney General, or any other officer of the Department of Justice is sent by the Attorney General to any State, district, Territory, or country to attend to any interest of the United States the person so sent shall receive, in addition to his salary and the necessary expenses of travel, his actual expenses incurred for subsistence, not to exceed $7 per day, or a per diem of $6 in lieu of such actual expenses while absent from the seat of government, the account thereof to be verified by affidavit."

Mr. VOLSTEAD. Mr. Speaker, I move to amend, on page 2, line 3, by striking out the words "$7 per day or a per diem of" and the word "in" in that line, and in line 4 strike out "lieu of such actual expenses," so that the language will read "not to exceed $6 while absent from the seat of government."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 3, after the word "exceed," strike out "$7 per day or a per diem of," and after "$6" strike out the word "in," and on line 4 strike out the words "lieu of such actual expenses."

Mr. SEARS. Mr. Speaker, I want to congratulate the Judiciary Committee, and now I simply desire to call attention to the fact that deputy United States marshals have only been receiving $4 a day. That is the question I desire to ask the gentleman just now, and suggest to him that the Judiciary Committee take up this matter and see that they get an additional per diem, because I know that they can not get by on that amount. I do hope the committee will take it up next session, for while this is in part cared for now in the appropriation bill, each year we have to thresh it out, and I would like their per diem not only increased but become permanent law.

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

The question was taken and the amendment was agreed to.

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

The SPEAKER pro tempore. Without objection, the spelling of the word "exceed" will be corrected.

There was no objection.

Mr. LANKFORD. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. LANKFORD. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

Mr. BEGG. Reserving the right to object, on what subject?

Mr. LANKFORD. A few days ago I made some observations on the race question and I wish to extend my remarks along the same line.

Mr. STAFFORD. I take it they are the gentleman's own remarks?

Mr. LANKFORD. No; I have some quotations which I wish to include.

Mr. STAFFORD. Are they the major or the minor part of the gentleman's remarks?

Mr. LANKFORD. A minor part.

Mr. STAFFORD. I hope they are the extreme minor part.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. LANKFORD. Mr. Speaker, some days ago I discussed the solution of the race question and urged that the best interest of both races demanded less bitterness and hatred. Several negro newspapers have carried my speech in full or practically so. Most of them differ very much with me. This was to be expected. In a few minutes I will refer to just one of these articles to show that many of the northern negroes believe that the negro will establish his place in this civilization by force, by laws enacted by sectional prejudice and hatred, and contrary to public opinion of the white or dominant race.

I repeat, the great desire of the Negro race should be to prove itself worthy of rights and privileges—not to seek to take those rights against public opinion of the white man. I again repeat, the future place of the negro is what the white man permits him to occupy because of his real merit, not what the negro gets temporarily by hatred and then abuses in order to show that he is holding it.

The lamented late Senator Watson, of Georgia, once said:

I regard public opinion as omnipotent. It can not be seen, but its pressure is despotic. The bravest man quails before the silent aversion of hostile public opinion. The stoutest leader weakens before its frowning face. It changes policies, customs, manners. It enforces an unwritten law, and the criminal who violates it swings from a limb. It nullifies a written law and bears home in triumph the man who broke it.

You think you hold your life at the mercy of the law. You do nothing of the kind. You hold it at the mercy of public opinion.

No Dyer antilynching law can stop lynchings. The negro, by staying in his place and by building up favorable public sentiment—not for his crimes and wrongs, for this can not be done, but for his people's courtesy, politeness, and merit—can stop lynchings of negroes.

Mr. Speaker, I promised that I would make some mention of one of the articles in which my speech was quoted. I am doing this to show some of the ideas held by negroes. I shall probably discuss more fully some of these ideas at a time when there is not such a rush as now exists here in trying to get ready for adjournment.

The Washington Tribune, a negro paper published here, carried my speech, practically in full, under a headline clear across the front page, as follows:

Negroes of Washington worry Georgia Congressman.

Again, the paper in a headline says, "Georgian's speech really paid tribute to northern negro." In other words, the paper says it is a tribute to the northern negro to be charged with being offensive, insulting, and impudent to the white race. I am glad this paper printed my speech on front page, as it in this way carried fully my message to the negroes of Washington and the North. It is far from my purpose to enter into an argument with a negro or a set of negroes who take a pride in being offensive, impudent, and insulting to the white race, and I only mention this article in this paper for the purpose of submitting additional evidence to Congress along the line that many of the negroes of Washington and the North believe that the way to gain for themselves a place in this civilization is by vicious, impudent, insulting conduct and not by merit.

They believe that the way to gain respect is by being disrespectful, and that the way to gain the good will is by being offensive, impolite, discourteous, and vicious. The Washington Tribune says, though, that I do not know "the negro who goes to Harvard" to school. Well, maybe I do not. I hope, though, that he is not much more impudent, insulting, and vicious than the ones who go to school here in Washington to Howard University at the expense of the United States Government. I always had an idea that education develops that which is best, not that which is worst, in a man or woman. If education of the negro means to make him more insolent, vicious, and insulting, then that same education means his destruction. He should develop the best of his nature, not the worst side. Whether the negro believes it or not, he needs the good will of the white man. I say for the third time what I have heretofore said here along this line:

The white race will determine what position in this great civilization the Negro race shall occupy. This will eventually be determined not by sectional hatred—not by partisan prejudice and not by political selfish narrowness. The white race will write the verdict of the negroes' rights in this Nation, and the white people of the South will

help make, will agree to, and will approve the verdict. The verdict will be impartial. It will be fair. It will speak the truth. It will be made up, after a careful consideration of all the evidence submitted by the Negro race, in view of all the surrounding circumstances and under the laws of eternal fairness, justice, and right. The verdict will not be a directed verdict. It will not be a forced decision. The white race will decide what position the negro is worthy to occupy from the negro's own acts, from his merit or lack of merit, and not from demands made by negro propagandists of either the Negro race or white race, except that these propagandists by the creation of racial hatred are introducing a mass of evidence against the colored race.

The Washington Tribune, speaking of my speech, said:

LANKFORD's speech was aimed at the negroes in Washington in particular and the negroes in the North in general. However, his speech when thoroughly analyzed is more of a compliment to negroes in Washington and the North than it is a slur. Like most southerners, LANKFORD is obsessed with the idea that all negroes are like the Uncle Toms of slavery-time fame. A negro who can think, act, and fight is an impossible creature according to the Ku Klux and LANKFORD'S school of thought. So absorbed are the whites in this class in putting out propaganda about their great supremacy (?) until they have completely failed to see the great progress made by the Negro race; the only negroes they know are the ones who live in a little log cabin back of a big house and is perfectly contented to cook, wash, iron, and do everything else asked of them by the whites, and in return receive only a few paltry dollars a month and some cast-off clothing. This type of negro is known only in the South, and even now only in small towns and villages and in the rural sections. Not any of them can read or write, and freedom comes only to them when death closes their eyes.

This paper would leave the impression that only uneducated very poor negroes are courteous and polite and wish to build and preserve a good feeling between the races. The idea is again brought forward that education makes the colored man discourteous and insolent. There are thousands of negroes not poverty stricken and who have a reasonable education in the South, and some in the North, who are courteous and anxious for the best of feeling between the races and who strive for this good will. The Washington Tribune is very anxious for the negroes not only to ride on same cars, sit on same seats, use same waiting rooms, use same parks, but it wants negroes to use same bathing beaches, board at same dormitories, and do everything else that would enable them to sit with and live with white folks.

Why do some negroes object so much to being separated from the whites? If white people have separate space on trains, the negroes have the same privileges of separate space. If white people have separate waiting rooms, the negroes have the honor of a separate waiting room for them. Why do they object to a separate bathing place? Why do they not want to enjoy the society of their own folks unmolested by white people? The Washington Tribune has three complaints in the one issue. One was my remarks in Congress in favor of the "Jim Crow" rule and indorsing Professor Lowell's refusal to let a negro live with whites in the freshman dormitory of Harvard. This paper, in mentioning my speech, began as follows:

The recent refusal of the Harvard officials to permit the son of Roscoe C. Bruce to live in the freshman dormitory at that great institution of learning gave Representative LANKFORD of Georgia a great chance to deliver a regular cracker Congressman's speech in the House of Representatives last Saturday.

Not only is the paper concerned because a negro has been kept out of a white students' dormitory, but it is worried because negroes, who consider it a tribute to be charged with being offensive, disrespectful, and insolent to white people, are not permitted to use the same bathing beach with white folks. Again this paper is very much concerned about and objects very much to a bill by Senator CAPPER to make it unlawful for negroes and whites to marry. Here is what the same issue of the Tribune says about Senator CAPPER's bill:

Senator CAPPER of Kansas, who at times has been classed as a progressive and a friend of the negro, joined the ranks of those who desire to make racial segregation national by introducing a Federal marriage bill which is aimed at marriages between opposite races. Senator CAPPER introduced his bill in the Senate January 23, S. 4934, and it was referred to the Committee on the Judiciary.

The part of Senator CAPPER's bill that relates to marriages between races is found in section 4, page 3, and lines 3, 4, 5, and 6, which reads as follows: (No license to marry shall be issued to one) "where the applicants are members of different races; that is to say, marriage between members of the white and black or of the white and yellow races, shall not be valid."

Just why Senator CAPPER has decided to try to foster national segregation is not known. Such measures heretofore have been sponsored by rabid southerners and such organizations as the the Ku-Klux Klan.

I probably would not vote for a bill making a national divorce law. I believe each State should make its own divorce laws. Senator CAPPER's view that negroes and whites should not be allowed to marry is, though, absolutely right. I also quote the following from the editorial page of the same issue of the same paper:

SEPARATE BATHING BEACH—NEVER!

In the District bill which passed the Senate Thursday there is a provision for an appropriation of $25,000 "for the construction of a bathing beach and bathhouse for the colored population of the city, at the Virginia end of the Key Bridge."

That is the limit. C. O. Sherrill, of North Carolina, in charge of Federal buildings and grounds, the Jim Crow promoter of the District, has recommended to Secretary of War Weeks that he order this separate beach for colored people on the Virginia side of the Potomac River, despite the many protests made to him against a separate beach.

A number of civic and other organizations have signified their opposition to a separate beach and have informed Secretary Weeks of their opposition; and it is understood he has promised not to favor a separate bathing beach.

The colored people of Washington have decided that as citizens of the District they are entitled to bathe in the tidal basin and they will accept no other place as long as bathing is permitted there. That is their slogan now. There is plenty of room there and a regular filtering or purifying plant there, hence it is absolutely unnecessary to think of establishing a separate bathing beach for the colored citizens of Washington or any other group of the city's population.

The Tribune, along with the other colored papers in the District, will oppose a separate bathing beach for colored people. If the District authorities insist on establishing a beach at the Virginia end of the Key Bridge they will simply be wasting the public's money. This will be but the entering wedge for more Jim Crowism in the Capital of the Nation and with the stamp of the Federal Government upon it. If this is accepted then we may look for separate street cars, separate waiting rooms, separate libraries, and what not. We shall not sit idly by and see the Constitution of America aborted to race prejudice in the fair Capital of the Nation that claims itself a "democracy" and "the land of the free."

Every vestige of the principle of the Constitution of the United States will be destroyed when the Federal Government puts its stamp of approval upon a separate bathing beach for colored people of Washington. The Tribune and the public in general will oppose it to the last ditch and will boycott any Jim Crow bathing beach that may be established.

"We bathe at the Tidal Basin or no bathing at all" is our slogan.

That would be awful, would it not? They think surely they will be permitted to bathe with whites if they refuse to bathe at a separate beach. I see in the same paper where HAMILTON FISH, a Representative from New York State, made a speech to a negro gathering a Sunday or two ago and begged his negro hearers to honor him by believing that his grandfather long ago invited a negro to dine with him. He is quoted concerning the Harvard University matter as saying:

This is the opening wedge for every college or university in the North to turn down colored students. President Lowell is only catering to the possible white students from the South, and they see more of the colored man down there than they will at Harvard.

I hope Representative FISH is right about this. He is so seldom right, maybe he is right this time. I received a few days ago a circular letter from Marcus Garvey, of the Universal Negro Improvement Association, which contained several ideas along the right line as well as some at variance with my views. Listen to what he says some negroes advocate. Garvey says:

Some negroes, such as the faction of the mulatto, W. E. D. DuBois, believe that the problem will be solved by assimilation and miscegenation; at least they believe that the black race will become, through social contact and intercourse, so mixed up with the white race as to produce a new type, probably like DuBois himself, which will in time be the real American. It is for such a contingency that he and his associates are consciously or unconsciously working.

Here is what Garvey says about this impossible idea:

We of the Universal Negro Improvement Association believe in a pure black race, just as how all self-respecting whites believe in a pure white race as far as that can be.

Again Garvey says:

We believe that the negro has at least a social, cultural, and political destiny of his own, and any attempt to make a white man of him is bound to fail in the end.

Garvey speaks of the many political and industrial positions the negroes would like to hold, and then says:

All these are positions and jobs sought by the majority group of whites in America and elsewhere. As a negro becomes more insistent on these demands for constitutional rights and privileges and threatens the more to compete with the white man for the job that the latter seeks and believes worth while having, then the inevitable conflict will come, and the group that is not strong enough to hold its own will go down, irrespective of the law and of the Government, because the law and the Government are but executive expressions of the sober will of the people; but when the people, through prejudice or any mass opinion, become dissatisfied, the law and the Government are no longer able to control them in their action.

In this respect I would refer you to the industrial riots of East St. Louis and Chicago, the political riot of Washington, and the commercial riot of Tulsa, Okla. The things that the white majority want in their own countries they will not yield to the Negro or any other race, and that is natural.

The only sensible thing for the negro to do, therefore, is to "build" for himself. This can be done without friction or animosity between the races, and that is why the Universal Negro Improvement Association believes in the building up of Africa for the Negro race.

Those negroes who are too lazy to work and lay the foundation for such a government are among those who criticize us.

Pilgrim Fathers we had in America before we enjoyed the delights of New York, Chicago, or Boston. Pilgrim Fathers we must have if Africa is to rise from her slumber and darkness.

In another part of his letter Garvey says this:

How far the two races will travel together socially, industrially, and politically in America before a serious civil clash ensues is the specula-

tion of all earnest, thoughtful people. It is because I personally want to prevent such a clash that I am advocating the cause of the Universal Negro Improvement Association.

Mr. Speaker, the race question can only be solved by the negro either returning to Africa or by him seeking his position in this civilization by his own merit and not by sheer force. He must get the white man's recognition by being worthy of it and not by pushing in where he is not wanted. He must recognize merit as a greater saving force than hatred.

Most of the negro papers carried my speech without comment. Some carried only quotations which left out much of the real argument of the speech. The Afro-American, of Baltimore, Md., carried the following item:

REPRESENTATIVE LANKFORD (DEMOCRAT, GEORGIA) URGES JIM-CROW STREET CARS, TRAINS, AND STATIONS IN DISTRICT OF COLUMBIA.

WASHINGTON, February 14.—Representative WILLIAM C. LANKFORD (Democrat, Georgia) told Congress last week he not only approved of President Lowell's stand of excluding negroes from Harvard but also excluding them from all white schools in the North.

Representative LANKFORD also took the occasion to discuss the race problem, urging Jim Crow street cars, trains, libraries, and parks for the city. Among other things he said were:

"The so-called 'Jim Crow' law which makes whites and negroes ride in separate coaches on trains, use separate seats in street cars, and use separate waiting rooms at the stations is a most excellent law for both races.

"The best thing the Negro race could do for itself would be to say: 'Give us separate cars, separate waiting rooms, separate parks, separate schools, separate libraries, and separate sections of town to live in. We do not want to offend the white people in the least. They are our friends. We are theirs.'

"I believe the negroes teach their children here to be as offensive to the whites as possible. The old and the young of the Negro race here are doing well their part of building up a contempt of the white race for the negroes.

"The negroes of the North are destroying the chance they have by attempting to force themselves where they are not wanted and by being insolent and offensive. Many negroes in the South would not under any circumstances come in at the front door of a white home unless specifically requested to do so. They do not want to use a white waiting room or ride on a train in the white coach if it offends the white man or white woman or white child in the least. These kind of negroes are the saving power of the Negro race."

Representative LANKFORD complained that there was no space in Union Station where colored people were prohibited.

"Millions and millions of the people's money have been spent and are spent each year on dozens of most beautiful parks here in Washington, and most splendid music is furnished—for whom? For only the whites who want to associate with negroes.

"Oh, the disgrace of the negro situation here in Washington! We have here in Washington a so-called reformatory for girls. It is filled up with negro girls and a few white girls. In other words, if a white girl makes a mistake or does some wrong for which she should be corrected she is forced to live with a bunch of negroes in order that she, a white girl, may be made better. The gang in authority in Washington who causes this to be done ought to be forced to eat with negroes, sleep with negroes, live with negroes, smell negroes, and work at hard labor with negroes in a penitentiary for and during the full end and term of their natural lives.

The Negro race, by endeavoring to get more than it is entitled to, will eventually lose many of its rights. By infringing on the rights of the white race, they built a resentment which will later deprive them of the rights of the negro.

In many sections where each race does not have well-defined rights and each stay strictly within them, extreme hatred will arise and negroes will be driven from their homes and even deprived of the right to live by the sway of race riots. The occasional lynching of a guilty negro will not hurt the Negro race, but the all-consuming flame of race hatred which is being kindled slowly but surely in many sections of the North, where the negro is attempting to push the white man aside, will hurt the Negro race.

The negroes are entitled to their own schools, churches, libraries, public gatherings, parks, bathing beaches, waiting-room accommodations, and railway and other transportation conveniences unmolested by the white folks, and the white people are entitled to the same conveniences without the interference of negroes.

The negro can not be white, neither will any considerable portion of the white race, either North or South, long consent to act the negro. The limitations fixed by the Almighty are steadfast and everlasting, and negro will remain negro and white will remain white. There should be rendered unto the negro the things that are his and unto the white man the things that are his. The white race, in all justice, will do this and only this, and the sooner the better.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend my remarks on bill S. 2703, one of the bills which was passed this afternoon.

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

Mr. STAFFORD. I assume they are the gentleman's own remarks?

Mr. ACKERMAN. Certainly.

The SPEAKER pro tempore. The Chair hears no objection.

AUTHORIZING THE COINAGE OF 50-CENT PIECES IN COMMEMORATION OF THE THREE HUNDREDTH ANNIVERSARY OF THE SETTLING OF NEW NETHERLAND, ETC.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13809) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French, and Belgian Huguenots, under the Dutch West India Co.

The Clerk read the title of the bill.

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

Mr. GERNERD. Mr. Speaker, I would like to substitute for the House bill the bill S. 4468.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to substitute for the House bill the bill S. 4468, now on the Speaker's table. Is there objection?

Mr. BLANTON. Is the Senate bill identical?

Mr. GERNERD. Identical.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That in commemoration of the three hundredth anniversary of the settling of New Netherland, the Middle States, in 1624, by Walloons, French, and Belgian Huguenots, under the Dutch West India Co., there shall be coined at the mints of the United States silver 50-cent pieces to the number of 300,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. That all laws now in force relating to the subsidiary silver coins of the United States and the coining or the striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin, or for any other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

Mr. GERNERD. Mr. Speaker, I move to amend the bill by inserting after section 2 a new section 3 in accordance with the amendment which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the Senate bill insert a new section as follows:

SEC. 3. That the coins herein authorized shall be issued only upon the request of the Fifth National Bank of New York, and upon payment of the par value of such coins by such bank to the United States Treasury.

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

Mr. BLANTON. Mr. Speaker, I reserve a point of order for the purpose of getting some information. Why should this particular bank handle the matter?

Mr. GERNERD. Because the Treasury of the United States wants some responsible depository to do business with.

Mr. BLANTON. Is this particular bank going to give this enterprise that the gentleman is fostering the benefit of the premium or bonus at which these coins will sell?

Mr. GERNERD. The bank gets no interest out of it at all, except that it must make itself responsible to the United States Treasury, and being a member of the clearing house of New York City——

Mr. BLANTON. It will reap no benefit whatever, but carry out the purposes of this act?

Mr. GERNERD. Yes; and I wish to say that the President of the United States is the chairman of this celebration.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill as amended.

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

On motion of Mr. GERNERD, the similar House bill was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BRIDGE ACROSS THE NIAGARA RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 4358) to authorize the American Niagara Railroad Corporation to build a bridge across the Niagara River between the State of New York and the Dominion of Canada.

The title of the bill was read.

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

Mr. STAFFORD. Reserving the right to object, I would like to inquire where Grand Island is?

Mr. DEMPSEY. In the Niagara River between Buffalo and Tonawanda and Niagara Falls.

Mr. BLANTON. Is this island near Black Rock?

Mr. DEMPSEY. It is near Black Rock. The head of the island is opposite Black Rock.

Mr. STAFFORD. This island is not approximate to the Falls?

Mr. DEMPSEY. It comes down within 3 or 4 or 5 miles of the Falls.

Mr. STAFFORD. But it is not near the Falls themselves?

Mr. DEMPSEY. No; they are not in sight.

Mr. STAFFORD. What railroad companies are interested in this?

Mr. DEMPSEY. The Canadian Pacific and the New York Central. The purpose is to enable all through freight eastbound and westbound which does not stop at Buffalo to go over this bridge instead of going through the city of Buffalo.

Mr. STAFFORD. The purpose of my inquiry was to ascertain the location of the island, because I do not believe any Member of Congress would wish to pass a bridge act permitting a bridge to be placed over the island near the Falls.

Mr. DEMPSEY. This bridge would be 15 miles from the Falls.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the American Niagara Railroad Corporation, a corporation organized under the laws of the State of New York, its successors and assigns, be, and it hereby is, authorized to construct, maintain, and operate a bridge and approaches thereto for general railway purposes and with a way for the passage of pedestrians and of motor-driven and horse-drawn vehicles across the Niagara River at a point suitable to the interests of navigation, near the city of Tonawanda, N. Y., and across Grand Island, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That before the construction of the said bridge shall be begun all proper and requisite authority therefor shall be obtained from the Government of the Dominion of Canada.

With a committee amendment, as follows:

Page 1, line 7, after the word "railway," insert the words "and highway."

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

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read the next committee amendment.

The Clerk read as follows:

Page 2, line 4, after "1906," insert: "*Provided*, That said bridge shall contain and furnish adequate and suitable ways for the passage in both directions of horse-drawn and motor-driven vehicles and a way for pedestrians: *And provided further.*"

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

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will read.

The Clerk read as follows:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

The SPEAKER pro tempore. The gentleman from New York moves to strike out the last word.

Mr. MACGREGOR. I just wanted to explain, so that there would be no question as to the judicial or legislative intent in the passage of this bill.

Mr. BLANTON. Mr. Speaker, will the gentleman yield? I am going to make a point of order at 5 o'clock. I just want the steering committee to understand, so that they can send over and get enough men, so that we would not have a roll call.

Mr. MACGREGOR. I wanted it understood that this railroad bridge was to contain a highway passage for the benefit of the public, so that they could drive across from the mainland to Grand Island and from Grand Island to Canada; so that there would be no subterfuge or evasion on the part of these railroad companies which are to construct this bridge. It is for the benefit of the public.

That is all I want to say about it. It is a great contribution to the great industrial center of the world, as it is to be, and it will be pleasing to you when you come there. [Applause.]

The SPEAKER pro tempore. The pro forma amendment is withdrawn. 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.

The SPEAKER pro tempore. The Clerk will report the next bill.

CHIPPEWA INDIANS OF MINNESOTA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13953) authorizing, for the relief of the distress of the Chippewa Indians of Minnesota, the withdrawal of moneys from the tribal funds of said Indians.

The title of the bill was read.

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

Mr. STAFFORD. Reserving the right to object, what is the reason why we should have this additional appropriation over that carried in the Indian appropriation bill for the relief of these Indians?

Mr. LEATHERWOOD. The matter was heard before the Committee on Indian Affairs, and a very convincing showing was made that many of these Indians are in practically a starving condition, principlly because of the failure to get work in the places where they had formerly been able to get employment and on account of a shortage of crops and the general economic conditions surrounding them.

Mr. STAFFORD. Will the gentleman permit?

Mr. LEATHERWOOD. In just a moment. No money will be taken out of the Treasury of the United States. This is money that belongs to this tribe. The committee saw fit to reduce the amount asked for, because there are certain sums which are available already for their relief. So we cut it down to what we thought was the minimum amount that would be necessary to take care of them during the winter.

Mr. STAFFORD. Were the provisions of this proposed bill carried substantially in the omnibus Indian relief bill that passed the House a week ago Saturday?

Mr. LEATHERWOOD. I am not advised as to that.

Mr. STAFFORD. I think this bill had better be passed over without prejudice.

Mr. LEATHERWOOD. I am under the impression that this act was not included in the omnibus bill.

Mr. STAFFORD. My impression is that it was so included. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

MEDICAL SERVICES FOR THE COAST AND GEODETIC SURVEY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9490) to provide for medical and hospital services for the officers and seamen of the Coast and Geodetic Survey.

The Clerk read the title of the bill.

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

Mr. STAFFORD. I am inclined to object, Mr. Speaker, unless some explanation is made.

Mr. WINSLOW. Mr. Speaker, this is a very simple little proposal. It is that medical treatment be afforded to the officers and men on the Coast and Geodetic Survey ships when they are at sea and at a distance from any medical headquarters at which they could apply for attention. This is the only one of the branches of the sea service of the Government that does not have such medical attention at sea. It involves altogether perhaps five of six doctors or surgeons, as the case may be.

The ships of the Coast and Geodetic Survey frequently go into far-distant foreign waters, and according to the law as it stands to-day the only medical relief they can get is from some Public Health Service station which they may be able to reach. It is unfair for us to send out these ships without providing them with proper medical men. I think the present condition, which has existed for a good many years past, is the result of an oversight.

Mr. STAFFORD. What is the personnel on the Coast and Geodetic Survey ships?

Mr. WINSLOW. I think they run probably from 20 to 40. There are not many of them, and they will, under this bill, get from the Public Health Service a surgeon for a trip now and then, as the necessities of the case may require.

Mr. STAFFORD. It is not intended that they shall be permanently assigned to these ships?

Mr. WINSLOW. No; nor is that done in the Coast Guard. Both services have a lot of ships going out, which do neither

have nor need any surgeons on board; but if they go into the Philippines, or to Asiatic ports, or to Alaska, or some other distant point, a physician should be assigned for each trip, and this bill will make such provision.

Mr. STAFFORD. I withdraw the reservation.

The SPEAKER pro tempore. The reservation of objection is withdrawn. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The bill was read, as follows:

Be it enacted, etc., That the Public Health Service is authorized and directed to provide medical, surgical, and hospital services and supplies for the officers and seamen of the Coast and Geodetic Survey, including, when practicable, the detail of a medical officer on each of the vessels of the Coast and Geodetic Survey, in the same manner as and to the same extent that the Medical Corps of the Navy provides similar services and supplies for the officers and men of the Navy.

With the following committee amendment:

Page 1, line 3, strike out the words "and directed" and insert "in the discretion of the Secretary of the Treasury."

The amendment was agreed to.

Also the following committee amendment:

Page 1, line 7, after the word "of" strike out "a" and after the word "medical" strike out the word "officer" and insert the word "officers."

The amendment was agreed to.

Also the following committee amendment:

Page 1, line 8, after the word "on" strike out the words "each of" and in line 9, after the word "survey" strike out the remainder of the paragraph.

The amendment was agreed to.

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 and was accordingly read the third time and passed.

BRIDGES ACROSS HUDSON RIVER AT ALBANY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13978) granting the consent of Congress to the Hudson River Bridge Co. at Albany to maintain two bridges already constructed across the Hudson River.

The Clerk read the title of the bill.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The bill was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Hudson River Bridge Co. at Albany, and its successors and assigns, to maintain and operate, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, a bridge and approaches thereto already constructed across the Hudson River at Albany, in the county of Albany, in the State of New York, in pursuance of the provisions of an act of the Legislature of the State of New York, entitled "An act authorizing the construction of a bridge across the Hudson River at Albany," passed April 9, 1856, and also a bridge and approaches thereto already constructed across the Hudson River in the State of New York, in pursuance of the provisions of an act of said Legislature of the State of New York, entitled "An act to amend the charter of the Hudson River Bridge Co. at Albany," passed May 10, 1869, or any act or acts of the said legislature now in force amending the said acts, or either of them, which bridges shall be deemed to have been constructed in accordance with the provision 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 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, and was accordingly read the third time and passed.

CERTAIN LAND IN HURON COUNTY, MICH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14296) to authorize the county of Huron, State of Michigan, to convey a certain described tract of land to the State of Michigan for public-park purposes.

The Clerk read the title of the bill.

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

Mr. RAKER. Reserving the right to object, as I understand it the former act which we passed here turned this land over to the county of Huron, and the State now desires to take it over?

Mr. CRAMTON. The original act gave the county of Huron the authority to take up the land and pay the homestead price, and that was done. It is now proposed to give the same land to the State for use for park purposes.

Mr. RAKER. Under the same conditions?

Mr. CRAMTON. Under the same conditions, which are continued.

Mr. RAKER. I withdraw the reservation.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill for amendment.

The bill was read, as follows:

Be it enacted, etc., That the county of Huron, in the State of Michigan, is hereby authorized to convey to the State of Michigan all its title to and interest in the following tract of land, to wit: Lots 1 and 2, section 17, and the northeast quarter of the northeast quarter of section 20, township 18 north, range 11 east, in Michigan: *Provided*, That if the State of Michigan after such conveyance shall fail to use the land for public park purposes or shall devote the same to other uses, the title thereto shall revert to the United States.

SEC. 2. That the chairman of the board of supervisors and county clerk of the county of Huron, State of Michigan, when directed by the board of supervisors of said county, are authorized to execute such conveyance.

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

ELEPHANT BUTTE IRRIGATION DISTRICT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13550) authorizing the Secretary of the Interior to enter into a contract with the Elephant Butte irrigation district of New Mexico and the El Paso County improvement district No. 1, of Texas, for the carrying out of the provisions of the convention between the United States and Mexico, proclaimed January 16, 1907, and providing for compensation therefor.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Mr. Speaker, I am inclined to object. I think this bill is too large in its import to be considered by unanimous consent.

Mr. HUDSPETH. Will the gentleman withhold his objection?

Mr. STAFFORD. I reserve my objection.

Mr. HUDSPETH. Mr. Speaker, it is true that this is a very important bill. Owing to the near approach of the close of the session, it is necessary to place it upon the Calendar for Unanimous Consent in order to get it considered by this Congress. If the gentleman from Wisconsin will allow me to explain this bill, I do not believe he or any other gentleman will object to it.

When the Government built the reservoirs on the Rio Grande in Colorado and the northern part of New Mexico they dried up the river in parts and destroyed the crops of the Mexicans on the other side in the vicinity of El Paso. The Mexicans laid claim against the American Government for $35,000,000. At one time a bill was reported out of the Foreign Affairs Committee in the Senate providing for the building of a dam just north of El Paso, to cost, as I recall now, $2,900,000, in order to supply the loss of the Mexicans to this water. It was found that it would be necessary to move two railroad tracks and do other things to compensate private owners that would cost more than to build the dam. Finally it was decided to build the Elephant Butte Reservoir, 121 miles above El Paso. At that time, as you will see by reading the letter of the Secretary of the Interior embodied in this report, it was estimated that the reservoir would cost $7,218,000, or $40 an acre levied against the landowners of the Elephant Butte irrigation district of New Mexico and the El Paso irrigation district No. 1, of Texas. Mind you, this project cost double that amount, according to the notice now issued by the Secretary of the Interior, amounting to $14,500,000.

Now, I want to ask you, Why should the water users of the El Paso district and New Mexico pay for the delivery of this water to Mexico?

Under the treaty of 1906 between this country and Mexico this country obligated itself to furnish the Mexicans with 25,000 acre-feet of water, and the cost of that has been assessed against the El Paso water users and New Mexico at $1.50 an acre, Mr. Fall says. Now, I want to say to the gentleman from Wisconsin [Mr. STAFFORD] that when these hearings were had before the Irrigation Committee of the House, page 223 of the hearings, Mr. MONDELL, our present floor leader, chairman of the committee at that time, and Mr. Newell, chief engineer of the Reclamation Department, appeared before that committee and asked for an appropriation of $1,000,000 to pay for the cost of delivery of the water to Mexico. The chairman asked him what he estimated the cost of the storage of that amount of water to be, and he said it would supply 25,000 acre-feet and that the cost would be a million dollars. At that time Mr.

Newell asked for an appropriation of a million dollars out of the Federal Treasury and stated that he estimated the cost to be about $40 an acre. The American water users were to pay that. Mr. Fall says in his report on March 1 that the total cost has been $90 an acre, $50 more than when the contract was entered into to supply this water to the landowners of Mexico. Now, why should the water users be obligated to carry out this treaty between this country and Mexico? Is there any fair-minded man who will say that these water users should pay $1.50 an acre to deliver 25,000 acre-feet of water to Mexico? Should the American water users be forced to foot the bill to Mexico under the treaty entered into between the two countries? Does any gentleman on this floor rise and say they should? I pause for an answer, and no man rises.

Now, that is the case. It is recommended by the Secretary of the Interior. When we entered into the contract they said it would cost $40 an acre, and then on the 1st of March Secretary Fall says the cost was more than double—$90 an acre.

Mr. SUMNERS of Texas. Will the gentleman yield?

Mr. HUDSPETH. Yes.

Mr. SUMNERS of Texas. I understand the gentleman to say that on account of the damages sustained by the Mexican citizens this Government was obligated to pay damages to the citizens of Mexico?

Mr. HUDSPETH. Yes; they asked for $35,000,000, and there were many in favor of paying it.

Mr. SUMNERS of Texas. We had entered into obligations to pay them for damages which had been sustained by reason of the drying up of the river.

Mr. HUDSPETH. Yes.

Mr. SUMNERS of Texas. After they built the dam for the storage of the waters in Texas and New Mexico they were to pay damages to Mexico.

Mr. HUDSPETH. No; under the treaty of 1906 the United States agreed to supply Mexico with 25,000 acre-feet of water.

Mr. SUMNERS of Texas. And what the gentleman wants is that the Government make an allowance of $1,000,000 and have the two projects obligated to carry out the Government contract?

Mr. HUDSPETH. In perpetuity; yes. They agree in this bill to deliver this water to Mexico for all time to come if they are allowed $1,000,000 credit on the construction cost of the dam. You do not have to appropriate a dollar. They are paying for the drainage ditches also and they only ask that the Secretary credit the reclamation fund with $1,000,000. You understand, gentlemen, that the American water users are not only paying twice the estimated cost of the dam but in addition are paying over $3,000,000 for drainage ditches, and several thousand dollars each year for delivering this water from the main reservoir to the Acquia Madre, the Mexican ditch, at the head of the intake, where it flows onto the Mexican lands. Mr. Mack Thompson, representing the Reclamation Department before the Irrigation Committee, stated it would cost the American water users, to deliver this water to Mexico, several million dollars. It is not right and it is not fair. Read Secretary Fall's letter here and you will see he says so in plain words.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, under the reservation of objection I do not question but that some adjustment should be made by the Government in view of the obligations incurred in the treaty entered into between the United States and the Republic of Mexico, but this is too important a measure for us to determine here now what should be the amount.

Mr. HUDSPETH. I will state that the Secretary of the Interior has determined the amount.

Mr. STAFFORD. This is a million-dollar project and we can not go into the details. I believe that there should be some consideration given to the rights of these water users on the American side.

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

Mr. STAFFORD. I have read the report. The gentleman has not furnished any new information. I think he has only confirmed my position and the position of the House, that this is too important a measure to consider under unanimous consent. I yield to the gentleman from Texas.

Mr. BLANTON. The gentleman knows that it is a conceded fact almost that Doctor Work, the eminent gentleman from Colorado, is soon to be made Secretary of the Interior. Is not the gentleman from Wisconsin willing to risk his Secretary of the Interior in passing on a question concerning the rights of the people of the United States as against those of Mexico?

Mr. HUDSPETH. At the time this dam was constructed the Secretary of the Interior said that it would cost $40 an acre, and when they sent this notice out they say they must pay $90 an acre. Does the gentleman think that is fair?

Mr. STAFFORD. I say that there should be some adjustment.

Mr. HUDSPETH. But how are we going to get it unless the gentleman will let this bill come up on its merits?

Mr. STAFFORD. This bill comes from the Committee on Irrigation of Arid Lands. There have been more bills reported in the last few days from that committee than have been reported in months. I am not responsible. The Committee on Irrigation of Arid Lands is responsible.

Mr. SMITH of Idaho. The bill was introduced only on December 22.

Mr. STAFFORD. But a number of bills have been sleeping in the gentleman's committee for six months and just reported in the last few days.

Mr. HUDSPETH. This was given a thorough hearing.

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

Mr. HUDSPETH. Yes.

Mr. MONDELL. The gentleman knows that I am as friendly as any man can be to the irrigation projects.

Mr. HUDSPETH. Yes; I am sure of that.

Mr. MONDELL. I think, perhaps more than any other, I had to do with having the reclamation law applied to Texas. I am inclined to think this bill ought to pass, but I do say to my friend that I do not believe we ought to be asked to consider it by unanimous consent. I think there is too much involved in it.

Mr. HUDSPETH. I agree with the gentleman that there is a considerable amount involved, but I think we could thrash it out here. In fact, it is clearly shown that every Member here excepting the gentleman from Wisconsin agrees that there is equity and justice in this bill, and, in fact, the gentleman from Wisconsin has just admitted that this bill is meritorious. Now, let us consider it on its merits.

Mr. MONDELL. May I suggest to my friend that I have not anything on this calendar that I am interested in, but that a great many gentlemen have, and if we do not spend too much time on these very important matters we can get pretty well along with the calendar. I hope that an opportunity may be given to consider this bill, but I do not think the gentleman ought to ask us to consider it under unanimous consent.

Mr. HUDSPETH. Let me ask the gentleman from Wyoming if he can suggest how I could possibly get this bill before this House in any other way than to put it on the Calendar for Unanimous Consent at this time?

Mr. STAFFORD. The gentleman, I believe, is going to be in the next Congress—more fortunate than I am in that particular——

Mr. MONDELL. I make no promises, but I should be glad if any opportunity should be had to consider this bill during this Congress. I do not think it ought to be done on the Calendar for Unanimous Consent.

Mr. HUDSPETH. A measure was considered here to-day that involved $250,000, and I supported it.

Mr. MONDELL. This involves more than $1,000,000 and, in addition to that, a rather important decision in connection with reclamation projects. If it were my bill, I should not have any idea that the House would consider it on the Unanimous Consent Calendar.

Mr. HUDSPETH. I am undertaking to represent my people as best I can, and if there ever was a just measure introduced in this House it is this measure that asks the Federal Government to pay back to those who have gone down in their pockets and paid for the delivery of water to Mexico.

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

Mr. HUDSPETH. Yes.

Mr. RAKER. In the matter of the consideration of this bill, is it not a fact that it provides a final settlement between the United States and Mexico?

Mr. HUDSPETH. Yes.

Mr. MONDELL. I know, but I think objection would be made, and under those circumstances why would it not be better to go to the other bills that we can pass?

Mr. RAKER. I call the gentleman's attention to this. This matter has been presented to the committee, and it is the first time in a great many years where there has been a complete adjudication asked between the Government and any other parties whereby the two reclamation projects combine themselves in perpetuity—that is, all of their property—to continue the contract between the United States and Mexico. They will do it now, and it may cost this Government from $25,000 to $60,000 in perpetuity each year, whereby these reclamation districts agree now to complete and carry out forever these contracts and see to it that the water is delivered to Mexico.

Mr. MONDELL. All of which proves how important a bill it is, too important for consideration in connection with unanimous consent.

Mr. RAKER. I know, but when the Government has a good thing, why wait for somebody else to raise some other objection?

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

LOAN OF CHAIRS FOR THE USE OF UNITED CONFEDERATE VETERANS.

The next business in order on the Calendar for Unanimous Consent was (H. J. Res. 437) a joint resolution authorizing the Secretary of War to loan 3,000 wooden folding chairs for the use of the United Confederate Veterans at their reunion to be held at New Orleans, La., on April 11, 12, and 13, 1923.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to substitute Senate Joint Resolution No. 279 for the House resolution.

The SPEAKER. Are they practically identical?

Mr. DUPRÉ. Practically identical.

The SPEAKER. Is there objection? [After a pause]. The Chair hears none. The Clerk will report the Senate joint resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, under such regulations as he may prescribe, 3,000 wooden folding chairs to William M. Garic, of New Orleans, La., for the use of the United Confederate Veterans at their reunion to be held in New Orleans, La., on April 11, 12, and 13, 1923.

The Senate joint resolution was ordered to be read the third time, was read the third time, and passed.

Mr. DUPRÉ. Mr. Speaker, I move to reconsider——

Mr. STAFFORD. I object to that.

The SPEAKER. Without objection the House joint resolution, similar to the Senate joint resolution, will be laid on the table.

There was no objection.

PRINTING ADDITIONAL COPIES SOIL SURVEY LAUDERDALE COUNTY, ALA.

The next business in order on the Calendar for Unanimous Consent was House Concurrent Resolution 83, providing for printing additional copies of soil survey of Lauderdale County, Ala.

The Clerk read the title of the concurrent resolution.

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

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 2,000 additional copies of the soil survey of Lauderdale County, Ala., for the use of the House document room.

The question was taken, and the concurrent resolution was agreed to.

LANDS IN SANTIAGO, CHILE.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 4522) authorizing the Secretary of State to convey certain land owned by the United States in Santiago, Chile, to the municipality of that city and to acquire or receive in exchange therefor other land located in the said city.

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 State, acting as the agent of the Government of the United States, is hereby authorized to convey to the municipality of Santiago, Chile, the title to and interest in a portion, containing not more than 30 square meters, of that parcel of land located in the city of Santiago on which the American Embassy is situated, together with the building thereon, known as 206 Merced Street, and other appurtenances thereto, and to acquire with the proceeds thereof, which are hereby appropriated for that purpose, or receive in exchange therefor title to a parcel of land not exceeding 30 square meters in extent at the western end of Bueras Street and the appurtenances pertaining thereto.

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

WATER RIGHTS, INDIANS OF THE BLACKFEET RESERVATION.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 4061) authorizing the Secretary of the Interior to enter into an agreement with Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., for the settlement of the extent of the priority to the waters of Two Medicine, Cut Bank, and Badger Creeks, of the Indians of the Blackfeet Indian Reservation.

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 to enter into an agreement, jointly or separately, with the Toole County irrigation district, of Shelby, Mont., and the Cut Bank irrigation district, of Cut Bank, Mont., and thereby to fix the extent of the prior right of the Indians residing and entitled to reside on the Blackfeet Indian Reservation, collectively, to the waters of Two Medicine, Cut Bank, and Badger Creeks: *Provided*, That said districts shall furnish in advance the entire cost to be incurred in determining the amount of the water of said streams to which such Indians are so entitled to priority.

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

PROVIDING FOR HOLDING SESSIONS OF THE UNITED STATES DISTRICT COURT IN THE DISTRICT OF MAINE.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14135) to amend an act approved September 8, 1916, providing for holding sessions of the United States District Court in the district of Maine, and for other purposes.

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 act of Congress approved September 8, 1916, entitled "An act to provide for holding sessions of the United States District Court in the district of Maine and for dividing said district into divisions, and providing for offices of the clerk and marshal of said district to be maintained in each of said divisions, and for the appointment of a field deputy marshal in the division in which the marshal does not reside," be amended in the first section thereof by striking out the word "February" where it appears first in said section, substituting therefor the word "November," so that the said section, when amended, shall read as follows:

"That hereafter, and until otherwise provided by law, two sessions of the United States District Court for the district of Maine shall be held in each and every year in the city of Bangor, in said district, beginning, respectively, on the first Tuesday of November and the first Tuesday of June, and three sessions of said court shall be held in each and every year in the city of Portland, in said district, beginning, respectively, on the first Tuesday of April, on the third Tuesday of September, and on the second Tuesday in December."

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

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 12, after the word "December," insert "*Provided, however*, That in the year 1923 the session of said court at Bangor, beginning on the first Tuesday of November, shall be held in addition to the sessions in February and June now provided for by law."

Mr. STAFFORD. Mr. Speaker, I rise in opposition to the amendment. What is the necessity of singling out Bangor for having an extra session this year? You make provision to have it changed as desired, and now you are making a special regulation.

Mr. HERSEY. The bill provides for the change from June to November, and to make it clear I offered an amendment that at the time of the change the new term will commence with the next term.

The amendment was agreed to.

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

ELEPHANT BUTTE IRRIGATION DISTRICT.

Mr. HUDSPETH. Mr. Speaker, I ask unanimous consent that the bill H. R. 13550 retain its place on the calendar.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PAYMENT OF COST OF TRANSPORTATION, ETC.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 9408) to authorize the payment of the cost of transportation from the appropriation from which the supplies are purchased.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

AMENDING AN ACT TO CODIFY, REVISE, AND AMEND THE LAWS RELATING TO THE JUDICIARY.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 14324) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended.

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

Mr. LONDON. I reserve the right to object, Mr. Speaker.

Mr. STAFFORD. I reserve the right to object.

The SPEAKER. The gentlemen from New York and Wisconsin reserve the right to object.

Mr. STAFFORD. I would like to inquire of the gentleman how near are the present places for holding court to these additional places provided by this bill, Winchester and Columbia?

Mr. TURNER. Under 100 miles from Nashville.

Mr. STAFFORD. Does this bill have the approval of the local bars and communities?

Mr. TURNER. Yes.

Mr. STAFFORD. Has it been agitated by the members of the bar in the communities?

Mr. TURNER. They all know about it. It has been published in the newspapers.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation.

Mr. LONDON. And I withdraw my reservation.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended, be, and it is, amended so as to read as follows:

"SEC. 107. The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bledsoe, Bradley, Hamilton, James, Marion, McMinn, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the southern division of said district shall be held at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division at Knoxville on the fourth Monday in May and the first Monday in December; and for the northeastern district at Greeneville on the first Monday in March and the third Monday in September. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bedford, Cannon, Cheatham, Davidson, Dickson, Hickman, Humphreys, Houston, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson, which shall constitute the Nashville division of said district, also the territory embraced on the date last mentioned in the counties of Franklin, Warren, Grundy, Coffee, and Moore, which shall constitute the Winchester division of said district; also the territory on the date last mentioned in the counties of Giles, Lawrence, Lewis, Lincoln, Marshall, Wayne, and Maury, which shall constitute the Columbia division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; for the Winchester division at Winchester on the first Monday in April and the third Monday in November; for the Columbia division at Columbia on the third Monday in June and the fourth Monday in November; and for the northeastern division at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding the courts at Winchester, Columbia, and Cookeville shall be provided by the local authorities without expense to the United States. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama, north to the point, Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the east bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the fourth Mondays in May and November; and for the eastern division at Jackson on the fourth Mondays in April and October. The clerk of the court for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the western district shall appoint a deputy who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy who shall reside at Chattanooga. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville, at Chattanooga, and at Greeneville, which shall be kept open at all times for the transaction of the business of the court."

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

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

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

Mr. BLANTON. I do so to ask a question. As I understand it, the only change that this makes in the law is to provide for holding court at two new places. I would like to ask the gentleman why it is necessary, every time one of these bills is brought in, except in one instance, in the case of my colleague here [Mr. HUDSPETH], at numerous times, to rewrite the whole act. In my colleague's case a bill was finally brought in, making the change desired, without reenacting the entire law. Here is a bill covering several pages, when the only change in the law is to provide for holding court in two new places. Does the Judiciary Committee require that?

Mr. TURNER. They have done it in this case. I am informed that that is the legal way to get it up; that is the right way.

Mr. VOLSTEAD. We used to pursue the policy of just making the change desired, but when we came into the House we got "roasted" on several occasions for doing it. It is a great deal better to repeat the whole law, so that everybody could understand it.

Mr. BLANTON. When you repeat the whole law, no one can understand it. I think the gentleman's committee ought to instruct Members that it is not necessary to reenact the entire law.

Mr. VOLSTEAD. It would be more convenient to the committee to make only the change desired.

Mr. HUDSPETH. They did that in the case I was interested in, and they left out two courts.

Mr. BLANTON. Yes; but finally they drew the bill properly. I withdraw my pro forma amendment.

The SPEAKER. The pro forma amendment is withdrawn. 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.

The SPEAKER. The Clerk will report the next bill.

AMENDMENT OF THE TRANSPORTATION ACT, 1920.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14309) to amend section 206 of the transportation act, 1920.

The title of the bill was read.

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 section 206 of the transportation act, 1920, is amended by adding at the end thereof two new subdivisions to read as follows:

"(h) Actions, suits, proceedings, and reparation claims, of the character described in subdivision (a) or (c), properly commenced within the period of limitation prescribed, and pending at the time this subdivision takes effect, shall not abate by reason of the death, expiration of term of office, retirement, resignation, or removal from office of the agent designated under subdivision (a), but may (despite the provisions of the act entitled 'An act to prevent the abatement of certain actions,' approved February 8, 1899), be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of such final judgment, decree, or award the agent designated by the President then in office. Nor shall any action, suit, or other proceeding heretofore or hereafter brought by any public officer or official, in his official capacity, to enforce or compel the performance of an obligation due or accruing to the United States arising out of Federal control, abate by reason of the death, resignation, retirement, or removal from office of such officer or official, but such action, suit, or other proceeding may (despite the provisions of such act of February 8, 1899), be prosecuted to final judgment, decree, or award, substituting at any time before satisfaction of any such final judgment, decree, or award the successor in office.

"(i) Orders providing for a substitution in such cases made before this subdivision takes effect by courts having jurisdiction of the parties and subject matter are hereby validated, anything in such act of February 8, 1899, to the contrary notwithstanding. Actions, suits, reparation claims, or other proceedings of the character described in subdivision (h) which have been abated or dismissed solely because of the provisions of such act of February 8, 1899, shall be reinstated upon reasonable notice to the adverse party, and upon proper motion therefor filed within one year from the time this subdivision takes effect."

Mr. SANDERS of Indiana. Mr. Speaker, I send two separate amendments to the Clerk's desk.

The SPEAKER. The gentleman from Indiana offers two amendments. The Clerk will report the first one.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 1, line 7, strike out "(a) or (c)" and insert in lieu thereof "(a), (c), or (d)."

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

The amendment was agreed to.

The SPEAKER. The Clerk will report the other amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana: Page 1, line 11, after the word "the," insert the words "Director General of Railroads or."

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.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEVENSON, for to-day, on account of illness.

To Mr. KINDRED (at the request of Mr. DOWLING), indefinitely, on account of illness.

RECESS.

Mr. MONDELL. Mr. Speaker, I move that the House stand in recess until 8 o'clock.

Mr. CONNALLY of Texas. Mr. Speaker, is the business to-night business on the Private Calendar?

The SPEAKER. It is. The gentleman from Wyoming moves that the House stand in recess until 8 o'clock this evening. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 5 o'clock and 28 minutes p. m.) the House stood in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House (at 8 o'clock p. m.) resumed its session.

The SPEAKER. The Clerk will report the first bill on the Private Calendar, beginning where we left off the last time.

J. B. GLANVILLE AND OTHERS.

The first business on the Private Calendar was the bill (S. 854) to reimburse J. B. Glanville and others for losses and damages sustained by them through the negligent dipping of tick-infested cattle by the Bureau of Animal Industry, Department of Agriculture.

The Clerk read the title of the bill.

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

Mr. STAFFORD. I object.

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

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

LOWE HAYDEN BIBBY.

The next business on the Private Calendar was the bill (S. 3690) for the relief of Lowe Hayden Bibby.

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, will some gentleman explain the purpose of this bill?

Mr. KRAUS. Mr. Speaker, I will say to the gentleman from Wisconsin that about a year ago, and some three or four months before the last class graduated at the Naval Academy, there was much agitation in Congress as to whether or not the class would be permitted to graduate. As a result of this agitation a considerable number of the members of the class tendered their resignations to the department with a view of taking up some other vocation in life. None of these resignations were acted upon except this one, all the rest being withdrawn before they were acted upon. This young ensign, Bibby, made an effort to withdraw his resignation, but previous to his request for its withdrawal action was taken by the department accepting it. All the members of his class who received proper ratings—and, by the way, Mr. Bibby received proper ratings—were permitted to graduate, their resignations being withdrawn, but Mr. Bibby's resignation having been accepted, the department held that it was not empowered to allow him to withdraw it.

Mr. STAFFORD. Do I understand that this young officer was not on duty at all during this time?

Mr. KRAUS. Not since his graduation. He was permitted to graduate with his class, but has not been on duty since.

Mr. STAFFORD. Will the gentleman accept an amendment at the end of the bill providing that he shall not be entitled to pay or allowances for the time he has not been on active service?

Mr. KRAUS. Certainly; it was the intention of the committee to offer such an amendment.

Mr. BUTLER. It was understood that we would offer that amendment.

Mr. KRAUS. The gentleman from Mississippi [Mr. LOWREY] is interested in this bill and would like to make a statement.

Mr. LOWREY. I would like to discuss this briefly if the gentleman will withhold his amendment. The House passed a bill commissioning only 250 of this class out of over 500, and these young men, thinking they were not going to get commissions, resigned. After they had resigned the Senate failed to pass that bill, and they found they could get commissions. They then undertook to withdraw their resignations. All their resignations were withdrawn except that of this one young man.

Mr. STAFFORD. It is generally understood that we have too many naval officers, but this one young man should not be penalized just because he did not get under the tent in time. I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. LOWREY. I wanted to speak in opposition to the amendment if I could have a minute.

The bill was read as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to appoint, by and with the advice and consent of the Senate, Lowe Hayden Bibby, who graduated from the United States Naval Academy on June 2, 1922, an ensign in the United States Navy, to rank next after Ensign Robert McCormick Peacher: *Provided*, That such appointment shall be regarded, to all intents and purposes, as having been made upon his graduation from the United States Naval Academy, and as though his resignation which became effective June 2, 1922, had not been accepted.

Mr. STAFFORD. Mr. Speaker, I offer the following amendment if the Committee on Naval Affairs have no amendment prepared.

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

The Clerk read as follows:

Amendment by Mr. STAFFORD: At the end of the bill insert after the word "accepted" the following: "But that he shall not be entitled to receive any pay or allowances for the time he has not been in active service."

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

The amendment was agreed to.

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

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

CERTAIN ESTATES.

The next business on the Private Calendar was the bill (S. 158) for the relief of certain estates.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, there is a minority report on this bill signed by four members of the committee. I do not think it should be considered by unanimous consent and therefore I object.

The SPEAKER. The gentleman from Wisconsin objects. The Clerk will report the next bill.

JOE T. WHITE.

The next business on the Private Calendar was the bill (H. R. 8533) for the relief of Joe T. White.

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 ask as to the facts in this case. As I recall it, this post office was first established as a fourth-class office.

Mr. GENSMAN. It may have been a fourth-class office to begin with, but it was in a town of 60,000 people.

Mr. STAFFORD. It was not in a town of 60,000 people when the office was first established.

Mr. GENSMAN. There were between 50,000 and 60,000 people on the ground. It was a tent town, of course, at first. There were no buildings there to begin with.

Mr. STAFFORD. I understand the chairman of the committee has some amendment to suggest.

Mr. EDMONDS. The amendment is to reduce the amount to $920.83.

Mr. GENSMAN. The post-office inspectors found the amount due to be $1,882.65.

Mr. EDMONDS. The department letter calls for $920.83.

Mr. GENSMAN. I think the first report showed something over $1,800. The committee cut it right square in two in the former Congress.

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 Joe T. White, late postmaster at Lawton, Okla., the sum of $1,882.65, as a reimbursement for extraordinary expenses incurred by the opening and conduct of said office.

I do not know why they did it, but the report of the department gave him $1,800.

Mr. EDMONDS. The department gives him $920; that is all that is due him, so they say.

Mr. STAFFORD. With the statement made by the gentleman from Oklahoma, Mr. Speaker, and the suggested amendment by the chairman, I have no objection.

The SPEAKER. Is there objection?

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 not otherwise appropriated, to Joe T. White, late postmaster at Lawton, Okla., the sum of $1,882.65, as a reimbursement for extraordinary expenses incurred by the opening and conduct of said office.

Mr. EDMONDS. I offer the following amendment.

The Clerk read as follows:

Line 6, strike out the figures "$1,882.65" and insert in lieu thereof "$920.83."

The amendment was agreed to.

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

JACOB DIETCH.

The next business on the Private Calendar was the bill H. R. 10847, a bill for the relief of Jacob Dietch.

The Clerk read the title to the bill.

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

Mr. STAFFORD. I will reserve an objection, so that the author of the bill may make an explanation.

Mr. BUTLER. Mr. Speaker, in June, 1921, the chemical department of the Army asked permission to make an exhibition, and this unfortunate lad was allowed to go to the grounds, as was everybody else. There was quite a collection of people. He was taken to a place where everybody supposed he would be entirely safe. A shell exploded. The War Department says the shell was overcharged and that it was overcharged against the direction of the department itself. It advised the officers not to overcharge the shells, not to fully load them for exhibition purposes. A piece of the shell struck an innocent child and he was badly hurt and finally died in the hospital. This is only for the purpose of paying the funeral expenses and the doctor's bill. The people are poor and have no other way for relief. The department says that the Government was not liable nor negligent.

Mr. STAFFORD. The difficulty I have in the case is that it was not the representative of the Chemical Warfare Service that requested this, but an officer of the Pennsylvania Military Academy, Major Bowman, who solicited an exhibition and agreed to be responsible for all damages that might occur by reason of this exhibition.

Mr. BUTLER. I do not so understand it.

Mr. STAFFORD. That is the trouble, and I will direct the attention of the chairman to the statement of Lieut. Joseph Batley in reference to these tactical maneuvers.

Mr. EDMONDS. Bowman was a Regular Army officer, selected from the Army as a military instructor.

Mr. STAFFORD. He was the representative of the military college.

Mr. EDMONDS. No; he was a representative of the Government.

Mr. STAFFORD. Let me read from the report:

On May 26, 1921, Maj. E. N. Bowman, military instructor of the Pennsylvania Military College, called at headquarters of Edgewood Arsenal to see the commanding officer. Major Atkisson being away at the time, Major Bowman asked me if I thought it possible to arrange a tactical maneuver using Chemical Warfare Service troops and matériel at the Pennsylvania Military College on June 13 in connection with other similar maneuvers by other branches of the Army. I told him that approval would have to come from Washington before we could assist him in any way, but that I would put his plans up to the commanding officer. Major Bowman then went into details regarding the range which we could use. I informed Major Bowman that I did not consider it safe to fire Stokes mortars or Liven projectors unless we had plenty of room, as we would use real ammunition and it would be dangerous used in a restricted area. Major Bowman then drew plans showing the two fields which we could use as a range. I told him that I thought they were inadequate as they were built up pretty close and in some instances buildings were right in line of fire. He appeared very anxious that we assist him. Then I told him if we sent men up there we would have to be relieved from all responsibility. Major Bowman stated to me in the presence of Miss Johnson, the commanding officer's secretary, that the college would make arrangements to assume all responsibility and pay all expenses and secure clearance on all property not belonging to the college that we would require for this maneuver.

That shows that the Government of the United States, the Chemical Warfare Service, was to be relieved of all responsibility. Here this military college wants an exhibition. An act happened as a result of their solicitation. Why should not the Pennsylvania Military College pay these damages?

Mr. BUTLER. I do not think the gentleman has read the facts stated in the Secretary's letter. Read the letter of the Secretary of War.

Mr. STAFFORD. I am reading the official report of the Chemical Warfare Service.

Mr. BUTLER. I will read from the letter of the Secretary of War.

Mr. STAFFORD. Let me read what was said——

Mr. BUTLER. I hope that the gentleman will not object to this; it is one of the most charitable things that I have ever known, and this father asks no more than the bare cost of the funeral expenses and the doctor's bill.

Mr. STAFFORD. I want to be as generous as possible. How many other claims are there?

Mr. BUTLER. Only one other, a very small one, the case of a woman who was badly hurt.

Mr. STAFFORD. How much does that amount to?

Mr. EDMONDS. It amounts to $1,400.

Mr. STAFFORD. With the finding of the board, which placed the responsibility upon the Pennsylvania Military College, I am wondering why some of these private institutions do not open up somewhat.

Mr. BUTLER. The coroner's jury held that there was no responsibility upon anybody.

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

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I do not intend to object.

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 Jacob Dietch, of Chester, Pa., the sum of $739.10 for medical attention and burial expenses of his minor son, Samuel Dietch, who was fatally injured when struck by fragments of an overcharged shell during a demonstration at the Pennsylvania Military College, Chester, Pa., by the Chemical Warfare Service, United States Army, operating in conjunction with the Pennsylvania Military College on the night of June 13, 1921.

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.

ESTELLA W. DOUGHERTY.

The next business on the Private Calendar was the bill (H. R. 10848) for the relief of Estella W. Dougherty.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, this is a bill that grows out of the same accident referred to in the last bill, but in reading the report I notice that somebody is trying to work the Government. The mother had a position at the Eddystone Print Works at the wage of $15.36 per week, and she files a claim for $1,400 for nursing her daughter from June 13 to October 24, 1921, at the rate of $150 per month. If she was receiving only $15.36 per week while she was engaged at the Eddystone Print Works, why should we pay her while nursing her daughter at the rate of $150 a month?

Mr. BUTLER. Mr. Speaker, if the gentleman thinks there is too much money called for, I suggest that we amend the bill and make it $500.

Mr. STAFFORD. Amend it by cutting it down one-half?

Mr. BUTLER. That will be satisfactory.

Mr. STAFFORD. And that will be even more than she was receiving while in the employ of the Eddystone Print Works.

Mr. BUTLER. Perhaps a little bit more, but that will pay the loss.

Mr. STAFFORD. Mr. Speaker, I withdraw the reservation of objection with that understanding.

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 Estella W. Dougherty, of Chester, Pa., the sum of $1,400, for medical attention and for expenses incurred by her incident to being struck and injured by fragments of an over-charged shell during a demonstration at the Pennsylvania Military College, Chester, Pa., by the Chemical Warfare Service, United States Army, operating in conjunction with the Pennsylvania Military College on the night of June 13, 1921.

Mr. BUTLER. Mr. Speaker, it is understood that we will amend this bill by reducing the sum from $1,400 to $700, and I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 1, line 6, strike out the figures "$1,400" and insert in lieu thereof the figures "$700."

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.

ALBERT H. WHITE, MARY E. FOWLER, ET AL.

The next business on the Private Calendar was the bill (H. R. 624) for the relief of Albert H. White, Mary E. Fowler, Lorena B. Winkler, E. E. White, and C. A. White.

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

Mr. BLANTON. Mr. Speaker, may we have the bill reported?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the title to lot 271 and the west half of lot 286 in block 16 of the old city of Pensacola, Fla., according to map of said city of Pensacola, Escambia County, Fla., copyrighted by Thomas C. Watson in A. D. 1906, be, and it is hereby, confirmed and relinquished to Albert H. White, Mary E. Fowler, Lorena B. Winkler, E. E. White, and C. A. White: *Provided*, That this confirmation shall only operate as a relinquishment of the title of the United States in and to the said property to said parties.

With the following amendment:

Page 1, line 6, after the word "Florida" strike out the words "copyrighted by Thomas C. Watson, in anno Domini 1906" and insert in lieu thereof the words "platted by James W. Exum in 1827."

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

There was no objection.

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

The amendment was agreed to.

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

ELEVATED SIDINGS FOR B. & O. RAILWAY, WASHINGTON, D. C.

The next business on the Private Calendar was the bill (S. 3083) authorizing the construction of elevated railroad sidings adjacent the steam-railroad tracks in the District of Columbia.

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

Mr. BLANTON. Mr. Speaker, I object.

Mr. A. P. NELSON. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. Yes.

Mr. A. P. NELSON. Mr. Speaker, this bill is merely to grant to the owners of square 710 the same privileges exactly as are now enjoyed by the owners of squares 711 and 712. The bill has passed the Senate. It has been carefully investigated by a subcommittee and favorably reported by that subcommittee. It has been personally inspected by members of the committee. Personally I have carefully investigated it. It seems to me that in all fairness to the owners of square 710 the privilege asked for in the bill should be granted to them inasmuch as the owners of 711 and 712 have that privilege now.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, my only reason for objecting is that I do not believe we ought to grant either the Baltimore & Ohio or the Pennsylvania Railroad Co. any more benefits in the District of Columbia until they realize that the people of this District and the Government have some rights themselves.

Let the gentleman go out here to-night and get in his car, and he may have some of the best friends in his district coming here to visit Washington, and let him go down to the station to meet them. He can not drive up to the station proper. He has to let the first passageway go by because certain friends of the Baltimore & Ohio and the Pennsylvania have the right to that passageway; then he has to let the second passageway go by for the same reason, because these friends pay a certain amount of money for having that privilege. They only have the right of way. But the gentleman, a Congressman, meeting his constitutents, the people of the United States who are coming into this District over one of these systems, has to go into the third passageway, somewhat removed, and then he must park his car about four blocks away from the station sometimes if he wants to leave it. I say that whenever you grant another benefit to these two systems we should make them first understand that the people of the District and the Government have some rights.

Mr. A. P. NELSON. Mr. Speaker, I agree entirely with what the gentleman has said, but may I say this to the gentleman, that his objections raised has really nothing to do with this particular bill, because this square number 710 in question is half a mile north of the Union Station, and it does not grant the Baltimore & Ohio any special privileges? It merely seeks to grant to the owners of square 710 the same privileges which are now granted to the owners of squares 711 and 712 and give justice and square dealing to all concerned.

Mr. BLANTON. I will do anything on earth personally to accommodate my friend, who is a friend to everybody in this House, but this is a benefit specially to the Baltimore & Ohio Railroad.

Mr. A. P. NELSON. No; the gentleman is mistaken; it is not.

Mr. HICKS rose.

Mr. BLANTON. I want to say right now to the gentleman from New York that this very railroad association, when Congress is about to adjourn on March 4, and there are several thousand Government employees down here in all these hotels, has now made an order trying to force Congress to buy its property down here for these Government hotels for its employees and pay a fabulous price, and it is not right and I am not in favor of granting——

Mr. HICKS. If the gentleman will permit, does he not think after his speech of to-night that the railroads are sufficiently warned as to what will happen to them in the future?

Mr. BLANTON. I am opposed—— [Cries of "Regular order!"]

The SPEAKER. Is there objection?

Mr. BLANTON. I will object if we are forced——

The SPEAKER. The Clerk will report the next bill.

Mr. STAFFORD. Just a minute. I would like to show the gentleman a map.

The SPEAKER. The regular order has been demanded.

Mr. STAFFORD. I have no interest in this but I want to call the gentleman's attention to block 711 immediately to the south——

Mr. BLANTON. Mr. Speaker, if the gentleman from Wisconsin is willing to pass it I will pass it. [Applause.]

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized, in their discretion, to grant to any steam railroad company authorized to have tracks in the District of Columbia permits to construct overhead or underground sidings from the lines of said railroad into such squares or parts of squares in the District of Columbia as may be included within any industrial area now or hereafter established under authority of law: *Provided*, That no grade crossings shall thereby be created; but such overhead or underground crossings may cross a street, avenue, or road within such industrial area.

The committee amendment was read, as follows:

Strike out all after the enacting clause down to and including line 2, on page 2, and insert:

That the Baltimore & Ohio Railroad Co. is hereby authorized to construct and maintain elevated sidings in the city of Washington, D. C., across N Street north, between First and Second Streets east, and across Second Street east, between N Street and Florida Avenue north, said sidings to be connected with and to spring from any of its tracks in square No. 711, or from any of its tracks south of Florida Avenue, and to connect with elevated tracks in square No. 710: *Provided*, That such sidings shall not be at a lower grade above the present grade of N Street than the siding in N Street constructed and maintained under authority of the act of Congress approved June 27, 1906.

The committee amendment was agreed to.

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

The title was amended to conform to the text.

Mr. A. P. NELSON. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

STATEMENT REGARDING BILL S. 3083.

HISTORY OF PRESENT BILL.

Mr. A. P. NELSON. Mr. Speaker, bill S. 3083, as originally introduced by Senator BALL, chairman of the Senate District Committee, authorized the Baltimore & Ohio Railroad to construct and maintain elevated sidings across N and Second Streets NE. into square 710 in the District of Columbia. At the request of the District Commissioners the bill was amended by the Senate District Committee to give the commissioners general authority to grant, at their discretion, sidings across any streets within the industrial area. In this form the bill passed the Senate.

The House District Committee did not think it wise to transfer such authority to the commissioners, and, after inspecting the property, reamended the bill back to its original form and gave it a unanimously favorable report. In its present and orginal form it authorizes the construction of sidings only into square 710.

LOCATION OF SQUARE AND SURROUNDING PROPERTY.

Square 710 lies about one-half mile north of the Union Station and is just southwest of the intersection of Florida Avenue

and the railroad viaduct. The properties to the north, east, and south of square 710 are all occupied with railroad tracks. To the north lie the Baltimore & Ohio Railroad freight yards; to the east is square 710 east, occupied partly by the District for storage purposes and by the main lines of the Pennsylvania and the Baltimore & Ohio Railroads; to the south is square 711, which is completely occupied by the Baltimore & Ohio Railroad coal trestles; farther to the south are squares 712 and 713, both of which have railroad facilities. Even N Street itself is partly occupied by an elevated railroad trestle used by the District for crushed-stone deliveries. In fact, square 710 is the only property directly west of the railroad tracks, for more than a mile north of the Union Station, that does not have railroad facilities.

APPROVED BY DISTRICT COMMISSIONERS; BALTIMORE & OHIO RAILROAD AND OWNERS OF SQUARE.

The District Commissioners have formally reported in a letter to the Senate District Committee that if they had the authority they would grant siding privileges to this square. The Baltimore & Ohio Railroad also approves and supports this legislation, as do the owners of the square. These three groups constitute all interests owning property which is directly affected by the proposed legislation.

NO LEGITIMATE OPPOSITION TO THE BILL IN ITS PRESENT FORM.

The only possible opposition is that which might be stimulated by the owners of similar and competitive property, already equipped with railroad facilities, who wish to retain their monopoly of this class of land.

WILL NOT OBSTRUCT USE OF STREETS.

The crossing with elevated sidings of N Street or Second Street NE.—one or both—will not interfere with their continued use. These streets—the southern and eastern boundaries of square 710—are used only to a minor degree, chiefly serve this square, and are in no sense general thoroughfares. They terminate at their intersection at the southeast corner of the square. N Street is already partly occupied by an elevated siding.

WILL NOT PERMIT DEVELOPMENT INIMICAL TO PUBLIC INTEREST.

The proposed sidings will necessarily be elevated and of heavy steel and concrete construction. They will be perfectly safe and will not block the streets. Railroad facilities in the square will not permit its use for any offensive or detrimental purpose. District building regulations will see to that.

NO DETRIMENTAL EFFECT ON SIBLEY HOSPITAL.

Alarm that the industrial development of the square might be detrimental to the best interests of Sibley Hospital is groundless, because already and for many years property lying one block nearer the hospital has had railroad facilities and has been industrially developed.

ESTABLISHES NO NEW PRECEDENT.

The passage of the proposed bill will not establish any new precedent. There are many places in the District where the main-line railroad tracks are carried across streets on elevated structures. This is particularly the case along Maryland and Virginia Avenues, in the southwest part of the city. In Georgetown, even for a considerable distance along Water Street, the tracks of the Pennsylvania Railroad occupy the center of the street. In the vicinity of the Government fuel yard several railroad tracks cross I Street on grade and a branch track also runs on grade along and across several streets in the southeast section of the city all the way to the navy yard.

DISTRICT COMMISSIONERS' ATTITUDE FAVORABLE FOR LONG PERIOD.

That the District Commissioners have long recognized the suitability of this square for industrial and railroad development and have looked forward to its ultimate use for such purposes is clearly shown by the following:

1914. FROM STATEMENT FURNISHED OWNERS BY ENGINEER COMMISSIONER.

The approval of such proposition (siding into square 710) would be in line with the past policy of the commissioners and in accordance with the plans of occupation laid out in conjunction with the establishment of the Union Station.

The railroad tracks formerly ran on First Street east, which is now the west boundary of square 710, and when the tracks were removed from this street to their present location in conjunction with the construction of Union Station it was the intention to reserve for railroad occupation those squares in the vicinity of the relocated tracks east of First Street.

Applications were made for siding extension into squares south of 710 at the time of the elimination of grade crossings, and were approved as part of that project, and had the question of the occupation of 710 been advanced at that time, either by the railroad or by other interested parties, this office would have recommended such occupation.

This square is well adapted for siding purposes and is practically in the same situation with reference to the railroad as the squares south, being separated from the railroad right of way only by a District property yard, and by a portion of First Street which is closed south of N Street.

1917. A bill practically similar to the present one, introduced in the House in February, 1917, was reported on by the District Commissioners. Their report made the following statement:

The commissioners believe that at some future time conditions may require the permissible area of occupation for freight business to be enlarged.

This bill was not brought before the House, because the parties interested in it were all ordered away to active duty in the military service.

1922. From District Commissioners' report to Senate District Committee:

The commissioners would state that if the bill is amended as recommended herein, the square referred to in Senate bill 3083, namely, square 710, would be included in the squares or parts of squares, which would be granted sidings as being within the industrial area.

PROPERTY ZONED AS INDUSTRIAL.

The zoning commission has classed this property as "industrial," which permits use for railroad purposes, and thereby substantiates the conclusion of the commissioners.

Need for additional industrial property in this locality, particularly for coal dumps, has become so acute that the grand jurors for the District of Columbia in the January term, 1921, made a special report on the situation to the Supreme Court. Square 710 is particularly suited for coal dumps and warehouses.

SCARCITY OF CENTRALLY LOCATED INDUSTRIAL PROPERTY.

Square 710 is not only particularly advantageously situated for practical industrial development, but it lies within a short distance of the center of population of the District. For the general public good such property should be developed. It is unwise to force distributing companies to locate their plants in distant sections of the city, because the increased haulage charges place increased burdens on the ultimate consumer.

OWNERS OF SQUARE ENTITLED TO SAME OPPORTUNITIES AS OTHER SURROUNDING PROPERTY OWNERS.

The owners of square 710 are at present unfairly handicapped. They can not utilize their property for the only purposes for which it is well adapted and for which other similar and surrounding property is utilized. Because of its location and suitability for industrial purposes it is taxed on an industrial valuation. Under existing conditions it can neither be sold nor utilized for purposes commensurate with such valuation. The growing needs of the city require its development industrially, and it is unjust discrimination to longer withhold the necessary legislation, for which the owners have now waited for many years.

LOUIS LEAVITT.

The next business in order on the Private Calendar was the bill (H. R. 12223) for the relief of Louis Leavitt.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. I object.

Mr. WOODRUFF. I object.

Mr. STAFFORD. It is hardly necessary for me to put in my objection.

ISAAC JACK.

The next business in order on the Private Calendar was the bill (H. R. 11825) authorizing the removal of the restriction from 40 acres of the allotment of Isaac Jack, a Seneca Indian, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, this bill was incorporated in the Indian omnibus bill which passed the House Saturday, and therefore I object.

The SPEAKER. Objection is made.

LOUIS LEAVITT.

The next business in order on the Private Calendar was the bill (S. 3754) for the relief of Louis Leavitt.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, I object.

Mr. WOODRUFF. I object.

Mr. STAFFORD. I object.

ABROGATING LEASE OF LAND AND WATER POWER, MUSKINGUM RIVER.

The next business in order on the Private Calendar was the bill (H. R. 11561) authorizing and directing the Secretary of War to abrogate a contract lease of land and water power on the Muskingum River.

The Clerk read the title of the bill.

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

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, I would like to inquire what the facts are. It is rather unusual to direct the Secretary of War to cancel a contract.

Mr. MOORE of Ohio. Mr. Speaker, this is a contract entered into by the Phoenix Mill Co., of Marietta, Ohio, and the Secretary of War in 1904 for the use of certain water power on the Muskingum River. In 1912 the mill that was being operated by the Phoenix Mill Co. burned down and ever since that time they have been paying an annual rental. The War Department, in a letter that is in the report, states that they are without authority to cancel the lease, but admits that it should be canceled, and the Secretary of War recommends that the authority of Congress be given to him to cancel this lease. They have been paying rental ever since that time and have not been able to utilize the water power at all, and it seems quite inequitable to ask them to continue further. There is only one more year, but there is a little due by them. They paid it until the bill was introduced and there is a certain amount in arrears.

Mr. BANKHEAD. I withdraw the reservation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Ohio. Mr. Speaker, I ask unanimous consent that Senate bill 3611 be substituted for the House bill.

The SPEAKER. Is it substantially the same bill?

Mr. MOORE of Ohio. Exactly the same, but it increases the amount a little. It amends the clause authorizing the cancellation and strikes out the word "land," as the lease does not provide for any land but simply for water power.

The SPEAKER. The gentleman from Ohio asks unanimous consent to substitute the Senate bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That upon the payment of $155 additional by the lessee to the United States Government, to be paid within three months after this act is approved, and with the understanding that no part of the moneys paid by the lessee to the United States Government shall ever be refunded, and in satisfaction of all claims of both parties, the Secretary of War be authorized and directed to abrogate a contract lease entered into on the 24th day of June, 1904, between Robert Shaw Oliver, Assistant Secretary of War, for the United States of America, and the Phoenix Mill Co., by D. P. Torpy, its president, of Marietta, Ohio, for the water power at Dam No. 1 at Marietta, Ohio, on the Muskingum River, in the State of Ohio.

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.

The SPEAKER. Without objection, the similar House bill will be laid on the table.

There was no objection.

The SPEAKER. The Clerk will report the next bill.

JAMES J. MEEHAN.

The next business on the Private Calendar was the bill (H. R. 11792) for the relief of James J. Meehan.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That James J. Meehan, who, while serving as an ensign, United States Naval Reserve Force, was found by a naval retiring board to be permanently incapacitated for active service by reason of physical disability incurred in the line of duty as the result of an incident of the service, but not in time of war, shall be eligible for retirement as if his physical disability was incurred in time of war; and the Secretary of the Navy is hereby authorized to place him upon the retired list with three-fourths pay of the grade held by him at the time such physical disability was incurred.

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.

The SPEAKER. The Clerk will report the next bill.

BRIDGE ACROSS LITTLE COLORADO RIVER.

The next business on the Private Calendar was the bill (S. 2563) to provide for the completion of the bridge across Little Colorado River near Leupp, Ariz.

The title of the bill was read.

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 there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $17,471.25 for payment to the Allied Contractors (Inc.), of Omaha, Nebr., as additional compensation for the construction of a bridge across the Little Colorado River near the Leupp Indian Agency, Ariz., under contract approved by the Secretary of the Interior on November 10, 1919, funds for said bridge having been appropriated by the acts of March 2, 1917 (39th Stat. L., p. 975), May 25, 1918 (40th Stat. L., p. 579), and June 30, 1919 (41st Stat. L., p. 11), and the cost thereof to the contractors having exceeded the contract price by said sum: *Provided*, That said amount shall be reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Navajo Indians in Arizona, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid.

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.

The SPEAKER. The Clerk will report the next bill.

WALTER RUNKE.

The next business on the Private Calendar was the bill (H. R. 5639) for the relief of Walter Runke.

The title of the bill was read.

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

Mr. STAFFORD. Reserving the right to object, Mr. Speaker, I would like to inquire why we should reimburse a man for $800 attorney's fees when no trial was had?

Mr. HAYDEN. The man was tried and acquitted by the jury.

Mr. STAFFORD. Then I am wrong in my premises. But I understood that in the alleged trial for perjury, for which a claim for $800 attorney's fees was made, there was no trial.

Mr. HAYDEN. In any event this man is entitled to this relief. It represents the savings of a lifetime. He was shamefully treated, I am satisfied, and everything that he did was done in the line of duty.

Mr. STAFFORD. In such cases as these would he not have the right of representation by the Government attorney?

Mr. HAYDEN. He would if the Indian office here in Washington had directed it in the case; but instead of that they abandoned him, and left him in such shape that he had to spend his own funds. If the gentleman will read this report——

Mr. STAFFORD. I have read the report of the Secretary of the Interior, and I got the impression that $800 was for attorney's fees in the perjury case, where there had been no trial. Eight hundred dollars attorney's fee is a pretty large fee.

Mr. HAYDEN. That covers the fees in both cases.

Mr. STAFFORD. I beg the gentleman's pardon; he has here a fee for $2,500 for his defense in a murder trial.

Mr. HAYDEN. What the Department of the Interior would certify to would come up to the committee and be found good. I think it appropriates no money.

Mr. STAFFORD. I think in this case he really had some equitable claim for reimbursement. The only question is as to the amount.

Mr. HAYDEN. The amount is the minimum.

Mr. BANKHEAD. I see further down on the calendar there is a bill for the relief of this man.

Mr. HAYDEN. Yes. I was going to suggest the consideration of the Senate bill.

Mr. BANKHEAD. Is it the same case?

Mr. HAYDEN. Yes. This bill was reported prior to the Senate bill.

The SPEAKER. The Clerk will report the bill.

Mr. BLANTON. It has not passed the unanimous-consent stage, Mr. Speaker. Is the gentleman from Wisconsin [Mr. STAFFORD] through? [Laughter.] Reserving the right to object, Mr. Speaker, the distinguished gentleman from Arizona [Mr. HAYDEN] at one time was a very distinguished peace officer, and has been around the courthouses a lot. Does he think this kind of a bill is a wise precedent to establish?

Mr. HAYDEN. I believe the case is unprecedented. It could not happen again, and under the circumstances the man is entitled to relief.

Mr. BLANTON. Oh, the gentleman knows it could happen again. "There is nothing new under the sun."

Mr. HAYDEN. Here was an Indian, a wild Indian, among a wild tribe of Indians, and to show how bad an Indian he was, I will say that he absolutely refused to allow his children to go to school. It is not shown in the report, but the facts are that this Indian's daughter was sent to school, and this Indian so forcibly objected to it that I understand he threw her on the ground and gouged out one of her eyes with a piece of barbed wire.

That is the kind of a bad Indian that he was. They sent for him to tell him that he must put his children in school. He threatened to kill the officers. The agent then directed these two employees to go out and either bring him in or bring his

children in. He resisted, and had to be killed. Then this man, Mr. Runke, was absolutely abandoned by the Indian Office—prosecuted, as I believe, maliciously—and the savings of a lifetime were lost. All I am asking is that he may submit an account of his expenses to the Interior Department, and let their finding be submitted to Congress, and then we can act on it.

Mr. BLANTON. You are asking merely that the expenses of an authorized prosecution and trial be paid back to him?

Mr. HAYDEN. Yes.

Mr. BLANTON. Just his actual expenses?

Mr. HAYDEN. Yes.

Mr. BLANTON. You are allowing him nothing for any alleged damage that may have occurred to him?

Mr. HAYDEN. Not at all.

Mr. BLANTON. I withdraw the reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAYDEN. I ask unanimous consent to substitute the Senate bill, S. 1829.

The SPEAKER. The gentleman asks unanimous consent to substitute the Senate bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The bill was read as follows:

Be it enacted, etc., That not to exceed $4,000 is hereby authorized to be appropriated to enable the Secretary of the Interior to reimburse Walter Runke, of Flagstaff, Ariz., formerly superintendent of the Western Navajo Indian Agency, Ariz., for actual and necessary expenses incurred by him from personal funds in connection with his defenses upon his trials in the United States District Court for the District of Arizona during the months of September, 1916, and March, 1918, his alleged offenses having been committed in the performance of his official duties, the charge against him in the first trial having been dismissed after a severance and after acquittal of his late co-defendants, and he having been acquitted in the second trial.

With the following committee amendment:

On page 1, line 10, strike out the words "months of September, 1916, and March, 1918," and insert "time between his indictment in March, 1916, until his acquittal in March, 1918."

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

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

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent the House bill (H. R. 5639) was ordered to lie on the table.

WAR DEPARTMENT APPROPRIATION BILL.

Mr. ANTHONY. Mr. Speaker, I present a conference report on the War Department appropriation bill for printing under the rule.

The SPEAKER. The gentleman from Kansas presents a conference report on the bill the title of which the Clerk will report.

The Clerk read the title of the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER. Ordered printed under the rule.

Mr. BLANTON. Mr. Speaker, when a conference report is subject to a point of order because of a violation of the rules of the House, may I ask whether it is in order to make the point of order when it is first presented?

The SPEAKER. It can be made when the report is read.

Mr. BLANTON. It should not be made now?

The SPEAKER. It should not.

Mr. BLANTON. I reserve a point of order.

The conference report and statement of the House conferees are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 8, 11, 12, 13, 14, 16, 20, 22, 25, 32, 33, 39, 40, 41, 44, 46, 57, 58, 59, 61, 66, 75, 80, 93, 94, 96, 97, 102, 103, 104, 107, 108, 110, 112, 113, 114, 117, 118, 124, and 126.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 9, 24, 26, 28, 29, 37, 43, 45, 50, 51, 52, 53, 54, 55, 56, 60, 62, 64, 65, 68, 70, 71, 72, 73, 74, 76, 77, 78, 79, 83, 84, 85, 86, 87, 88, 98, 99, 105, 109, 111, 116, 120, and 121, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$70,480"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$42,480"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$149,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,540"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$75,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$250,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,500,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except those who have received training in either of the training camps held during the calendar years 1921 and 1922"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: *Provided*, That this appropriation shall not be available for increased pay on flying status to more than 600 enlisted men; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$660,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$14,350,000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "enlisted men of the Enlisted Reserve Corps"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the

sum proposed insert "$15,850,000"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment, after the word "construction," insert the words "and completion"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "for the Regular Army and for such other markings and fuel-supply stations and temporary shelter as may be necessary"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "and if such flights are given by Army personnel upon other than Government fields, a bond of indemnity, in such sum as the Secretary of War may require for damages to person or property, shall be furnished the Government by the parties desiring the exhibition"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In line 16 of the matter inserted by said amendment, strike out "$120,000" and insert in lieu thereof "$89,900"; and in line 17 of the matter inserted by said amendment, strike out "$120,000" and insert in lieu thereof "$89,900"; and in line 21 of the matter inserted by said amendment, strike out "$100,000" and insert in lieu thereof "$80,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,400,000"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,100,000"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$10,200,000"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$325,000"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500,000"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$82,450"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$650,000"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$575,000"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,584,683"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 18, 21, 30, 34, 36, 38, 49, 101, 106, 119, and 122.

D. R. ANTHONY, Jr.,
WILLIAM H. STAFFORD,
T. U. SISSON,
Managers on the part of the House.

J. W. WADSWORTH, Jr.,
W. L. JONES,
SELDEN P. SPENCER,
WM. J. HARRIS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13793) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1924, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1, relating to the appropriation for printing and binding: Limits the amount for printing and binding under the direction of the Chief of Engineers to $75,000 instead of $45,000, as proposed by the House, and $102,980, as proposed by the Senate.

On Nos. 2 and 3, relating to the appropriation for contingencies of the Army: Appropriates $70,480 instead of $62,980, as proposed by the House, and $77,980, as proposed by the Senate, and limits the amount for salaries of civilian employees connected with the sale of war supplies and the adjustment of war contracts and claims to $42,480 instead of $34,980, as proposed by the House, and $49,980, as proposed by the Senate.

On Nos. 4, 5, and 6, relating to the appropriation for contingencies, Military Intelligence Division, General Staff: Restores language stricken out by the Senate making the appropriation applicable to the rental of garages for military attachés; appropriates $149,000 instead of $130,000, as proposed by the House, and $162,680, as proposed by the Senate; and limits the amount that may be used for drafting, clerical, and messenger services in the Military Intelligence Division, in Washington, D. C., to $75,000 instead of $70,000, as proposed by the House, and $88,680, as proposed by the Senate.

On Nos. 7, 8, 9, and 10, relating to the appropriation for Army War College: Provides for seven clerks at $1,600, as proposed by the Senate, instead of six, as proposed by the House; provides for four watchmen at $720, as proposed by the House, instead of five, as proposed by the Senate; and provides for four firemen at $720, as proposed by the Senate, instead of three, as proposed by the House; making the total of the paragraph $60,540 instead of $58,220, as proposed by the House, and $61,260, as proposed by the Senate.

On No. 11, relating to the appropriation for general service schools, Fort Leavenworth, Kans.: Appropriates $45,000, as proposed by the House, instead of $42,200, as proposed by the Senate.

On Nos. 12, 13, 14, and 15, relating to the appropriation for military post exchanges: Appropriates $75,000, as proposed by the House, instead of $85,000, as proposed by the Senate, and limits the amounts for libraries and hostess houses to $30,000 each, as proposed by the House, instead of $37,500 each, as proposed by the Senate; and adds language proposed by the Senate prohibiting the use of funds from this appropriation for payment of teachers or for equipment of schools for children at military posts.

On Nos. 16, 17, 19, 20, and 22, relating to the Organized Reserves: Appropriates $900,000 for pay and allowances of reserve officers on duty for 15 days' training, as proposed by the House, instead of $1,100,000, as proposed by the Senate; appropriates $250,000 for pay of reserve officers on active duty for more than 15 days, instead of $200,000, as proposed by the House, and $300,000, as proposed by the Senate; appropriates $5,000 for pay of the Enlisted Reserve Corps, as proposed by the House, instead of $7,500, as proposed by the Senate; and appropriates $350,000 for establishment and maintenance of camps, as proposed by the House, instead of $494,400 for divisional and regimental headquarters and establishment and maintenance of camps, as proposed by the Senate.

On Nos. 23 and 24, relating to the appropriation for Reserve Officers' Training Corps: Appropriates $3,500,000 instead of $3,250,000, as proposed by the House, and $4,000,000, as proposed by the Senate; and agrees to Senate amendment eliminating the words "in so far as said stocks are in excess of actual requirements of the Regular Army for the fiscal year 1924" from

language carried in the bill as it passed the House providing for the issue of material to the Reserve Officers' Training Corps from War Department surplus or reserve stocks in so far as such stocks are in excess of the requirements of the Regular Army for the fiscal year 1924.

On Nos. 25, 26, 27, and 28, relating to the appropriation for civilian military training camps: Appropriates $2,000,000, as proposed by the House, instead of $2,200,000, as proposed by the Senate; provides that the appropriation shall not be used for the training of any person over 24 years of age except those who received training in either of the training camps held during the calendar years 1921 or 1922 instead of prohibiting the training of any person over 27 years of age, as proposed by the House, or prohibiting the training of any person over the age of 24 except those who received training in a previous civilian military training camp and except veterans of the war with Germany under the age of 35, as proposed by the Senate; and agrees to Senate amendment eliminating the words "in so far as said stocks are in excess of actual requirements of the Regular Army for the fiscal year 1924" from language carried in the bill as it passed the House providing for the issue of material for use in civilian military training camps from War Department surplus or reserve stocks in so far as such stocks are in excess of the requirements of the Regular Army for the fiscal year 1924.

On No. 29: Substitutes language proposed by the Senate for language carried in the bill as it passed the House relating to the promotion of certain captains in the Army who were demoted under the provisions of the War Department appropriation act dated June 30, 1922, as amended by the act of September 14, 1922.

On No. 31, relating to the appropriation for aviation increase to enlisted men: Restricts the number of enlisted men who may be placed on flying status to 600 instead of to 500, as proposed by the House, and instead of providing no limitation, as proposed by the Senate.

On No. 32: Strikes out language proposed by the Senate providing that any officer whose name is now borne on the Army register and who served with credit as a general officer of the line during the World War, or who was recommended for appointment as a general officer of the line by the commander in chief American Expeditionary Forces, prior to November 11, 1918, shall be eligible for selection to the general officers' eligible list provided for in the national defense act, approved June 4, 1920, notwithstanding the fact that he shall now hold a grade below that of colonel of the line.

On No. 33: Appropriates $7,000,000 for pay of retired enlisted men, as proposed by the House, instead of $7,200,000, as proposed by the Senate.

On No. 35, relating to the appropriation for pay of nurses: Appropriates $660,000 instead of $650,000, as proposed by the House, and instead of $680,000, as proposed by the Senate.

On No. 37, relating to language carried in the House bill prohibiting payment of the six months' gratuity authorized by the act of December 17, 1919, to any child of a deceased officer or enlisted man who is not actually a dependent of such deceased officer or enlisted man: Adds the language "married child or unmarried child over 21 years of age," as proposed by the Senate.

On No. 39: Strikes out language proposed by the Senate authorizing the payment from river and harbor appropriations of mileage and other allowances incident to changes of stations of officers of the Corps of Engineers where such changes of stations are made primarily in the interest of river and harbor improvements.

On Nos. 40, 41, 42, and 43, relating to the appropriation for subsistence of the Army: Restores language stricken out by the Senate making the appropriation applicable to the enlisted men of the Enlisted Reserve Corps; appropriates $14,350,000 instead of $14,250,000, as proposed by the House, and $14,500,000, as proposed by the Senate; exempts sales commissaries in the Philippine Islands and China from the requirement that the prices charged in sales commissaries shall include overhead costs, as proposed by the Senate.

On Nos. 44 and 45, relating to the appropriation for regular supplies of the Army: Restores language stricken out by the Senate making the appropriation applicable to enlisted men of the Enlisted Reserve Corps; increases the limitation on the amount that may be expended for forage from $4,500,000, as proposed by the House, to $4,900,000, as proposed by the Senate.

On No. 46, relating to the appropriation for clothing and equipage: Restores language stricken out by the Senate making the appropriation applicable to enlisted men of the Enlisted Reserve Corps.

On Nos. 47 and 48, relating to the appropriation for transportation of the Army and its supplies: Strikes out language carried in the bill as it passed the House making the appropriation applicable to the Officers' Reserve Corps; restores language stricken out by the Senate making the appropriation applicable to enlisted men of the Enlisted Reserve Corps; and appropriates $15,850,000 instead of $15,500,000, as proposed by the House, and $16,000,000, as proposed by the Senate.

On No. 50, relating to the appropriation for water and sewers at military posts: Increases from $25,000, as proposed by the House, to $50,000, as proposed by the Senate, the amount which may be expended for new construction.

On No. 51, relating to the appropriation for horses for Cavalry, Artillery, Engineers, etc.: Increases the appropriation from $200,000, as proposed by the House, to $210,000, as proposed by the Senate.

On Nos. 52 and 53, relating to the appropriation for military posts: Increases the appropriation from $154,875, as proposed by the House, to $239,875, as proposed by the Senate, in order to provide $85,000 for barracks at Langley Field, Va.

On Nos. 54 and 55, relating to the appropriation for military posts, Hawaiian Islands: Increases the appropriation from $313,500, as proposed by the House, to $385,500, as proposed by the Senate, in order to provide $54,000 for the construction of six standard storehouses and $18,000 for the construction of a shop for care and preservation of ordnance material.

On Nos. 56, 57, 58, 59, and 60, relating to the appropriation for barracks and quarters: Strikes out the words "enlisted men of the Regular Army Reserve," carried in the bill as it passed the House; restores language stricken out by the Senate making the appropriation applicable to the enlisted Reserve Corps; strikes out language proposed by the Senate making the appropriation applicable to rental of garages and stables for military attachés abroad; strikes out language proposed by the Senate making the prohibition against the use of this appropriation for rentals for military attachés apply only to offices; adds language proposed by the Senate making the appropriation for barracks and quarters for the fiscal year 1923 applicable to rental of stables for military attachés.

On No. 61, relating to the appropriation for roads, walks, wharves, and drainage: Appropriates $650,000, as proposed by the House, instead of $600,000, as proposed by the Senate.

On Nos. 62 and 63, relating to the appropriation for construction and repair of hospitals: Increases the appropriation from $497,000, as proposed by the House, to $772,000, as proposed by the Senate, and authorizes the use of $275,000 for the construction of a hospital at Fort Benning, Ga.

On Nos. 64, 65, and 66, relating to the appropriation for salaries, office of the Quartermaster General: Provides for five messengers, at $840 each, as proposed by the Senate, instead of six, as proposed by the House; and restricts the amount which may be used for personal services in the cemeterial division, office of the Quartermaster General, to $25,000, as proposed by the House, instead of $35,000, as proposed by the Senate.

On Nos. 67, 68, and 69, relating to the appropriation for the Air Service: Restores language stricken out by the Senate making the amount appropriated for improvement of stations, hangars, and gas plants applicable only to those for the Regular Army, and adds language making it available for such other markings and fuel supply stations and temporary shelter as may be necessary; restores language stricken out by the Senate prohibiting public exhibition flights unless a bond of indemnity is given for damages to persons or property, amended to apply only to exhibition flights given by Army personnel upon other than Government fields.

On No. 70: Extends the availability of $400,000 of the appropriation for Air Service, fiscal year 1921, until June 30, 1924, in order to permit payment of obligations incurred under contracts executed during the fiscal year 1921.

On Nos. 71, 72, 73, and 74, relating to the appropriation for salaries, office of the Surgeon General: Increases the number of clerks of class 3 from 14, as proposed by the House, to 15, as proposed by the Senate; increases the number of clerks of class 2 from 34, as proposed by the House, to 35, as proposed by the Senate; and increases the number of clerks of class 1 from 56, as proposed by the House, to 57, as proposed by the Senate.

On No. 75, relating to the appropriation for Engineer operations in the field: Strikes out the word "purchase," inserted by the Senate to make the appropriation applicable to the purchase of passenger-carrying vehicles.

On No. 76: Inserts heading, "Seacoast defenses, insular possessions," as proposed by the Senate.

On No. 77: Adds an appropriation of $200,000, proposed by the Senate, for the installation and replacement of electric

light and power plants at the defenses of the Philippine Islands.

On No. 78, relating to the appropriation for alteration and maintenance of mobile artillery: Appropriates $448,500, as proposed by the Senate, instead of $425,000, as proposed by the House.

On No. 79, relating to the appropriation for Chemical Warfare Service: Appropriates $700,000, as proposed by the Senate, instead of $650,000, as proposed by the House.

On No. 80, relating to the allotment roll in the office of the Chief of the Chemical Warfare Service: Authorizes the expenditure of $15,000, as proposed by the House, instead of $21,600, as proposed by the Senate.

On No. 81, relating to the appropriation for quartermaster supplies and services for rifle ranges for civilian instruction: Adds language, proposed by the Senate, making not to exceed $80,000 of the appropriation applicable to the payment of transportation and the supplying of meals or commutation thereof to civilian rifle teams, and making the appropriation available until expended; and appropriates $89,900, instead of $20,000, as proposed by the House, and $120,000, as proposed by the Senate.

On No. 82, relating to the appropriation for national trophy and medals for rifle contests: Appropriates $7,500, instead of $6,500, as proposed by the House, and $10,000, as proposed by the Senate.

On No. 83, relating to the appropriation for Infantry School, Fort Benning, Ga.: Makes the appropriation applicable to the employment of temporary services of all classes, as proposed by the Senate, instead of restricting the authority for temporary employments to clerical services, as proposed by the House.

On Nos. 84 and 85, relating to the appropriation for Cavalry School, Fort Riley, Kans.: Makes the appropriation applicable to the employment of temporary services of all classes, as proposed by the Senate, instead of restricting the authority for temporary employments to clerical services, as proposed by the House.

On Nos. 86, 87, and 88, relating to the appropriation for Field Artillery schools: Makes the appropriation applicable to the employment of temporary services of all classes, as proposed by the Senate, instead of restricting the authority for temporary employments to clerical services, as proposed by the House.

On Nos. 89, 90, 91, 92, 93, and 94, relating to the appropriation for arming, equipping, and training the National Guard: Appropriates $1,400,000 for forage, bedding, etc., for animals, instead of $1,250,000, as proposed by the House, and $1,465,000, as proposed by the Senate; appropriates $2,100,000 for payment of help for care of matériel, animals, and equipment, instead of $1,850,000, as proposed by the House, and $2,500,000, as proposed by the Senate; appropriates $10,200,000 for camps of instruction, instead of $10,000,000, as proposed by the House, and $11,000,000, as proposed by the Senate; appropriates $325,000 for expenses of National Guard officers and men at Army service schools, instead of $300,000, as proposed by the House, and $350,000, as proposed by the Senate; appropriates $70,000 for pay of property and disbursing officers for the United States, as proposed by the House, instead of $75,000, as proposed by the Senate; and appropriates $375,000 for transportation of equipment and supplies, as proposed by the House, instead of $400,000, as proposed by the Senate.

On Nos. 95 and 96, relating to the appropriation for arms, uniforms, equipment, etc., for field service, National Guard: Appropriates $2,500,000, instead of $2,250,000, as proposed by the House, and $3,250,000, as proposed by the Senate; and restores language stricken out by the Senate prohibiting the use of this appropriation for the purchase of Field Artillery, Engineer, or Signal matériel.

On Nos. 97, 98, 99, and 100, relating to the appropriation for salaries in the office of the Chief of the Militia Bureau: Provides $2,250 for the salary of the chief clerk, as proposed by the House, instead of $2,000, as proposed by the Senate; adopts Senate amendment striking out authority for a finance clerk at $2,000 carried in the bill as it passed the House; and provides for five clerks of class 3, as proposed by the Senate, instead of four, as proposed by the House.

On Nos. 102, 103, and 104, relating to the appropriation for pay of the United States Military Academy: Restores an appropriation of $1,000, stricken out by the Senate, for extra pay to the constructing quartermaster, making the total appropriation for pay of the Military Academy $1,664,586, as proposed by the House, instead of $1,663,586, as proposed by the Senate.

On No. 105: Changes the applicability of an appropriation of $3,500 carried in the bill as it passed the House so that it may be used for supplying materials, repairing, painting, and cleaning furniture in cadet barracks instead of painting and cleaning the cadet barracks.

On No. 107: Restores language stricken out by the Senate prohibiting the use of the funds appropriated for the supply, maintenance, and upkeep of athletic grounds and stands at the United States Military Academy for such purposes, unless the authorities at the Military Academy charge an admission to the principal public athletic contests on such grounds in which the cadets take part, and providing that the funds received from such charge shall be used solely for the improvement of athletic facilities at the academy.

On No. 108, relating to appropriation for payment of annuity to John R. Kissinger: Restores language stricken out by the Senate providing for deduction of one-half of each monthly payment until an amount equal to the aggregate of the amount of the pension which has been paid to Mr. Kissinger contrary to law shall have been deducted.

On No. 109, relating to the appropriation for maintenance of national cemeteries: Appropriates $370,220, as proposed by the Senate, instead of $350,000, as proposed by the House.

On No. 110, relating to the appropriation for repairs to roadways to national cemeteries: Appropriates $24,000, as proposed by the House, instead of $12,000, as proposed by the Senate.

On No. 111, relating to the appropriation for disposition of remains of officers, soldiers, and civilian employees: Appropriates $160,000, as proposed by the Senate, instead of $150,000, as proposed by the House.

On Nos. 112 and 113, relating to the appropriation for operation of the Lincoln Memorial: Provides for three watchmen at $720 each, as proposed by the House, instead of four, as proposed by the Senate, making the total appropriation $11,320, as proposed by the House, instead of $12,040, as proposed by the Senate.

On No. 114: Strikes out language proposed by the Senate providing the rank, pay, and allowances of a brigadier general for the engineer officer in charge of public buildings and grounds.

On No. 115, relating to the appropriation for construction and maintenance of roads, bridges, and trails in Alaska: Appropriates $650,000 instead of $465,000, as proposed by the House, and $1,000,000, as proposed by the Senate.

On No. 116, relating to the appropriation for a survey and preparation of plans and estimates for a dock at Juneau, Alaska: Appropriates $600, as proposed by the Senate, instead of $1,000, as proposed by the House.

On Nos. 117 and 118, relating to the appropriation for examinations, surveys, and contingencies for rivers and harbors: Appropriates $456,850, as proposed by the House, instead of $406,850, as proposed by the Senate, and strikes out language proposed by the Senate prohibiting the use of this appropriation for investigations concerning types of boats.

On No. 120: Substitutes the surplus fund, as proposed by the Senate, for the general fund, as proposed by the House, as the fund into which shall be covered the funds allotted to the National Home for Disabled Volunteer Soldiers by the Veterans' Bureau.

On Nos. 121, 123, 124, 125, and 126, relating to the appropriations for the Panama Canal: Provides, as proposed by the Senate, that the limitations on the expenditure of appropriations carried in the act elsewhere than under the head of the Panama Canal shall not apply to the appropriations for the Panama Canal, instead of providing, as proposed by the House, that the limitations on the expenditure of appropriations for salaries and wages of civilian employees shall not apply to the appropriations for the Panama Canal; appropriates $575,000 for sanitation instead of $550,000, as proposed by the House, and $584,422.28, as proposed by the Senate, and appropriates $930,000 for civil government, as proposed by the House, instead of $1,006,200, as proposed by the Senate.

The committee of conference has not agreed upon the following amendments:

On No. 18, relating to mileage for reserve officers.

On No. 21, authorizing expenditures for divisional and regimental headquarters for the Organized Reserves.

On No. 30, relating to the age of recruits that may be enlisted in the Army.

On No. 34, relating to the employment in the Government service at salaries in excess of $2,500 per annum of retired enlisted men of the Army, Navy, Marine Corps, or Coast Guard.

On No. 36, prohibiting the issue of heat or light in kind to any person in the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service while such person is receiving an allowance for rental of quarters.

On No. 38, relating to the employment of retired Army officers.

On No. 49, authorizing the payment of transportation charges from certain appropriations.

On No. 101, authorizing the retirement of the master of the sword at the United States Military Academy.

On No. 106, relating to the use of stop watches or other time-measuring devices and the payment of bonuses to Government employees.

On No. 119, authorizing the Secretary of War to permit the erection of monuments or memorials in the Chickamauga and Chattanooga National Military Park to commemorate encampments of Spanish War organizations.

On No. 122, authorizing the purchase of artificial limbs or other appliances for indigent persons who were injured in the service of the Isthmian Canal Commission or the Panama Canal prior to September 7, 1916.

D. R. ANTHONY, Jr.,
WILLIAM N. STAFFORD,
T. U. SISSON,
Managers on the part of the House.

FRANK A. JAHN.

The SPEAKER. The Clerk will report the next bill.

The next business on the Private Calendar was the bill (H. R. 12138) for the relief of Frank A. Jahn.

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, will the author of this bill state why this man should be placed on the retired list?

Mr. SWING. Mr. Speaker, there are three different and distinct reasons showing that the Navy Department made a mistake in this case. It is one of the plainest propositions that has ever been brought before this House. In fact, with all due respect to the Navy Department, the department ought never to have forced the bringing of this bill before Congress. In the first place, this man was in the hospital at the time the act of July 12, 1921, was passed. He was there all the time that that act was running until it expired on October 1, 1921. The Navy Department, through its medical bureau and through the Bureau of Navigation, knew where he was, knew what he was there for, and what he was suffering with, and they were charged with knowledge of his disability. In the second place, he was examined in May and found physically disqualified for service by the medical board on his application for promotion. The Navy Department in other similar cases has held that where a man has been examined as to his fitness by a medical board as this man was before the law of July 12, 1921, was passed, they were charged with knowledge of his condition, and it was not necessary for him to make an application for retirement under that law.

Mr. STAFFORD. What is the reason that the President directed that the proceedings and findings of the board be disapproved?

Mr. SWING. I assume that we know some one acts for the President in the Navy Department and also acts for the President in the War Department and in the various other departments. The Judge Advocate General or some one in his office wrote up an opinion stating that this man had not made an application within the purview of the law. As a matter of fact he had made an application and the department now admits that he did. That is the third point. He applied just as the law provided he should apply, in August, during the time the law was in effect, but no attention was paid to his application until December. Then when they acted upon it the Judge Advocate General held that they had acted too late to be effective; but upon reading the law you will see, and in other cases the Judge Advocate General himself has held, that the law does not require the Navy Department to have acted on the application before October 1. It merely requires the application to have been made before October 1. That was done in this case.

Mr. STAFFORD. The gentleman has stated enough to show that there are some exceptional facts in this case that may be a warrant for this bill, and I withdraw the 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 President is authorized to appoint Frank A. Jahn a lieutenant (junior grade) in the United States Navy and to retire him and place him upon the retired list of the Navy with the retired pay and allowances of that grade.

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.

MAX B. BALDENBURG.

The next business on the Private Calendar was the bill (S. 462) for the relief of Max B. Baldenburg.

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, as I recall this bill the amount is too large. It is not a very large amount, only $789, and, of course, as these things go through the House that is a mere pittance; but I made a notation here that it should be only $347.

Mr. SCOTT of Tennessee. The gentleman will note by looking at page 3 of the report that the Secretary of War has O. K'd this claim in the full amount.

Mr. STAFFORD. The Secretary of War puts his fist to a good many things that he does not know anything about. This was submitted to some subordinate officer.

Mr. COLTON. I will state to the gentleman that this is the actual amount that he paid back. After the amount had been allowed him by the officers and he had actually paid it out, then they called on him and he had to pay $789 back out of his own salary.

Mr. STAFFORD. And the gentleman thinks the full amount is owing?

Mr. SCOTT of Tennessee. The gentleman from Utah [Mr. COLTON] is correct in his statement. Mr. Baldenburg received this per diem and afterwards had to refund $789.

Mr. STAFFORD. The gentleman is certain that the amount is proper?

Mr. SCOTT of Tennessee. Yes.

Mr. STAFFORD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to Max B. Baldenburg, formerly employed as civilian clerk, Engineer Department at Large, United States Army, on duty with the American Expeditionary Forces, the sum of $789, out of any money in the Treasury not otherwise appropriated, such sum being the difference between the amount due the said Max B. Baldenburg as per diem allowances while so employed, under the terms of his employment and as established and authorized by the Chief Engineer, base section No. 3, and the amount allowed for such purposes by the Comptroller of the Treasury.

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

ALLIE MELINDA OUTTERSIDE.

The next business on the Private Calendar was the bill H. R. 4653, for the relief of Allie Melinda Outterside.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I have had some difficulty in bringing myself around to favor this bill by reason of the fact that the injured person dodged into the airplane, trying to alight in the public street.

Mr. GARRETT of Texas. The facts are stated by the committee in its report, and are accurate and reflect the true situation as I understand it. The airplane was landed in a marsh near the city and the officers were not able to rise from that position, so they moved the airplane over into the main thoroughfare of Texas City, and attempted to make a rise from that point. The injured person, with others, were getting out of the way. He was on the pavement when the machine started. When the plane took off one wheel struck a pump, throwing the wing over, and struck against the guy wire of a post, which tilted it, and it started the machine toward the injured person. In this moment of bewilderment and excitement the injured person in his attempt to escape injury moved toward the machine, so they say. But, if that be true, I submit to the gentleman from Wisconsin as a lawyer that if this case was in court the uniform decisions are that where an injured person finds himself in a perilous position, brought about by the conduct of the party inflicting the injury, and in his bewilderment he seeks to make an escape and runs into the injury, the defendant is liable. That is the uniform decisions of the courts.

Mr. STAFFORD. Mr. Speaker, as I am going back to practice in the courts shortly, and as the gentleman from Texas has reminded me of some legal lore that I had forgotten I will withdraw my reservation of objection. [Laughter.]

The SPEAKER. The Clerk will read 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 Allie Melinda Outterside, widow, of the county of Harris and the State of Texas, the sum of $10,000, in full compensation for the death of her husband, T. R. Outterside, who was killed on the 26th day of September, 1918, at Texas City, Tex., by an airplane, which was being operated by an officer of the United States Army.

The committee amendment was read as follows:

In line 7, after the word "of" strike out the figures "$10,000" and in place thereof insert the figures "$5,000."

The amendment was agreed to.

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

COMMERCIAL PACIFIC CABLE CO.

The next business on the Private Calendar was the bill (H. R. 6852) to carry out the findings of the Court of Claims in the case of the Commercial Pacific Cable Co.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

TRUSTEES OF MILLIGAN COLLEGE, TENNESSEE.

The next bill on the Private Calendar was the bill (H. R. 10088) for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I have given considerable attention to this, because it is for the relief of an educational institution. I do not know whether we should adopt a policy of reimbursing educational institutions for damages resulting from the occupation of the premises during the period of the war when the students were virtually students of the college. If we are going to recognize the policy for all damages resulting from the Students Army Training Corps we may be burdened with a tremendous liability.

Mr. REECE. I hardly think you will find that to be the case, because there is no other building burned as a result of the Students Army Training Corps that the Government has any knowledge of.

Mr. STAFFORD. Well, Mr. Speaker, this is virtually a gratuity to this struggling, sectarian college, as I understand, way up in the backwoods of eastern Tennessee, and I will give the benefit of the doubt to education and this sectarian institution, and withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. REECE. Mr. Speaker, I ask unanimous consent to substitute a Senate bill of like import, S. 3048.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to substitute the Senate bill for the House bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the Senate bill.

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 L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee, out of any moneys not otherwise appropriated, the sum of $23,096.37, being the balance due to said trustees of said college because of the destruction by fire of sundry buildings at Milligan College, Tennessee, on November 16, 1918, while in the use and occupation of the War Department of the United States.

Mr. TILSON. Mr. Speaker, I move to strike out the last word. I am very glad to see the bill for this claim put on the road to passage. This "struggling college" of which the gentleman from Wisconsin [Mr. STAFFORD] speaks is situated at the entrance to Happy Valley on the beautiful Watauga River, in east Tennessee, near the birthplace and former home of the inimitable Bob Taylor, who in the long time ago served a term in this House, having the honor of being the only Democrat elected from the district in 60 years. Later he served three terms as Governor of the State of Tennessee, and died in Washington while a Member of the United States Senate from that State.

It was also the birthplace and former home of that stalwart Republican, Alf Taylor, who served three terms in this House and who has just retired from the office of Governor of Tennessee. He now lives in the village of Milligan and very near the college, in which he is very greatly interested. Besides being the birthplace of these two great men, I can say with all becoming modesty that my own birthplace was also nearby. [Applause and cries of "Vote!"]

Mr. Speaker, it will be observed that I did not mention this fact until after unanimous consent for consideration had been granted. Now, the objection stage having been safely passed, I can speak fearlessly. [Laughter.] Having reached the place where there is no further danger, I can now speak my mind, which is that I am very grateful to the House for permitting this bill to be passed to-night. Although I have not lived in Tennessee for many years, nevertheless the good people of that region where I was born are still my people. My kindred and friends live there; my father and mother lie buried there. Sometimes when there is a little rough spot in the road to get over like this, those people still come to me and ask me to help. You will all realize how exceedingly glad I am to do it.

Mr. CHINDBLOM. The gentleman reserved a very powerful argument against objection, if any had been made.

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.

A similar bill (H. R. 10088) was laid on the table.

SETTLEMENT WITH LESSEES, CAMP FUNSTON, KANS.

The next business on the Private Calendar was the bill (S. 851) authorizing the Secretary of War to make settlement with the lessees who erected buildings on a five-year lease on the zone at Camp Funston, Kans., and for other purposes.

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 War be, and he is hereby, authorized to make such settlement as he thinks just and proper, with the several lessees who erected buildings under a five-year lease, with renewal clauses, on the zone of Camp Funston activities and amusements at Camp Funston, Kans., the buildings having been erected under the authority of the War Department and at the invitation of the department of camp activities, under leases which were properly approved but which have been canceled before the expiration of any of said leases and over the protest of the holders.

With the following committee amendment:

Page 2, after line 6, insert: *Provided*, That in no case the amount paid in settlement shall exceed the actual losses sustained.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

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

ORDNANCE STOREKEEPER IN THE ARMY.

The next business on the Private Calendar was the bill (S. 834) to authorize the appointment of an ordnance storekeeper in the Army.

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

Mr. STAFFORD. Mr. Speaker, I object.

MAJ. RUSSELL B. PUTNAM.

The next business on the Private Calendar was the bill (H. R. 11738) for the relief of Maj. Russell B. Putnam.

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 Maj. Russell B. Putnam, assistant paymaster, United States Marine Corps, the sum of $2,173 to cover the loss sustained by him through the embezzlement of such amount of Government funds by Robert H. Rudolph, pay clerk, United States Marine Corps, in 1915, while serving as pay clerk to the said Major Putnam, at Marine Barracks, Philadelphia, Pa., and on expeditionary duty in the West Indies, and which amount Major Putnam was required to and did deposit with the Treasurer of the United States.

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.

MILTON M. FENNER.

The next business on the Private Calendar was the bill (H. R. 1887) for the relief of Milton M. Fenner.

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

Mr. STAFFORD. Mr. Speaker, I object.

Mr. KRAUS. Mr. Speaker, will the gentleman withdraw his objection?

Mr. STAFFORD. Yes.

Mr. KRAUS. Of course, if the gentleman is going to object, I shall not take up any time. I call his attention to the fact that although this is a case in effect seeking to retire a midshipman, the records disclose that he has had three such cases that Congress has acted upon severally. I believe the facts in this case are almost substantially like the facts in these other cases which Congress has heretofore acted upon.

Mr. STAFFORD. He is entitled to a pension to-day, is he not?

Mr. KRAUS. No; he is not.

Mr. BUTLER. He has no status of any kind. This is the ninth case. We examined it with very great care. This lad is a total wreck, and we felt that he ought to come within the other cases. I can recall when the first exception was made. These young men at the academy have no right of retirement. This young man in the performance of his duty was taken sick of typhoid fever and afterwards with varicose veins. We considered the case very carefully and were unanimously of opinion that because of his physical condition, which is frightful, he ought to have the relief which has been given to others.

Mr. MONDELL. Mr. Speaker, we can not begin the practice of giving retired pay to men who have not graduated from the academies. If we begin, we will get into all sorts of trouble.

Mr. KRAUS. He graduated from the academy.

Mr. BUTLER. I endeavored to prevent the establishment of the precedent, but it has become established. It is my recollection that this is the ninth case within my service here as a Member. The Secretary of the Navy has said that he can see no reason why this young man should not have the benefit that other young men have had in similar circumstances. While the gentleman from Wyoming and I were here I endeavored to prevent the establishment of a precedent, but Congress on several occasions has acted.

Mr. BLANTON. What is so repugnant about giving retired pay to a young man?

Mr. BUTLER. There is nothing whatever.

Mr. BLANTON. When the Congress has just provided that a general in the Army shall have retired pay, although he is employed by a big corporation.

Mr. MONDELL. Mr. Speaker, I object.

UNITED DREDGING CO.

The next business on the Private Calendar was the bill (S. 3570) for the relief of the United Dredging Co.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, I object.

Mr. EDMONDS. Will the gentleman reserve the objection?

Mr. BLANTON. I intend to object, but I will reserve it.

Mr. EDMONDS. I would like to ask the gentleman why he objects? There is not any reason——

Mr. BLANTON. If the gentleman will come over to my office to-morrow morning at half past 8 o'clock I will tell him.

Mr. EDMONDS. This amendment only puts the case in court.

Mr. BLANTON. I object.

The SPEAKER. The Clerk will report the next bill.

STEAMSHIP "MOHICAN."

The next business on the Private Calendar was the bill (H. R. 1758) for the relief of the owners of the Steamer *Mohican*.

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.

Mr. BLAND of Virginia. Mr. Speaker, I ask unanimous consent that the bill S. 4310 be taken from the Speaker's table and considered in lieu of the House bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table Senate bill 4310 and consider it in place of the House bill. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, during the consideration of the Unanimous Consent Calendar this afternoon, request was made to substitute a Senate bill for a House bill. I assumed the Senate bill was substantially or identically the same as the House bill, but I have since found it was not. It has been the general understanding that when a unanimous consent is asked to substitute a Senate bill for a House bill that it is virtually identical with the House bill. I find it is necessary now to make the inquiry so as to protect the rights of the Members of the House.

Mr. BLAND of Virginia. I have personally compared the bill with the bill as amended by the House committee and it is identical.

Mr. STAFFORD. I have no objection to having the Senate bill substituted therefor.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Clyde Steamship Co., a corporation organized under and by virtue of the laws of the State of Maine, with its principal place of business in the city and State of New York, owners of the steamship *Mohican*, for damages alleged to have been caused by collision between said vessel and the United States tug *Barlow* on the 31st day of July, 1919, while said steamship *Mohican* was moored at Pier No. 2, Empire Stores, Brooklyn, N. Y., may be sued for and submitted to the United States District Court in and for the Southern District of New York, sitting as a court of admiralty, and acting under the rules in admiralty 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 owners of the said steamship *Mohican*, or against the owners of the said steamship *Mohican* in favor of the United States, and 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 read the third time, was read the third time, and passed.

Mr. BLAND of Virginia. I ask that the House bill be laid on the table.

The SPEAKER. Without objection a similar House bill is laid on the table.

There was no objection.

STEAM LIGHTER "COMPORT."

The next business in order on the Private Calendar was the bill (H. R. 1759) for the relief of the owners of the steam lighter *Comport*.

The Clerk read the title of the bill.

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

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent that Senate bill 4311, for the relief of the owners of the steam lighter *Comport*, now on the Speaker's table, be taken up in lieu of the House bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a similar Senate bill be substituted for the House bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the claim of the New York & Cuba Mail Steamship Co., a corporation organized under and by virtue of the laws of the State of Maine, with its principal place of business in the city and State of New York, owners of the steam lighter *Comport*, for damages alleged to have been caused by collision between said vessel and the United States steam lighter *President*, now called the *General Sawtelle*, on the 1st day of March, 1919, near piers Nos. 13 and 14, East River, N. Y., may be sued for and submitted to the United States District Court in and for the Southern District of New York, sitting as a court of admiralty and acting under the rules in admiralty 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 owners of the said steam lighter *Comport*, or against the owners of the said steam lighter *Comport* in favor of the United States, and 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 read the third time, was read the third time, and passed.

Mr. EDMONDS. Mr. Speaker I ask unanimous consent that the bill H. R. 1759 be laid on the table.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

SCHOONER "T. K. BENTLEY."

The next business in order on the Private Calendar was the bill (H. R. 12315) for the relief of the owners of the schooner *T. K. Bentley*.

The Clerk read the title of the bill.

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

Mr. BLANTON. Mr. Speaker, may we have the bill reported?

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 he is hereby, authorized and directed to pay, out of the Treasury of the United States, from funds not otherwise appropriated, $4,170.45, under such conditions as the Secretary of the Navy may direct, to J. Newton Pugsley, of Parrsboro, Nova Scotia, managing owner, in full settlement for damages sustained by the schooner *T. K. Bentley* as a result of collision with the U. S. S. *North Dakota* on January 3, 1922.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, is not this one of the class of claims which, if deemed proper for settlement, the Secretary of the Navy has authority already to settle?

Mr. EDMONDS. Mr. Speaker, I presume so, if it amounted to less than $3,000. The Secretary of the Navy is only allowed to settle claims up to $3,000.

Mr. BLANTON. I understand, but does not the gentleman believe that the amount of many of these claims is put in at an exorbitant figure, and if we let this pass a little while the gentleman will be very glad to have the Secretary of the Navy consider it under the authority of law which is given him?

Mr. EDMONDS. Well, the Secretary of the Navy, I assume, has offered $3,000, and it has been refused, in all probability, by the party.

Mr. BLANTON. I do not think so. The report does not show it.

Mr. STAFFORD. Will my colleague yield? The original claim in this case was $6,054.15——

Mr. BLANTON. Why, they cut off $2,000.

Mr. STAFFORD. And in that amount there was a claim of $3,240 for demurrage. The department has disallowed the demurrage claim in substance, and as this is not an American citizen and the owner lives in Nova Scotia the claim of $4,000, to me, at least, seems to be reasonable under the circumstances. Perhaps if we should hold it up in the air he might take $3,000, but if it is a meritorious claim we should not withhold payment.

Mr. BLANTON. Is a claim held by a foreigner more meritorious than a claim of an American citizen?

Mr. STAFFORD. Oh, no. But, owing to the spirit of comity existing between the two countries, where a foreigner makes a claim of $6,000 and the department cuts it down to $4,000 and there is proof that it is a reasonable amount——

Mr. BLANTON. We settled a $2,500,000 claim of Norway the other day for $11,000,000——

Mr. STAFFORD. I agree with the gentleman that the Europeans think we are a mint over here.

Mr. BLANTON. They think we are easy.

Mr. STAFFORD. And all that is to be done is to put their hands in the Treasury and drag it out.

Mr. BLANTON. I believe they are correct about that. I withdraw the objection.

Mr. HUDSPETH. Mr. Speaker, I object.

The SPEAKER. The Clerk will report the next bill.

D. H. MACADAM.

The next business on the Private Calendar was the bill (H. R. 12159) for the relief of D. H. MacAdam.

The title of the bill was read.

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 Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to D. H. MacAdam, of Honolulu, Hawaii, the sum of $8,749.39, being the extent of liability of D. H. MacAdam, as postmaster at Honolulu, Hawaii, to the Government of the United States, owing to the embezzlement of Federal funds by the assistant postmaster at Honolulu, Hawaii, prior to and during the term of office of D. H. MacAdam as postmaster at Honolulu, Hawaii.

Mr. EDMONDS. Mr. Speaker, I have an amendment that I would like to offer.

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

The Clerk read as follows:

Amendment offered by Mr. EDMONDS: In line 6, strike out the figures "$8,749.39" and insert in lieu thereof "$5,514.39."

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.

The SPEAKER. The Clerk will report the next bill.

AMERICAN TRUST CO.

The next business on the Private Calendar was the bill (H. R. 13205) for the relief of the American Trust Co.

The title of the bill was read.

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 Treasury be, and he hereby is, authorized and directed to pay to the American Trust Co., of Charlotte, N. C., a banking corporation, existing by law, or its assigns, out of any money in the Treasury not otherwise appropriated, the sum of $4,000, with interest at the rate of 4½ per cent per annum from February 2, 1920, to the date of payment, the amount of the principal and interest due it as owner of four United States Treasury certificates of indebtedness of series TM-4-1920, numbered 18462, 18463, 18464, and 18465, each dated February 2, 1920, and due March 15, 1920, of which the American Trust Co. has established loss from its possession; and shall require the American Trust Co. to furnish to the Secretary of the Treasury a bond in the penal sum of double the principal amount of the lost United States Treasury certificates and the interest accrued on such obligation, with such security or surety as the Secretary of the Treasury may require to indemnify the United States against any loss from any claim that may subsequently be made upon such lost United States Treasury certificates of indebtedness.

With a committee amendment, as follows:

Strike out all after the enacting clause down to and including line 11, on page 2, and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem United States Treasury certificates of indebtedness numbered 18462, 18463, 18464, and 18465, in the denomination of $1,000, series TM4-1920, dated February 2, 1920, and maturing March 15, 1920, with interest at the rate of 4½ per cent per annum from February 2, 1920, to March 15, 1920, in favor of the American Trust Co., of Charlotte, N. C., or its assigns, without presentation of the said certificates, the certificates of indebtedness having been lost, stolen, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment, and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said American Trust Co., of Charlotte, N. C., shall first file in the Treasury Department a bond in the penal sum of double the amount of the lost, stolen, or destroyed Treasury certificates of indebtedness and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness herein described."

Mr. BLANTON. Mr. Speaker, I offer an amendment. After the last number of the bond given and preceding the words "in the denomination" insert the word "each."

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

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 2, line 15, after the figures "18465," insert the word "each."

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

The amendment was agreed to.

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.

The SPEAKER. The Clerk will report the next bill.

HELENE M. LAYTON.

The next business on the Private Calendar was the bill (H. R. 13250) for the relief of Helene M. Layton.

The title of the bill was read.

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

There was no objection.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 4113. It is the same as the House bill.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill S. 4113 and consider it in lieu of the House bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 4113) for the relief of Helene M. Layton.

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 Helene M. Layton, administratrix, cum testamento annexo, of the estate of Lewis W. Mustard, deceased, the sum of $2,852.43 by reason of an overcharge in connection with the estate tax on the above estate arising out of the requirement of the United States Court in China, at Shanghai, China, that the tax be paid by Edward H. Dunning, the executor in China, before the account of said executor could be closed.

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.

Mr. EDMONDS. Mr. Speaker, I move that the similar House bill be laid on the table.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

CHARLES F. PEIRCE.

The next business on the Private Calendar was the bill (H. R. 13208) for the relief of Charles F. Peirce.

The title of the bill was read.

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 Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the account of Charles F. Peirce, as superintendent and special disbursing agent of the Indian school at Flandreau, S. Dak., for the quarter ended March 31, 1920, for payment of $1,110 to Frank L. Van Tassel, of Yankton, S. Dak.; said sum being the difference between the original contract price of flour purchased from the said Frank L. Van Tassel and the price specified in a modified contract approved by the Secretary of the Interior.

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.

The SPEAKER. The Clerk will report the next bill.

HARRY CADEN.

The next business on the Private Calendar was the bill (H. R. 11353) to provide for reopening the accounts of Harry Caden and charging of certain expenses therein to a different appropriation from the one used in payment.

The title of the bill was read.

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

Mr. STAFFORD. Which one is this, Mr. Speaker?

Mr. BLANTON. No. 370 on the calendar.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the accounting officers of the United States Treasury be, and they are hereby, authorized and directed to reopen the accounts of Harry Caden, special disbursing agent for the Flathead irrigation project for the quarters ended September 30 and December 31, 1917, and to charge expenditures shown therein for increase of compensation of employees, amounting to $13,838.96, to the appropriation "Increase of compensation, Indian Service, 1918," instead of to the appropriation "Irrigation systems, Flathead Reservation, Mont., reimbursable," as paid by said Harry Caden and allowed by the Auditor for the Interior Department.

The SPEAKER. The question in 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.

The SPEAKER. The Clerk will report the next bill.

POST PUBLISHING CO.

The next business on the Private Calendar was the bill (H. R. 1593) for the relief of the Post Publishing Co.

The Clerk read the title of the bill.

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

Mr. BLANTON. I object.

The SPEAKER. The gentleman from Texas objects. The Clerk will report the next bill.

HOWARD R. GURNEY.

The next business on the Private Calendar was the bill (H. R. 12039) for the relief of Howard R. Gurney.

The Clerk read the title of the bill.

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

There was no objection.

Mr. EDMONDS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table S. 4333 and substitute it for this House bill.

The SPEAKER. The gentleman asks unanimous consent that the similar Senate bill be substituted. 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, out of any money in the Treasury not otherwise appropriated, the sum of $4,391.44 to Howard R. Gurney, of Springfield, Mass., as full compensation against the Government for injuries sustained by him when struck by a United States Navy truck in the city of Springfield, Mass., on October 26, 1920.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. There are two reasons why I do not object to this bill, although a similar bill concerning just exactly the same kind of transaction down in Texas was objected to a moment ago and put off the calendar.

Mr. STAFFORD. Will the gentleman yield? What bill does the gentleman refer to?

Mr. BLANTON. Just one minute. As I said, there are two reasons why I do not object to this bill. One is that this is one of the bills of our distinguished Speaker, and I am going to let it pass on that account. [Applause.] The other reason is that I have purposely let a number of bills go by here to-night that ordinarily I should object to, under unanimous consent. There was one bill for reimbursement down in Kansas, for instance, that I have objected to here for the last two years at least, but I purposely let it go by to-night, and I will tell you why. If we can just keep enough stuff going into the other end of the Capitol for the next 10 days in order to give them an excuse for keeping busy there, we can save the people of this country $50,000,000 a year on a certain measure that is now being forced down the throats of the American people. [Applause.] I want to give our distinguished colleagues over there at the other end of the Capitol—they are our colleagues for they are employed by the American people just like we are—I want to give the ones who are fighting for the interests of the American people a good excuse for killing that pernicious subsidy bill. Therefore we have been letting a few bills involving thousands of dollars go over there to-night in order to save millions.

Mr. MONDELL. Mr. Speaker, if we are going to pass any more bills on this calendar, we will have no stump speeches. If gentlemen want to make stump speeches, we will rise.

Mr. BLANTON. This is to offset some of the Wyoming stump speeches that we have here every day and every night. I let some Wyoming bills go by here to-day, because I do not like to send a colleague back home without any bacon. [Laughter.] I let them go by, but I think under ordinary circumstances I should have had some help from the gentleman from Wisconsin. I am not going to take up any more time.

Mr. STAFFORD. Mr. Speaker, I rise in opposition to the pro forma amendment, just for one purpose. The gentleman who has just taken his seat stated that just a minute ago there was a bill affecting some person in Texas, a bill of a similar import, that was objected to. I do not recall that bill. In going over these bills, so far as I am concerned, I do not consider at all the question as to who introduced them, and I should like to inquire of the gentleman what that bill was, because we play fair, regardless of the position that any gentleman occupies.

Mr. BLANTON. Was there not a truck bill objected to a few minutes ago?

Mr. STAFFORD. There was not.

Mr. BLANTON. I beg the gentleman's pardon. The gentleman made a reservation on it, but I think he withdrew it.

Mr. STAFFORD. Does the gentleman refer to the bill that his colleague [Mr. GARRETT of Texas] was interested in?

Mr. BLANTON. Yes. The reservation was made, and I stepped out of the room for a moment, and I did not know it had been withdrawn.

Mr. STAFFORD. We do not want the statement to go into the RECORD that we are playing favorites here. We do not. We treat everybody equally and fairly.

Mr. BLANTON. Then I withdraw that statement from the RECORD.

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

There was no objection.

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

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

By unanimous consent H. R. 12039, the corresponding House bill, was ordered to lie on the table.

ALICE M. GORMAN.

The next business on the Private Calendar was the bill (S. 3350) for the relief of Alice M. Gorman.

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, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated by law, to Alice M. Gorman the sum of $2,500 for injuries received when the automobile in which she was riding collided with an Army truck near North East, Md., April 17, 1921.

With the following committee amendment:

Page 6, after the word "of," strike out the figures "$2,500" and insert in lieu thereof "$1,000, in full settlement against the Government."

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

The amendment was agreed to.

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

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

Mr. HUDSPETH. Mr. Speaker, I wish to withdraw my objection to H. R. 12356.

The SPEAKER. The gentleman from Texas withdraws his objection to the bill H. R. 12356. Is there objection to the present consideration of the bill?

Mr. MONDELL. Mr. Speaker, I think we had better continue the consideration of the calendar.

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

CAPT. EDWARD T. HARTMAN.

The next business on the Private Calendar was the bill (S. 1281) for the relief of Capt. Edward T. Hartmann, United States Army, and others.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON. Reserving the right to object, this claim is 24 years old. Has not there been a just Congress since 1899?

Mr. EDMONDS. This has been up a number of times. The reason the committee passed this bill at this time and brought it before the Congress was that all the other officers have been paid, but for some reason or other these have not got their money.

Mr. BLANTON. I sat on the committee with the gentleman from Pennsylvania, and when I was sitting with him the gentleman was opposed to claims of this kind.

Mr. EDMONDS. Well, what are we going to do? Here were a lot of officers who lost their personal property, and all of the others have got their pay.

Mr. BLANTON. When the bandits can drive up to a paymaster and take $46,000 of Government money and tie the men to a tree and get away with it, it ought to teach these Army officers to be more careful with Government money.

Mr. EDMONDS. This is not money; this is for personal property lost on a shipwreck of a transport. All of the other officers who lost property got paid. These officers, it strikes me, ought now to get theirs.

Mr. BLANTON. Why have they not got their pay?

Mr. EDMONDS. The bill has been introduced here at every Congress, and it has been up at every session.

Mr. BLANTON. We had a number of bills of this kind in the Sixty-sixth Congress, and the gentleman led the fight against them.

Mr. EDMONDS. I know I did; I did so in the case of the *Alaska*.

Mr. BLANTON. I have never been much in favor of limitations, but I think the limitations have run against this claim, and I object.

Mr. EDMONDS. The gentleman will have it up next session.

ROBERT EDGAR ZEIGLER.

The next business on the Private Calendar was the bill S. 107, an act for the relief of Robert Edgar Zeigler.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

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 and reimburse Capt. Robert Edgar Zeigler in the sum of $725, same being for the amount of personal property stolen from him while his household goods were in Government custody at United States Army General Hospital, No. 20, Whipple Barracks, Ariz.

With the following committee amendments:

In line 4, after the word "pay," add a comma and insert the following: "out of any money in the Treasury not otherwise appropriated."

In line 5 strike out the figures "$725" and insert in lieu thereof "$585."

The committee amendments were agreed to.

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

Mr. STAFFORD. Mr. Speaker, I make the point that there is no quorum present.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 46 minutes p. m.) the House adjourned until to-morrow, Tuesday, February 20, 1923, 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:

1013. A letter from the Secretary of the Interior, transmitting for consideration a tentative bill authorizing the payment from the appropriation for contingent expenses for the Department of the Interior for 1923, to S. Livingston, of Washington, D. C., the sum of $110; to the Committees on Appropriations and Claims.

1014. A communication from the President of the United States, transmitting an estimate of appropriation for the legislative establishment of the United States for the fiscal year ending June 30, 1923, in the sum of $20,000; 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. BLANTON: Committee on the District of Columbia. H. R. 12997. A bill granting relief to the Metropolitan police, and to the officers and members of the fire department of the District of Columbia; without amendment (Rept. No. 1650). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Iowa: Committee on Foreign Affairs. S. J. Res. 263. A joint resolution to authorize the Secretary of Agriculture to accept membership for the United States in the Permanent Association of the International Road Congresses; without amendment (Rept. No. 1651). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT: Committee on Public Lands. S. 4197. An act to authorize the Secretary of the Interior to issue to certain persons and certain corporations permits to explore, or leases of, certain lands that lie south of the medial line of the main channel of Red River, in Oklahoma, and for other purposes; with amendments (Rept. No. 1653). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 14326. A bill establishing standard grades of naval stores, preventing deception in transactions in naval stores, regulating traffic therein, and for other purposes; with an amendment (Rept. No. 1655). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 457. A joint resolution authorizing the appointment of a joint committee of the Senate and House of Representatives to represent the Congress of the United States at the World's Dairy Congress; without amendment (Rept. No. 1656). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McSWAIN: Committee on War Claims. S. 34. An act for the relief of the Pacific Commissary Co.; with an amendment (Rept. No. 1652). Referred to the Committee of the Whole House.

Mr. KLECZKA: Committee on War Claims. S. 2984. An act for the relief of Thurston W. True; without amendment (Rept. No. 1654). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. HUDSPETH: A bill (H. R. 14379) authorizing an extension of and an additional loan to the Kansas City, Mexico & Orient Railroad by the United States Government; to the Committee on Interstate and Foreign Commerce.

By Mr. HERRICK: A bill (H. R. 14380) making it unlawful for any Member of Congress, either of the House or Senate, or any Cabinet officer, or any other salaried employee of the Government, to practice nepotism; to the Committee on the Judiciary.

By Mr. WILLIAMSON: A bill (H. R. 14381) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Charles Mix County and Gregory County, S. Dak.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14382) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14383) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Brule County and Lyman County, S. Dak.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14384) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Potter County and Dewey County, S. Dak.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 14385) granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Walworth County and Corson County, S. Dak.; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON: A bill (H. R. 14386) to remit the duty on a carillon of bells to be imported for the House of Hope Church, St. Paul, Minn.; to the Committee on Ways and Means.

By Mr. FOSTER: A joint resolution (H. J. Res. 454) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. VOLSTEAD: A joint resolution (H. J. Res. 455) to amend the China trade act; to the Committee on the Judiciary.

By Mr. HAUGEN: A joint resolution (H. J. Res. 456) authorizing the chairman of the Committee on Agriculture to appoint a subcommittee to consist of not more than eight members of the Committee on Agriculture to join with a like committee of five heretofore appointed by the Senate to investigate problems relating to reforestation, and for other purposes; to the Committee on Agriculture.

Also, a joint resolution (H. J. Res. 457) authorizing the appointment of a joint committee of the Senate and the House of Representatives to represent the Congress of the United States at the World's Dairy Congress; to the Committee on Agriculture.

By Mr. FORDNEY: A resolution (H. Res. 541) providing for extra compensation for clerks to the Committee on Ways and Means for extra and overtime services performed; to the Committee on Accounts.

By Mr. SINNOTT: A resolution (H. Res. 542) for the immediate consideration of S. 4197; to the Committee on Rules.

By Mr. NEWTON of Missouri: A resolution (H. Res. 543) authorizing payment of six months' salary and funeral expenses to Henrietta Mueller on account of death of T. J. Mueller, late a clerk to the Hon. L. C. DYER; to the Committee on Accounts.

By Mr. ANDERSON: A resolution (H. Res. 544) to pay J. W. M. Austin for special janitor services; to the Committee on Accounts.

By Mr. TYSON: A resolution (H. Res. 545) authorizing the creation of a committee of the House of Representatives looking to the improvement of our national harbors, and for other purposes; to the Committee on Rules.

By the SPEAKER (by request): Memorial of the Legislature of the State of Idaho urging Congress to enact legislation providing for the relief of disabled veterans; to the Committee on Interstate and Foreign Commerce.

Also (by request), memorial of the Legislature of the State of Idaho requesting Congress to postpone all payments overdue upon reclamation projects and spread all of the remaining payments to fall due, together with said past-due payments, over a period of 40 years; to the Committee on Irrigation of Arid Lands.

Also (by request), memorial of the Legislature of the State of Oregon urging Congress to appropriate money for the construction of highways through and adjacent to our national forests; to the Committee on Agriculture.

By Mr. WILLIAMSON: Memorial of the Legislature of the State of South Dakota urging Congress to take such prompt action as will result in immediate development of the Great Lakes-St. Lawrence deep waterway; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWLEY: Memorial of the Legislature of the State of Oregon, opposing further immigration into the United States in excess of the present quota; to the Committee on Immigration and Naturalization.

Also, memorial of the Legislature of the State of Oregon, requesting Congress to construct highways near and adjacent to national forests after appropriating funds from the National Treasury; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. BEGG: A bill (H. R. 14387) granting a pension to Lillian Bolton Miller; to the Committee on Invalid Pensions.

By Mr. GERNERD: A bill (H. R. 14388) to provide for the carrying out of the award of the War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., at Bethlehem, Pa.; to the Committee on Claims.

By Mr. HAWLEY: A bill (H. R. 14389) granting a pension to Louise P. Glaze; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14390) granting an increase of pension to Eliza M. Trayler; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 14391) granting a pension to Stella E. Rossell; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 14392) for the relief of A. S. Conner; to the Committee on Claims.

Also, a bill (H. R. 14393) granting a pension to Emma Jane Mooers; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

7349. By Mr. ANSORGE: Petition of New York League of Unitarian Women, New York City, urging the speedy passage of the child labor measure, Senate Joint Resolution 232; to the Committee on the Judiciary.

7350. By Mr. FROTHINGHAM: Petition from the citizens of the town of Stoughton, Mass., asking legislation to fix a maximum price on coal; to the Committee on Interstate and Foreign Commerce.

7351. By Mr. KISSEL: Petition of Associated Musicians of Greater New York, New York City, N. Y., favoring an amendment to the Volstead Act permitting the use of light wines and beer; to the Committee on the Judiciary.

7352. Also, petition of Schwarzenbach, Huber & Co., New York City, N. Y., opposing the passage of the truth in fabrics bill; to the Committee on Agriculture.

7353. Also, petition of State fire marshal, New Orleans, State of Louisiana, favoring the passage of House bill 13448, to prohibit the transportation of inflammable films in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

7354. By Mr. MICHENER: Petitions of sundry citizens of Michigan, indorsing joint resolution purporting to extend immediate aid to the people of German and Austrian Republics; to the Committee on Foreign Affairs.

7355. By Mr. TAGUE: Petition of 104 laborers of the United States customs service at Boston for action by Congress on House bill 14071, giving the Secretary of the Treasury discretion to adjust compensation and salaries in the customs service; to the Committee on Ways and Means.

7356. By Mr. WATSON: Petition of Spring City Council, No. 500, junior Order United American Mechanics, in opposition to House bill 14273; to the Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *February 20, 1923.*

(Legislative day of Monday, February 19, 1923.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

THE MERCHANT MARINE—FILLED MILK.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, the pending question being on the motion of Mr. LADD that the Senate proceed to the consideration of the bill (H. R. 8086) to prohibit the shipment of filled milk in interstate or foreign commerce.

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

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

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

Ashurst	Fletcher	McCumber	Sheppard
Ball	Frelinghuysen	McKellar	Shields
Bayard	George	McKinley	Shortridge
Borah	Glass	McNary	Smith
Brandegee	Hale	Moses	Smoot
Brookhart	Harreld	Nelson	Spencer
Bursum	Harris	New	Sterling
Calder	Harrison	Nicholson	Swanson
Cameron	Heflin	Norbeck	Townsend
Capper	Hitchcock	Norris	Trammell
Caraway	Johnson	Oddie	Wadsworth
Colt	Jones, Wash.	Overman	Walsh, Mass.
Couzens	Kellogg	Page	Walsh, Mont.
Culberson	Keyes	Pepper	Warren
Cummins	King	Phipps	Weller
Curtis	Ladd	Poindexter	Williams
Dial	La Follette	Pomerene	Willis
Dillingham	Lenroot	Ransdell	
Edge	Lodge	Reed, Pa.	
Ernst	McCormick	Robinson	