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	

The PRESIDENT pro tempore. Seventy-seven Senators have answered to their names. A quorum is present. The Senator from Texas [Mr. SHEPPARD] is entitled to the floor.

DEVELOPMENT OF HYDROELECTRIC ENERGY.

Mr. NORRIS. I ask the Senator from Texas if he will not yield to me, in order that I may ask unanimous consent for the reading of a resolution passed by the house of representatives of the Nebraska Legislature and my answer to it.

Mr. JONES of Washington. Mr. President, I want to say to the Senator from Texas that I shall not make any point of order or object to anything like the matter the Senator from Nebraska desires to present. It is a matter of courtesy to Senators.

Mr. SHEPPARD. Very well. With that understanding I yield.

Mr. NORRIS. I send to the desk a resolution certified as having been passed by the house of representatives of the Nebraska Legislature and my reply thereto, which I ask may be read.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

Whereas, according to the United States Geological Survey, Nebraska has 366,000 hydroelectric horsepower, the greater part of it still undeveloped;

Whereas the great river system of Nebraska, the Loup rivers, the Niobrara, the Elkhorn, the Plattes, the Blues, the Nemahas, and the Republican, are situated in the midst of a fertile agricultural region easy of access of railroads and market facilities, producing yearly 60,000,000 bushels of wheat, 200,000,000 bushels of corn, with approximately 10,000,000 head of horses, cattle, swine, and sheep, capable of furnishing food to a population of more than 10,000,000 people, in a temperate and healthful climate adapted to the highest development of the human race;

Whereas the present horsepower used in Nebraska industries is approximately 90,000, by far the larger part of which is produced from coal and petroleum, both of which are expensive, diminishing in quantity, and involved in distant transportation and labor difficulties;

Whereas the present available hydroelectric power in Nebraska, if utilized, would save the annual consumption of 4,000,000 tons of coal and furnish more reliable and cheaper industrial basis for the development of the State;

Whereas Henry Ford, of Detroit, has made a proposition to the United States Government for the development of the hydroelectric power at Muscle Shoals, on the Tennessee River, and violent opposition to the acceptance of Mr. Ford's offer renders difficult its adoption;

Whereas the development of Nebraska's water power for industrial purposes would bring to our State millions of industrious people, intermingling manufacture with agriculture in a most desirable manner, enabling our farmers to sell their food products in a home market and producing manufactures which would supply the needs of our farmers and people of the Middle West: Therefore be it

Resolved by the House of Representatives and Senate of Nebraska, That we hereby memorialize Henry Ford to make an industrial survey of the hydroelectric power of Nebraska and to engage in its development, pledging him the most cordial support from our government, State and municipal, and from our people.

Resolved, That we urgently request the Members of Congress from the State of Nebraska to support the passage of the Ford tender for Muscle Shoals before March 4, 1923, so that a precedent can be set for similar developments in Nebraska.

Resolved, That the chief clerk of the house and secretary of the senate transmit to Mr. Ford copies of this memorial, inviting him to fix a date when we may meet with the legislature now in session and enter upon the industrial campaign herein suggested, and that copies of this memorial be forthwith forwarded to every Member of Congress from the State of Nebraska.

I hereby certify that the foregoing resolution was adopted by unanimous vote of the house of representatives this 16th day of February, 1923.

F. P. CARRICK, *Chief Clerk.*

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UNITED STATES SENATE,
Washington, D. C., February 20, 1923.

HOUSE OF REPRESENTATIVES,
Nebraska Legislature, Lincoln, Nebr.

GENTLEMEN: I am just in receipt of a resolution which your chief clerk certifies was unanimously passed by your body on the 16th day of February, 1923. This resolution, it can be fairly stated, has two objects in view: First, it requests the Members of Congress from the State of Nebraska to "support the passage of the Ford tender for Muscle Shoals," and, second, it extends an invitation to Henry Ford to come to Nebraska and make an industrial survey of the hydroelectric power of Nebraska with a view to its development.

The resolution frankly states that the reason why you want the Nebraska Members of Congress to support the Ford offer as to Muscle Shoals is "so that a precedent can be set for similar developments in Nebraska." The reason you give for the support of the Muscle Shoals proposition is one of the many reasons why I have been opposed to the acceptance of Mr. Ford's offer for Muscle Shoals. The acceptance of the Muscle Shoals offer, as you truly state in your resolution, would be a precedent which would be used as a basis for similar action all over the United States, and as a result we would give the control of the development of hydroelectric energy from our navigable streams over entirely to corporations of wealth without retaining any control or regulation whatsoever for the benefit of the people at large.

The reasons you give in your resolution confirm me in the righteousness of my opposition to the acceptance of the Ford offer. I am unwilling to give away the birthright of millions of unborn citizens for the enrichment of private corporations at the expense of the taxpayers of America, and I am unwilling to do this even when requested to do it by so high and honorable body as the House of Representatives of the Nebraska Legislature.

Of course, you gentlemen have studied the Ford offer. You certainly would not ask the Members of Congress to accept it unless you had thoroughly studied and analyzed it, and if you have thus analyzed it, you are aware of the fact that the only obligation Mr. Ford assumes in the Muscle Shoals proposition is that he will organize a corporation with a paid-up capital stock of $10,000,000, and that, as a matter of fact, when he has organized this corporation his responsibility has entirely ceased and we are therefore dealing with a corporation. We turn over to this corporation in absolute fee-simple title property that has cost the taxpayers of America about $90,000,000 for the paltry sum of $5,000,000. Part of this property so turned over consists of property that is not necessary in the development or operation of Muscle Shoals, and which Mr. Ford's corporation will be able to dispose of at once for an amount that can be fairly estimated in excess of the $5,000,000 which the corporation pays to the Government. The buildings on this property were built, it is true, at war prices, but the real estate has enormously enhanced in value since it was purchased. It consists in part of two towns, modern in every respect, equipped with electric light, waterworks, and macadamized streets, all built and constructed in an up-to-date manner. This gift to Mr. Ford's corporation is the smallest part of the transaction. In addition, the Ford offer provides that the United States Government shall give him a lease on the water power at Muscle Shoals for 100 years; that the Government of the United States shall pay all the money necessary to construct and equip the dams necessary to the development of the hydroelectric energy, and in addition to this it is provided that the Government of the United States must keep most of this property in repair during the hundred years for the payment of a very modest and inadequate sum. Mr. Ford assumes no risk for earthquake, high water, or washouts. He pays a small sum annually to the Government, which his shrewd lobbyists advocate is an amortization fund, but when analyzed and Mr. Ford's corporation given credit for every dollar paid at the time it is paid it is found that it amounts to paying interest on the Government's investment at less than 3 per cent annually; and when we consider that this loan to Ford's corporation from the Federal Treasury runs for 100 years, we can easily see that it is giving to this corporation a gift of the American taxpayers' money so elaborate and so great as to make every legislative job of a similar character from the dawn of civilization fade into insignificance.

Taking up now the second proposition contained in your resolution—that Henry Ford be invited to come to Nebraska and look over the water-power sites—I have learned from statements in the daily press that Mr. Ford has declined this invitation, and one of the main purposes of this communication is to give you the benefit of my experience with this business, in order that you may change your invitation in such a way as to secure the assent of Mr. Ford to come to Nebraska and look us over. If you will couple with your invitation an offer to deed him all the water-power sites in fee simple, to give him a lease on the power developed for 100 years, and to loan him the money to make the development at less than 3 per cent per annum, and then provide that the electricity thus developed shall be free from any regulation by the Nebraska Legislature or any other body, I feel confident that Henry could be induced to reconsider his declination of your invitation and come to our great State and make an examination of our water-power resources.

If I can be of any further service to you in the way of inducing Mr. Ford to accept your invitation, please be free to call upon me.

I have the honor, gentlemen, to remain,

Very truly yours,

G. W. NORRIS.

The PRESIDENT pro tempore. The matter which has been read at the desk will be referred to the Committee on Commerce.

Mr. JONES of Washington. Mr. President, as I said, if any Senator desires to present a petition or anything of that kind which would not occupy any time I shall not object; but otherwise I wish to ask that Senators during the day shall not for the purpose of presenting a petition or asking unanimous consent for the transaction of business interrupt the Senator who has the floor.

Mr. SHIELDS. Mr. President, will the Senator from Texas before proceeding yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Tennessee?

Mr. SHEPPARD. The Senator from Washington [Mr. JONES] indicated that he would object to any interruption.

Mr. JONES of Washington. I would not object now if the Senator from Tennessee desires to have anything inserted in the RECORD.

Mr. SHIELDS. I did not hear the statement of the Senator from Washington.

Mr. JONES of Washington. I rather invited any Senator if he had any routine matter to present to present it now, but hereafter I am going to object.

POWER OF THE SUPREME COURT.

Mr. SHIELDS. Mr. President, in view of the discussion of last Saturday with reference to the power of the Supreme Court, I desire to say that I have here an article written by an able lawyer, Mr. F. Dumont Smith, of the Hutchinson, Kans., bar, upon that subject, and published in the American Bar Association Journal. I think the article is very illuminating and instructive, and that it ought to follow the argument of the Senator from Oklahoma [Mr. OWEN] upon that subject. The particular subject of this article is the case of Marbury against Madison, which is reported in First Cranch, page 137, and the great opinion delivered in that case by the then great Chief Justice of the Supreme Court of the United States. I ask unanimous consent that the article may be printed in the regular type in the RECORD, with the exception of the last paragraph, which might be considered as a reflection upon a Senator, and which, therefore, I have stricken out.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD in 8-point type, as follows:

DECISIVE BATTLES OF CONSTITUTIONAL LAW.

I. MARBURY v. MADISON.

(First Cranch, 137.)

(By F. Dumont Smith, of the Hutchinson (Kans.) bar.)

This is the first of a series of articles by F. Dumont Smith, of the Kansas bar, on those crucial decisions of the Supreme Court of the United States which have molded and formed the Federal Government, altered or modified its course, and profoundly affected the happiness and prosperity of the American people. The historical setting of each case will be given, the opposing contentions, the reasoning of the court, with illuminating extracts from the decisions. The busy lawyer will refresh his mind as to all that is important in each in a half-hour's reading. Our readers will, no doubt, find these articles of much interest.

The case of Marbury *v.* Madison, perhaps the most important in the judicial history of this country or any other, involved so small a matter as the right to the office of the justice of the peace for the District of Columbia. Marbury had been appointed by President Adams for a term of five years, an office not revocable at the will of the President. The appointment was duly confirmed, the commission signed and attested with the great seal of the United States by Marshall, who was then Secretary of State, but for some reason, probably carelessness, had not been delivered when Jefferson became President.

Jefferson, conceiving that a commission, like a deed, took effect at the time of its delivery, revoked the appointment and gave it to another. At the December term, 1801, Charles Lee, Attorney General of the United States under Adams, appeared before the court at its first sitting in the city of Washington and the first session at which Marshall presided as Chief Justice, and asked for a rule to James Madison, Jefferson's Secretary of State, to show cause why a writ of mandamus should not issue to him, commanding to deliver this commission to Marbury. Lee made a brief statement to the court and presented affidavits to prove the facts above stated. The rule was granted requiring Madison to show cause why the mandamus should not issue.

The case was unique in several respects. Madison did not appear and no argument was made for him or brief filed on his behalf. No written brief was filed by Lee. The case in effect was ex parte. The court was not aided, as it was in its later constitutional decisions, by the genius and eloquence of such lawyers as Webster, Pinckney, and Wirt. The case was not finally heard until February, 1803. This delay was caused by political maneuvers on the part of the Republican majority in Congress. The triumph of Jefferson had carried with a Republican majority in both branches of the national legislature.

Just before the expiration of Adams's term the Federalists, seeking to reform the old judiciary act of 1789, had provided for 16 new circuit judges to relieve the Justices of the Supreme Court from the onerous labor of riding circuit, a labor which was deemed by the Federalists and most of the Justices themselves unconstitutional. Adams had promptly filled these positions with staunch Federalists, almost in the last moments of his term. "The midnight judges" they were termed by the Republicans. The new judiciary act was repealed by the Republicans, the new judges ousted, and, in order to prevent Marshall and his associates from interfering in any way judicially with the operation of the repeal, the August term, 1802, was discontinued, so there was an interval of 14 months after Marbury *v.* Madison was filed before the court again met.

In the meanwhile the case had been much bruited and had become political in its aspect. The Republicans were determined to purge the Supreme Court of its Federalist majority. Judge Pickering, district judge of New Hampshire, had been impeached for "high crimes and misdemeanors," although it was clearly proven that he was insane. Chase, an associate of Marshall, was then under impeachment, although he was later acquitted by a narrow margin.

In the discussion during the winter of 1801 and 1802 over the repeal of the judiciary act the question of the power of the Supreme Court to declare invalid an act of Congress or to issue a writ of mandamus to a member of the President's Cabinet was warmly debated. It was a cardinal doctrine of the Republican faith that Congress was the sole judge of the constitutionality of its own acts. The Republicans openly declared that if Marshall issued a writ of mandamus to Madison, it would be ignored and Marshall would be impeached.

This was the political situation when Marshall pronounced this decision, a decision which he knew would be rejected and its force denied by the President and his Cabinet, by a majority of both Houses of Congress, and by at least two-thirds of the citizens of the United States. If I shall speak here of the decision as Marshall's decision, I do no injustice to the other justices. Marshall conceived the idea of pinning this great judgment upon the trifling case before the court, and he persuaded the other judges to concur with him. The judgment is Marshall's; the opinion is Marshall's. Nearly 70 years were to elapse before the court was again called upon to declare unconstitutional an act of Congress. If Marshall had not seized this occasion, it is highly probable that long acquiescence in the assertion of the right of Congress to judge of its own acts would have foreclosed the court from ever uttering such a judgment.

Deprived of advice of counsel for the defendant, the court itself acted as counsel for Madison and suggested every possible objection that might be urged to the issuance of the writ, and then answered them. Marshall propounded three questions to be answered. First, "Has the applicant a right to the commission he demands?" Second, "If he has a right, and that right has been violated, do the laws of his country afford him a remedy?" Third, "If they do afford him a remedy, is it a mandamus issuing from this court?"

Upon the first proposition Marshall held that a commission is unlike a deed; that there are three things that constitute a lawful appointment: First, the appointment by the President; second, the confirmation by the Senate; third, the signing of the commission by the President. These three are all voluntary acts, with the exercise of which the court could not interfere; but when the commission is signed all of those things necessary to the appointment which are done in the exercise of a discretion have spent their force. Nothing remains but to attest it with the great seal of the United States by the Secretary of State, and the law makes this his duty. Marshall held that the appointment was complete when the President had signed the commission; that it would be complete without the affixing of the seal, which was simply incontestable proof of the fact that the commission had lawfully issued; that the duty of affixing the seal and delivering the commission were administrative acts which added nothing to the validity of the commission. He showed that universally the tenure of an office dates from the date of the commission and not its delivery; the salary begins at the date of the commission. If the appointee refuses the office after the commission has issued, the new appointee succeeds him and not the prior incumbent.

He held that to make the validity of the commission dependent upon the actual delivery of the commission, through the mails, for instance, was to expose the tenure of office to all the accidents, of theft, fire, etc.

Upon the second branch, whether a mandamus would issue to Madison, Marshall admitted the court was treading upon delicate ground, but he drew that clear distinction, novel then, which has been followed as a conclusive precedent from that date—that the court could not and would not interfere with the political powers of the Executive; that whenever the Secretary of State acted under the orders of the President in the exercise of his political duties the court could not interfere; but when the act is administrative, no officer is too highly placed to be beyond the writ of a court when his failure to perform his administrative act violates the right of a citizen; that no citizen is too humble or his right too minute to deny the relief. So the court held that Marbury was entitled to the office and entitled to a writ of mandamus to the Secretary of State to compel the delivery of his commission.

In closing this branch of the case Marshall said:

"It is not by the office of the person to whom the writ is directed but the nature of the thing to be done that the propriety or impropriety of issuing a mandamus is to be determined. Where the head of a department acts in a case in which executive discretion is to be exercised—in which he is the mere organ of executive will—it is again repeated that any application to a court to control in any respect his conduct would be rejected without hesitation.

"But where he is directed by law to do a certain act affecting the absolute rights of individuals, in the performance of which he is not placed under the particular direction of the President, and the performance of which the President can not lawfully forbid and therefore is never presumed to have forbidden—as, for example, to record a commission or a patent for land which has received all the legal solemnities, or to give a copy of such record—in such cases it is not perceived on

what ground the courts of the country are further excused from the duty of giving judgment that right be done to an injured individual than if the same services were to be performed by a person not the head of a department."

Proceeding to the third branch of the case, the question involved was whether the judiciary act of 1789, which attempted to confer original jurisdiction in mandamus upon the Supreme Court, was valid, or whether the grant in the Constitution of the subjects of original jurisdiction, although in affirmative words, was a limitation and a restriction to the particular jurisdiction there described. It is impossible to abstract or digest Marshall's opinion on this point. I prefer to quote:

"The question whether an act repugnant to the Constitution can become the law of the land is a question deeply interesting to the United States but happily not of an intricacy proportioned to its interest. It seems only necessary to recognize certain principles, supposed to have been long and well established, to decide it.

"That the people have an original right to establish for their future government such principles as in their opinion shall most conduce to their own happiness is the basis on which the whole American fabric has been erected. The exercise of this original right is a very great exertion; nor can it nor ought it to be frequently repeated. The principles, therefore, so established are deemed fundamental. And as the authority from which they proceed is supreme and can seldom act, they are designed to be permanent.

"This original and supreme will organizes the Government and assigns to different departments their respective powers. It may either stop here or establish certain limits not to be transcended by those departments."

The Government of the United States is of the latter description. The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may at any time be passed by those intended to be restrained? The distinction between a government with limited and unlimited powers is abolished if those limits do not confine the persons on whom they are imposed and if acts prohibited and acts allowed are of equal obligation. It is a proposition too plain to be contested that the Constitution controls any legislative act repugnant to it or that the legislature may alter the Constitution by an ordinary act.

Between these alternatives there is no middle ground. The Constitution is either a superior paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts and, like other acts, is alterable when the legislature shall please to alter it.

If the former part of the alternative be true, then a legislative act contrary to the Constitution is not law; if the latter part be true, then written constitutions are absurd attempts on the part of the people to limit a power in its own nature illimitable.

Certainly all those who have framed written constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be that an act of the legislature repugnant to the constitution is void.

This theory is essentially attached to a written constitution, and is consequently to be considered by this court as one of the fundamental principles of our society. It is not, therefore, to be lost sight of in the further consideration of this subject.

If an act of the legislature repugnant to the Constitution is void, does it, notwithstanding its invalidity, bind the courts and oblige them to give it effect? Or, in other words, though it be not law, does it constitute a rule as operative as if it was a law? This would be to overthrow in fact what was established in theory, and would seem at first view an absurdity too gross to be insisted on. It shall, however, receive a more attentive consideration.

It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each.

So, if the law be in opposition to the Constitution—if both the law and the Constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the Constitution, or conformably to the Constitution, disregarding the law—the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.

If, then, the courts are to regard the Constitution—and the Constitution is superior to any ordinary act of the legislature—the Constitution, and not such ordinary act, must govern the case to which they both apply.

Those, then, who controvert the principle that the Constitution is to be considered in court as a paramount law are reduced to the necessity of maintaining that courts must close their eyes on the Constitution and see only the law.

This doctrine would subvert the very foundation of all written constitutions. It would declare that an act which, according to the principles and theory of our Government, is entirely void, is yet, in practice, completely obligatory. It would declare that if the legislature shall do what is expressly forbidden, such act, notwithstanding the express prohibition, is in reality effectual. It would be giving to the legislature a practical and real omnipotence with the same breath which professes to restrict their powers within narrow limits. It is prescribing limits and declaring that those limits may be passed at pleasure.

That it thus reduces to nothing what we have deemed the greatest improvement on political institutions, a written constitution, would of itself be sufficient in America, where written constitutions have been viewed with so much reverence for rejecting the construction. But the peculiar expressions of the Constitution of the United States furnish additional arguments in favor of its rejection.

The judicial power of the United States is extended to all cases arising under the Constitution.

Could it be the intention of those who gave this power to say that in using it the Constitution should not be looked into; that a case arising under the Constitution should be decided without examining the instrument under which it arises?

This is too extravagant to be maintained.

In some cases, then, the Constitution must be looked into by the judges. And if they can open it at all, what part of it are they forbidden to read or to obey?

Why otherwise does it direct the judges to take an oath to support it? This oath certainly applies in an especial manner to their conduct in their official character. How immoral to impose it on them if they were to be used as the instruments, and the knowing instruments, for violating what they swear to support!

The oath of office, too, imposed by the legislature, is completely demonstrative of the legislative opinion on this subject. It is in these words: "I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as ———, according to the best of my ability and understanding agreeably to the Constitution and laws of the United States."

Why does a judge swear to discharge his duties agreeably to the Constitution of the United States if that Constitution forms no rule for his government, if it is closed upon him and can not be inspected by him?

And he closes with this blow from the hammer of Thor:

"If such be the real state of things, this is worse than solemn mockery. To prescribe or to take this oath becomes equally a crime."

Thousands of pages have been written in support or defense of this decision. Other thousands have been written in criticism or condemnation, not a line of which has added to or detracted from this great opinion. At the time it was rendered the country was tremendously excited over the acquisition of Louisiana, and for a time it was little noted except by the bar. Jefferson denied its validity, declared it was extrajudicial, and anathematized it to the day of his death and his fellow Republicans followed suit, but it remained the law of the land.

Magna Charta, that great achievement of the Anglo-Saxon race, was a limitation upon the power of the Crown only. The power of Parliament remains omnipotent, despotic, with no check or restriction. For hundreds of years after Magna Charta Parliament condemned men without trial, sent them to the block, forfeited their goods, punished the guilty and innocent alike. The peculiar distinction of the American Constitution was that it for the first time protected the individual against the aggression not only of the Executive but of the legislative. But this Constitution would have failed in that particular but for the decision in Marbury against Madison. This feature of the Constitution interpreted by the great Chief Justice is America's contribution to the democracy of the world. It remains to-day the corner stone of American liberty. [From the American Bar Association Journal for February, 1923.]

PETITIONS AND MEMORIALS.

Mr. LODGE presented resolutions adopted at the annual dinner of the Traffic Club of New England, at Boston, Mass.,

favoring the passage of the so-called ship subsidy bill, which were ordered to lie on the table.

He also presented a memorial of the Building Trades Council of Boston, Mass., remonstrating against the passage of the so-called ship subsidy bill, which was ordered to lie on the table.

Mr. McLEAN presented resolutions of the Bridgeport (Conn.) Central Labor Union, protesting against French invasion of German territory and seizure of German property as unwarranted, and favoring mediation by the United States between France and Germany so that permanent peace may be secured, which were referred to the Committee on Foreign Relations.

He also presented petitions of the Women's Christian Association, of Hartford, and the Connecticut League of Women Voters, of Stratford, both in the State of Connecticut, praying an amendment to the Constitution governing the passage of legislation regulating child labor, which were referred to the Committee on the Judiciary.

Mr. LADD presented a petition of sundry citizens of Fargo, N. Dak., praying for the passage of the so-called White bill regulating radio communication, which was referred to the Committee on Interstate Commerce.

Mr. PEPPER presented a memorial of the Philadelphia (Pa.) Board of Trade, remonstrating against the passage of legislation to establish the Government in competition with private enterprise in any form, and especially against the bill (S. 4243) to stimulate trade by providing credit to enable Germany to purchase foodstuffs and raw materials in the United States, which was referred to the Committee on Finance.

Mr. WARREN presented a resolution of John A. Martin Post, No. 153, Grand Army of the Republic, of Soldiers Home, Calif., favoring the passage of legislation granting increased pension benefits to Civil War veterans, which was referred to the Committee on Pensions.

REPORT OF THE COMMITTEE ON EDUCATION AND LABOR.

Mr. BORAH, from the Committee on Education and Labor, to which was referred the bill (S. 4160) to amend the act of Congress entitled "An act to establish a 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, reported it without amendment.

BILLS INTRODUCED.

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

By Mr. McKELLAR:

A bill (S. 4595) granting a pension to William M. Robinson (with the accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4596) granting a pension to Mary M. Joy; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4597) granting a pension to Eliza Jane Scott; to the Committee on Pensions.

By Mr. WATSON:

A bill (S. 4598) granting an increase of pension to Laura A. W. Cumback; to the Committee on Pensions.

By Mr. PEPPER:

A bill (S. 4599) 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. WADSWORTH:

A bill (S. 4600) for the relief of the E. Waterman & Co. (Inc.)., of New York City, N. Y.; to the Committee on Claims.

By Mr. McKELLAR:

A bill (S. 4601) for the relief of Lillian Powell Beach; to the Committee on Claims.

By Mr. WILLIS:

A bill (S. 4602) granting an increase of pension to Sarah E. Williams (with accompanying papers); to the Committee on Pensions.

By Mr. PEPPER:

A bill (S. 4603) for the relief of James J. Lucas; to the Committee on Naval Affairs.

AMENDMENT TO THIRD DEFICIENCY APPROPRIATION BILL.

Mr. SHORTRIDGE submitted an amendment providing that the General Accounting Office be authorized and directed to credit, in the accounts of William J. McGee, as Assistant Treasurer of the United States, San Francisco, Calif., the sum of $514.95, etc., 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.

COMMITTEE SERVICE.

On motion of Mr. LODGE, and by unanimous consent, it was—

Ordered, That the Senator from New York [Mr. CALDER] be relieved at his own request from further service on the Committee on Finance and that the Senator from Pennsylvania [Mr. REED] be assigned to service on that committee.

WORK OF THE LEAGUE OF NATIONS.

Mr. SHEPPARD resumed the speech begun by him on yesterday. After having spoken for some time,

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from California?

Mr. SHEPPARD. With the consent of the Senator from Washington, I yield temporarily.

Mr. JONES of Washington. That is entirely satisfactory.

Mr. HITCHCOCK. But there are others here who may want to have the rules observed. The Senator from Washington is not running the Senate.

Mr. SHEPPARD. The Senator from Washington has stated he would not consent to any further interruptions by unanimous consent.

Mr. HITCHCOCK. Then I shall object to having any interruption.

Mr. SHORTRIDGE. I ask merely to file a report of the Judiciary Committee.

Mr. HITCHCOCK. I object. This is not a one-sided Senate.

The VICE PRESIDENT. The Senator from Nebraska objects, and the Senator from Texas will proceed.

Mr. SHEPPARD resumed his speech. After having spoken for some time,

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 462. An act for the relief of Max B. Baldenburg;

S. 1066. An act 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;

S. 2563. An act to provide for the completion of the bridge across the Little Colorado River near Leupp, Ariz.;

S. 3048. An act for the relief of L. D. Riddell and George W. Hardin, trustees of Milligan College, Tennessee;

S. 3103. An act to amend section 2294, United States Revised Statutes, relating to homesteads;

S. 3332. An act 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;

S. 3593. An act to authorize an exchange of lands with owners of private land holdings within the Glacier National Park;

S. 3611. An act authorizing and directing the Secretary of War to abrogate a contract lease of water power on the Muskingum River;

S. 3614. An act relating to the official bond of the United States marshal for the southern judicial district of the State of New York;

S. 4036. An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department;

S. 4061. An act 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;

S. 4113. An act for the relief of Helene M. Layton;

S. 4310. An act for the relief of the owners of the steamship *Mohican;*

S. 4311. An act for the relief of the owners of the steam lighter *Comport;*

S. 4333. An act for the relief of Howard R. Gurney;

S. 4522. An act 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; and

S. J. Res. 279. 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 in New Orleans, La., on April 11, 12, and 13, 1923.

The message also announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 851. An act 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;

S. 1829. An act for the relief of Walter Runke;

S. 3350. An act for the relief of Alice M. Gorman;

S. 3690. An act for the relief of Lowe Hayden Bibby;

S. 4411. An act 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; and

S. 4468. An act 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 message further announced that the House had passed the following bills of the Senate, severally with amendments, in which it requested the concurrence of the Senate:

S. 107. An act for the relief of Robert Edgar Zeigler;

S. 2703. An act to allow the printing and publishing of illustrations of foreign postage and revenue stampe from defaced plates;

S. 3083. An act authorizing the construction of elevated railroad sidings adjacent to steam railroad tracks in the District of Columbia;

S. 3808. An act authorizing the Secretary of the Interior to investigate and report to Congress upon the Columbia Basin irrigation project;

S. 4187. An act to extend the time for payment of charges due on reclamation projects, and for other purposes; and

S. 4358. An act 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 message also announced that the House had passed bills and a joint resolution of the following titles, in which it requested the concurrence of the Senate:

H. R. 624. An act for the relief of Albert H. White, Mary E. Fowler, Lorena B. Winkler, E. E. White, and C. A. White;

H. R. 4653. An act for the relief of Allie Melinda Outterside;

H. R. 6428. An act 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;

H. R. 7762. An act to provide for soldiers' and sailors' homestead entries in Alaska;

H. R. 8533. An act for the relief of Joe T. White;

H. R. 8625. An act to provide for the cession to the State of Michigan of certain public lands in the county of Keweenaw, State of Michigan;

H. R. 9490. An act to provide for medical and hospital services for the officers and seamen of the Coast and Geodetic Survey;

H. R. 10847. An act for the relief of Jacob Dietch;

H. R. 10848. An act for the relief of Estella W. Dougherty;

H. R. 11353. An act 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;

H. R. 11637. An act authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands;

H. R. 11738. An act for the relief of Maj. Russell B. Putnam;

H. R. 11792. An act for the relief of James J. Meehan;

H. R. 12138. An act for the relief of Frank A. Jahn;

H. R. 12159. An act for the relief of D. H. MacAdam;

H. R. 12171. An act to grant certain lands to the city of Skagway, Alaska, for a public park;

H. R. 13032. An act to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American Legion, Bessemer, Mich.;

H. R. 13205. An act for the relief of the American Trust Co.;

H. R. 13208. An act for the relief of Charles F. Peirce;

H. R. 13272. An act granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands;

H. R. 13326. An act in reference to a national military park at Yorktown, Va.;

H. R. 13430. An act to amend section 370 of the Revised Statutes of the United States;

H. R. 13554. An act 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.;

H. R. 13978. An act granting the consent of Congress to the Hudson River Bridge Co. at Albany to maintain two bridges already constructed across the Hudson River;

H. R. 13998. An act 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;

H. R. 14077. An act 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;

H. R. 14081. An act 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 point suitable to the interests of navigation;

H. R. 14087. An act for the creation of an American battle monuments commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes;

H. R. 14135. An act 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;

H. R. 14144. An act 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 soldiers and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States;

H. R. 14296. An act 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;

H. R. 14309. An act to amend section 206 of the transportation act, 1920;

H. R. 14324. An act 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; and

H. J. Res. 256. Joint resolution proposing payment to certain employees of the United States.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 83) providing for the printing of 2,000 additional copies of the soil survey of Lauderdale County, Ala., for the use of the House document room, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 2023. An act defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States in the years 1918 and 1919 for the purchase of wheat, rye, or oats for seed, and for other purposes; and

S. 3220. An act to amend sections 2, 5, 11, 12, 15, 19, 29, and 30 of the United States warehouse act, approved August 11, 1916.

HOUSE BILLS AND JOINT RESOLUTION REFERRED.

The following bills and joint resolution were severally read twice by title and referred as indicated below:

H. R. 624. An act for the relief of Albert H. White, Mary E. Fowler, Lorena B. Winkler, E. E. White, and C. A. White;

H. R. 7762. An act to provide for soldiers' and sailors' homestead entries in Alaska;

H. R. 8625. An act to provide for the cession to the State of Michigan of certain public lands in the county of Keweenaw, State of Michigan;

H. R. 11637. An act authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands;

H. R. 12171. An act to grant certain lands to the city of Skagway, Alaska, for a public park;

H. R. 14144. An act 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 soldiers' and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States; and

H. R. 14296. An act 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; to the Committee on Public Lands and Surveys.

H. R. 9490. An act to provide for medical and hospital services for the officers and seamen of the Coast and Geodetic Survey;

H. R. 13032. An act to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American Legion, Bessemer, Mich.;

H. R. 13272. An act granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands;

H. R. 13554. An act 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.;

H. R. 13978. An act granting the consent of Congress to the Hudson River Bridge Co. at Albany to maintain two bridges already constructed across the Hudson River; and

H. R. 14081. An act 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; to the Committee on Commerce.

H. R. 4653. An act for the relief of Allie Melinda Outterside;

H. R. 8533. An act for the relief of Joe T. White;

H. R. 10847. An act for the relief of Jacob Dietch;

H. R. 10848. An act for the relief of Estella W. Dougherty;

H. R. 12159. An act for the relief of D. H. MacAdam; and

H. R. 13205. An act for the relief of the American Trust Co.; to the Committee on Claims.

H. R. 6428. An act 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;

H. R. 11353. An act 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; and

H. R. 13208. An act for the relief of Charles F. Peirce; to the Committee on Indian Affairs.

H. R. 11738. An act for the relief of Maj. Russell B. Putnam;

H. R. 11792. An act for the relief of James J. Meehan; and

H. R. 12138. An act for the relief of Frank A. Jahn; to the Committee on Naval Affairs.

H. R. 13326. An act in reference to a national military park at Yorktown, Va.; and

H. R. 14077. An act 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; to the Committee on Military Affairs.

H. R. 14087. An act for the creation of an American battle monuments commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes; to the Committee on Foreign Relations.

H. R. 14309. An act to amend section 206 of the transportation act, 1920; to the Committee on Interstate Commerce.

H. R. 13430. An act to amend section 370 of the Revised Statutes of the United States;

H. R. 13998. An act 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;

H. R. 14135. An act 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;

H. R. 14324. An act 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; and

H. J. Res. 256. A joint resolution proposing payment to certain employees of the United States; to the Committee on the Judiciary.

WALTER RUNKE.

Mr. ASHURST. Mr. President——

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

Mr. SHEPPARD. I yield, with the consent of the Senator from Washington, and also the consent of the Senator from Nebraska [Mr. HITCHCOCK], who has heretofore objected. I will be glad to yield, if they have no objection.

Mr. JONES of Washington. Mr. President, I should like to make my position clear. I do not think the Senator from Nebraska understood my position. I am merely standing on the rules as to no business being transacted since the last call for a quorum. I will make no point, however, against the Senator from Arizona or any other Senator who desires to present a matter that involves no discussion and will consume no time.

Mr. ASHURST. Mr. President, the matter which I wish to call up is a matter of high privilege. I would have the right to call it up at any time, but I thank the Senator from Washington for his courtesy. However, Rule VII, clause 7, provides:

7. The Presiding Officer may at any time lay, and it shall be in order at any time for a Senator to move to lay, before the Senate any bill or other matter sent to the Senate by the President or the House of Representatives, and any question pending at that time shall be suspended for this purpose. Any motion so made shall be determined without debate.

I will not resort to the rule; I prefer to resort to the courtesy that has been extended to me by the Senator from Washington [Mr. JONES]. Therefore I ask that the amendment of the House of Representatives to Senate bill 1829 be laid before the Senate.

The PRESIDING OFFICER laid before the Senate the amendment of the House to the bill (S. 1829) for the relief of Walter Runke, which was, on page 1, line 10, to strike out "months of September, 1916, and March, 1918," and insert "time between his indictment in March, 1916, until his acquittal in March, 1918."

Mr. ASHURST. Mr. President, I move that the Senate concur in the amendment of the House.

The motion was agreed to.

COINAGE OF COMMEMORATIVE 50-CENT PIECES.

The PRESIDING OFFICER laid before the Senate the amendment of the House to the bill (S. 4468) 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., which was, on page 2, after line 14, to insert:

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.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Texas yield to me to make a motion in connection with the amendment just laid before the Senate?

Mr. SHEPPARD. I yield to the Senator with the same understanding as before.

Mr. REED of Pennsylvania. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

ELEPHANT BUTTE IRRIGATION PROJECT, N. MEX.

Mr. BURSUM. Mr. President——

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

Mr. SHEPPARD. I yield to the Senator, if it be agreeable to the Senator from Washington and the Senator from Nebraska.

Mr. JONES of Washington. If the matter the Senator from New Mexico desires to present will not take any time or involve any discussion, I shall make no objection.

Mr. BURSUM. If it shall do so, I will withdraw the request I am about to make.

Mr. President, yesterday Senate bill 4232 was reached on the calendar, but, after discussion, objection was made to its consideration. The bill provides for adjusting certain accounts between the Government and the water-users' association. It is very important to the farmers of my State and also to the farmers of a section in Texas who are operating farms under the Elephant Butte Reservoir Dam. Yesterday the Senator from Utah [Mr. SMOOT] objected to the consideration of the bill, but later on, after reading the report of the Secretary of the Interior, he consented that the bill might pass. The morning hour, however, had expired before I could ask to have the bill considered. I desire now to ask unanimous consent for the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico?

Mr. JONES of Washington. Mr. President, I feel, so far as the consideration and passage of bills are concerned, that, of course, if I allow one Senator to have an unobjected bill considered and acted upon, other Senators would be entitled to the same privilege. I hope we shall be able to arrange so that we may take these measures from the calendar in a very short while. So I shall have to object to the request of the Senator from New Mexico at this time.

The PRESIDING OFFICER. Objection is made.

Mr. HEFLIN. Mr. President, if we can adjourn this afternoon, we shall have a morning hour to-morrow, and then we can take up these measures.

WORK OF LEAGUE OF NATIONS.

Mr. SHEPPARD resumed his speech. After having spoken for some time,

MISSISSIPPI RIVER BRIDGE.

The PRESIDING OFFICER laid before the Senate an amendment of the House of Representatives to the 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, which was, on page 1, line 7, after "in," to insert "or near."

Mr. CALDER. I move that the Senate concur in the House amendment.

The motion was agreed to.

LOWE HAYDEN BIBBY.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3690) for the relief of Lowe Hayden Bibby, which was, on page 1, line 12, after "accepted," to insert "but that he shall not be entitled to receive any pay or allowances for the time he has not been in active service."

Mr. HARRISON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

WORK OF THE LEAGUE OF NATIONS.

Mr. SHEPPARD resumed his speech. After having spoken for some time,

PAYMENT OF CHARGES ON RECLAMATION PROJECTS.

Mr. McNARY. Mr. President, will the Senator from Texas yield, so that the Chair can hand down certain amendments of the House to a Senate bill?

Mr. SHEPPARD. With the consent of the Senator from Washington, I will yield.

Mr. JONES of Washington. This is a message from the House, so the Chair has a right to lay it before the Senate.

The PRESIDING OFFICER (Mr. SPENCER in the chair) laid before the Senate the amendments of the House to the bill (S. 4187) to extend the time for payment of charges due on reclamation projects, and for other purposes, which were, on page 2, to strike out lines 3 to 7, inclusive; on page 2, line 8, to strike out "b" and insert "SEC. 3"; on page 2, line 10, strike out "4" and insert "6"; on page 2, line 20, to strike out "1923, and 1924" and insert "and 1923"; and on page 2, after line 20, to insert:

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. 388), or any act amendatory thereof or supplementary thereto, is unable to pay any construction or operation and maintenance charge due, excepting operation and maintenance charges for drainage on the Boise, Idaho, project 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: *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. McNARY. I move that the Senate concur in the House amendments.

Mr. HARRISON. I desire to propound an inquiry. Will the Senator from Oregon explain the bill—the Agricultural appropriation bill, is it not?

Mr. McNARY. This is a measure to relieve some of the water users in the far West, who live on irrigation projects. It was reported from the Committee on Irrigation and Reclamation and not from the Committee on Agriculture and Forestry, of which the Senator from Mississippi is an able member.

Mr. HARRISON. Will the Senator explain just what the House amendment is? Of course, so many of these bills are passed that it is hard to keep up with all of them.

Mr. McNARY. That is true. Some months ago the Senate passed a bill giving temporary relief to water users having water rights on reclamation projects. On account of the depressed condition of agriculture it was found necessary to extend the time of the payment of the construction charges on these various projects. The Senate passed a bill which called for a rate of interest of 4 per cent on the deferred payments. The House increased the rate from 4 to 6 per cent. Otherwise the two measures are identical, except in a few minor particulars. I am asking at this time for the concurrence of the Senate in the House amendments, the principal one of which increases the rate on deferred payments for construction charges from 4 to 6 per cent. It does not affect the Senator's part of the country at all; it is confined to the Western and Intermountain States.

Mr. HARRISON. I was just thinking that the increase in the interest rate from 4 to 6 per cent is a pretty large increase.

Mr. McNARY. I thought so. It was not within my heart to exact that large interest rate, but when the bill reached the House I found the Members there not so sympathetic as were Senators.

Mr. HARRISON. What has been the interest rate heretofore?

Mr. McNARY. There has not been a rate, because this is practically the first time those living on the projects have found it necessary to ask for a deferment of the payments on account of the construction charges on the projects.

Mr. JONES of Washington. Let me suggest, too, that under the House amendment the payments on these deferred charges are spread over the remainder of the time until the final construction period, and those on the project are relieved from the penalties which may have accrued under the previous law. So in a way it gives them a relief which probably compensates for the higher interest rate fixed on the deferred payments. I think the penalties amount to 12 per cent.

Mr. HARRISON. The House amendment is satisfactory to all the representatives from the western country who are interested?

Mr. JONES of Washington. I think so.

Mr. WARREN. Mr. President, we would have much preferred the Senate 4 per cent rate, but I think it is impossible to keep that in the bill. If we insisted it would be necessary to take the matter back to conference, and judging from the situation in the House as I have viewed it, I do not believe the House would agree to the 4 per cent. I have taken the pains to telegraph back to one of the most prominent projects in my State in regard to the matter, and the agent of the settlers on that project, who has recently spent a week or two here looking the situation over, has advised us to accept the bill as it is amended and agree to the 6 per cent rate.

The PRESIDING OFFICER. The question is on concurring in the House amendments.

The amendments were concurred in.

RAILROAD SIDINGS IN THE DISTRICT OF COLUMBIA.

The PRESIDING OFFICER laid before the Senate the amendments of the House to the bill (S. 3083) to authorize the construction of elevated railroad sidings adjacent to steam-railroad tracks in the District of Columbia, which were to strike out all after the enacting clause 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.

And to amend the title so as to read: "A bill authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington."

Mr. BALL. I move that the Senate concur in the House amendments.

Mr. HARRISON. Will not the Senator explain just what the House amendments are before the Senate votes on the motion?

Mr. BALL. I ask the Secretary to read the House amendment. It is very short.

Mr. HARRISON. I heard it read, but it is a very complicated matter.

Mr. BALL. This is a bill to permit the Baltimore & Ohio Railroad to construct some bridges over certain streets leading to certain terminals.

Mr. CARAWAY. May I ask the Senator if this is not the very railroad construction against which the Methodist Hospital people were protesting?

Mr. BALL. No; that is the so-called switching bill.

Mr. CARAWAY. This has nothing to do with that?

Mr. BALL. No; nothing.

Mr. HARRISON. Does the Senator think the amendment is all right?

Mr. BALL. I think the bill as amended is all right.

Mr. HARRISON. And that it is very necessary for the welfare of the District as well as the continuation of the Baltimore & Ohio Railroad?

The PRESIDING OFFICER. The question is on concurring in the amendments of the House.

The amendments were concurred in.

ALICE M. GORMAN.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3350) for the relief of Alice M. Gorman, which was, on page 1, line 6, to strike out "$2,500" and insert "$1,000 in full settlement against the Government."

Mr. CAPPER. I move that the Senate concur in the amendment of the House.

Mr. HARRISON. Before the motion is put, this matter is quite important. There is a difference of $1,500 in the amount allowed, if I heard the amendment read correctly.

Mr. CAPPER. The House reduced the amount $1,500.

Mr. HARRISON. What was the original amount?

Mr. CAPPER. The original amount was all right, but $1,000 was as much as the House would allow, and I think the amount agreed upon will be satisfactory to the parties interested.

Mr. HARRISON. It seems that Alice M. Gorman was riding in an automobile, which was run into by an Army truck.

Mr. CAPPER. Yes; it is just a small claim. The committee went into it pretty carefully.

Mr. HARRISON. What is the reason why the House reduced the amount from $2,500 to $1,000?

Mr. CAPPER. I do not think they had a good reason for reducing it.

Mr. HARRISON. They just followed their usual course?

Mr. CAPPER. They simply would not allow the larger amount, and we had to take a thousand dollars or not get anything at all. So the parties who were interested believed they had better take the smaller amount.

Mr. HARRISON. I suppose it will be agreeable to Alice M. Gorman?

Mr. CAPPER. It will be.

The PRESIDING OFFICER. The question is on concurring in the amendment of the House.

The amendment was concurred in.

BUILDINGS AT CAMP FUNSTON, KANS.

The PRESIDING OFFICER also laid before the Senate the amendment of the House to 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, which was, on page 2, line 2, after "holders" to insert "*: Provided*, That in no case the amount paid in settlement shall exceed the actual losses sustained."

Mr. CURTIS. The bill was originally drawn by Secretary of War Baker and indorsed by him and afterwards indorsed by Secretary of War Weeks. It passed the Senate, and an amendment was made in the House which simply carries out the purpose of the bill. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

WORK OF THE LEAGUE OF NATIONS.

Mr. SHEPPARD resumed his speech. After having spoken for some time,

COLUMBIA BASIN IRRIGATION PROJECT.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3808) authorizing the Secretary of the Interior to investigate and report to Congress upon the Columbia Basin irrigation project, which were to strike out all after the enacting clause and insert:

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 cooperative and miscellaneous investigations of the feasibility of reclamation projects, $125,000 annually.

And to 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 and various other irrigation projects."

Mr. McNARY. I move that the Senate concur in the House amendments.

The motion was agreed to.

FOREIGN POSTAGE AND REVENUE STAMPS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates, which were, on page 1, line 8, to strike out "of" and insert "in black and white of foreign," and on page 2, to strike out lines 1 and 2 and to insert:

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 stamps so illustrated: *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.

Mr. FRELINGHUYSEN. I move that the Senate disagree to the House amendments and request a conference with the House upon the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. DILLINGHAM, Mr. CUMMINS, and Mr. SHIELDS conferees on the part of the Senate.

AMERICAN NIAGARA RAILROAD CORPORATION.

The VICE PRESIDENT laid before the Senate the amendments of the House to 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, which were on page 1, line 7, after "railway," insert the words "and highway"; and on page 2, line 2, after the word "*Provided*," to insert the words "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*."

Mr. WADSWORTH. I move that the Senate concur in the House amendments.

The motion was agreed to.

WORK OF THE LEAGUE OF NATIONS.

Tuesday, February 20, 1923.

EPIDEMIC COMMISSION.

Mr. SHEPPARD. Mr. President, after a review of the work of the epidemic commission the council resolved on January 14, in pursuance of the decision of the assembly on September 23, 1921, to place the commission under the control of the provisional health organization of the league and especially under the supervision of the medical director, authorizing the commission to continue to act as long as health conditions in Poland and eastern Europe made it necessary, its budgetary independence to be preserved and its staff not to be incorporated in the health section of the secretariat.

INTERNATIONAL INTELLECTUAL COOPERATION.

The council resolved on January 14, pursuant to the resolution of the second assembly, dated September 21, 1921, to form a committee of 12 members, including women, to examine the question of international intellectual cooperation, the personnel of the committee and the date of its meeting to be determined at a subsequent session.

TRAFFIC IN WOMEN AND CHILDREN.

The council on January 14 established the advisory committee referred to in Resolution XI of the final act of the Geneva Conference on the Traffic in Women and Children, providing that the following countries should be invited to name representatives: France, Great Britain, Japan, Poland, Spain, Rumania, Denmark, Italy, and Uruguay; that five assessors should be named, as follows, (a) one appointed by the international office for the suppression of the traffic, (b) one appointed by the international women's organizations, (c) one appointed by the Federation of National Unions for the Protection of Girls, (d) one appointed by the Jewish Association for the Protection of Girls, (e) one appointed by the International Catholic Association for the Protection of Girls; that the council should decide at a subsequent session when the committee should meet.

DRAFT MANDATE FOR PALESTINE; MINORITIES IN ESTHONIA, LATVIA, AND LITHUANIA.

The council decided on January 14 to postpone until its next session the appointment of the president of the committee on religious questions contemplated in article 14 of the draft mandate for Palestine. It also made similar postponement of the question of protection of minorities in Esthonia, Latvia, and Lithuania.

PUBLICITY OF COUNCIL'S PROCEEDINGS.

Considering on January 14 the question of publicity of the council's proceedings, Mr. Wilson Harris and Mr. Filliol, president and vice president of the International Association of Journalists, accredited to the League of Nations, were invited to take seats at the council table.

Mr. Harris submitted a memorandum expressing the views of the association.

The memorandum stated that it should be regarded as axiomatic that the League of Nations depended on public opinion not merely for success but for its existence; that it was essential therefore that information as to every phase of league activity should not only be available to those seeking it but should be widely circulated throughout the world; that it was necessary that the league should cultivate both passive and active publicity, the first meaning the mere elimination of secrecy, the second the taking of affirmative measures to secure world-wide dissemination of important information concerning the league; that both forms of publicity were properly combined when the league proceedings were of such character and so conducted as to attract to its meetings journalists of all nations, and when such journalists were provided with all practicable facilities in connection with their vocation; that the International Association of Journalists recognized that the league had already gone far along these lines; and that it was this fact rather than any idea of complaint or criticism that had led the association to make certain suggestions for further progress in these respects.

The memorandum stated that it was of the highest importance that the council should sit habitually in public, and only as an exception in private; that only such a rule could bring about regular attendance at council meetings of journalists from centers like London, Paris, and Rome; that the council's recent public meeting on Albania showed how valuable such a meeting could be made; that the public was interested in active controversy, not a colorless rehearsal of differences of opinion but the actual expressions and variances characterizing them as they occurred; that the sessions should develop spontaneously before the public eye if the public interest was to be permanently engaged, even at the risk of precipitating the unexpected; that it was the unanticipated and unexpected that aroused popular interest; that when for special reasons a private meeting should be necessary, a communique should be issued promptly, containing a full and lucid account of the proceedings; that the communiques issued by the committees of the recent Washington conference were good examples to follow, as well as most of the reports of the private meetings of subcommittees contained in the assembly journal at the last assembly.

The memorandum suggested that a member of the information section of the league should be on hand at public meetings of the council to advise journalists as to the significance of the proceedings; that few journalists were sufficiently versed in the details of the league's activities to follow unassisted the council's deliberations at any particular time; that a stenographic report of the deliberations, issued sheet by sheet, if practicable, should be available to journalists as soon as possible after a public sitting; that this was the usual case with public meetings in the United States, as well as the French Parliament and high court of justice.

The memorandum stated that the policy of the league as to debates in the assembly was ideal, both from the standpoint of active and passive publicity; that the distribution to journalists of stenographic reports of debates and the speed of distribution were most admirable.

The memorandum stated that inasmuch as so many assembly committees met at the same time it might be well to provide stenographic reports of their proceedings also, as well as a member of the information section for public committee meetings to enable journalists to keep up with them all.

The memorandum requested that a press table be furnished at public meetings of the council and of committees; that during assembly sessions all communiques and other press notices be posted in duplicate at the secretariat and the Hotel Victoria; that journalists had to be sometimes at one of these places and sometimes at the other.

The memorandum praised the decision to establish branch offices of the information section of the league at Paris, London, and Rome; that the representative of this section at Paris had done notable work of great value to the league in connection with the meeting at that place of the commission on Austrian relief credits.

When this memorandum had been presented, the president of the council stated that most of its recommendations had already been adopted; that most of the council's meetings at the present session had been public, the private meetings dealing principally with questions of the council's internal administration; that it was impossible without an increase of staff to issue to the press regular stenographic reports of the meetings of the council and of the committees of the assembly. He suggested that the Association of Journalists consider improved methods for transmission of news to the press by the information section of the secretariat and report results at the next session of the council.

The secretary general announced that press tables would be provided in the council room.

STATISTICAL INQUIRY ON DISARMAMENT.

The secretary general presented a statement on January 14 to the effect that the statistical inquiry on disarmament which the assembly on October 1, 1921, had decided to institute was in process of organization, that considerable work had been done, but it was not yet possible to indicate results. The president was authorized to approve appointments of additional members of the temporary mixed commission on armament by said commission.

INTERNATIONAL CREDITS ORGANIZATION.

The council resolved on January 14 in reference to its resolution of December 14, 1920, regarding the international credits scheme to ask the financial committee to present at the council's next session a report on the work to date of the international credits organization, and on the proposed future activities of the committee.

NEXT SESSION.

It was decided on January 14 that the council's next session should be called for April 25, 1922. Mr. da Cunha, who under the rule would preside at the next session, stated he would not be in Europe at the time. It was agreed that in such event he should notify the secretary general, that Mr. de Leon would then be invited to act as president, and that Mr. da Cunha would be asked to officiate at a subsequent session.

SAAR GOVERNING COMMISSION.

During the sixteenth session of the council Mr. Lambert (Belgian), Count de Moltke-Huitfeldt (Dane), Mr. Rault (French), and Mr. Waugh (Canadian), were reappointed members of the Saar Basin Governing Commission for one year from February 13, 1922, Mr. Rault being reappointed chairman for that time.

COMMITTEE ON PROCEDURE OF CONCILIATION.

During its sixteenth session the council, pursuant to the assembly resolution of October 4, 1921, appointed a committee to investigate procedure of conciliation, as outlined by amendments proposed by the Norwegian and Swedish Governments, composed as follows: Messrs. Adatci (president), Alvarez, Hold von Ferneck, Löfgren, and de Visscher.

COMMITTEE ON ALLOCATION OF LEAGUE EXPENSES.

The council requested the committee on allocation of expenses to continue its work.

ADJOURNMENT.

At the conclusion of its labors on Saturday, January 14, 1922, the sixteenth session of the council ended.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

The official journal of the league shows that on January 12, 1922, Cuba, having ratified the statute of the Permanent Court of International Justice, deposited its deed of ratification with the permanent secretariat of the league, and that on January 21, 1922, Latvia signed the statute of court.

SAAR BASIN.

The league's official journal for March, 1922, contained a special report from the governing commission of the Saar Basin on the economic situation in the Saar territory under date of December 21, 1921, as well as the tenth periodical report of the governing commission under date of January 3, 1922, and covering November and December, 1921. The latter pointed out, among other things, that the administrative work to which the commission had devoted its energies for the last two years was almost completed—that the commission had succeeded in assuring the autonomy of the Saar Basin as prescribed by the treaty of peace.

PROTECTION OF MINORITIES.

The official journal shows that on November 8, 1921, Hungary adhered to the council's resolution of June 27, 1921, regarding the protection of minorities, and that on January 18, 1922, Bulgaria announced its adhesion. It shows also that on January 10, 1922, Latvia submitted a memorandum to the secretary general on the rights and position of minorities within its boundaries. It shows also that on January 23, 1922, the secretary general filed a note on the subject of the protection of German minorities in Poland.

AUTONOMOUS RUTHENIAN TERRITORY SOUTH OF CARPATHIANS.

The official journal contains a report filed for the council on February 8, 1922, by Mr. Hymans, Marquis Imperiali, and Viscount Ishii relating to the autonomous Ruthenian territory south of the Carpathians. The report stated that on September 10, 1921, the political party of Ruthenes in Hungary addressed a petition to the League of Nations complaining that the Czecho-Slovak Government had not yet granted autonomy to the Ruthenian territory south of the Carpathians—as it was obligated to do under articles 10 to 13 of the treaty of St. Germain of September 10, 1919—that the articles of that treaty dealing with the rights of minorities had not been observed so far as Ruthenian territory was concerned.

The report stated further that the Czecho-Slovak Government in its reply of November 18, 1921, pointed out that the treaty obligations as to Ruthenian autonomy had been legally carried out, because they had been incorporated in the constitutional charter of the Czecho-Slovak Republic—that they could be put into operation only by degrees, since the territory lacked the elements essential to self-government, possessing no educated population and no body of competent native officials. The Czecho-Slovak Government then summarized its efforts to educate the people and fit them for self-government. The report then expressed its confidence in the Czecho-Slovak Government and its conviction that this Government would in the near future establish the Ruthenian territory south of the Carpathians as an autonomous country, the Czecho-Slovak State, in accordance with the treaty of September 10, 1919, keeping the league informed of measures taken to this end. The report requested the secretary general to bring its contents to the notice of the Czecho-Slovak Government and the other members of the League of Nations.

RUSSIAN AND UKRAINIAN RELIEF WORK BY CZECHOSLOVAKIA.

The league's official journal contains a memorandum filed with the secretary geheral by the foreign minister of the Czecho-Slovak Republic on January 28, 1922, detailing the relief work carried out by Czechoslovakia on behalf of Russian and Ukrainian emigrants and the famine-stricken population in Russia—a work involving large expenditure of funds and extensive relief measures.

TRAFFIC IN WOMEN AND CHILDREN.

The official journal contains a reply by the German Empire on February 8, 1922, to the league's questionnaire as to measures against the traffic in women and children, and by New South Wales on the same date.

TRAFFIC IN OPIUM.

The journal also contains the program of the second session of the advisory committee on the traffic in opium, which was to be held on April 19, 1922.

INTERNATIONAL LANGUAGE; ESPERANTO.

On January 23, 1923, the secretary general sent a circular letter to league members stating that the second assembly had decided on September 15, 1921, to put the question of teaching Esperanto in schools on the agenda of the third assembly and to request the secretariat in the meantime to prepare a report on experiments already made and results obtained in this direction; that a questionnaire was accordingly inclosed to which a reply was desired; and that also inclosed were copies of the report of the second committee of the first assembly on the question of an international language and of the undersecretary general's report of his official mission to the Thirteenth Universal Esperanto Congress at Prague, August, 1921.

The report of the second committee of the first assembly expressed the committee's belief that on account of the obstacle to direct relations between peoples due to linguistic differences an international language should be taught in all the schools, a simple and easy language, which children could learn in addition to the mother tongue, and which would provide future generations with a general means of international communication. The committee had learned that the World Congress of International Associations at Brussels in September, 1920, had agreed on Esperanto as the most practicable international tongue, and had recommended that a united effort be made in its behalf. It had also been learned from Persian and Chinese representatives in the League of Nations that a widespread popular movement to this end had begun in Asia, while certain States, members of the league, notably Brazil and Czechoslovakia, had already established the teaching of Esperanto in the government schools, as had various municipalities in England and Italy. The committee had also been advised that this auxiliary international language had been successfully used in several important international congresses, speakers from all countries being able to understand each other easily.

The report of the undersecretary general on his attendance at the Esperanto congress at Prague pointed out, among other things, that while an international language was regarded by many as the impracticable hobby of cranks, it had such far-reaching cultural importance as to offer one of the constructive means of realizing the ideals of the league covenant. The report continued to the effect that while the world was shrinking and peoples were coming physically nearer, national languages were growing in number, that the towers of Babel were increasing, making intercommunication and intercommunion more difficult than ever; that in Europe alone 49 languages were in everyday use; that among league members 28 distinct linguistic systems were in use, not including several important dialects; that smaller countries, although anxious to develop national tongues, felt more keenly than the larger nations the need of an auxiliary language; that Czechoslovakia had made Esperanto an optional study in the schools; that the Finnish Parliament had voted a substantial sum to aid the Esperanto movement; that the Swiss were deeply interested in Esperanto; that Bulgaria and the free State of Hesse were encouraging instruction in Esperanto in State schools.

Referring to the need of a common language in commerce, the report set out that this was universally admitted, and that the larger foreign trade became the greater became this need; that a number of chambers of commerce had recommended the use and teaching of an artificial language. The Chamber of Commerce of Paris had, in February, 1921, after carefully comparing Esperanto with French, decided to establish optional instruction in Esperanto in all its commercial schools and to recommend to chambers of commerce in all countries that they facilitate commercial transactions by rapid cultivation of an international auxiliary language. The London Chamber of Commerce had passed a similar resolution within two years past that made Esperanto an optional study in the schools under its management, for which diplomas might be given. At the international meeting of chambers of commerce in London in June, 1921, two committees, one on transit, the other on standardization, had taken up the study of an international language. On account of its commercial utility Esperanto had been introduced into schools in Breslau, Chemnitz, Geneva, Milan, and other cities, while a number of international fairs had been said to have advertised in Esperanto—fairs at Paris, Lyons, Gheut, Frankfort, Breslau, Leipzig, Padua, Helsingfors.

Referring to the need for a common language in science, the report stated this was evident because science was essentially international in character; that science should be provided with an accurate, fertile, and exact means of intercommunication, such as Latin once furnished; that this need had been keenly felt since the beginning of the seventeenth century, when Latin had begun to decline as a scientific language. In 1900 the international congress of learned societies at the Paris Exposition appointed a committee for the choice of an international auxiliary language, largely in the interest of scientific intercommunication. An appeal had recently been signed by 21 members of the French Academy of Science urging adoption of Esperanto in scientific literature and its teaching in schools. The need of a common language is becoming greater as the interchange of ideas and information becomes more extensive in the realm of science. The International Research Council in Brussels in July, 1919, had designated a committee to study an international auxiliary language. Similar committees have since been appointed by the British Association for the Advancement of Science, Classical Association of Great Britain, American Association for the Advancement of Science, American Council on Education, American Classical League, American Philological Association, American Council of Learned Societies.

The report stated that laboring people were taking a pronounced interest in Esperanto, that before the war German and English trade-unionists exchanged visits in Esperanto, that 200 manual workers had attended the Esperanto Congress at Prague as delegates, that the laboring element was to a notable degree beginning to make Esperanto a language for the exchange of their views, that it was thus becoming an instrument

of international democracy, that it would bring the masses in all countries nearer together, that the International Labor Bureau was contemplating the publication of some of its documents in Esperanto.

PERMANENT COURT OF INTERNATIONAL JUSTICE—RATIFICATION BY SIAM.

The League's Official Journal shows that on February 24, 1922, Siam, having ratified the statute for the Permanent Court of International Justice, deposited its deed of ratification with the league secretariat.

PERMANENT COURT OF INTERNATIONAL JUSTICE—MESSAGE FROM FEDERAL COUNCIL OF CHURCHES OF CHRIST IN AMERICA.

The League's Official Journal for April, 1922, contains a message from the Federal Council of the Churches of Christ in America, which was delivered to the Permanent Court of International Justice by Dr. John Bassett Moore, judge of the international court. The message was dated January 6, 1922, and was to the effect that on the occasion of the departure from the United States of Dr. John Bassett Moore to take up his new duties as a judge in the Permanent Court of International Justice the commission on international justice and good will of the Federal Council of the Churches of Christ in America wished to express the gratification felt by millions in the United States in the creation of this new instrument of justice, good will, and peace among the nations; that the commission regarded the new court with the highest hopes, seeing in it the promise of a larger and truer righteousness among men than had before been possible, through the development of a well-considered body of international lawyers and the substitution of reason and law for the savage methods of war in maintaining vital national interests; that the commission desired to express its appreciation of the sentiments of friendship and good will manifested toward our country in the choice of our honored fellow citizen to serve as one of the judges of this court.

The message added that the prayers of millions of Americans would follow him across the sea and would rise continually to heaven for the blessing and guidance of God Almighty, Father of men and Ruler of nations, to the end that this international court might find and follow the eternal principles of justice and righteousness and thus become one of the instruments of His holy will for the establishment of His kingdom on earth and for the advancement of the highest welfare of all mankind; that the commission took pleasure in conveying to the court these greetings by the hand of "our beloved fellow citizen, Dr. John Bassett Moore."

FORMAL OPENING OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

The League's Official Journal for April, 1922, notes that the formal opening of the Permanent Court of International Justice took place on February 15, 1922, in the great hall of justice in the peace palace at The Hague during the first preliminary session of the court; that of the 15 judges and deputy judges elected in September, 1921, by the assembly and council of the League of Nations 12 took part in this session, to wit, 9 judges: Altamira (Spain), Anzilotti (Italy), Finlay (Great Britain), Huber (Switzerland), Loder (Netherlands), Moore (United States), Nyholm (Denmark), Oda (Japan), Weiss (France); 8 deputy judges, to wit: Beichmann (Norway), Negulesco (Rumania), Yovanovitch (Serb-Crovat-Slovene State). Two judges, Barboza (Brazil) and de Bustamente (Cuba), were absent on account of illness, and the deputy judge, Wang-Chung-Hui (China), who had been a Chinese delegate to the Washington conference, was prevented from attending.

Doctor Loder was elected president of the court; Mr. Weiss, vice president; Mr. Hammarskjöld, registrar.

The court was then addressed by the following speakers: Mr. da Cunha, Brazilian ambassador to France and member of the Council of the League of Nations; Sir Eric Drummond, secretary general of the League of Nations; Mr. van Karnebeek, foreign minister for the Netherlands; Mr. Patijn, burgomaster of The Hague, and Doctor Loder, president of the court.

Mr. da Cunha said in his address that he had been deeply honored by the invitation to welcome the court in the name of the Council of the League—that for the first time in history men had finally succeeded after many efforts in establishing a Permanent Court of International Justice—that it was difficult to estimate the full significance of such an event—that February 15, 1922, would be one of the great days in the annals of human justice. He said that it gave him great satisfaction to represent the council of the league in the country which had been the home of religious and political freedom, the chosen dwelling place of international justice—that it was needless to dwell upon the ardor and enthusiasm with which all the members of the league had worked together during the past two years for the establishment of the great monument of justice now being inaugurated.

The speaker then asserted that on the American continent, which had suffered from war less than Europe, the idea of international justice was perhaps stronger and more vital than in the rest of the world—that the people of the New World were instinctively attracted toward this ideal now being realized and hoped through it to be protected from terrible catastrophes such as have been suffered in past history.

He then pointed out that at the first assembly of the League of Nations the representatives of Latin America had supported the proposal of the jurists for compulsory jurisdiction for the court, and that the honor of suggesting a compromise acceptable to all belonged to the Brazilian delegation—a compromise to the effect that while the jurisdiction of the court should not be compulsory, an optional clause should be included in the protocol on ratifications permitting States reciprocally to accept the compulsory jurisdiction of the court in any particular class of disputes. He said that 18 States had already signed the compulsory clause—that he hoped others would soon follow, including the great powers—but that the desire to see this last stage achieved and compulsory jurisdiction accepted by all the world should not prevent appreciation of the work already accomplished in the present status of the court. While telegrams of acclamation were being received from almost all countries, the speaker wanted the voice of the New World distinctly heard.

He said that those who long ago had conceived the idea of the court and struggled for it through long years with unconquerable energy should not be forgotten on this occasion; that this sentiment was borne in upon the speaker when the previous day he was leaving Paris and bidding adieu to his eminent friend Mr. Leon Bourgeois, who had been unable to come; that Mr. Bourgeois would have felt intense satisfaction in being present and in recalling The Hague peace conferences of 1899 and 1907 and the difficult struggles through which he had passed in his efforts to bring the court to realization.

The speaker added that mention should be made of his colleagues on the council, who had aided in the great task of establishing the court; that to grasp the importance of their work it should be recalled that all previous attempts had been fruitless, that the conferences assembled at The Hague, although they resulted in setting up a permanent court of arbitration, had failed to establish a supreme tribunal for the trial of international justice—that is, a Permanent Court of International Justice—that the efforts to establish such a court had failed because a powerful international machinery was required to smooth out difficulties, to diminish rivalries, and to assemble the energies of governments and peoples for the achievements of a common purpose; that such machinery had been supplied by the League of Nations; that it was due to the league that the court was now a reality.

Since the court was the fruit of the work of the committee of jurists which met under the auspices of the league at The Hague in 1920, of the council of the league and of the first two assemblies, it was not out of place, the speaker said, to say something in praise of the league. It had already accomplished much in the wide field of international collaboration; in the political field, where it had brought about the settlement of serious disputes; in the economic field, where the conference at Brussels formed an unsurpassed example; in the humanitarian field, where it had aided in repatriating 400,000 prisoners of war and where it was still opposing many evils threatening Europe and other sections of the globe. He said that there had never been a greater tribute to the league or an event of more universal interest than the meeting he now addressed; that nearly all the States of the world were represented, and all would soon be, in the composition of the court. He said that the universality and humanity of the league were matters of pride, and that the council and the assembly intended in no way to maintain authority over the court but expected it to deliver judgment on behalf of all mankind.

Sir Eric Drummond began his address by stating that the Permanent Court of International Justice owed its establishment to article 14 of the covenant of the league, under which the council of the league was authorized to formulate and submit to the members of the league plans for a permanent court; that at one of its earliest meetings the council invited some of the most eminent jurists in the world to come together to prepare a constitution for such a court.

He said that one of these jurists had been elected president of the court, and that it would not be right to pass over without notice the well-known fact that the scheme adopted by this committee of jurists was largely conceived by that great international lawyer, Mr. Elihu Root, a member of the committee. He said that the scheme was placed before the council, where it was carefully considered, and that Mr. Leon Bourgeois,

who had always championed the idea of such a court, became the member of the council chiefly identified with the work of developing and establishing the court. After consideration by the council the scheme, modified in detail but in its broad outline unchanged, had been submitted to the first assembly with the result that a convention was drawn up and ratified by a sufficient number of States, members of the league, to permit the election of judges by the second assembly. He said that thus in less than two years from the creation of the League of Nations a Permanent Court of International Justice was inaugurated and an end achieved for which the world had striven through many years. He said that at The Hague peace conference of 1907 the effort to set up such a court had broken down on the question of the manner of electing the judges; that the subsequent formation of the League of Nations, with its two constituent bodies, assembly and council, had solved this difficulty.

The speaker pointed out that the establishment of the court completed the organization of the league as laid down in the covenant; that it was the greatest and, in his judgment, the most important creative act of the league; that at last a judicial international body had been established which was entirely free from all political control and unfettered as to its decisions by political bodies; that, although it derived its authority from the league, its judgments were in no way subject to advice or revision by council or assembly.

He said that the opening of the court was a landmark in human advancement; that it would prove the greatest landmark; that the ideal of all was that not only individual nations but the whole world should be ruled by law; that the path of world progress was at present enshrouded in fog, but here and there glimpses of light were breaking through and illuminating the way; that this court was such a ray, a ray which should shine the more brilliantly when the gloom was finally dispersed, because it emanated from the sun of justice.

Mr. Van Karnebeek welcomed the court in the name of the Dutch nation, expressing pride and gratitude for the honor conferred on the Netherlands by the nations of the league in establishing the court on Dutch soil. He recalled the two great conferences at The Hague which had laid the foundation of the court of arbitration, as well as memories of Grotius and Bynkershoek, saying that they had awakened to new life with the advent of the Permanent Court of International Justice. He said that the court was a living and concrete manifestation of the international conscience, the most remarkable step upward humanity had taken in the realm of law; that for this progress the world was indebted to the League of Nations, which, with the help of that eminent citizen of the great American Republic who took part in the work of the committee of jurists, had overcome the difficulties that had thwarted the second peace conference at The Hague. He said that in the midst of economic and political dislocation which still prevailed there was raised through the court the standard of moral solidarity among the nations; that it was an act of faith, an act of confidence in the competence and impartiality of the judges elected by the League of Nations.

Dr. J. A. N. Patijn, burgomaster of The Hague, welcomed the court for the municipality of The Hague. He said that beneath the tranquil Dutch exterior was a profound and general satisfaction over the location of the court at The Hague and an immense sympathy with the great international ideal it typified.

He stated that the events of the past 25 years had not been calculated to inspire The Hague public with idealism; that they had seen two peace conferences assemble, each followed by tremendous and terrific wars; that the palace in which the court now gathered, baptized probably with undue haste as the palace of peace, had witnessed during the greater part of its existence wars and revolutions of terrible description. He said, however, that only superficial critics would be discouraged by such happenings; that the greater the achievement the greater the difficulty attending its inception; that there should be no despair; that from the general upheaval in economic, political, financial, and social relations throughout the world a new order would rise happier and more harmonious than the old; that it was to be hoped that in this new order an international system of justice would afford to countries the same benefits afforded in the past to the inhabitants of an individual nation by national systems of justice.

Doctor Loder, president of the court, said that it was by no accidental combination of circumstances that the founders of the court, in the various stages preceding its establishment, had always regarded the Netherlands as in truth its native land; that a gardener about to plant a precious flower selects a soil with the qualities most favorable to its development; that the Permanent Court of International Justice was like this precious plant, its gardener being the whole world, which expected from it a new era of happiness, right, and justice; that if the roots of this plant were to strike deep, if it was to become a tree with a solid trunk, with strong, widespreading branches and thick foliage beneath which the peoples might find rest, it required a fertile soil tilled by long centuries of order and freedom—freedom of mind and of conscience, freedom of action for all, and order respecting the rights of others to the end that this liberty might be no empty form of words but a living reality: that the corner of the earth called Holland was most especially a soil of this kind. He said it was by no chance conjunction of circumstances that Holland had so often been selected as a meeting place for nations gathered in the quest for peace; that for the preparation of this fertile soil long centuries had been required—centuries of struggle, perseverance, of unswerving faith in a future when freedom would triumph.

He said that the court was one of the principal organs of the league, but fulfilled its duties in complete independence. He said that it occupied within the League of Nations a place similar to that of the courts in many States, which were integral parts of the State dependent on the national legislature for its constitution, organization, and maintenance, but recognizing no master in the fulfillment of its duties, possessing in this respect absolute liberty and bound only by the law which it had been fashioned to apply. He asserted that the field of the court's activity was still wider—that it was not only accessible to members of the League of Nations, but, in accordance with its statute, to States which, although not as yet members of the league, recognized the authority of that body in relation to the settlement of their disputes. He regretted the absence of Mr. Leon Bourgeois, who, he asserted, was in spirit the very creator of the court, saying that it was in great measure due to him that the court had been created; that to his perseverance, to the untiring efforts of his creative and constructive energy the court owed its existence; that the victory of the day was his victory; and that to him was due the homage of more than 40 nations.

He said that the court was proud to be established in a country renowned throughout the centuries for its devotion to international law; that at The Hague in the thirteenth century the knights had assembled in the splendid hall still known as the "Hall of the Knights" to consider questions of importance; that at The Hague in 1609 the 12-year truce was negotiated; that there in 1668 the Triple Alliance was concluded; that there in 1717 peace was signed between Spain and Austria; that since that year numerous international congresses and conferences had assembled at The Hague; that at The Hague had lived and died the world-famous man, Cornelius Bynkershoek, renowned for his learning, his uprightness, his determination that a word once given should not be broken, his vigorous defense of international treaties; that his tomb at The Hague had been almost forgotten, but that his spirit of loyalty to truth and justice would ever live and ever inspire the Permanent Court of International Justice.

The speaker stated that the opening of the court was an event full of promise in the history of civilization; that it marked the dawn of a new era in the relations between peoples, an era thoughtfully prepared for, ardently desired, and realized at last by the determined and persevering collaboration of more than 40 nations. He said that since the beginning of historic times force had been mastering right and justice; that the fearful experiences of the recent war, the bloodiest ever known, had given rise in all countries, belligerent as well as neutral, to a determination that such a state of affairs should not continue. He said that the fallacy that right is, after all, nothing but force organized and controlled would henceforth be rejected; that in its place would reign the divine principle that all existence in this world must be based on order and on harmony, an emanation of the Deity Himself, imposed by Him on mankind, on the idea that good really exists and that justice is a living reality. He asserted that justice embodied in human institutions and in relations between man and man, between people and people, is true law.

Guided by these sentiments and principles, he continued, the authors of the treaties of peace created the League of Nations, and its first and principal organ, the Permanent Court of International Justice. The statute of this court had been prepared by jurists nominated by the council of the League of Nations. It was considered by the council, examined by the assembly, and adopted in the form of a treaty duly ratified by the Governments with the approval of the national parliaments. It could not have had, therefore, a more lasting basis.

He pointed out that the jurisdiction of the court was different from that of a court of arbitration; that the judges of

the former were not to be nominated by the parties. On the contrary, they formed a permanent court. The procedure of the former was not to be framed; it was laid down in the statute and in the rules of procedure. He said that the arbitration court and the Permanent Court of International Justice would exist side by side, each fulfilling its special duty, each possessing its own sphere of action, both living peacefully together in the same building.

STATUTE FOR THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

It will be instructive to give at this point the text of the statute for the Permanent Court of International Justice. It is as follows:

Statute for the Permanent Court of International Justice provided for by article 14 of the covenant of the League of Nations.

ARTICLE 1.

"A Permanent Court of International Justice is hereby established, in accordance with article 14 of the covenant of the League of Nations. This court shall be, in addition to the court of arbitration, organized by the conventions of The Hague of 1899 and 1907, and to the special tribunals of arbitration to which States are always at liberty to submit their disputes for settlement.

CHAPTER I—ORGANIZATION OF THE COURT.

ARTICLE 2.

"The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from amongst persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

ARTICLE 3.

"The court shall consist of 15 members—11 judges and 4 deputy judges. The number of judges and deputy judges may hereafter be increased by the assembly, upon the proposal of the council of the League of Nations, to a total of 15 judges and 6 deputy judges.

ARTICLE 4.

"The members of the court shall be elected by the assembly and by the council from a list of persons nominated by the national groups in the court of arbitration, in accordance with the following provisions:

"In the case of members of the League of Nations not represented in the permanent court of arbitration, the lists of candidates shall be drawn up by national groups appointed for this purpose by their Governments under the same conditions as those prescribed for members of the permanent court of arbitration by article 44 of the convention of The Hague of 1907 for the pacific settlement of international disputes.

ARTICLE 5.

"At least three months before the date of the election, the secretary general of the League of Nations shall address a written request to the members of the covenant or to the States which join the league subsequently, and to the persons appointed under paragraph 2 of article 4, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the court.

"No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case must the number of candidates nominated be more than double the number of seats to be filled.

ARTICLE 6.

"Before making these nominations, each national group is recommended to consult its highest court of justice, its legal faculties and schools of law, and its national academies and national sections of international academies devoted to the study of law.

ARTICLE 7.

"The secretary general of the League of Nations shall prepare a list in alphabetical order of all the persons thus nominated. Save as provided in article 12, paragraph 2, these shall be the only persons eligible for appointment.

"The secretary general shall submit this list to the assembly and to the council.

ARTICLE 8.

"The assembly and the council shall proceed independently of one another to elect, first, the judges, then the deputy judges.

ARTICLE 9.

"At every election the electors shall bear in mind that not only should all the persons appointed as members of the court possess the qualifications required but the whole body also should represent the main forms of civilization and the principal legal systems of the world.

ARTICLE 10.

"Those candidates who obtain an absolute majority of votes in the assembly and in the council shall be considered as elected.

"In the event of more than one national of the same member of the league being elected by the votes of both the assembly and the council, the eldest of these only shall be considered as elected.

ARTICLE 11.

"If after the first meeting held for the purpose of the election one or more seats remain to be filled, a second and, if necessary, a third meeting shall take place.

ARTICLE 12.

"If after the third meeting one or more seats still remain unfilled, a joint conference consisting of six members, three appointed by the assembly and three by the council, may be formed at any time at the request of either the assembly or the council, for the purpose of choosing one name for each seat still vacant to submit to the assembly and the council for their respective acceptance.

"If the conference is unanimously agreed upon any person who fulfills the required conditions, he may be included in its list, even though he was not included in the list of nominations referred to in articles 4 and 5.

"If the joint conference is satisfied that it will not be successful in procuring an election, those members of the court who have already been appointed shall, within a period to be fixed by the council, proceed to fill the vacant seats by election from amongst those candidates who have obtained votes either in the assembly or in the council.

"In the event of an equality of votes amongst the judges, the eldest judge shall have a casting vote.

ARTICLE 13.

"The members of the court shall be elected for nine years.

"They may be reelected.

"They shall continue to discharge their duties until their places have been filled. Though replaced, they shall finish any cases which they may have begun.

ARTICLE 14.

"Vacancies which may occur shall be filled by the same method as that laid down for the first election. A member of the court elected to replace a member whose period of appointment had not expired will hold the appointment for the remainder of his predecessor's term.

ARTICLE 15.

"Deputy judges shall be called upon to sit in the order laid down in a list.

"This list shall be prepared by the court and shall have regard, first, to priority of election, and, secondly, to age.

ARTICLE 16.

"The ordinary members of the court may not exercise any political or administrative function. This provision does not apply to the deputy judges except when performing their duties on the court.

"Any doubt on this point is settled by the decision of the court.

ARTICLE 17.

"No member of the court can act as agent, counsel, or advocate in any case of an international nature. This provision only applies to the deputy judges as regards cases in which they are called upon to exercise their functions on the court.

"No member may participate in the decision of any case in which he has previously taken an active part as agent, counsel, or advocate for one of the contesting parties, or as a member of a national or international court, or of a commission of inquiry, or in any other capacity.

"Any doubt on this point is settled by the decision of the court.

ARTICLE 18.

"A member of the court can not be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfill the required conditions.

"Formal notification thereof shall be made to the secretary general of the League of Nations by the registrar.

"This notification makes the place vacant.

ARTICLE 19.

"The members of the court, when engaged on the business of the court, shall enjoy diplomatic privileges and immunities.

ARTICLE 20.

"Every member of the court shall, before taking up his duties, make a solemn declaration in open court that he will exercise his powers impartially and conscientiously.

ARTICLE 21.

"The court shall elect its president and vice president for three years; they may be reelected.

"It shall appoint its registrar.

"The duties of registrar of the court shall not be deemed incompatible with those of secretary general of the permanent court of arbitration.

ARTICLE 22.

"The seat of the court shall be established at The Hague.

"The president and registrar shall reside at the seat of the court.

ARTICLE 23.

"A session of the court shall be held every year.

"Unless otherwise provided by rules of court, this session shall begin on June 15, and shall continue for so long as may be deemed necessary to finish the cases on the list.

"The president may summon an extraordinary session of the court whenever necessary.

ARTICLE 24.

"If for some special reason a member of the court considers that he should not take part in the decision of a particular case he shall so inform the president.

"If the president considers that for some special reason one of the members of the court should not sit on a particular case he shall give him notice accordingly.

"If in any such case the member of the court and the president disagree the matter shall be settled by the decision of the court.

ARTICLE 25.

"The full court sit except when it is expressly provided otherwise.

"If 11 judges can not be present, the number shall be made up by calling on deputy judges to sit.

"If, however, 11 judges are not available a quorum of 9 judges shall suffice to constitute the court.

ARTICLE 26.

"Labor cases, particularly cases referred to in Part XIII (labor) of the treaty of Versailles and the corresponding portions of the other treaties of peace, shall be heard and determined by the court under the following conditions:

"The court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of article 9. In addition, two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand, the court will sit with the number of judges provided for in article 25. On all occasions the judges will be assisted by four technical assessors sitting with them, but without the right to vote, and chosen with a view to insuring a just representation of the competing interests.

"If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the president will invite one of the other judges to retire in favor of a judge chosen by the other party in accordance with article 31.

"The technical assessors shall be chosen for each particular case, in accordance with rules of procedure under article 30, from a list of 'assessors for labor cases' composed of two persons nominated by each member of the League of Nations, and an equivalent number nominated by the governing body of the labor office. The governing body will nominate, as to one-half, representatives of the workers, and, as to one-half, representatives of employers, from the list referred to in article 412 of the treaty of Versailles and the corresponding articles of the other treaties of peace.

"In labor cases the international labor office shall be at liberty to furnish the court with all relevant information, and for this purpose the director of that office shall receive copies of all the written proceedings.

ARTICLE 27.

"Cases relating to transit and communications, particularly cases referred to in part 12 (ports, waterways, and railways) of the treaty of Versailles and the corresponding portions of the other treaties of peace shall be heard and determined by the court under the following conditions:

"The court will appoint every three years a special chamber of five judges, selected so far as possible with due regard to the provisions of article 9. In addition two judges shall be selected for the purpose of replacing a judge who finds it impossible to sit. If the parties so demand, cases will be heard and determined by this chamber. In the absence of any such demand the court will sit with the number of judges provided for in article 25. When desired by the parties or decided by the court, the judges will be assisted by four technical assessors sitting with them, but without the right to vote.

"If there is a national of one only of the parties sitting as a judge in the chamber referred to in the preceding paragraph, the president will invite one of the other judges to retire in favor of a judge chosen by the other party in accordance with article 31.

"The technical assessors shall be chosen for each particular case in accordance with rules of procedure under article 30 from a list of 'Assessors for transit and communications cases,' composed of two persons nominated by each member of the League of Nations.

ARTICLE 28.

"The special chambers provided for in articles 26 and 27 may, with the consent of the parties to the dispute, sit elsewhere than at The Hague.

ARTICLE 29.

"With a view to the speedy dispatch of business, the court shall form annually a chamber composed of three judges, who, at the request of the contesting parties, may hear and determine cases by summary procedure.

ARTICLE 30.

"The court shall frame rules for regulating its procedure. In particular, it shall lay down rules for summary procedure.

ARTICLE 31.

"Judges of the nationality of each contesting party shall retain their right to sit in the case before the court.

"If the court includes upon the bench a judge of the nationality of one of the parties only, the other party may select from among the deputy judges a judge of its nationality, if there be one. If there should not be one, the party may choose a judge, preferably from among those persons who have been nominated as candidates as provided in articles 4 and 5.

"If the court includes upon the bench no judges of the nationality of the contesting parties, each of these may proceed to select or choose a judge as provided in the preceding paragraph.

"Should there be several parties in the same interest, they shall, for the purpose of the preceding provisions, be reckoned as one party only. Any doubt upon this point is settled by the decision of the court.

"Judges selected or chosen as laid down in paragraphs 2 and 3 of this article shall fulfill the conditions required by articles 2, 16, 17, 20, 24 of this statute. They shall take part in the decision on an equal footing with their colleagues.

ARTICLE 32.

"The judges shall receive an annual indemnity to be determined by the assembly of the League of Nations upon the proposal of the council. This indemnity must not be decreased during the period of a judge's appointment.

"The president shall receive a special grant for his period of office, to be fixed in the same way.

"The vice president, judges, and deputy judges shall receive a grant for the actual performance of their duties, to be fixed in the same way.

"Traveling expenses incurred in the performance of their duties shall be refunded to judges and deputy judges who do not reside at the seat of the court.

"Grants due to judges selected or chosen as provided in article 31 shall be determined in the same way.

"The salary of the registrar shall be decided by the council upon the proposal of the court.

"The assembly of the League of Nations shall lay down, on the proposal of the council, a special regulation fixing the conditions under which retiring pensions may be given to the personnel of the court.

ARTICLE 33.

"The expenses of the court shall be borne by the League of Nations in such a manner as shall be decided by the assembly upon the proposal of the council.

CHAPTER II.—COMPETENCE OF THE COURT.

ARTICLE 34.

"Only States or Members of the League of Nations can be parties in cases before the court.

ARTICLE 35.

"The court shall be open to the members of the league and also to States mentioned in the annex to the covenant.

"The conditions under which the court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the council, but in no case shall such provisions place the parties in a position of inequality before the court.

"When a State which is not a member of the League of Nations is a party to a dispute, the court will fix the amount which that party is to contribute toward the expenses of the court.

ARTICLE 36.

"The jurisdiction of the court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force.

"The members of the League of Nations and the States mentioned in the annex of the covenant may, either when signing or ratifying the protocol to which the present statute is adjoined or at a later moment, declare that they recognize as compulsory ipso facto and without special agreement in relation to any other member or State accepting the same obligation, the jurisdiction of the court in all or any of the classes of legal disputes concerning—

"(a) The interpretation of a treaty.

"(b) Any question of international law.

"(c) The existence of any fact which if established would constitute a breach of an international obligation.

"(d) The nature or extent of the reparation to be made for the breach of an international obligation.

"The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain members or States or for a certain time.

"In the event of a dispute as to whether the court has jurisdiction the matter shall be settled by the decision of the court.

ARTICLE 37.

"When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations the court will be such tribunal.

ARTICLE 38.

"The court shall apply—

"1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting States;

"2. International custom, as evidence of a general practice accepted as law.

"3. The general principles of law recognized by civilized nations.

"4. Subject to the provisions of article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations as subsidiary means for the determination of rules of law.

"This provision shall not prejudice the power of the court to decide a case ex aequo et bono, if the parties agree thereto.

CHAPTER III.—PROCEDURE.

ARTICLE 39.

"The official languages of the court shall be French and English. If the parties agree that the case shall be conducted in French, the judgment will be delivered in French. If the parties agree that the case shall be conducted in English, the judgment will be delivered in English.

"In the absence of an agreement as to which language shall be employed, each party may, in the pleadings, use the language which it prefers. The decision of the court will be given in French and English. In this case the court will at the same time determine which of the two texts shall be considered as authoritative.

"The court may, at the request of the parties, authorize a language other than French or English to be used.

ARTICLE 40.

"Cases are brought before the court, as the case may be, either by the notification of the special agreement or by a written application addressed to the registrar. In either case the subject of the dispute and the contesting parties must be indicated.

"The registrar shall forthwith communicate the application to all concerned.

"He shall also notify the members of the League of Nations through the secretary general.

ARTICLE 41.

"The court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to reserve the respective rights of either party.

"Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the council.

ARTICLE 42.

"The parties shall be represented by agents.

"They may have the assistance of counsel or advocates before the court.

ARTICLE 43.

"The procedure shall consist of two parts—written and oral.

"The written proceedings shall consist of the communication to the judges and to the parties of cases, countercases, and, if necessary, replies; also all papers and documents in support.

"These communications shall be made through the registrar in the order and within the time fixed by the court.

"A certified copy of every document produced by one party shall be communicated to the other party.

"The oral proceedings shall consist of the hearing by the court of witnesses, experts, agents, counsel, and advocates.

ARTICLE 44.

"For the service of all notices upon persons other than the agents, counsel, and advocates the court shall apply direct to the government of the State upon whose territory the notice has to be served.

"The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

ARTICLE 45.

"The hearing shall be under the control of the president or, in his absence, of the vice president; if both are absent, the senior judge shall preside.

ARTICLE 46.

"The hearing in court shall be public, unless the court shall decide otherwise, or unless the parties demand that the public be not admitted.

ARTICLE 47.

"Minutes shall be made at each hearing, and signed by the registrar and the president.

"These minutes shall be the only authentic record.

ARTICLE 48.

"The court shall make orders for the conduct of the case, shall decide the form and time in which each party must conclude its argument, and make all arrangements connected with the taking of evidence.

ARTICLE 49.

"The court may, even before the hearing begins, call upon the agents to produce any document, or to supply any explanations. Formal note shall be taken of any refusal.

ARTICLE 50.

"The court may at any time intrust any individual, body, bureau, commission, or other organization that it may select with the task of carrying out an inquiry or giving an expert opinion.

ARTICLE 51.

"During the hearing any relevant questions are to be put to the witnesses and experts under the conditions laid down by the court in the rules of procedure referred to in article 30.

ARTICLE 52.

"After the court has received the proofs and evidence within the time specified for the purpose it may refuse to accept any further oral or written evidence that one party may desire to present unless the other side consents.

ARTICLE 53.

"Whenever one of the parties shall not appear before the court or shall fail to defend his case the other party may call upon the court to decide in favor of his claim.

"The court must before doing so satisfy itself not only that it has jurisdiction in accordance with articles 36 and 37, but also that the claim is well founded in fact and law.

ARTICLE 54.

"When, subject to the control of the court, the agents, advocates, and counsel have completed their presentation of the case the president shall declare the hearing closed.

"The court shall withdraw to consider the judgment.

"The deliberations of the court shall take place in private and remain secret.

ARTICLE 55.

"All questions shall be decided by a majority of the judges present at the hearing.

"In the event of an equality of votes, the president or his deputy shall have a casting vote.

ARTICLE 56.

"The judgment shall state the reasons on which it is based.

"It shall contain the names of the judges who have taken part in the decision.

ARTICLE 57.

"If the judgment does not represent in whole or in part the unanimous opinion of the judges, dissenting judges are entitled to deliver a separate opinion.

ARTICLE 58.

"The judgment shall be signed by the president and by the registrar. It shall be read in open court, due notice having been given to the agents.

ARTICLE 59.

"The decision of the court has no binding force except between the parties and in respect of that particular case.

ARTICLE 60.

"The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the court shall construe it upon the request of any party.

ARTICLE 61.

"An application for revision of a judgment can be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the court and also to the party claiming revision, always provided that such ignorance was not due to negligence.

"The proceedings for revision will be opened by a judgment of the court expressly recording the existence of the new fact, recognizing that it has such a character as to lay the case open to revision, and declaring the application admissible on this ground.

"The court may require previous compliance with the terms of the judgment before it admits proceedings in revision.

"The application for revision must be made at latest within six months of the discovery of the new fact.

"No application for revision may be made after the lapse of 10 years from the date of the sentence.

ARTICLE 62.

"Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the court to be permitted to intervene as a third party.

"It will be for the court to decide upon this request.

ARTICLE 63.

"Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the registrar shall notify all such States forthwith.

"Every State so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

ARTICLE 64.

"Unless otherwise decided by the court, each party shall bear its own costs."

TEMPORARY MIXED COMMISSION FOR REDUCTION OF ARMAMENTS.

The league's official journal shows that the third session of the temporary mixed commission for reduction of armaments was held at Paris from February 20 to 23, 1921.

A resolution was adopted submitting to the council a list from which it was to choose the countries to which the six new seats on the commission would be allotted.

It was also resolved that each government be asked to furnish a statement of its requirements as to national security, international obligations, geographical situation, and its special circumstances, and to indicate the police and military forces considered essential for the preservation of domestic order, and the expenditure thereby entailed.

It was further resolved that under present circumstances one of the best means of securing control over the private manufacture of arms and munitions of war was the ratification of the arms traffic convention; that the council was accordingly requested to draw the attention of the governments signatories of the treaty of St. Germain, whether league members or not, to the urgent need of ratification; that the league secretariat was requested to ask those governments instructed by the council to approach the Government of the United States on the occasion of the Washington conference as to the results of their inquiries relating to the ratification of the treaty of St. Germain; that the delegates of the temporary mixed commission who took part in the Washington conference be asked to furnish the commission with a report on the question, even from the standpoint of the manufacture of arms and munitions; that it was essential that the preliminary work in connection with the convocation of a general conference on the private manufacture of arms and munitions should be continued; that the secretariat be requested to continue its examination of the points already mentioned in the report of the temporary mixed commission of September, 1921, and be instructed to collect statistics bearing on private manufacture of arms and munitions, especially as to number of workmen employed in war industries and amount of material produced, comparing, wherever possible, pre-war data with post-war data.

A resolution was adopted requesting the permanent advisory commission on military, naval, and air questions and the legal section of the league to study questions of technical and legal character relating to definition of war material and to the private manufacture of armaments and to communicate results of such studies to the temporary mixed commission.

It was resolved that in view of the agreements as to the use of poisonous gases reached at the Washington conference the commission considered that the examination of this question, which was bound up with the general question of the laws of war, had best be undertaken only after the full details of the Washington agreement had been received and circulated.

The secretariat was requested to expedite as much as possible the work of the statistical inquiry relating to examination of official and public documents so that the commission might be able to meet on July 15, 1922, and hold a discussion with a view to laying down the main lines of a scheme for the reduction of armaments.

The council was requested to ask the governments to send in before July 1, 1922, the statement referred to in the report of the third committee of the second assembly.

ARMS TRAFFIC CONVENTION.

The official journal shows that on February 22, 1922, the Norwegian Government replied to the council's inquiry of November 21, 1921, regarding the arms traffic convention, that while it fully appreciated the high principles embodied in the convention it was of opinion that it ought to postpone any decision regarding adherence until the convention had been ratified by a larger number of signatory powers.

FINAL REPORT OF SAAR BASIN FRONTIER DELIMITATION CONVENTION.

The league's official journal shows that on January 21, 1922, the Saar Basin frontier delimitation commission appointed by the council at its first session made a final report to the council and would be dissolved on January 31, 1922.

ALBANIA.

The official journal shows that on February 15, 1922, the commission of inquiry on Albania filed its report with the league secretariat.

RUSSIAN REFUGEES.

The league's official journal for April, 1922, contains a general report on the work accomplished for Russian refugees to March 15, 1922, by Dr. Fridtjof Nansen, high commissioner of the league for such refugees. The report stated there were about a million and a half Russian refugees in Europe; that not all of them by any means were in need of assistance from governments or charitable organizations; that a vast proportion of them, with admirable adaptability and courage, had found employment; that a large number had resources of their own, but that the number for whom intergovernmental action was necessary with a view to securing employment was still very large; that the vast majority had suffered and were suffering in many ways as a result of their enforced departure from their own country.

The report set out that the high commissioner had not been given financial resources for his work by the governments; that if he had been allotted a small part of the sums spent in the past 18 months by governments and by voluntary associations in feeding the refugees and without a solution of the refugee problem, he could have established productive employment for a great proportion of refugees requiring it; that the results obtained by voluntary employment bureaus and by labor exchanges in the Serb-Croat-Slovene State confirmed him in this view; that nevertheless the League of Nations had already accomplished something of real importance; that it had secured some intergovernmental action; that it had laid the foundation for further and more extensive work; that in various ways the condition of the refugees had been improved by the mere fact that the council of the league had been acting on their behalf. The task of the high commissioner had been made extremely difficult by the general economic crisis in Europe. He appealed to the governments for support in connection with proposals he would shortly make concerning the legal status of the refugees, free visas for passports, transit and transport facilities, acceptance and maintenance of Russian students, acceptance of agriculturists, establishment and operation of employment bureaus.

LIQUOR TRAFFIC IN AFRICA.

According to the league's official journal, the Belgian Government on February 11, 1922, announced its compliance with the league's request of January 11, 1922, to continue at Brussels the work performed by the International Bureau for the Suppression of the Liquor Traffic and to take charge of the duties relating to the control of the liquor traffic in Africa as defined in the convention of September 10, 1919.

PERMANENT LABOR ORGANIZATION.

The league's official journal contains a statement, dated February 14, 1922, to the effect that Bulgaria had communicated to the secretary general its formal ratification of the following labor conventions adopted by the International Labor Conference at Washington, held October 29 to November 29, 1919: (1) Convention limiting hours of work in industrial undertakings to 8 in the day and 48 in the week (already ratified by

Greece, Rumania, India, and Czechoslovakia); (2) convention concerning employment of women before and after childbirth (already ratified by Greece and Rumania); (3) convention concerning employment of women during the night (already ratified by Greece, Rumania, British Empire, India, Czechoslovakia, and South African Union); (4) convention fixing minimum age for admission of children to industrial employment (already ratified by Greece, Rumania, Great Britain, and Czechoslovakia); (5) convention concerning night work of young persons employed in industry (already ratified by Greece, Rumania, Great Britain, and India); (6) convention concerning employment (already ratified by Greece, Rumania, Great Britain, India, Sweden, and Denmark, not including Greenland and Finland).

SEVENTEENTH SESSION OF THE COUNCIL, HELD AT PARIS MARCH 24–28, 1922.

The seventeenth session of the council of the League of Nations was held at Paris from March 24 to March 28, 1922, the member countries being represented as follows: Belgium, Mr. Paul Hymans (president); Brazil, Mr. de Castello Branco Clark; China, Mr. Wellington Koo; British Empire, Mr. H. A. L. Fisher; France, Mr. Leon Bourgeois; Italy, Marquis Imperiali; Japan, Viscount Ishii; Spain, Mr. Quinones de Leon.

RUSSIAN REFUGEES.

The council, after debating on March 24 and 25 the proposals of Doctor Nansen, alluded to in his report of March 15, embodied in the special report of March 18, as well as the report of Sir Samuel Hoare on the subject of Russian refugees, decided on March 25 to submit the recommendations for funds in these reports to the various governments, and also the suggestions therein for modification of regulations as to emigration and identification, for transport and transit facilities, means of subsistence, etc.

REDUCTION OF ARMAMENTS.

On March 25 the council also considered the work of the temporary mixed commission on reduction of armaments. Pursuant to the commission's proposal the council instructed its president to ask each Government to furnish a statement as to the requirements of its national security, its international obligations, its geographical situation, and special circumstances, and to indicate the police and military forces it considered essential to the preservation of domestic order and the expenditure thereby entailed. The council took note of the other recommendations and resolutions of the temporary mixed commission, and decided to ask the temporary commission to meet in a short time so as to submit a report to the council before the next assembly.

The secretary general presented a memorandum on resolutions 5, 7, and 10 on the reduction of armaments adopted with others by the assembly on October 1, 1921. The memorandum stated that resolution 5 was to the effect that all members of the league and interested States not members be invited by the council to take part in an international conference on the private manufacture of arms and the trade in arms, to be held as soon as possible, it being highly desirable that the date be prior to the next assembly; that the temporary mixed commission be intrusted with the preparation of a program and a draft convention for the conference. The memorandum suggested that since the temporary mixed commission was already examining the question of private manufacture, and since the conference could not be had until this examination was concluded, it seemed that no action should be taken by the council for the time being.

The memorandum then noted that resolution 7 was to the effect that the assembly, taking note of the view in the report of the temporary mixed commission as to provision for excluding import of arms and munitions in time of peace from countries in which the traffic was uncontrolled, invited the council to prepare a draft and protocol for this purpose for the consideration of the Governments, expressing at the same time the hope that this procedure would not in any way delay the general ratification of the convention of St. Germain—and to the further effect that the steps that might eventually have to be taken for the destruction of the surplus stock of munitions might be considered by the temporary mixed commission.

The memorandum then presented the comment that the question dealt with in the first part of this resolution was closely connected with that of the St. Germain convention, which the temporary mixed commission intended to examine at its next session, when it would be known what action was taken at Washington; that the council might therefore see fit to authorize the temporary mixed commission to consider the first paragraph, asking, if necessary, the cooperation of the permanent armaments commission; and that the permanent commission, on account of the technical character of the subject, might be asked, in the first instance, to examine the question referred to in the second paragraph, that of the destruction of surplus stocks of munitions.

The memorandum then quoted resolution 10, which was to the effect that it was desirable that propaganda in favor of the reduction of armaments, as contemplated in the covenant, should be carried out with earnestness and conviction among all nations.

The memorandum stated that it was not intended by this resolution to impose on the league itself the duty of taking the initiative in organizing general propaganda for the reduction of armaments; that the report of the assembly's committee on disarmament had stated that a policy of disarmament to be successful required the support of the population of the world; that delimitation of armaments would never be imposed by governments on peoples, but by peoples on governments; that earnest and vigorous propaganda should be carried on in all countries to show peoples the urgent necessity for the reduction of armaments, as provided for in article 8 of the covenant; that the various delegates to the assembly should preach this doctrine in their respective countries; that only through an instructed public opinion in each country could the necessary strength of world opinion be obtained.

The memorandum contained the comment that it did not seem that the assembly intended that the league itself should conduct this propaganda, and that the assembly had voted no credits for such an object; that the council might, under these circumstances, refer the examination of this question, with the observations of the memorandum, to the temporary mixed commission.

The council approved the memorandum as to resolutions 5 and 7 and decided merely to communicate resolution 10 to the temporary mixed commission, with the understanding that no action was necessary. It was the thought of the council that members of council and assembly should carry out propaganda for arms reduction on their own initiative in their respective countries.

HEALTH CONFERENCE AT WARSAW.

The council decided on March 26 to ask its president to send to the president of the Genoa conference the conclusions of the health conference at Warsaw, which would not end until March 28.

RUSSIAN FAMINE—TELEGRAM FROM NORWEGIAN GOVERNMENT.

The president of the council read a telegram from the Norwegian Government asking the council to consider the condition of the famine-stricken population in Russia and to appoint a committee of inquiry. A letter and memorandum on the subject referred to in the telegram had not yet arrived. In the absence of these the council decided it could not know the exact wishes of the Norwegian Government and could not therefore take up the question at the time. The Norwegian Government was so notified.

SAAR BASIN GOVERNING COMMISSION.

The council approved on March 26 the establishment by the Saar Basin governing commission of an advisory council and technical committee and a resolution that the commission be assured a tenure of office at least until 1925 in order to give it greater strength and stability.

SAAR BASIN PLEBISCITE.

The council decided on the same day to appoint a rapporteur to propose measures for preservation of information in connection with the drawing up of lists of persons who would have the right to vote when the plebiscite in the Saar territory should occur, and chose Mr. Wellington Koo as such rapporteur.

GERMAN MINORITIES IN POLAND.

The council's committee on German minorities in Poland reported to the council on March 28 that on January 14, 1922, it had examined certain petitions from the Germanic league in Poland; that it had also examined the observations of the Polish Government on one of the questions raised in said petitions, that of the threatened expulsion of several German colonists from their farms; that the committee thought the Polish Government should postpone all measures of expulsion until October 1, 1922, to give the council time to examine the questions involved. The report was adopted by the council, the Polish representative stating that his Government had already postponed action and that he would do all he could to secure further postponement.

GENOA CONFERENCE.

On March 28 a communication from the Italian Government was laid before the council, urging that it send to the Genoa conference representatives of the technical organizations of

the league for transit, for economical, and financial questions to aid the conference in working out such matters, and the council decided to grant the request.

HEALTH CONFERENCE AT WARSAW.

The health conference which had been convened by the Polish Government at Warsaw under the auspices of the league, and at which were represented most European Governments, including these three—Germany, Russia, and Ukrania—notified the council that during 1919 and 1920 about twenty million cases of epidemic disease had occurred in Russia and eastern Europe; that the situation had grown worse to such extent that the future of these countries was endangered; that the technical organizations of the league had been intrusted with the execution of all resolutions passed by the conference. The council, after receiving this information, decided to authorize its president to lay the recommendations of the conference before the Genoa conference.

GENOA CONFERENCE.

Mr. Leon Bourgeois, representative of France, called the attention of the council to the declaration of his Government that the League of Nations should, provided the Geneva conference was agreeable, be intrusted with the application and execution of the recommendations of that conference relative to matters within the sphere of the powers conferred on the league by the covenant.

ADJOURNMENTS.

On completion of business, on March 28, 1922, the seventeenth session of the council adjourned.

NATIONAL ASSOCIATIONS FOR PROMOTION OF LEAGUE.

The league's official journal contains resolutions of a number of national associations formed to promote the league and league ideals, as well as the international association formed by these national bodies, expressing the hope that the Genoa conference would proceed in full recognition of the league's identity and function.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

On March 14, 1922, Austria accepted the compulsory jurisdiction of the permanent court of international justice.

LIMITATION OF ARMAMENTS—GREAT BRITAIN, FRANCE, SWEDEN.

The official journal of the league shows receipt of a letter from the British Government, dated March 21, 1922, stating that it had received and considered the secretary general's letter of January 17, calling attention by direction of the council of the league to the recommendation of the second assembly on October 1, 1921, on the subject of limitation by members of the league of expenditure on naval, military, and air forces during the next two fiscal years; that the further economies foreshadowed in the letter of the British Government, dated June 2, 1921, in response to a similar recommendation of the first assembly had proved capable of realization, and that the forthcoming estimates of armament expenditure would demonstrate considerable reductions in all directions during the succeeding financial year; that, as pointed out in the letter of June 2, 1921, the policy of the British Government on the question would be liable to reconsideration if the recommendation of the second assembly should not be adopted by other powers.

The French Government replied in a letter dated March 22, 1922, that while, for reasons given in its letter of April 20, 1921, it could not assume the obligation requested in the league's letter on armament, an obligation for which its representation in the assembly did not vote, still in compliance with the promise it gave in 1921 the French Government had endeavored to reduce its armaments as far as consistent with its international obligations and its international security; that the credits granted its war department had been reduced from six milliards of francs in 1920 to five billion four hundred millions in 1921 and four billion five hundred million in 1922—that is, by 25 per cent—that naval estimates had been reduced from nine hundred and fifty-two million in 1921 to seven hundred and ninety-seven million in 1922.

The Swedish Government replied in a letter dated March 20, 1922, that the future organization of the national defense of Sweden, mentioned in its prior letter of August 19, 1921, had not yet been completed; that military burdens, however, had been provisionally lightened to such an extent that a large proportion of possible reductions had already been carried into effect; that the Swedish Government was now in position to limit military expenditure in the spirit of the assembly's recommendation.

RESTORATION OF DIPLOMATIC RELATIONS BETWEEN SERB-CROAT-SLOVENE KINGDOM AND ALBANIA.

The secretary general received a letter dated March 27, 1922, from the Government of the Serb-Croat-Slovene kingdom stating that it had received the communication of the secretary general dated January 19 last, relating to request of Albania for the good offices of the league with a view to reestablishment of diplomatic relations between Albania and the Serb-Croat-Slovene kingdom, and stating further that the latter had reorganized de jure the Albanian Government and had appointed a diplomatic representative to Albania.

LITHUANIA AND POLAND.

On February 6, 1922, the president of the council wrote the Government of Lithuania expressing regret that it had been unable to accept the council's recommendation for the substitution of the neutral zone by a provisional line of demarcation, territorial rights in no way to be prejudiced; that he hoped that until Lithuania was prepared to establish diplomatic relations with Poland it would accept the council's suggestion that its interest be confided to a friendly power; that the Lithuanian representative had stated to the council on January 14 that he was prepared to transmit to the council the legislation adopted by Lithuania for protection of religious and racial minorities.

In reply the Lithuanian Government stated that under the circumstances it felt compelled to make resumption of both direct and indirect diplomatic and consular relations with Poland depend on previous reestablishment of the status quo created by the conference of Suwalki of October 7, 1920, and on remedying the consequences following its violation by the Polish General Zeligowski.

LITHUANIA'S PROTEST AGAINST POLISH ANNEXATION OF VILNA.

On April 8, 1922, the Lithuanian Government telegraphed the president of the council stating that in its note of December 14, 1921, it had protested against the organization by the Polish Government of the illegal elections in the district of Vilna; that on March 24, 1922, the Diet of Warsaw, basing its action on a resolution passed by the body established as a result of these elections, had voted the annexation of Vilna to Poland; that the Lithuanian Government desired to protest against this action by the Polish Government which, after disclaiming Zeligowski and declaring him a rebel, proceeded to profit by the results of his high-handed action and his violation of international engagements; that the Lithuanian Government would not recognize this annexation of Lithuanian territory.

ADVISORY AND TECHNICAL COMMITTEE ON COMMUNICATIONS AND TRANSIT.

The league's official journal contains the resolutions adopted by the advisory and technical committee on communications and transit at its second session which was held at Geneva from March 29 to April 1, 1922, resolutions dealing among other things with traveling facilities for the blind, tonnage measurement for inland navigation, tonnage measurement for ocean-going shipping, private law in inland navigation, passports and traveling facilities in general.

The committee decided to ask the governments not signatories of the Barcelona convention whether they intended to sign, and to draw the attention of signatory governments to the expediency of hastening as far as possible the procedure of ratification.

COMMUNICATION FROM UNITED STATES GOVERNMENT RELATING TO TRAFFIC IN WOMEN AND CHILDREN.

On March 8, 1922, the Secretary of State of the United States addressed a letter to the secretary general stating that he had received the communication dated January 23, 1922, in which, in pursuance of article 10 of the convention, and in accordance with the decision of the council of the League of Nations in conformity therewith, the secretary general of the League of Nations transmitted to the Government of the United States, as a State not a member of the League of Nations, a certified copy of the convention concerning the traffic in women and children opened for signature at Geneva on September 30, 1921, and inviting the United States Government to sign the convention before April 1, 1922, or thereafter to accede to it.

The Secretary of State of the United States then called attention to article 1 of the convention providing that the high contracting parties agree that in the event of their not being already parties to the agreement of May 18, 1904, and the convention of May 4, 1910, they would transmit with as little delay as possible their ratification of or adhesion to those instruments, stating that the Government of the United States was already a party to the agreement of May 18, 1904; that as to the convention of May 4, 1910, it contained, as the secretary general was informed through the American consul at Geneva the past June, projects which it was thought pertained under the Constitution of the United States to the police functions of the several States of the Union and which the Federal Government would not be capable of fulfilling; that for this reason the United States Government felt compelled to withhold its adherence to the convention of 1910 and its

signature to the confirmatory convention now open at Geneva; that the Secretary of State would not wish it understood, however, that the United States Government was not in full sympathy with the laudable purpose of the convention; that on the contrary the suppression of the nefarious traffic in women and children was a matter in which that Government was greatly interested, and that to this end Federal statutes had been enacted which were within the purview of congressional action.

SAAR BASIN GOVERNING COMMISSION.

On April 8, 1922, the Saar Basin governing commission transmitted to the secretary general its eleventh periodical report, covering January–March, 1922. After covering questions relating to the economic and political situation, administrative activity, finance and food supply, railways, post, telegraphs and telephones, education, justice and public worship, commerce, industry and labor, social insurance, agriculture, and public relief, the report concludes by stating that the commission was endeavoring to give the population a more direct part in public affairs; that an election would be held in the next three months for the members of the advisory council, and that the members of the technical committee would soon be appointed; that without losing any of its rights or shirking any of its responsibilities under the treaty of Versailles, the governing commission would then be able to appeal for that cooperation of the inhabitants which it declared necessary in its preceding report and which could not fail to help the Saar territory; that at a time when a new period in the administration of the Saar territory was beginning the council's decisions of March 26 had offered the best possible encouragement and support to the commission.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

On April 6, 1922, Finland ratified the statute of the permanent court of international justice and accepted compulsory jurisdiction.

LIMITATION OF ARMAMENTS.

On March 21, 1922, the South African Government replied to the assembly's second armament recommendation, to the effect that, owing to prevalent financial depression, it would make reductions of a third in defense expenditure for the financial year 1922–23, as compared with the previous 12 months, and probably the same reduction for the year ending March 31, 1924; that owing to the transfer of Cape military defense from the Imperial Government to the Government of the Union of South Africa, it might be expedient to make certain additional expenditures to cover service theretofore performed without charge by the Imperial Government, but the increase would not be large.

Latvia replied on April 29, 1922, that it was wholly in sympathy with the assembly's recommendations and was making every effort to bring about a gradual reduction of its military outlay, which, in 1920, amounted to 27 per cent of the total State expenditure, in 1921, 16 per cent, and in 1922, 14 per cent.

The Netherlands replied on April 11, 1922, stating that it had forwarded certain information concerning limitation of its armament expenditure in its note of May 17, 1921, and now transmitted a copy of its military law of February 4, 1922.

PROTECTION OF MINORITIES IN LATVIA AND ESTHONIA.

In March and April, 1922, respectively, Latvia and Esthonia submitted a summary of the legal status of minorities within their borders.

ECONOMIC WEAPON.

On May 5, 1922, Austria, Bulgaria, Italy, Siam, and Sweden had replied to the council's letter, asking members of the league for certain information and for observations on the proposals of the second assembly regarding the economic weapon of the league, in order that the council might be in position to settle the details of its own action, and asking also that replies be made by May 1, 1922.

EIGHTEENTH SESSION OF THE COUNCIL HELD AT GENEVA FROM MAY 11 TO MAY 17, 1922.

The eighteenth session of the council was held at Geneva from Thursday, May 11, to Wednesday, May 17, 1922, the member nations being represented as follows: Spain, Mr. Quinones de Leon (president); Belgium, Mr. Paul Hymans; Brazil, Mr. de Castello Branco Clark; China, Mr. Tang Tsai-Fow; British Empire, Lord Balfour; France, Mr. Leon Bourgeois; Italy, Marquis Imperiali; Japan, Mr. Adatci.

FIRST MEETING (PRIVATE).

QUESTION OF PLACING BRITISH MANDATE FOR PALESTINE ON AGENDA.

Lord Balfour on May 11 asked that the question of the British mandate for Palestine be placed on the agenda for the present session, saying that the council's rules of procedure allowed addition of fresh questions by majority vote. He expressed the hope that the council would approve the British mandate for Palestine at the present session. He said that the mandate had been under discussion a long time by the governments concerned; that the members of the council had agreed, but that the United States had intervened and asked to be consulted; that there had been a discussion between the British Government and the United States, which was not yet over; that they were still discussing the British mandate for Mesopotamia; but that the United States Government had given its cordial assent to the mandate for Palestine, with the sole reservation that should Great Britain cease to be the mandatory power for Palestine the United States Government should be free to return to the system of capitulations in force before the mandate was granted. He urged that the council approve the terms of the mandate, inasmuch as the United States had made no further objection, saying that such approval would have an excellent effect, rendering easier the task of administration. So long as the question of the mandate remained unsettled, unrest would prevail in Palestine. He said also that he had anticipated no difficulty on the part of his colleagues on the council until the Marquis Imperiali told him shortly before the council met that the Italian Government made certain reservations.

Mr. Leon Bourgeois stated that he desired to think the matter over before giving an opinion as to the question of placing the mandate on the agenda.

The Marques Imperiali said he was led to make plain what had occurred between him and Lord Balfour; that the Italian Government had always held that mandates deriving their origin from the treaty of Sevres could not be approved so long as the question of the revision of that treaty was pending; that this principle had been adopted by the second assembly; that under these conditions the Italian Government was awaiting opportunity to present, as it had a right to do, certain observations on some points in the terms of the mandates; that only during the previous week had his Government been informed of the intention of the British Government to ask for the council's approval of the Palestine mandate at the present session; that the time required, therefore, for a preliminary exchange of views on these points had not been available, the Italian Government being ready to discuss them at once and in a most friendly spirit; that it seemed impossible to him for the council to decide the matter at the present session.

Lord Balfour suggested that the Italian Government might be consulted at once, and that if it did not raise an objection that could not be met, the council might reach a decision before the present session ended.

Mr. Bourgeois pointed out that the question of the Palestine mandate raised the whole question of mandates, that the council would have to consider the problem as a whole, and his suggestion that the question of placing the matter on the agenda for the present session be postponed until Saturday, May 13, was adopted by the council.

ATTENDANCE OF DIRECTOR OF INTERNATIONAL LABOR OFFICE.

The council decided to allow Mr. Albert Thomas, director of the international labor office, to attend in an advisory capacity meetings at which questions of interest to that office were to be discussed.

ATTENDANCE OF REPRESENTATIVE OF PERMANENT COURT.

The council decided that whenever advisable during the present session Mr. Hammarskjöld, registrar of the permanent court of international justice, would be heard on questions concerning the court.

TRAFFIC IN WOMEN AND CHILDREN.

The council approved the president's decision fixing June 28 as the opening date of the first session of the advisory committee on traffic in women and children.

INFORMATION BUREAU FOR LEAGUE IN LATIN AMERICA.

The report of the mission authorized by the assembly to visit Latin America and investigate the advisability of establishing an information bureau of the secretariat in Latin America was presented. Its conclusion was that such a bureau was not needed at the present time.

CONTRIBUTION OF SALVADOR TO THE LEAGUE'S EXPENSES.

It was decided to place the question of the contribution of Salvador to the league's expenses on the agenda of the third assembly.

EXPENSES OF PERMANENT COURT OF INTERNATIONAL JUSTICE.

A memorandum of the secretary general on the subject of the expenses of the permanent court of international justice was presented to the council and approved.

The memorandum quoted article 33 of the court statute, which provides that the expenses of the court shall be borne by the League of Nations in such manner as shall be decided by

the assembly on the proposal of the council. The memorandum pointed out that the council should soon formulate a proposal on this subject. It would be of great help, the memorandum contended, in guiding the secretary general in drawing up for submission to the commission of control and the council the provisional budget for 1923. As no new system of allocating league expense, other than that of the Universal Postal Union, had yet been ratified, and as the new system, approved by a majority of the assembly, should it be adopted, could only be of temporary character, and would have to be replaced within a limit of not more than two years, when the committee on allocation of expenses had made a final report, the secretary general proposed that it be suggested to the assembly that the court expenses should for the present be incorporated in the general league budget and paid out of the ordinary league funds.

The budget for 1922, approved by the assembly, had provided the sum of 1,500,000 gold francs for court expenses.

PERMANENT COURT COSTS.

It was decided to ask the permanent court whether a moderate tariff of court charges should not be established on the basis of charges prevalent in various countries.

RANK AND TITLE OF JUDGES OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

In reply to a memorandum by the president of the permanent court of international justice on the question of the rank and title of the judges thereof the council directed the secretary general to advise the president of the court that theretofore no steps had been taken to determine the diplomatic rank and title of the representatives of the various States at the assembly or on the council, or any of the other organizations of the League of Nations. It had been thought sufficient to give them their official title such as "the delegate of such-and-such State to the assembly," "representative on the council," and so forth. Questions of precedence had been settled in so far as necessary in each particular case. A similar course was suggested in relation to the permanent court.

WORK OF CALONDER, HODAC, AND HEROLD IN NEGOTIATIONS ON UPPER SIBERIA.

The council decided to send a letter to Mr. Calonder thanking him for his successful work for the league in connection with the upper Siberian negotiations, and to award him a grant of 15,000 Swiss francs as a token of appreciation. It also decided to thank Mr. Hodac and Mr. Herold, who cooperated with Mr. Calonder, and to award each of them 100 pounds.

FINANCIAL SITUATION OF LEAGUE.

The secretary general requested members of council to urge their Governments to ratify as soon as possible the amendment to article 6 of the covenant giving the assembly the right to fix the proportion of expense to be paid by league members.

INDEMNITY TO WIDOW OF COLONEL SCHAEFFER, MEMBER OF ALBANIAN COMMISSION.

The council authorized the secretary general, in consultation with the president of the commission on control, to make a compassionate grant to the widow of Colonel Schaeffer, who died in the service of the league while working on the Albanian commission, if he found on inquiry that she was in necessitous circumstances.

SECOND MEETING (PUBLIC).

ALBANIA.

On May 12 Lord Balfour made a report to the council, presenting the results of the work of the league's commission on inquiry into the Albanian situation. He stated that the Albanian question dated from the end of the Balkan War in 1913; that then for the first time Europe recognized Albania as an independent State; that its frontiers were laid down in general terms and were substantially the same as at the present time; that the World War left the Albanian question in abeyance; that Albania applied to the first assembly for admission to the League of Nations and was unanimously admitted.

He said that Albania then appealed to the council of the league for a settlement of the question of her frontiers; that she suffered grave internal conditions, aggravated by the uncertainty as to her frontiers; that the council, while expressing sympathy, indicated that the matter was beyond its jurisdiction, the question of delimiting frontiers belonging to the conference of ambassadors; that all the council could do was to urge the conference of ambassadors to settle the problem speedily; that in September, 1921, the second assembly recommended at the Albanian Government's suggestion that a commission of inquiry be sent by the council to Albania; that the assembly joined the council in urging the conference of ambassadors to reach a decision as soon as possible.

The council, he continued, appointed the commission of inquiry, which started for Albania in November, when alarming news was received. The British Government, fearing an outbreak of real war in that part of Europe, asked for a special session of the council, to which the Albanian Government and the Serb-Croat-Slovene Government should be invited to send representatives. This special session occurred when the conference of ambassadors was making its decision regarding the northern and other frontiers of Albania. The speaker said that these three events—the decision of the conference of ambassadors, the meeting of the council, and the inquiry by the commission—all helped to bring about a peaceful solution.

He asserted that it was certain that the peaceful settlement of this question was very largely due to the machinery of the League of Nations and to the fact that in accordance with the terms of the covenant the council had invited representatives of the States in controversy to sit as members at its meetings and had handled the question in a spirit of friendly cooperation. He said that both Albania and the Serb-Croat-Slovene State had assisted the council in its pacifying work; that all the Serbian troops were withdrawn from the frontier zone in dispute; and that the league's commission of inquiry was able to report to the council that there was once more a state of general tranquillity in Albanian territory. Thus a situation fraught with danger to the peace of Europe had been changed into a condition of understanding and good will.

He congratulated the commission of inquiry on its work. He said that there was no statesman, nation, or organization in the world that could have done what the League of Nations had done in this matter; that the reason of success lay in the fact that Albania and all others concerned had been convinced that the League of Nations, its assembly, its council, and its commission of inquiry were working for wholly unselfish ends; that the advice of the commission had been taken because the commission represented the League of Nations.

Mr. Medhi Bey Frasheri, Albanian representative, expressed pleasure that, thanks to the League of Nations and the allied powers, Albania had been recognized as an independent, neutral, and sovereign State. He stated that the commission of inquiry had done Albania the greatest service in making the true facts known; that several months previously difficulties had arisen on the northern and eastern frontiers of Albania; that, thanks to the work of the commission of inquiry, these difficulties had been settled in a manner satisfactory to both Albania and the Serb-Croat-Slovene Kingdom; that there were still difficulties, however, in southern Albania; that the Albanian Government greatly desired that the council should send a commissioner to that district to keep in touch with the delimitation commission and to settle difficulties that might become dangerous; that the Albanian Government had been advised that bands had been organized on the other side of the frontier and were moving toward villages in the neutral zone; that the presence of the league commissioner would do much to keep the peace.

At Lord Balfour's suggestion the council decided to communicate the reports of the commission of inquiry to all the members of the league, and to deal later with his proposal that the commission of inquiry should be asked to continue its work.

ECONOMIC EXPERTS FOR ALBANIAN GOVERNMENT.

Mr. Frasheri said that the Albanian Government had decided to select economic advisers to the different ministries and wished the assistance of the league in choosing them. The council decided to take the request under advisement.

MINORITIES IN ALBANIA.

The secretary general presented a memorandum on minorities in Albania, and it was decided that the Brazilian representative should submit a report on the matter at the next session of the council.

MINORITIES IN LITHUANIA.

Stipulations for the protection of minorities in Lithuania were approved by the council and accepted by the Lithuanian representative, who stated that they had all been practically embodied in Lithuanian laws.

NATIONALITY OF INHABITANTS OF B AND C MANDATED AREAS.

The Marquis Theodoli appeared at the council table and presented the report of the subcommittee of the permanent mandates commission on the nationality of inhabitants of B and C mandated areas, receiving the thanks of the council for the report. The council then decided to request the permanent mandates commission to examine this question during its coming session with a view to submitting to the council a suitable solution.

DEPORTATION OF WOMEN AND CHILDREN IN TURKEY.

The council resolved, pending the appointment of a chief commissioner in Turkey, to authorize the League of Nations com-

mission of inquiry to proceed with the work of reclaiming deported women and children in Turkey.

THIRD MEETING (PUBLIC).

ADMISSION TO PERMANENT COURT OF INTERNATIONAL JUSTICE OF STATES NOT MEMBERS OF THE LEAGUE NOR MENTIONED IN THE ANNEX TO THE COVENANT.

The Marquis Imperiali on May 12 read a report on the admission to the Permanent Court of International Justice of States not members of the league nor mentioned in the annex to the covenant. It proposed a resolution to the effect that the council, by virtue of the powers conferred upon it by article 35, paragraph 2, of the statute for the Permanent Court of International Justice, decided (1) that the permanent court should be open to a State not a member of the League of Nations or mentioned in the annex to the covenant on condition that such State should previously have deposited with the registrar of the court a declaration accepting the jurisdiction of the court in accordance with the terms of the covenant of the League of Nations and with the terms and subject to the conditions of the statute and rules of procedure of the court, and should undertake to carry out in full in good faith the decision or decisions of the court and not to resort to war against a State complying therewith; (2) that such declaration might be either particular or general, a particular declaration being one accepting the jurisdiction of the court in respect only of a particular dispute or disputes which had already arisen; a general declaration being one accepting the jurisdiction generally in respect of all disputes or of a particular class or classes of disputes which had already arisen or might arise in the future; that a State in making such a general declaration might accept the jurisdiction of the court as compulsory, ipso facto, and without special convention, in conformity with article 36 of the court statute, but such acceptance might not, without special convention, be relied on as, regards members of the League of Nations or States mentioned in the annex to the covenant which had signed or might thereafter sign the optional clause provided for by the additional protocol of December 16, 1920; (3) that the original declarations made under the terms of this resolution should be kept in custody of the registrar of the court, certified copies to be transmitted to all members of the League of Nations and States mentioned in the annex to the covenant and to such other States as the court might determine and to the secretary general of the league; (4) that the council reserved the right to rescind or amend this resolution by a resolution to be communicated to the court, existing declarations on receipt of such communication by the registrar and to the extent determined by the new resolution to cease to be effective except as to disputes already before the court; (5) that all questions as to validity or effect of a declaration made under this resolution should be decided by the court. This report and resolution were adopted by the council, subject to certain amendments to the resolution proposed by Mr. Bourgeois. It was decided that the revised text of the resolution should be submitted to the council at a subsequent meeting.

ALBANIA.

The council took note of a protest from Greece against the statement by the Albanian representative at the previous meeting that Greek bands were being organized and were moving on villages in the neutral zone.

FOURTH MEETING (PRIVATE).

REPAYMENT OF EXPENSES, SWEDISH AND DANISH VILNA CONTINGENTS.

Mr. de Adlercrentz and Mr. de Oldenburg, designated, respectively, by Sweden and Denmark to represent them during the discussion by the council of the repayment of the expenses of the Swedish and Danish Vilna contingents, took their seats at the council table.

Mr. de Adlercrentz recounted the circumstances under which the Swedish Government, at the request of the league, formed a contingent of a hundred volunteers, on November 30, 1920, to form part of an expeditionary force to be sent into the Vilna district. The force was not sent, however, and the contingent was dissolved in March, 1921. His Government was of opinion that out of its total expenditure of 272,073.30 Swedish crowns on these troops it was entitled to repayment of 147,895 crowns, the excess over the normal cost of maintaining the troops in their own country.

Mr. de Oldenburg said that Denmark was in the same general position and claimed repayment on the same basis of 60,583 crowns.

Mr. Bourgeois expressed the gratitude of the council for the support given the league's request by Sweden and Denmark, and said that the question of reimbursement presented a question of moral obligation having a most important bearing on the future of the league. The payment requested by Sweden and Denmark would be regarded as just and equitable by the States whose assistance had been requested. The Vilna expedition was planned, however, for the benefit of Poland and Lithuania, and it would seem that the sums repaid by the league should be debited to the States for whose benefit the council had intervened.

The council decided, in view of the special character of the expenses incurred by Sweden and Denmark, which were quite exceptional as compared with the normal average expenditure of those countries, the sums in question should be repaid by means of the addition of a credit to the draft budget to be sent to all members on June 4, and that the secretary general should take up with the Polish and Lithuanian Governments the repayment of certain sums for which they had already been asked and of the sums under discussion.

QUESTION TO BE SUBMITTED TO PERMANENT COURT OF INTERNATIONAL JUSTICE INVOLVING COMPETENCE OF INTERNATIONAL LABOR OFFICE AS TO AGRICULTURAL LABOR.

The French Government having asked the council to submit to the permanent court of international justice the question of the competence of the international labor office in the matter of labor conditions of persons employed in agricultural work, the council authorized the secretary-general to present the question to the court, together with documents concerning the matter, to give all necessary assistance in the examination of the question, and to arrange to be represented before the court if necessary, and requested the international labor office to afford the court all the assistance it might require.

APPOINTMENT OF WORKERS' DELEGATE FOR THE NETHERLANDS TO THE THIRD INTERNATIONAL LABOR CONFERENCE.

In reference to the question of the method of appointing a workers' delegate to the third international labor conference by the Netherlands Government, which the international labor office, the third international labor conference, and that Government agreed should be submitted to the permanent court, the council decided (1) to request the permanent court of international justice, in conformity with article 14 of the League of Nations, to give an advisory opinion on this question; (2) to authorize the secretary-general to present this request to the court, together with the letter from the director of the international labor office and the documents relating to the matter; to give all necessary assistance in the examination of the question and to arrange to be represented before the court if necessary; and (3) to request the international labor office to afford the court all assistance it might require.

FIFTH MEETING (PUBLIC), MAY 13, 1922.

RUSSIAN REFUGEES.

Doctor Nansen, high commissioner of the League for Russian Refugees, made a detailed report covering his work to date. He emphasized the need of a contribution of £30,000, a third of which had already been conditionally promised by Great Britain, and conditioned on which were substantial offers by American relief organizations. Mr. Ringland, of the American Relief Administration, and Major Davis, of the American Red Cross in Constantinople, also addressed the council, indicating what further action from the United States could be expected if the sum desired by Doctor Nansen were provided.

WORK OF PROVISIONAL, ECONOMIC, AND FINANCIAL COMMITTEE.

Mr. Leon Bourgeois presented a report on the work of the provisional economic, and financial committee. He said that the economic section at its meeting in Geneva in March, 1922, had been concerned with four main questions—arbitration clauses in private commercial contracts, unification of laws relating to bills of exchange, equitable treatment of commerce arising under article 23 (e) of the covenant, and unfair competition. He stated that the financial section at its meeting in Geneva in February and March, 1922, had considered the question of double taxation, central banks and the institution of an international clearing house, and the recommendations of the council regarding the appointment of technical advisers to be attached to certain governments. The financial section had taken the necessary steps to carry out the recommendation of the second assembly that the governments be urged to reply to inquiries as to measures they had taken to insure the application of the principles laid down by the Brussels conference. It had continued the work undertaken by the league on international credits, a matter intimately connected with any scheme for the reconstruction of Europe. It had concluded its investigation of the question of an international agreement as to lost, stolen, or destroyed securities and had prepared an agreement which ought to be universally agreed to. It had prepared a detailed report on the financial position of Danzig and the financial reconstruction of Austria.

It had not yet been possible to carry out the plan agreed upon by the financial section and the Austrian Government, because one essential condition had not been fulfilled—the suspension of liens. Some of the powers holding general liens

over the whole of the property of the Austrian State had not announced willingness to suspend them. The United States, however, had just consented to the suspension of its liens. At the beginning of the current year the Austrian situation was somewhat improved as the result of credits granted or promised by the Italian, French, British, and Czecho-Slovak Governments. The two latter, desirous of seeing the league plan for Austria put into operation, requested that the financial section be invited to cooperate with the Austrian Government through the appointment of a financial adviser, and the president of the council conveyed the request to the financial section. This section, being anxious to respect Austrian sovereignty, submitted the matter to the Austrian Government, the latter replying that for reasons of internal policy the appointment of a financial adviser was not for the present advisable. In view of this situation the economic and financial committee decided to postpone the appointment, but stood ready to take action whenever Austria, who aided in developing the plan, might so desire.

On motion of Mr. Bourgeois, the council resolved that it noted with satisfaction that the economic section of the provisional economic and financial committee of the League of Nations had begun the examination of the question of the validity of arbitration clauses in commercial contracts, especially those between nationals of different States, and had decided to appoint a special committee of experts to advise on the legal and commercial aspects of the question; that it noted the view of the economic section that a conference sufficiently prepared in advance might cause much progress to be made toward greater unification of the laws relating to bills of exchange, and that it requested the secretary general, in view of the predominant part taken previously by the Netherlands Government in this matter, and in accordance with the views expressed by the economic section, to consult that Government as to its possible collaboration with the economic organization of the league, both for the convocation of a conference and the necessary preliminary work.

The council's resolution in this regard also approved the provisional conclusions of the economic section on the subject of the equitable treatment of commerce arising out of article 23 (e) of the covenant and noted that the section had appointed a subcommittee to study the question further.

It also, in recognition of the fact that the suppression of unfair competition was a step toward more equitable treatment of commerce, (a) approved the proposal to circulate to States members of the league and to principal States nonmembers the report of the economic section on unfair competition, including the tentative draft of articles for a convention which had been proposed as a basis for discussion and criticism; (b) invited the States members of the league to give careful consideration to the report circulated, including the tentative draft submitted for criticism, and to inform the secretariat at a very early date of any amendments or suggestions they might desire to offer, and authorized the economic section and the secretary general, should they deem necessary, to consult the experts of the different Governments for this purpose; (c) recommended that such of the States members of the league as were not already members of the industrial property union to take immediate steps to adhere.

The resolution also noted with satisfaction the procedure which the financial section of the Provisional Economic and Financial Committee had laid down in regard to double taxation; expressed the hope that States members would do their utmost to supply necessary information for an annual publication on public finance; noted with satisfaction that the financial section had undertaken an inquiry to give effect to the resolution adopted by the council on March 21, 1921, concerning appointment of technical advisers to certain Governments; approved the measures taken by the financial section to carry out the request made to it by the Second Assembly to urge the various Governments to reply to the inquiries regarding measures taken by them to insure application of the resolution of the Brussels conference for economic rehabilitation, reconstruction, etc.; approved the measures taken by the financial section to insure continuation of the work of organizing international credits, the foundation of which work has been so successfully laid by Sir Drummond Drummond-Fraser, praising his tireless activity and competence and expressing regret that the period for which he consented to give his services to the league had ended; asked the Governments to consider giving effect in national legislation for a limited period, and in respect to a certain number of destroyed or stolen securities, a list of which would be sent them, to measures analogous to the French law concerning securities destroyed or stolen during the war, and expressing the opinion that the Governments would take all possible steps to facilitate inquiries by holders of securities or coupons which had been protested; instructing the secretariat to communicate these conclusions to the States members of the league, recommending adoption and asking that replies be made as soon as practicable.

The resolution also approved the report of the financial section on the financial reconstruction of Austria, taking note of the fact that the Austrian Government had informed the financial committee at its last meeting that for reasons of internal policy it did not believe the time had come for the appointment of a financial adviser intrusted with the duty of executing the plan of financial reform drawn up by the Austrian Government in agreement with the financial section, stated that out of regard to the opinion of the Austrian Government the Council approved the section's decision not to appoint a financial adviser, and decided to notify to this effect the British and Czecho-Slovak Governments at whose request the appointment of such adviser had been contemplated, and stated that the council would continue to hold itself at the disposal of Austria, in so far as its means permitted, for carrying out the program Austria had laid down.

Reports of the economic and financial sections of the provisional economic and financial committee were presented to the council and served as the basis of the report of Mr. Bourgeois and the above resolution.

That part of the financial section's report dealing with international credits stated that the section had noted the resolution of the council on January 14, inviting the section to present at the council's next session a report on the work which had so far been done by the international credits organization, together with an account of the section's proposals as to future activities. It stated further that in pursuance to the resolution the section had prepared a separate report covering the question of international credits from a general standpoint, as well as the history of the scheme adopted and its results, stating the section's conclusions regarding the present organization of the service which was working in London and asking the council's approval. The report stated that the international credit scheme developed by the financial section is now well known, and was also called the ter Meulen scheme, and that negotiations, official and unofficial, had been begun with certain countries which had intimated a desire to take advantage of its provisions as borrowers—that if these negotiations should result in the application of the scheme to certain countries the present organization would require considerable enlargement. The section considered that until this new phase in the activity of the League of Nations should begin it would be sufficient to keep the present organization in a sufficiently elastic condition to meet all demands. Reference was made to Sir Drummond Drummond-Fraser who had accepted the post of organizer of the international credits scheme for one year and who had retired on finishing his task. The section had decided temporarily to place the current business of the organization in the hands of Mr. Le Nevev, who would cooperate with the secretariat, and who for nearly a year, as one of Sir Drummond Drummond-Fraser's principal assistants, had acquired exceptional experience. The section had also decided that supreme control of the organization should remain with the subcommittee on international credits, consisting of Mr. Averal, Sir Henry Strakosch, and Mr. ter Meulen, appointed in December, 1920. The subcommittee could, when necessary, consult the section on specially important matters. By these arrangements any interruption in the continuous development of this important branch of the activities of the league would be avoided, and the strictest economy in its conduct secured. The members of the section were in constant touch with the business world, and this would enable them then properly to measure any developments in the economic and financial situation of interest in connection with the ter Meulen scheme. The section would in the future submit to the council any recommendations which circumstances might suggest.

THE TER MEULEN PLAN OF INTERNATIONAL CREDIT.

The special report by the financial section on international credits above referred to pointed out that at its meeting on December 14, 1920, the Council of the League of Nations, after examining the report of the International Financial Conference held at Brussels on September 24, 1920, had adopted, on recommendation of the Economic and Financial Committee, the plan for international credits submitted by Mr. ter Meulen, a Dutch banker.

After debating Mr. ter Meulen's proposal, the Conference adopted and developed it in detail. The scheme in full as accepted and perfected by the Conference is as follows:

"1. In order that nations, which under present circumstances are unable to obtain accommodation on reasonable terms in the open market, may be able to command the confidence necessary to attract funds for the financing of their essential imports, an International Commission shall be constituted under the auspices of the League of Nations. 2. The Commission shall consist of bankers and business men of international repute, appointed by the Council of the League of Nations. 3. The Commission shall have the power to appoint subcommissions, and to devolve upon them the exercise of its authority in participating countries or in groups of participating countries. 4. The Governments of countries desiring to participate shall notify the Commission what specific assets they are prepared to assign as security for commercial credits to be granted by the nationals of exporting countries. 5. The Commission, after examination of these assets, shall of its own authority determine the gold value of the credits which it would approve against the security of these assets. 6. The participating Government shall then be authorized to prepare bonds to the gold value approved by the Commission, each in one specific currency to be determined on the issue of the bond. 7. The date of maturity and the rate of interest to be borne by these bonds shall be determined by the participating Government in agreement with the Commission. 8. The service of these bonds shall be secured out of the revenue of the assigned assets.

"9. The assigned assets shall, in the first instance, be administered by the participating Government or by the International Commission as that Commission may in each case determine. 10. The Commission shall at any time have the right of making direct representations to the Council of the League of Nations as to the desirability of transferring the administration of the assigned assets from the participating Government to the Commission. 11. The decision of the Council of the League of Nations on this question shall be binding.

"12. After the preparation of these bonds, the participating Government shall have the right to loan the bonds to its own nationals for use by them as collateral security for importations. 13. The bonds shall be made out in such currencies and in such denominations as are applicable to the particular transaction in respect of which they are issued. 14. The participating Government shall be free to take or not to take security for the loan of these bonds from the nationals to whom they are lent. 15. The maturity and the rate of interest of the loan of the bonds shall be fixed by agreement between the participating Government and the borrower of the bonds; they need not be the same as the maturity and the rate of interest of the bonds themselves.

"16. When making application to his Government for a loan of these bonds, the importer must furnish proof that he has previously obtained from the International Commission express permission to enter into the transaction for which the bonds are to be given as collateral. 17. Each bond, before it is handed over by the participating Government to the importer, shall be countersigned by the Commission in proof of registration. 18. Having obtained the consent of the Commission and received from them countersigned bonds, the importer will pledge these bonds to the exporter in a foreign country for the period of the transaction. 19. The exporter will return to him on their due dates the coupons of the pledged bonds, and the bonds themselves on the completion of the transaction. 20. On receipt of the coupons and the bonds respectively, the importer will return them to his Government. 21. Bonds returned to the participating Government shall be canceled, and may subsequently be replaced by other bonds, either in the same or in a different currency, up to an equivalent amount. 22. The exporter, or if he has pledged the bonds the institution with which he has repledged them, acting on his behalf, would be free, in the event of the importer not fulfilling the terms of his contract, to hold until maturity the bonds given as collateral by the importer, or to sell them in accordance with the custom in his country in case of default. 23. In the second alternative an option of repurchasing the bonds direct must first be given for a short period to the Government which issued them. 24. If a sale is resorted to and results in a surplus beyond what is necessary to cover the claims of the exporter upon the importer, the exporter shall be held accountable for that surplus to the Government which issues the bonds.

"25. The revenues from the assigned assets shall be applied as follows, to the service of the bonds. 26. Out of these revenues, the Commission or the participating Government, as the case may be, shall purchase foreign currencies sufficient to meet at their due date the coupons on all bonds at any time outstanding in the different foreign currencies. 27. In addition, they shall establish abroad in the appropriate currencies a sinking fund calculated to redeem at maturity 10 per cent of the bonds outstanding in each of the different countries. 28. Further, in addition to the amounts provided for payment of coupons and for the endowment of the sinking fund, they shall establish out of the assigned revenues a special reserve in one or more foreign currencies for the redemption of bonds sold in accordance with paragraph 22. 29. The amount to be set aside for the special reserve shall in each case be determined by the Commission. 30. Any surplus remaining at the end of each year after the provision of these services shall be at the free disposal of the participating Government.

"31. A participating Government shall have the right to offer its own bonds as collateral for credits obtained for the purpose of importations on Government account. The previous assent of the Commission will in these cases also be required for the particular importations desired by the participating Government. 32. If a participating Government which has been in control of its assigned revenues should fail to fulfil its obligations, the exporter concerned will notify the Commission, and the Commission will apply to the Council of the League of Nations for the transfer of the management of the assigned revenues to the Commission.

"33. The consent of the Commission is necessary whenever bonds secured on the assigned assets are given as collateral, and shall as a rule be accorded only for the import of raw materials and primary necessities. 34. The Commission may, however, at its discretion, sanction in advance the importation of specified quantities of such goods. 35. Even in the case of imports under such a general sanction a notification of the particular transaction must be registered with the Commission. 36. The assent of the Commission must also be obtained in every case to the term of the credit which it is proposed to open."

The financial section of the provisional economic and financial committee stated in further reference to the above plan in its special report, the summary of which was interrupted by a detailed description of the plan, that it hesitated to ask the council to establish at once a large and expensive organization to carry out this plan, but preferred a procedure which would meet the pressing needs of the international credit situation and be adaptable to any important changes which might become necessary. An international credits department had been established, therefore, in London in March, 1921, under the direction of that well-known business man, Sir Drummond Drummond-Fraser, director of the Manchester Liverpool District Bank, who was instructed to consider the means of putting into practice the plan recommended by the Brussels International Conference, i. e., the ter Meulen plan, to examine the feasibility of the plan and if necessary to draw up statutes for the International Commission. The department had been in operation a year. The report then spoke in praise of the untiring activity, the thorough grasp of the situation, and the unselfish devotion with which Sir Drummond Drummond-Fraser had performed his task, having made both potential borrowers and potential lenders realize the scope and effectiveness of the ter Meulen plan. It had been necessary to call the attention of impoverished countries to the chance of obtaining from more fortunate nations, by means of material as well as moral guaranties, funds for the resumption of pre-war economic activities. It was also necessary to make lenders understand that in accepting credit bonds based on a restoration of public finance and a better use of the national resources of the borrowing country they would get an adequate security for repayment and bring about the stability essential to the world's development and progress. The authors of the ter Meulen scheme had realized that two elements were essential to the stability and prosperity of a country; balance in public finance between income and outgo; development of productivity. The ter Meulen plan implied that countries using it would make an effort to restore equilibrium in budgets and reduce fiduciary circulation. Furthermore, the plan not only covered importation by private persons of products enabling creditor countries to reestablish their production, but also provided for the direct use of credit bonds by the Governments.

The financial section had pointed out to possible borrowers in September, 1921, the advantage of using the ter Meulen plan as a basis for what might be termed reconstruction credits, for the guarantee of credits needed for improvement of means of communication, reorganization of factories, and in other ways for development of means of production, restoring railways, canals, ports, etc. The commercial credits available heretofore to borrowers had not been sufficient. What was needed was not a temporary accommodation but long-term credits, and these could be fully supported by the ter Meulen bonds, a real investment producing revenues in gold.

Sir Drummond Drummond-Fraser had said in his report of Sept. 6, 1921, that the ter Meulen plan could be used to help a government procure funds only for productive expenditure, that it avoided foreign interference and insured the independence of the borrowing country. The report then pointed out that in machinery such as that of the International Commission provided by the ter Meulen plan the League of Nations had at its disposal an organization having the necessary authority and at the same time beyond political control. This organization would strengthen the position of a government in its effort to effect difficult financial reforms, and at the same time inspire confidence in lenders. Potential lenders had on numerous occasions shown a favorable attitude toward the plan, while negotiations had been undertaken with a number of countries manifesting an inclination to use it as borrowers.

Sir Drummond Drummond-Fraser had made the ter Meulen plan universally familiar, and one of his greatest successes had been in impressing the plan on the favorable notice of authoritative representatives of American finance. The Federal Reserve Board of the United States had supported him in his advocacy of this plan, its bulletin of February, 1922, stating that none of the proposals for international credit had any considerable weight of public opinion behind it except the ter Meulen plan, that this plan seemed to have the support and approval of Western European as well as American bankers and financial experts, probably because it met the needs of the various types of foreign trade financing, that if the Genoa Conference could secure recognition by borrowing countries of the necessity of domestic financial reforms and by lenders of the value of the security furnished by the gold bonds the necessary machinery could be made effective almost instantly. The excellence of the ter Meulen plan over other systems lay in the fact that while giving adequate guarantees to lenders it supplied the means of assuring a substantial and constant improvement in the economic and financial condition of borrowing countries.

THE HAGUE AND THE GENOA CONFERENCE.

After making his report on the work of the economic and financial section of the provisional economic and financial committee, Mr. Bourgeois said that this work was partly concerned with discussions taking place at the Genoa conference—that it was known that some questions then under discussion at Genoa were to be referred to the league, that it was evident, therefore, that the league had not lost its prestige and that the Genoa conference had paid a tribute to the achievements of the league. The council approved the report of Mr. Bourgeois as well as the resolution already described.

Mr. Bourgeois then moved a declaration to the effect that should the resolutions taken by the Genoa conference be referred to the league, the president of the council and the secretary general be instructed to transmit them to the league's technical organizations.

SIXTH MEETING (PUBLIC), MAY 13, 1922.

CONSTITUTION OF DANZIG.

The council approved the constitution of Danzig with the addition of the amendment desired, relating to the period of office of senators.

MANUFACTURE OF AIRCRAFT IN DANZIG.

The question of the manufacture of aircraft in Danzig was referred to the permanent advisory commission on military, naval, and air questions.

ALBANIA.

The council adopted a resolution providing (1) that the council, acting on request of the Albanian Government, would retain one member and one secretary of the commission of inquiry on Albania for the present, (2) that the council send the request of the Albanian Government for economic assistance to the provisional economic and financial committee for favorable consideration, and ask said committee to send experts to Albania to report on measures for encouragement of foreign capital, (3) that the council, acting on request of the Albanian Government, request the financial section of the provisional economic and financial committee to propose to the council at the next session a list of candidates for the post of financial adviser to the Albanian Government, and that the request of said government for other technical advisers be postponed to a subsequent session, (4) that the reports of the commission of inquiry now under consideration be sent to the conference of ambassadors, whose attention should be called to the Albanian-Greek frontier, with an expression of hope that it might be defined as soon as possible, (5) that grateful recognition be accorded the commission of inquiry for its work in Albania, which had helped to pacify the country, restore better relations with neighboring people, and increase the prestige of the League of Nations.

REPORTS OF MILITARY COMMISSION OF CONTROL AT VILNA.

The council decided that the reports of the Military Commission of Control at Vilna should be published, leaving to the president of the council and the secretary general the selection of the date for publication, the date, however, to be well before the next assembly.

SEVENTH MEETING (PUBLIC), MAY 15.

COMMITTEE ON QUESTIONS OF INTELLECTUAL COOPERATION.

Pursuant to its decision of January 14, 1922, carrying out the Second Assembly's Resolution of September 21, 1921, the council decided to ask the following persons to be members of a committee to examine questions relating to intellectual cooperation from the international point of view: D. N. Banerjee, professor of political economy at the University of Calcutta; M. H. Bergson, honorary professor of philosophy at the College de France, member of the Académie Française, member of the Académie des Sciences morales et politiques; Mlle. Bonevieve, professor of geology at University of Christiania, delegate to the Assembly of the League of Nations; M. A. de Castro, director of the Faculty of Medicine at the University of Rio de Janeiro; Mme. Curie-Sklodowska, professor of physics at University of Paris and honorary professor of University of Warsaw, member of Académie de Médecine at Paris, and of Scientific Society of Warsaw; M. J. Destru, former minister of sciences and arts, member of the Académie belge de littérature et de langue française; A. Einstein, professor of physics at University of Berlin, member Royal Academy of Amsterdam, Royal Society of London, Academy of Sciences at Berlin; G. A. Murray, professor of Greek philology at Oxford University, member of the Council of the British Academy, delegate of South Africa to the assembly of the League of Nations; M. G. de Reynold, professor of French Literature at the University of Berne; M. F. Ruffini, professor of ecclesiastical law at the University of Turin, former minister of public education, president of the Union of Associations for the League of Nations, vice president of Royal Academy at Turin; M. L. de Torres Quevedo, director of the "Laboratorio Electro-mechanico" at Madrid, member of the committee for the extension of scientific studies, member of the Academy of Sciences of Madrid.

The appointment of the twelfth member was postponed to a later date.

MINORITIES IN LITHUANIA.

The council resolved that it took note of the declaration signed at Geneva on May 12 by the Lithuanian representative in the name of his Government concerning the protection of minorities and that it decided that the stipulations of this declaration, in so far as they affected religious, racial, or linguistic minorities, should be placed under the guarantee of the League of Nations from the date on which they had been ratified by the Lithuanian Government, and that the Lithuanian Government be asked to inform the secretary general of its ratification as soon as possible.

EIGHTH MEETING (PUBLIC), MAY 16.

FAMINE IN RUSSIA; NORWEGIAN PROPOSAL.

After considering the Norwegian Government's proposal that the council appoint a commission of inquiry to report on the famine in Russia, the council resolved to send a recommendation to the Geneva Conference, or to some commission set up by that conference, that careful consideration be given the Norwegian Government's proposal for coordinating the mass of information now available in western Europe respecting the realities of contemporary Russian life as affected by starvation and disease and as to the effect of those conditions on European economic reconstruction.

DISPUTE BETWEEN LITHUANIA AND POLAND.

The council intrusted Mr. Hymans with the task of taking up with representatives of Lithuania and Poland the matter of an administrative line of demarcation in the neutral zones established by the council's military commission, pending a permanent settlement, and also the question of mutual amnesty for the ending of reprisals.

BUDGET FOR 1923.

The council instructed the secretary general to forward the report of the Commission of Control on the Budget of 1923 to the members of the league, the members of the council reserving the right to amend or discuss the budget through their representatives during the next assembly should they in the meantime find it impossible to examine the budget.

LEAGUE'S RELATION TO LOAN BY BARING BROS., LONDON, TO CZECHO-SLOVAKIA.

The secretary general brought to the council's attention clauses in a loan contract, involving the sum of £10,000,000, between Baring Bros., London and Czechoslovakia, making the council an arbitrator in the event of certain contingencies

or difficulties. The contract had been submitted to the council through the secretary general by the parties who stated that it was in line with the council's endeavors to facilitate international credits essential to the economic reconstruction of Europe and in accord with the work done by the financial section of the league's financial and economic committee. The council decided to instruct the financial section to consider what responsibilities the council would incur as a result of the arbitration clauses in the proposed loan arrangement and whether the council should approve it.

NINTH MEETING (PUBLIC), MAY 16.

UPPER SILESIA.

The council on request of the conference of ambassadors appointed Mr. Calonder president of the mixed committee for Upper Silesia, and also, on similar request, appointed Mr. Kaeckenbeeck president of the court of arbitration for Upper Silesia. Following out the German-Polish agreement on Upper Silesia the council placed the stipulations therein regarding protection of minorities under guarantee of the League of Nations, said stipulations to the subject to further consideration by the council at its next session.

REPATRIATION OF PRISONERS OF WAR.

Doctor Nansen, the League's High Commissioner for Repatriation of Prisoners of War, stated that the work was nearly finished, and gave an account of his recent efforts in behalf of Turkish prisoners and prisoners in Russia.

TRAFFIC IN OPIUM.

Mr. Hymans reviewed before the council the work of the advisory committee on the opium traffic. He said that the gravest difficulties attended the problem of controlling the opium traffic, difficulties the committee had not tried to evade or minimize. The committee had pointed out that in some parts of the world the cultivation of the poppy was far in excess of the world's legitimate requirements; that in Europe and America morphine was being manufactured in enormous quantities and was being sent into countries whose natives had never been addicted to this drug until recently. The Chinese delegate had asked the committee why countries permitted their manufacturers to make and export morphine to poison the people of the world, and had asked if this was a policy of civilization. The committee believed that civilized countries must cooperate against the evil; that there must be control of exports and imports by all countries if the trade of the countries exercising supervision was not to suffer; that the countries frankly admitting that they had become centers of illicit traffic could only fulfill their promises for the future if they had the support of exporting countries; that only through a frank exchange of information could the extent of cultivation and manufacture become known. The committee urged the council, therefore, to appeal again to all countries to become parties to the opium convention of 1912, to make an annual report to the league on their cultivation, production, and manufacture of opium, its derivatives and other dangerous drugs; to state their requirements for internal consumption, and to adopt an import certificate which the committee thought should be in use on September 1, 1922, in Europe, America, Africa, and Australia, and by January 1, 1923, in all other countries. The committee had shown that a country remaining outside the convention might be made a center for the illicit traffic; urged the especial importance of Persia and Switzerland, both members of the league, becoming parties to the convention as soon as possible. The committee believed that of those States not members of the league and not parties to the convention, the most important in connection with the opium traffic was Turkey, and had pointed out that the ratification of the opium convention by Turkey was a term of the Sevres treaty, asking that in any fresh treaty with Turkey a similar provision be made.

The committee had given special attention to the increasing abuse of cocaine, and had asked all countries to send information as to annual legitimate requirements. The committee was aware that a large illicit traffic in morphine and cocaine existed in western Europe and America as well as the Far East, that in spite of the activity of the police and the heavy penalties imposed it was difficult to check because the drugs could be secretly conveyed with such ease and because so far it had been impossible to discover the means by which the drugs were obtained or the persons organizing the traffic, that the most effective method of stopping the traffic was to control production, a method which ought not to be difficult in the case of cocaine because its manufacture was an elaborate process and could be undertaken only by expert chemists. Cocaine was employed in a much smaller degree and for much fewer purposes than morphine, and it would be easier to estimate the world's requirements. The committee realized that the world's production of opium, morphine, heroin, cocaine and other drugs must be ascertained, as well as the legitimate requirements of each country for domestic consumption. The next step would be a comprehensive policy enabling the league to aid in striking at the root of the matter by recommending limitation of world supply to needs for legitimate purposes, the control of imports and exports, and effective national legislation in all countries. A large number of countries had recently passed legislation for more effective supervision. Cooperation of countries not yet in the league was essential. Germany had helped by appointing a member of the advisory committee, and the committee hoped that it might yet obtain the active cooperation of the United States, a party to the opium convention, and one of the largest morphine manufacturing and exporting countries in the world.

A resolution had been passed by the committee that the council should, if necessity arose, invite the governments to facilitate investigations in their territories by commissioners appointed partly by governments concerned and partly by the league. The committee had accepted the offer of the league of Red Cross societies to undertake through its National Red Cross societies active propaganda work against the abuse of opium.

Serious objection had been made by one of the members of the committee to certain paragraphs of a resolution adopted by the committee; that it might be necessary for the council to refer these paragraphs back to the advisory committee for further consideration; that in such event they should be discussed at a private meeting.

The council decided on further discussion in private.

TENTH MEETING (PRIVATE), MAY 16, 5.30 P. M.

After eliminating the paragraphs objected to, which reflected on China's handling of the opium problem, it appearing that China was making every effort against it within her power, the council resolved that the Chinese Government be asked to invite the International Anti-Opium Association in Peking to nominate a representative as member of the Chinese Commission of Investigation and authorize this member to transmit through the Chinese Government a report to the league in addition to the general report of the Commission of Investigation. The rest of the report was approved after the objectionable paragraphs had been eliminated.

ELEVENTH MEETING (PUBLIC), MAY 17.

ADMISSION TO PERMANENT COURT OF NONMEMBER STATES, ETC.

The council adopted a revised form of the resolution passed at the third meeting of the present session relating to admission to Permanent Court of International Justice of States not members of the league nor mentioned in the annex to the covenant. The revised form was substantially the same as the original.

RUSSIAN REFUGEES.

Mr. Adatci, representative of Japan, announced that his Government was ready to contribute 30,000 yen to the fund for the assistance of the Russian refugees at Constantinople—a sum equal to one-seventh of the necessary £20,000 yet to be subscribed—the contribution being made on condition that the rest would be given by other members.

DRAFT MANDATE FOR PALESTINE.

Lord Balfour, discussing further the placing of the Palestine mandate on the agenda for the present session, said that he had hoped that progress could have been made at that session toward a final settlement of all mandates in the Middle East; that further delay, however, did not mean that the general policy of the Allied and Associated Powers and of the League had been modified in any way; that the Treaty of Sevres and its remodeling had nothing to do with the policy of mandates in the Middle East or elsewhere.

He regretted the necessity of postponing again the discussion of the Palestine mandate because the task involved was one of great delicacy and difficulty, requiring large pecuniary resources. Little progress could be made until the economic capacities of Palestine had been so developed as to enable it to support a much larger population in much greater comfort than was now possible. The difficulty of obtaining capital made it necessary for the mandate to go into effect as soon as practicable.

The delay in connection with the Palestine mandate had not been generally understood. It was due to no indecision on the part of the allied and associated powers, or of the council, or the mandatory powers. It had always been contemplated, he continued, that the United States, having signed the peace treaties, would also ratify them, and would become, in that sense, a full party to the responsibilities and work of the allied and associated powers; that the United States had not ratified but had naturally claimed that this fact did not interfere with

her rights and duties as one of the allied and associated powers in respect to the territories secured through the victory of said powers. The United States had claimed, he said, a voice in the mandates question, and this had necessitated fresh discussions of the mandate problem. The Palestine mandate had been discussed by the British Government and the United States Government, and the latter had accepted the entire principle of that mandate. This had all to be embodied in a treaty, and it was on the very eve of the present session of the council that the British Government had received a final statement from the United States. For this reason notice had not been given the Governments at an earlier date of the speaker's intention to ask for a discussion at the present session of the mandate. Members of the council naturally wished further time.

The powers of the league regarding mandates, he continued, had not been fully understood by the public. They were not the creations of the league and could not be altered in substance by it. It was the league's function to see that the specific and detailed terms of mandates were in accordance with the decisions taken by the allied and associated powers, the mandatory powers in carrying out these mandates being under the supervision but not the control of the league. The league had the necessary organization to obtain the fullest information as to the method in which each mandatory power was carrying out its mandate.

Mr. SHIELDS. Mr. President——

Mr. SHEPPARD. I yield for a question.

Mr. SHIELDS. I desire to ask the Senator if in his investigations he has found whether or not the League of Nations has exercised any control over these mandates, especially under the provision that periodical, perhaps annual, reports of the action of the power having the mandate should be made to the League of Nations, and whether really these mandates have been treated as annexations, and the term "mandate" really just as a euphonious name for annexation; and is there any difference between an annexation of territory and a mandate in actual practice by the several nations to which the German colonies were allocated?

Mr. SHEPPARD. I shall cover all those points in the proceedings which I am about to describe. The "C" mandates were ratified in 1920. The "A" and "B" mandates were ratified last summer, except——

Mr. SHIELDS. Ratified by whom?

Mr. SHEPPARD. By the league council and declared to be in harmony with the spirit of the covenant; and the proceedings I am now about to relate will cover those points in considerable detail.

Mr. SHIELDS. Do they show that Great Britain and France in any way deferred to the council or the assembly of the League of Nations as to how they should conduct these great territories that were allotted to them as mandates under the treaty? I do not believe they were allotted directly under the treaty, but by the council of the premiers of the great powers, as I remember.

Mr. SHEPPARD. They were submitted to the council, and they have been approved by the council, except perhaps one, Mesopotamia, as to which final action by the council has not yet been taken; but I am setting out in the course of these proceedings a "B" mandate in detail and an "A" mandate in detail, so that the Senator can see the exact provisions; and in my address of October 5, 1921, I set out a "C" mandate in full. Those mandates have met the approval of the council.

The speaker then stated that a mandate was a self-imposed limitation by the conquerors on the sovereignty they exercised over the conquered territory; that in the general interest of mankind the allied and associated powers had placed this limitation on themselves; had asked the league to assist them in seeing that this general policy was put into effect, but that the league was not the author of the policy; that the duty of the league, most responsible and onerous, was, first, to see that the terms of the mandates conformed to the principles of the covenant; and, second, that these terms would in fact regulate the policy of the mandatory powers in the mandated areas.

Fears had been expressed by some, he said, that the Palestine mandate would injuriously affect certain Christian interests. His reply was that he did not see how anyone could suppose that Christian interests would suffer by transfer of power in Palestine from a Mohammedan power to a Christian power, especially when that Christian power was Great Britain. He said that no power had been fairer in its treatment of different religious creeds than Great Britain. Furthermore, whatever was done in Palestine at the moment or in the future was in the full light of day. The machinery of the mandate commission, of the council, and the assembly was so shaped as to direct the full glare of public opinion on all mandatory transactions.

After discussion by several other representatives the council decided to postpone further debate until its next session, which it resolved should assemble not later than July 15; and decided further that at the next session all outstanding mandates would be considered, if possible.

DISPUTE BETWEEN LITHUANIA AND POLAND.

The council, again taking up the Poland-Lithuania dispute, resolved that since difficulties were involved in the maintenance between these two countries of a neutral zone, which was at present deprived of regular administration, and since the council's recommendation of January 13, 1922, to the effect that this zone be abolished and a provisional line of demarcation fixed by agreement between the two Governments, received the consent of Poland, but was not accepted by Lithuania, the council considered it desirable from the military point of view to maintain the neutral zone through its entire extent, but renewed its recommendation as to the need of a provisional line of demarcation crossing this zone, for the purpose of the civil and judicial administration of the communes situated in the zone, and that a commission be sent by the council to study the line which might eventually be adopted and report to the council.

The resolution also requested both Governments, in the interests of peace, to annul, by act of clemency, legal proceedings in Lithuania, Poland, or the disputed territory against all persons detained or expelled for political reasons and not charged with offenses against common law.

The resolution was adopted over the protest of Lithuania, Poland consenting.

RESOLUTIONS OF HEALTH CONFERENCE AT WARSAW.

The secretary general reported that the indications were that the Genoa conference would approve the principles of the resolutions of the Warsaw Health Conference, transmitted by the council, and would recommend to the Governments concerned that they examine forthwith the methods of carrying them into effect; that the resolutions had been placed on the agenda of the Genoa conference and referred to a committee.

The council instructed the secretary-general to keep in touch with the Genoa conference, to report any further action, and to keep in contact with the Governments represented at the Warsaw conference, which had declared an interest in carrying out its program.

Mr. Chodzko, Polish minister of health, came to the council table and reviewed the work of the Warsaw Health Conference, stating that it had been summoned by the health organization of the league at the instance of Poland. Its resolutions had been unanimously adopted, a fact all the more remarkable because this was the first international conference at which representatives of nations formerly enemies had met together.

WORK OF PERMANENT ADVISORY COMMISSION ON MILITARY, NAVAL, AND AIR QUESTIONS.

The Permanent Advisory Commission on Military, Naval, and Air Questions reported through its chairman, Rear Admiral de Magaz, on the three questions submitted to it by the council. The first concerned the definition of the term, "Munitions and implements of war," in paragraph 5, article 8 of the covenant, the definition decided upon by the commission being that the term referred to material used exclusively for fighting. The second question concerned the destruction of surplus stocks of munitions, and these the commission considered had been destroyed or were in process of destruction, the problem having in this way been solved. The third question concerned the private manufacture of arms, and the commission replied that inasmuch as the temporary mixed commission on armaments had in charge preparations for an international conference on this subject and was also considering it, the permanent commission held itself ready to study from the technical viewpoint any specific questions arising in the course of the investigations by the temporary commission which the latter might refer to it.

Lord Balfour, commenting on the report in reference to surplus stocks, said that the ratification of the Arms Traffic Convention lay at the root of every effective measure against the export of arms; that the council could not consider that it was dealing effectively with the export of arms as long as that treaty remained unratified. The Council requested the Secretariat to prepare a report on this matter.

TWELFTH MEETING (PUBLIC), MAY 17, 1922.

MANUFACTURE OF AIR MATERIAL AT DANZIG.

The council, after hearing the report of the air subcommittee of the Permanent Advisory Commission on Military, Naval and Air Questions, decided to sustain the report declining to modify the regulations preventing the making of military aircraft in Danzig and permitting only civil craft, as requested by the president of the Danzig Senate.

POLAND-DANZIG RELATIONS.

General Haking, the league's high commissioner for Danzig, stated that Danzig and Poland had agreed on all questions at issue, such as conduct of Danzig's foreign relations by Poland, status of Polish property in Danzig, etc., and suggested that the council make a rule that after a decision by the high commissioner the two parties come together within the 40 days allowed them and try to agree before appealing to the council. The council agreed to this suggestion.

GERMAN MINORITIES IN POLAND.

The council, after hearing a report on the German minorities in Poland, resolved that a copy be sent the Polish Government with the request that detailed information on the questions of fact and law in the report be forwarded as soon as possible to the council; that a representative of the Polish Government be invited to consider, in company with the secretary general, the questions of law in order to help the council to decide whether, and if so, on what questions the Permanent Court of International Justice should be asked to give an opinion; that the Polish Government be requested to postpone until the council should have an opportunity to reach a decision, any administrative or judicial matters likely to affect persons of German origin engaged in agricultural work who were Polish subjects, or whose status as Polish subjects was dependent on the question of interpretation raised in the report.

ADJOURNMENT.

The council then adjourned its eighteenth session, after agreeing to hold an extraordinary session not later than July 15, and the next regular session, about a week before the opening of the third assembly.

LIMITATION OF ARMAMENT.

The official journal of the league contains replies from Belgium and Denmark to the second assembly's letter on disarmament, saying they had covered the subject in their replies to the letter of the first assembly.

Greece replied on April 10, 1922, that in view of the war with Turkey it was impossible to publish at the moment information regarding its military strength and stores, and to estimate military expenses for 1922 and 1923.

Peru replied that its war expenditure would be 1,000,000 Peruvian pounds for 1921, and 900,000 for 1922.

ARMS TRAFFIC CONVENTION; GREECE, HUNGARY, MEXICO, MONACO, SALVADOR.

As to the Arms Traffic Convention Greece advised the Secretary General that its Government had ratified in 1920.

Hungary replied that its Government was prepared to adhere to the convention on the control of the traffic in arms and munitions and to the protocol signed at St. Germain-en-Lay September 10, 1919, but under the Hungarian constitution had first to obtain legislative sanction and a decision of the governor of Hungary.

Mexico replied that the league's letter of inquiry regarding the Arms Traffic Convention had been referred to the President of Mexico, who would take such action as he deemed appropriate.

Monaco replied that in view of the fact that article 23 of the Arms Traffic Convention limited adhesion to States, members of the league, it was prepared to adhere on admission to the league.

Salvador acknowledged receipt of the letter regarding the Arms Traffic Convention, but did not indicate what action it would take.

LETTER OF SECRETARY OF STATE OF UNITED STATES ON RUSSIAN REFUGEES.

The League's official journal contains a letter from the Secretary of State of the United States to Doctor Nansen, received by him May 23, 1922, stating that he had received a letter from Doctor Nansen, in his capacity as commissioner of the League for Russian refugees, requesting the United States Government to grant Russian students and refugees in the United States permission to attend, without charge, if possible, the institutions of secondary teaching and the universities in the United States, stating further that the colleges and universities in the United States were under private control and that the United States had no direction over them; that there were in the several States free public schools, embracing primary, secondary, intermediate, and high school courses of study; that while these schools were governed by State statutes or municipal ordinances and not by Federal law, the State Department knew of no reason to prevent Russian residents in the United States entering these schools on an equality with other residents of the community.

EVACUATION OF RUSSIAN REFUGEES AT CONSTANTINOPLE.

Toward the desired fund of 30,000 pounds for the evacuation of Russian refugees from Constantinople, the League's journal for July, 1922, shows that Brazil had subscribed 500 pounds, Chinese Government 5,000 French francs, Switzerland 10,000 francs, Belgium 50,000 francs.

MUTUAL INSURANCE OF NATIONS AGAINST PUBLIC CALAMITIES.

The official journal contains a letter from the president of the Geneva Conference to the president of the council transmitting, by direction of the conference, the suggestion of Senator Ciraolo, president of the Italian Red Cross, for a system of mutual insurance of nations against public calamities, under the administration of the Red Cross, the suggestion having been adopted by the Tenth International Conference of the Red Cross.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

The league's official journal for August, 1922, shows that China had ratified the statute of Permanent Court of International Justice and the optional clause for compulsory jurisdiction on May 13, 1922, and Lithuania had done likewise May 16, 1922.

LIMITATION OF ARMAMENTS: INDIA, COLOMBIA, CZECHOSLOVAKIA, POLAND.

India replied to the second inquiry regarding limitation of armament for the two succeeding fiscal years that the budget for military expense in 1921–22 contemplated 622,000,000 rupees, but owing to abnormal frontier conditions had amounted to 650,100,000 rupees; that the estimate for 1922–23 was 621,800,000 rupees, with reductions under consideration.

Colombia replied that it would expend about 1,000,000 gold pesos less for military purposes in 1922 than in 1921; that expenditures for such purposes were amounting to about 10 per cent of its entire budget.

The Czecho-Slovak Republic replied that its military expense amounted in 1919 to 20.20 per cent of the total budget, in 1920 to 15.47 per cent, in 1921 to 14.20 per cent, in 1922 to 15.69 per cent; that a substantial reduction would have been shown but for the pronounced rise in cost of equipment and armaments; that its military budget was well on the way to the goal of the second assembly's resolution, viz, a military expenditure confined to minimum requirements.

Poland replied that on account of its peculiar military position it was unable at present to assume the suggested obligation; that it was nevertheless sparing no effort to reduce its military budget to a reasonable minimum; that its military expenditure had been reduced from $122,400,000 in 1920 to $69,327,696.98 in 1921; that the expense for the current year would not exceed $60,000,000; that Poland was still engaged in creating her army; that she possessed neither stocks of war material nor factories for its manufacture; that in this respect she was more unfavorably situated than other western powers; that in view of these facts her small military budget was convincing proof of her fundamentally pacific intentions; that she believed thoroughly in the mission and spirit of the league.

SAAR BASIN.

The official journal contains the twelfth periodical report of the governing commission for the Saar Basin, covering April to June, 1922. It concludes by stating that the second quarter of 1922 in the Basin had shown distinct recovery in economic activity—that it was hoped that the actitivities of the advisory committee elected on June 25, 1922, would bring about a still better development.

NINETEENTH SESSION OF COUNCIL, LONDON, JULY 17–24, 1922.

At the nineteenth session of the council held at London, July 17–24, 1922, member nations were represented as follows: Spain, Mr. Quinones de Leon (president); Belgium, Mr. Paul Hymans; Brazil, Mr. da Gama; China, Mr. Tang Tsai-Fou; British Empire, Lord Balfour and Mr. H. A. L. Fisher; France, Mr. René Viviani; Italy, Marquis Imperiali; Japan, Viscount Ishii.

FIRST MEETING (PUBLIC), JULY 17.

TRANSFER OF SOCIAL INSURANCE FUNDS FROM GERMANY TO POLAND.

By authority of article 312, Treaty of Versailles, the council approved a report of the commission appointed to arrange the transfer from Germany to Poland of certain social insurance funds for former German territory ceded to Poland.

TRAFFIC IN WOMEN AND CHILDREN.

Mr. da Gama presented a report on the work of the advisory committee on traffic in women and children during its first

session at Geneva, from June 28 to July 1, 1922, a report recommending, among other things, that the United States and Germany be invited to appoint members of the committee—that the council request all Governments to become parties to the convention of 1921 on the traffic, and to ask all governments signatory to the 1904 or 1921 convention to appoint central authorities under article 1 of the 1904 agreement, if they had not already done so.

The report has drawn attention, said the speaker, to the importance of intercommunication between these authorities and urged that the league secretariat keep in closest possible touch with them; had made recommendations in connection with the employment of women, and certain suggestions in connection with emigration for consideration of the International Emigration Commission of the labor office at its next meeting, and had concluded by stating that the suppression of the traffic could be secured only through constant vigilance by all governments and interested voluntary international associations, and their intimate cooperation in carrying out the international agreement and conventions.

The report was adopted and the secretary general instructed to carry into effect its suggestions.

SECOND MEETING (PRIVATE), JULY 18.

PUBLICITY OF PROCEEDINGS.

A letter was read from President Harris, of the Association of Journalists, accredited to the league, protesting against the rumored intention of the council to discuss mandates largely, if not wholly, in private. Reserving the right to hold private meetings where the situation seemed to justify it, the council decided that the B mandates should be considered in public.

THIRD MEETING (PUBLIC), JULY 18.

THE "B" MANDATES.

Viscount Ishii presented a report on the B mandates. He called attention to the fact that the B mandates had been considered at the Paris session of the council in February, 1921, and that the speaker had submitted a report on the drafts then submitted for approval; that various circumstances, especially a note from the United States, induced the council to postpone final decision. He said that at that time the council asked the Government of the United States to be good enough to send a representative to the next session of the council; that at the session held on June 17, 1921, Mr. da Cunha announced that the League of Nations had not received any reply to the invitation nor any information giving accurate knowledge of the views of the United States Government; that Mr. da Cunha then addressed a letter to the principal allied powers asking them on behalf of the council to negotiate with the United States on this subject. He added that at the following session, on September 3, 1921, the situation was still unchanged, and the secretary general was requested to send a new letter to the principal allied powers expressing the council's desire that the negotiations which had been entered into at the council's request with the United States should be speedily concluded.

Viscount Ishii then referred to the fact that on May 11, 1922, at Geneva, Lord Balfour had, in the name of Great Britain, informed the council that the negotiations with the United States, regarding the Palestine mandate, had resulted satisfactorily to both parties; that he had asked the council to meet again at an early date to make a final decision on this mandate; that the council agreed to his request, expressing the hope that an agreement with the United States would soon be made in regard to the other draft mandates which were still undetermined. The speaker then stated that the British and French B mandates had reached the secretariat about a week before; that it was gratifying that the obstacles delaying decision had been removed; that as to the Belgian mandate for Ruanda Urundi in East Africa there was no new text and since he had already commented thereon in a former report he would confine himself at present to the British and French mandates of which modifications had been made.

He said that the new draft mandates resulting from conversations with the Government of the United States differed but slightly from the texts discussed in February, 1921; that he would point out the differences and recall his comments on certain points where it appeared to him, and still did so, that slight changes might properly be made.

The majority of the proposed changes, he continued, were purely verbal, and he would direct attention to those which were substantial, there being five of these.

The first occurred in Art. 7 of the British draft mandate for East Africa and in Art. 6 of the British and French draft mandates for Togoland and the Cameroons, taking the form of additional words designed to add greater precision to the obligation of the mandatory to refrain from granting concessions having the character of monopoly, being in accord, therefore, with the spirit of the covenant and calling for no comment.

The second change was in the article concerning freedom of conscience and free exercise of all forms of worship. Article 8 of the British mandate for East Africa in its new form restricted the rights granted to missionaries only to such as were nationals of States members of the League of Nations and brought the mandate into uniformity with the provisions in this respect in the mandates for Togoland and the Cameroons, which in the earlier drafts were not in complete uniformity. The corresponding article in the mandates for Togoland and the Cameroons was article 7. The new text extends the facilities previously granted to missionaries who were natives of States members of the League of Nations, thus removing a deplorable difference on this point between the two drafts to which the speaker had called attention in his first report.

The third change was in the Togoland and Cameroons mandates. The words "subject to the following provisions" had been replaced by the words "subject to the above provisions" at the end of the first paragraph of article 9. This same condition ought to be placed in article 3 of the British draft for East Africa.

The fourth change was the insertion of the words "provided always that the measures adopted to that end do not infringe the provisions of the present mandate," in the second paragraph of article 9 of the British and French mandates for Togoland and the Cameroons, thus very wisely limiting the scope of preceding provisions regarding the constitution of customs, postal, or administrative unions or federations which might be established between Togoland and the Cameroons and adjacent territories.

The fifth change was the deletion in article 12 of the British draft for East Africa and in article 11 of the British and French drafts for Togoland and the Cameroons of a sentence authorizing the council to approve by majority vote any modification in the mandates proposed by the mandatories. This sentence had already been deleted from the C mandates and the council would doubtless be pleased with its disappearance from the others.

The speaker said that all these changes showed a desire to adhere as faithfully as possible to the spirit of the covenant. He renewed his recommendations of certain changes in the mandates in his report in February, 1921, which he said had not been followed in the new drafts.

It was explained in the discussion following the report that the modifications last referred to were questions of form, and intended to bring the texts of B mandates into conformity with C mandates which had been approved by the council in 1920.

The secretary general suggested that the necessary modifications be intrusted to a drafting committee composed of representatives of the mandatory powers, Viscount Ishii, and the director of the mandates section.

Lord Balfour expressed agreement, but wished to raise another question. Negotiations had occurred regarding mandates between the mandatory Governments on the council and the United States Government. Lord Balfour said he was happy to state that complete agreement had been reached between the British Government and the Government of the United States regarding B mandates and the Palestine mandate. As to the B mandates there remained only the question of the wording of article 8 of the draft mandate for East Africa, providing freedom of conscience and free exercise of their calling by all missionaries who were nationals of any State member of the league. The original text had been as follows:

"Subject to the provisions of any local law for the maintenance of public order and public morals the mandatory shall insure to the territory freedom of conscience and free exercise of all forms of worship and shall, *subject to such control as may be necessary for the maintenance of good government*, allow all missionaries, nationals of any State member of the League of Nations, to enter into, travel, and reside in the territory for the purpose of prosecuting their calling, to acquire and possess property, to erect buildings for religious purposes, and to open schools."

The United States, said Lord Balfour, had interpreted the words "subject to such control as may be necessary for the maintenance of good government," as limiting and almost invalidating the effect of the whole article, holding that they did not cover any situation not already met by the opening words of the clause above quoted, viz., "Subject to the provisions of any local law for the maintenance of public order and public morals." The British Government did not agree to this contention but to avoid prolonged discussion, it was proposed to have recourse to a corresponding article from the Americo-

Japanese treaty concerning Yap and other islands north of the equator, and to substitute it with such changes as might be proper. Said corresponding article seemed identical with the earlier draft of article 8 and as adapted to the mandate under discussion would read:

"The mandatory shall insure in the territory complete freedom of conscience and free exercise of all forms of worship consonant with public order and morality. Missionaries who are nationals of States members of the league shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings, and to open schools throughout the territory, it being understood, however, that the mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government and to take all measures required for such control."

Lord Balfour then asserted that it was assumed by the British Government that the United States Government could have no possible objection to this text, having already accepted it in the Yap treaty; that he had therefore telegraphed to His Majesty's representative in Washington stating that he was telling his colleagues on the council that the British and United States Governments had agreed on all points of importance affecting the administration of mandated territory in Africa. He said that the British ambassadors in Paris and Brussels had at the same time communicated the revised text to the French and Belgian Governments in the hope that they would agree to corresponding changes in their mandates relating to Togoland, the Cameroons, and German East Africa.

The council then approved the B mandates, subject to such textual changes as might be suggested by the drafting committee which the council authorized in accordance with the proposal of the secretary general.

TEXT OF "B" MANDATE.

It will be of value to insert here the text of a B mandate, and I have selected for this purpose the French mandate for Togoland. The other B mandates are the Belgian mandate for East Africa (comprising the territory of Ruanda-Urundi), the British mandate for the Cameroons, French mandate for the Cameroons (the territory of the Cameroons being divided between British and French mandates), the British mandate for Togoland (Togoland being also divided between British and French mandates), British mandate for East Africa (East Africa being divided between British and Belgian mandates), and the terms of all are alike.

FRENCH MANDATE FOR TOGOLAND.

"The Council of the League of Nations:

"Whereas by article 119 of the treaty of peace with Germany, signed at Versailles on June 28, 1919, Germany renounced in favor of the principal allied and associated powers all her rights over her oversea possessions, including therein Togoland; and

"Whereas the principal allied and associated powers agreed that the Governments of France and Great Britain should make a joint recommendation to the League of Nations as to the future of the said territory; and

"Whereas the Governments of France and Great Britain have made a joint recommendation to the Council of the League of Nations that a mandate to administer in accordance with article 22 of the covenant of the League of Nations that part of Togoland lying to the east of the line agreed upon in the declaration of July 10, 1919, of which mention is made in article 1 below, should be conferred on the French Republic; and

"Whereas the Governments of France and Great Britain have proposed that the mandate be formulated in the following terms; and

"Whereas the French Republic has agreed to accept the mandate in respect of the said territory and has undertaken to exercise it on behalf of the League of Nations;

"Confirming said mandate, defines its terms as follows:

ARTICLE 1.

"The territory over which a mandate is conferred upon France comprises that part of Togoland which lies to the east of the line laid down in the declaration signed on July 10, 1919, of which a copy is annexed hereto.

"This line may, however, be slightly modified by mutual agreement between His Britannic Majesty's Government and the Government of the French Republic where an examination of the localities shows that it is undesirable, either in the interest of the inhabitants or by reason of any inaccuracies in the map, Sprigade 1:200,000, annexed to the declaration, to adhere strictly to the line laid down therein.

"The delimitation on the spot of this line shall be carried out in accordance with the provision of said declaration.

"The final report of the mixed commission shall give the exact description of the boundary line as traced on the spot; maps signed by the commissioners shall be annexed to the report. This report with its annexes shall be drawn up in triplicate: One of these shall be deposited in the archives of the League of Nations, one shall be kept by the Government of the Republic, and one by His Britannic Majesty's Government.

ARTICLE 2.

"The mandatory shall be responsible for the peace, order, and good government of the territory and for the promotion to the utmost of the material and moral well-being and the social progress of its inhabitants.

ARTICLE 3.

"The mandatory shall not establish in the territory any military or naval bases, nor erect any fortifications, nor organize any native military force except for local police purposes and for the defense of the territory.

ARTICLE 4.

"The mandatory:

"(1) Shall provide for the eventual emancipation of all slaves and for as speedy an elimination of domestic and other slavery as social conditions will allow;

"(2) Shall suppress all forms of slave trade;

"(3) Shall prohibit all forms of forced or compulsory labor except for essential public works and services and then only in return for adequate remuneration;

"(4) Shall protect the natives from measures of fraud and force by the careful supervision of labor contracts and the recruiting of labor;

"(5) Shall exercise a strict control over the traffic in arms and ammunition and the sale of spirituous liquors.

ARTICLE 5.

"In the framing of laws relating to the holding or transfer of land the mandatory shall take into consideration native laws and customs, and shall respect the rights and safeguard the interests of the native population.

"No native land may be transferred, except between natives, without the previous consent of the public authorities, and no real rights over native land in favor of nonnatives may be created except with the same consent.

ARTICLE 6.

"The mandatory shall secure to all nationals of States members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, and acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

"Further the mandatory shall ensure to all nationals of States members of the League of Nations, on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial, and industrial equality; except that the mandatory shall be free to organize essential public works and services on such terms and conditions as he thinks just.

"Concessions for the development of the national resources of the territory shall be granted by the mandatory without distinction on grounds of nationality between the nationals of all States members of the League of Nations, but on such conditions as will maintain intact the authority of the local government.

"Concessions having the character of a general monopoly shall not be granted. This provision does not affect the right of the mandatory to create monopolies of a purely fiscal character in the interest of the territory under mandate and in order to provide the territory with fiscal resources which seem best suited to the local requirements; or, in certain cases, to carry out the development of natural resources, either directly by the State or a controlled agency, provided that there shall result therefrom no monopoly of natural resources for the benefit of the mandatory or his nationals, directly or indirectly, nor any preferential advantage which shall be inconsistent with the economic, commercial, and industrial equality hereinbefore guaranteed.

"The rights conferred by this article extend equally to companies and associations organized in accordance with the law of any of the members of the League of Nations, subject only to the requirements of public order, and on condition of compliance with the local law.

ARTICLE 7.

"The mandatory shall insure in the territory complete freedom of conscience and the free exercise of all forms of worship consonant with public order and morality; missionaries who

are the nationals of state members of the League of Nations shall be free to enter the territory and to travel and reside therein, to acquire and possess property, to erect religious buildings and to open schools throughout the territory; it being understood, however, that the mandatory shall have the right to exercise such control as may be necessary for the maintenance of public order and good government, and to take all measures required for such control.

ARTICLE 8.

"The mandatory shall apply to the territory any general international conventions applicable to his contiguous territory.

ARTICLE 9.

"The mandatory shall have full powers of administration and legislation in the area subject to the mandate. This area shall be administered in accordance with the laws of the mandatory as an integral part of his territory and subject to the above provisions.

"The mandatory shall therefore be at liberty to apply his laws to the territory subject to the mandate with such modifications as may be required by local conditions and to constitute the territory into a customs, fiscal, or administrative union or federation with the adjacent territories under his sovereignty or control, provided always that the measures adopted to that end do not infringe the provisions of this mandate.

ARTICLE 10.

"The mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the council. The report shall contain full information concerning the measures taken to apply the provisions of this mandate.

ARTICLE 11.

"The consent of the Council of the League of Nations is required for the modification of any of the terms of the present mandate.

ARTICLE 12.

"The mandatory agrees that if any dispute whatever should arise between the mandatory and another member of the League of Nations, relating to the interpretation or the application of the provisions of the mandate, such dispute, if it can not be settled by negotiation, shall be submitted to the permanent court of international justice provided for by article 14 of the covenant of the League of Nations.

"The present instrument shall be deposited in original in the archives of the League of Nations. Certified copies shall be forwarded by the secretary general of the League of Nations to all members of the league.

"Done at London, the 20th day of July, 1922."

LIQUOR TRAFFIC.

The council resolved that owing to the danger to the native populations of central Africa, arising from the scourge of alcoholism, it recommend that the mandatory power do everything possible to protect the said populations from such danger, and that the permanent mandates commission investigate most carefully the measures taken by the mandatory powers in this connection and to report to the council on the application of the provisions in the mandates regarding alcoholism.

FOURTH MEETING (PUBLIC), JULY 18.

JURISDICTION OF INTERNATIONAL LABOR OFFICE OVER QUESTIONS OF AGRICULTURAL PRODUCTION.

Mr. Albert Thomas, director of the international labor office of the league, having been invited to the council table in connection with the question of the request of the French Government for a supplementary opinion from the permanent court of international justice as to the jurisdiction of the international labor office in matters relating to agricultural production, stated that the office had never claimed such jurisdiction; that it had discussed the whole question with the International Institute of Agriculture at Rome, and had formed a joint commission with that institute for the examination of the question; that he could not see why the French Government had asked that the permanent court be consulted.

He said that the French Government had based its opinion that the labor office was claiming jurisdiction on an amendment to the text of a recommendation concerning the prevention of unemployment in agriculture proposed by Mr. Zumeta during the third session of the international labor conference; that it was clear, however, that this amendment was much more restricted in scope than seemed apparent on first consideration; that it was merely intended that the labor office should examine certain questions of agricultural production closely connected with questions of unemployment in agriculture, but that these questions were considered exclusively in their bearing on labor problems.

Mr. Viviani asked why the labor office should object to the submission of the question to the permanent court if it had never claimed jurisdiction. He said the international labor conference might some day claim jurisdiction; that the French Government was much concerned, the work of some 7,000,000 agricultural laborers being involved; that a formal decision of the court now would remove all difficulties later on.

Mr. Thomas replied that the labor office did not concern itself with the technical problems of agriculture except as they were bound up in problems affecting protection of workers; that the automatic transmission to the court of every request for an opinion would weaken the authority of court and council; that the reference of the present question to the court would be unjust, because it suggested that the labor office had claimed a jurisdiction it had never sought.

Mr. Viviani contended that failure to submit would constitute a dangerous precedent; that if the French Government found it could not appeal to the court other Governments would be discouraged in other cases; that it would be advantageous to ask the court for an opinion which would establish an adjudication to which States could refer.

The council voted to forward the request of the French Government for the opinion to the permanent court.

REPORT OF COMMITTEE TO CONSIDER NORWEGIAN AND SWEDISH PROCEDURE OF CONCILIATION.

The committee appointed by the council pursuant to the assembly's recommendation of October 4, 1921, and authorized to examine the amendments to the covenant suggested by the Norwegian and Swedish Governments in relation to procedure for conciliation with a view to formulating a body of rules on the subject, reported a draft resolution providing for the voluntary formation of commissions established by conventions between States in dispute, looking to peaceful settlement and providing rules of operation. The draft resolution suggested no amendment to the covenant, but contemplated a machinery to be employed in an attempt at amicable settlement, subject to rights and obligations mentioned in article 15 of the covenant, and before application of said article might become necessary.

FIFTH MEETING (PRIVATE), JULY 19, 1922.

THE "A" MANDATES.

Mr. Viviani asked that the Syrian mandate be discussed before the Palestine mandate, saying the situation would be intolerable for France if the Palestine mandate should be awarded to Great Britain and the discussion of the Syrian mandate postponed, involving administrative difficulties of the gravest nature for the French authorities in Syria.

Lord Balfour replied that the present session was an extraordinary one, called primarily to deal with the Palestine mandate, that he hoped both mandates would be discussed at that session, but did not think the Syrian mandate should be handled first; that he was willing at once, however, to take up the question whether both mandates should be considered during the current session.

The Marquis Imperiali recalled his insistence on the postponement of the Palestine mandate at the last session, so that the Italian and British Governments might exchange views on certain phases of that mandate of serious importance to the former, stating that the exchange had resulted in agreement. He said that he had learned only a few days before that the conversations between the French Government and the United States Government as to the Syrian mandate had been concluded, and that the question would be discussed at the present session; that the mandate was now being debated by the French and Italian Governments; that pending a conclusion he was unable to agree to final action, and asked postponement to allow sufficient time for the exchange of views.

Mr. Viviani replied that this request would precipitate a serious condition for France; that it was nearly two and a half years since the French Government had communicated the Syrian mandate to the Italian Government; that during this time the latter had raised no objections; that the objection now made could refer only to modifications suggested by the United States, which were unimportant and purely matters of detail; that continued delay would have a most prejudicial effect on the territories involved.

The Marquis Imperiali stated that the Italian Government had announced its views on the A mandates two years before; that in its opinion the future of these mandates should be bound up with the fate of the treaty of Sevres, a point of view adopted by the last assembly in accordance with the opinion of the subcommittee on mandates, of which there was a French member. He said that under the circumstances it was but natural that the Italian Government should have awaited a suitable moment to begin conversations on certain points in the mandates between Great Britain and France; that an agreement had been reached with the former, but that

before giving his consent to the Syrian mandate, he would have to await the outcome of the conversations now in progress between Italy and France.

Lord Balfour said that when the question came to be discussed in a public session, as would inevitably be the case, he thought the Marquis Imperiali would agree that his position would not favorably impress the public; that the question of the mandates had been delayed more than two years; that there had been no new factors in the problem, no new proposals; that but for the letter in February, 1921, from the Government of the United States, all mandates would have been then and there awarded; that the intervention of the United States had caused a delay in granting the mandates most regrettable from an administrative point of view, a delay, however, which had given the Italian Government even better opportunities than before for making up its mind.

He was surprised to learn that now the Italian Government objected to a discussion of the Syrian mandate; that the Italian Government must have seen in May last that the French contention that it was impossible to bestow one of these mandates and withhold the other on account of the close historical, national, and geographical relations between the two territories made it inevitable that the question of the Syrian mandate would be presented when the Palestine mandate was taken up. He said that further delay would endanger the Palestine mandate; that every possible counter-influence would be encouraged and the gravest difficulties in administration caused; that the league itself would suffer in public estimation. He urged the Marquis Imperiali to withdraw from his position.

The Marquis Imperiali replied that his Government had made its statement as to the extent to which the fate of the treaty of Sevres was bound up with that of these mandates even prior to the discussion aroused by the intervention of the United States; that he could not bind his Government before the council, especially since the question at issue was one of vital policy, and that above all he must carry out his Government's instructions.

After further debate the council decided to suspend consideration of its mandates until the Marquis Imperiali could get in touch with his Government.

SIXTH MEETING (PUBLIC), JULY 19.

ARMED BANDS IN FRONTIER DISTRICTS OF COUNTRIES BORDERING ON BULGARIA.

In reference to the matter of the incursions of armed bands into the frontier districts of countries bordering on Bulgaria, the council, after hearing a report by Viscount Ishii, adopted on his motion a resolution to the effect that having heard explanations by representatives of Bulgaria, Greece, Rumania, and the Serb-Croat-Slovene State, and having learned that direct conversations as to the means of putting an end to these incursions were in progress among the interested Governments who, through their representatives, had declared themselves ready, in case of disagreement, and if the terms of the covenant should become applicable, to bring the question again before the council, the council expressed the hope that these negotiations might result in ending a situation which might endanger peace, and requested the Governments to inform the council at its next session of the result of the negotiations, placing itself at their disposal should intervention again be required to prevent the possibility of a conflict.

AUSTRO-HUNGARIAN FRONTIER; PROTOCOL OF VENICE.

The council, having been invited by virtue of the protocol of Venice, to settle a question submitted to it by the conference of ambassadors as to whether at certain points indicated by the commission for the delimitation of the Austro-Hungarian frontier certain modifications of the frontier should be made, decided to undertake the task, to authorize the secretariat, under the direction of Mr. Hymans, to study the question with the assistance of technical representatives of the two countries concerned, and to place the subject on the agenda of the next session.

SEVENTH MEETING (PRIVATE), JULY 20.

The secretary general announced that it was of the utmost importance that the first amendment to article 6 of the covenant should be ratified by the members of the league before the third assembly—otherwise the assembly would be unable to fix a new scale of allocation of expenses. He requested the representatives of the various countries to draw attention to this situation.

RELIEF OF RUSSIAN REFUGEES AT CONSTANTINOPLE.

Doctor Nansen announced that the sum of 30,000 pounds for the evacuation of Russian refugees from Constantinople had been collected, that half this amount had been guaranteed by the American Red Cross, and part had come from private sources. League members contributing were Great Britain, Belgium, China, Brazil, Czechoslovakia, and Switzerland. Japan's subscription of 30,000 yen had been conditioned on contributions by all other council members and had been withheld on failure of the condition. The speaker hoped that more league members would contribute so that the American Red Cross donation might be kept in reserve. He requested and was granted authority to transfer a small balance left in the council fund for repatriation of prisoners to the Russian refugee fund.

EXPENSE OF POLAND-LITHUANIA CONTROVERSY.

The secretary general announced that on June 30 the Polish Government had paid the league 200,000 gold francs, or $39,092.66, its share of funds advanced by the league in connection with the Poland-Lithuania controversy.

FRONTIER BETWEEN HUNGARY AND SERB-CROAT-SLOVENE STATE.

The council, having received from the conference of ambassadors a report of the delimitation commission on the boundary between Hungary and the Serb-Croat-Slovene State, and having been requested by Hungary to use its good offices in regard to the modifications proposed by the commission, decided to ask Mr. Hymans in consultation with interested parties and with the assistance of the secretariat, to present a statement at the council's next session on the controversial points involved in the possible exercise by the council of its good offices, and to appeal to the good will of the parties in order that this preparatory work might have its effect.

EIGHTH MEETING (PUBLIC), JULY 20.

RUSSIAN REFUGEES IN CONSTANTINOPLE.

Doctor Nansen reported satisfactory progress in his work in the league's name for the evacuation of the Russian refugees in Constantinople and proposed a resolution to the effect that States members of the league, and Governments of all countries interested in the problem of Russian refugees, be requested to adopt the form of identity certificate and the arrangement attached thereto approved by the conference of Government delegates July 3–5, 1922, for their territory and to recognize similar documents issued by other Governments, and to make known their agreement to the secretary general as soon as practicable. The resolution was adopted by the council.

FAMINE IN RUSSIA; PROPOSAL OF NORWAY.

Doctor Nansen presented the proposal of the Norwegian Government for a commission of inquiry into the economic effects of the famine in Russia and into the probability of reestablishing Russian agriculture.

The council, on motion of the Marquis Imperiali, then enacted a resolution authorizing the secretariat to collect, arrange, and tabulate all information obtainable from the various Governments and the different relief organizations and other agencies working in Russia and other possible sources in order to present to the council as complete a summary as practicable of the actual situation in Russia and to make the information accessible to the public. The resolution further provided that on completion of this work, if the information seemed to justify it, a commission of experts should be appointed to study the material thus obtained, with a view to determining the effect of Russian famine on the Russian situation in general and on the financial, economic, and health situation of Europe as a whole, and the connection between Russian conditions and European reconstruction.

HEALTH COMMITTEE OF THE LEAGUE.

Mr. Viviani presented a report on the work of the Health Committee of the League, which had held its third session at Paris, May 11–16, 1922.

On his motion a resolution was passed by the council (1) taking note of the resolutions of the Health Committee joining with the Office International d'Hygiene Publique in requesting the French Government to convene a new international health conference, and calling the council's attention to the necessity of the earliest possible revision of the International Sanitary Convention of 1912; (2) congratulating the committee on epidemiological inquiry in the Near East and assisting authorities on the important results accomplished in so limited a time; (3) pointing out the great importance of the health conference to be convened by the French Government to the nations members of the League; (4) deciding to forward to the Office International d'Hygiene Publique for consideration the preliminary work of the Health Committee on that part of the convention dealing with epidemics in the Near East; (5) authorizing the secretary general to place the technical organizations of the League at the disposal of the French Government and the forthcoming health conference, and expressing the hope that the conference would strengthen the cooperation between the

Office International d'Hygiene Publique and the Health Committee of the League of Nations.

On Mr. Viviani's motion the council adopted another resolution stating that the council had considered the correspondence exchanged between the Rockefeller Foundation and the Health Organization of the League of Nations; expressing gratitude to the Rockefeller Foundation for its generous assistance in the constructive work undertaken by the Health Organization; requesting the Health Committee to consider in detail at its next meeting the employment and administration of the funds placed at its disposal by the Rockefeller Foundation for the purposes it had proposed.

SANITARY CONVENTION BETWEEN LATVIA AND POLAND.

The council decided, after having noted the Sanitary Convention between Latvia and Poland submitted to it by the Polish Government, to instruct the health section of the League to receive and distribute all sanitary reports transmitted to the Health Organization of the League under article 5 of the convention as soon as such convention was ratified; also to invite the Health Committee to mediate in case of a difference under article 40 of the convention.

TEMPORARY MIXED COMMISSION FOR REDUCTION OF ARMAMENTS.

In the reference to the temporary mixed commission for reduction of armaments Mr. Viviani stated that its work had to some extent been nullified by events; that he thought reduction would be difficult unless simultaneous and universal; that the league had the difficult duty of working out a plan of disarmament while its members were obliged to look to their national security; that the temporary mixed commission at its fourth session, held in Paris July 3–7, 1922, had two proposals on disarmament before it—that by Lord Esher allowing each nation a certain definitely limited number of army corps, and that of Lord Robert Cecil holding no disarmament possible unless simultaneous and universal.

On behalf of the commission, Mr. Viviani, after presenting its report, moved a resolution to the effect (1) that the council invite the committee on intellectual cooperation to consider methods by which the cooperation of scientific men throughout the world be secured with a view to the publication of their discoveries concerning poisonous gases and the development of chemical warfare in order to reduce the possibilities of the use of poisonous gases; (2) that the council once more urge on league members the importance of the Arms Traffic Convention of St. Germain to the cause of universal peace, requesting those not yet ratifying to do so in order that formal ratifications could be deposited as soon as the principal signatory powers, including the United States, were ready to deposit theirs; (3) that governments not yet sending a statement as to national security, geographical situation, etc., be requested to act before August 15 in accordance with the second assembly's request; (4) that governments not yet replying as to limitation of armaments and military budgets in response to the second assembly's inquiry be requested to take action before August 15; (5) that the council noted the suggestion of the commission that the principle of limitation of naval armaments on which the agreement at the Washington conference was based be studied with a view to its application to all States members of the league; (6) that the permanent advisory commission on armaments be invited to consider from a technical point of view Lord Esher's plan for limitation of land armaments.

The resolution was agreed to and it was decided to notify States members to be prepared to have their delegates discuss the extension of the naval armament limitation of the Washington conference at the next meeting of the assembly.

NINTH MEETING (PRIVATE), JULY 21.

THE "A" MANDATES.

Mr. Fisher suggested that on the following day, Saturday, July 22, the Palestine mandate be discussed at a private meeting, final approval to be reserved for a public meeting on Monday morning, July 24, the understanding being that the Palestine and Syrian mandates would be considered together. The Marquis Imperiali called attention to the position in which he was placed on account of the ministerial crisis in Italy, made no objection to the public meeting, but asked that the state of Italian public opinion be kept in mind.

Mr. Fisher's suggestion was adopted.

ARMENIA.

Mr. Hymans announced that he had been visited by certain Armenian delegates who had asked him to request the council to call the attention of the powers to the condition of their country and to the need of establishing a national home for the Armenians, who had expressed the fear that on account of the stress laid on the rights of minorities the main issue, national independence, might be neglected.

Mr. Fisher stated the powers were aware of the difficult situation of Armenia; that the league's sympathy for Armenia had always been widely known; that the Armenian problem was one of the main difficulties of the oriental question and must always be considered in connection with the affairs of the Near East; that the council should hesitate to approach the Governments when it had no practical solution to offer; that the council could not well receive deputations not strictly official.

The secretary general stated that, in accordance with the assembly's decision, the secretariat was continuing to consider the Armenian question and to collect all available documentary information; that the secretariat could receive the Armenian delegates and obtain the information they brought.

No action was had by the council beyond taking note of the announcement of Mr. Hymans.

TENTH MEETING (PUBLIC), JULY 21.

PROVISIONAL ECONOMIC AND FINANCIAL COMMITTEE.

Mr. Viviani made a report covering the recent session of the provisional economic and financial committee at Geneva in June.

As to the economic section, he submitted a resolution approving its efforts and inviting it to continue them, giving special attention to the matters submitted to the league by the economic committee of the Genoa conference.

As to the financial section, he proposed resolutions:

(1) Stating that the council considers the financial section especially fitted to aid in solving international monetary problems without interfering with Governments or other organizations, and invites it to consider methods best suited to foster monetary stability and to avoid difficulties caused by too abrupt changes in value of currency, and too rapid deflation;

(2) Inviting the secretariat to ask a certain number of States for information concerning evasion of taxes, communicating to them the text of a resolution by the Genoa conference on this subject, and asking the opinion of these States as to the advisability of international conventions on this problem;

(3) Congratulating the economic and financial committee of the league on the recognition by the Genoa conference of the value of the committee's publications on public finances and approving the committee's work in connection with current publications and those in preparation;

(4) Approving the transfer to Geneva from London of the department of international credits and putting its administration in the hands of the secretary general; also joining the committee in thanks to Mr. Le Neveu for his faithful and active assistance to the international credits department from its beginning;

(5) Deciding that in future expense of special investigations by the international credits department in any country should be met by its Government;

(6) Thanking the committee for its unceasing efforts to save Austria—stating that the financial scheme adopted was universally regarded as sound—that certain obstacles still barred the way, but they were obstacles no one had yet been able to surmount;

(7) Approving acceptance of arbitration function for league in connection with loan of Baring Bros. to Czechoslovakia;

(8) Approving measures taken by the financial section as to Albania, instructing the expert it sent there to report on the general situation, indicating the best method of appointment of a financial adviser by the league in conjunction with the Albanian Government.

THE GENOA CONFERENCE AND THE LEAGUE OF NATIONS.

Referring to the many important matters submitted to the league by the Genoa conference—such as customs treaties and conventions, trade arbitration, treatment of foreigners in conduct of business, migration of capital, evasion of taxes, international credits, questions of communication and transit, anti-epidemic campaign, etc.—the Marquis Imperiali, in his report on this subject, pointed out that the Genoa conference had given new evidence of the confidence of the Powers in the league. His report was received and noted.

ELEVENTH MEETING (PRIVATE), JULY 22.

THE "A" MANDATES.

The Marquis Imperiali announced that the Italian Government would agree to the Syrian mandate on receipt of assurances from the French Government similar to those received in connection with the Palestine mandate from the British Government.

Lord Balfour stated the general feeling that the adoption of one of these mandates depended on the adoption of the other, and suggested that pending a settlement between the French and Italian Governments the council discuss article 14 of the Palestine mandate, the only point in that mandate which had not been agreed upon.

This course was followed. Article 14 related to religious claims and rights in Palestine. It provided that in order to determine existing rights in the holy places and religious buildings or sites in Palestine, which the mandatory was pledged under article 13 to maintain, a commission of not less than seven members should be appointed by the mandatory subject to the approval of the council of the League of Nations, that the commission should frame a report defining such rights, including rights of ownership, user, and access, the report to be laid before the council, and when confirmed by that body to be binding on the mandatory.

Objection was made to this article on the ground that it was too vague as to the religious faith of the majority, that a majority might under its terms be of a single religion, and that the commission might set up temporarily a new régime in religious customs, reversing the practices of centuries and causing serious complications.

Debate continued and no action was taken at this meeting.

TWELFTH MEETING (PRIVATE), JULY 22.

"A" MANDATES ADOPTED FOR PALESTINE AND SYRIA.

Discussion of the Palestine mandate was resumed.

The president of the council proposed that article 14 be revised so as to provide that a special commission should be appointed by the mandatory to study and define the rights and claims in connection with the holy places, and the rights and claims relating to the different religious communities in Palestine, that the method of nomination, the composition and the functions of this commission should be submitted to the council of the league for its approval, the commission not to be appointed or to enter on its functions until approved by the council. This revision was accepted.

It was understood that the council would at a later session determine the method of appointment of members of the commission, its constitution and duties.

The council decided to approve the mandate for Palestine with the revised text of article 14, and to approve the mandate for Syria, the latter to come into effect automatically as soon as the French and Italian Governments reached an agreement. It was also decided that both mandates would come into effect simultaneously.

THIRTEENTH MEETING (PUBLIC), MONDAY, JULY 24, 1922.

COMMENTS ON WORK OF LEAGUE; THE "A" MANDATES; ADJOURNMENT.

Mr. Viviani said that it was a great day for the League of Nations when in addition to its other achievements it made practical application of the mandate principle; that when the war ended the Great Powers had not wished as in the past violently to annex territories and to oppress their inhabitants; that the mandatory would take the inhabitants under its protection, administer the territories in the interest of all, and would be responsible to the council and the assembly until these people were able to conduct their affairs without further assistance.

He said that the league had made considerable progress since its beginning less than three years before; that the Brussels conference had put forward useful economic and financial principles; that the Permanent Court of International Justice had been set up; that the question of Upper Silesia had been amicably settled; that the league's various committees were at work, and that the league had made this record under conditions without precedent in history.

Lord Balfour indorsed Mr. Viviani's tribute to the league, saying that it had been in existence only a short while but had already done a great work, a work too often overlooked by the public.

The Syrian and Palestine mandates, he said, had been approved at last. He pointed out that the Palestine mandates had two parts, one relating to Palestine and its inhabitants, the other to the holy places. As to the latter, further discussion would be had, long historical controversies being involved requiring careful and earnest consideration. It was the desire of the British Government to administer historic justice as between the communities concerned, to deprive no community of its ancient rights or to overlook the religious interests involved.

Controversies had arisen, he continued, over the first part, also, the part relating to Palestine itself, controversies encouraged by the long delay in settling the mandates. It was claimed that the interests of the Arabs had been neglected but that most anxious attention had been accorded the position and interests of the Arab populations by the British Government, there being no wish or intention that the provision of a Jewish home in Palestine should in any way injure Arab interests. The greatest precaution had been taken to see that the Jewish home project would in no way encroach on the interests or susceptibilities of any part of the population. The course contemplated by the British Government would advance the material prosperity and moral interests of all the people concerned. He appealed for harmony. Discussion and dispute had been inevitable and legitimate while the mandate was being developed, and now that it had been settled it would be a crime to encourage animosities in Palestine and throughout the world by emphasizing racial, religious, and historical differences.

The Marquis Imperiali thought that an agreement would soon be reached between the Italian and French Governments on the Syrian mandate.

The council again approved the mandates for Syria and Palestine, stipulating that they should go into force automatically and at the same time as soon as the Governments of Italy and France notified the president of the council that an agreement had been reached. The council also decided that the next session should be held on August 30, to solve the questions submitted for its decision under article 14 of the Palestine mandate.

The nineteenth session of the council then came to an end.

In order that an accurate idea may be had of the Palestine and Syrian mandates, known as "A" mandates, I shall set them out in full as an appendix to my remarks.

Mr. HARRISON. Mr. President, will not the Senator have those mandates read at the clerk's desk? They come so well in connection with what the Senator is so eloquently presenting that if they could be read at the desk instead of being printed, Senators would more fully understand the situation.

Mr. SHEPPARD. I have not asked that they be printed in the RECORD. I intend to read such parts as I think are of significance.

Mr. HARRISON. I hope the Senator will have them all read.

Mr. SHEPPARD. In describing the council proceedings of December 17, 1920, in my address to the Senate of October 5, 1921, I set out in full one of the "C" mandates. In the present address I have already quoted one of the "B" mandates.

It will be helpful to note, in connection with the subject of mandates, the contents of article 22 of the league covenant, the article defining the spirit and purpose of the mandatory system, and I shall therefore include this article in the appendix with a word of explanation.

This brings the work of the league to July 24, 1922.

I have not had opportunity to bring the account further at this time, but I hope to carry it forward so as to cover the third assembly before the present Congress adjourns, or in the next Congress.

It is apparent that the work of the league within the scope assigned it by the covenant has continued to grow in usefulness and helpfulness to mankind.

It has settled controversies, notably those of Upper Silesia and the Albanian frontier, which might have developed into conflicts of alarming proportions and possibilities.

It has kept a restraining hand and a watchful eye on the long quarrel between Poland and Lithuania, with the result that open hostilities have on many occasions been averted.

Its greatest creation, the Permanent Court of International Justice, has been in operation for a year and gives every promise of permanence, affording history's first illustration of a world court on lasting foundations—the realization of one of the sublimest dreams of the ages.

It has examined and confirmed nearly all the mandates under which the allied powers are administering the vast territories which changed hands as a result of the World War, thus assuring for the first time in history the administration of territory taken through war as a sacred trust for civilization, in the supreme interest of the inhabitants, protecting them against exploitation and oppression, and with a view to their final control of their own countries—administration on a basis of just laws and equal opportunities under the observation of an impartial world tribunal to which annual reports are to be made—administration in the spirit of the league covenant, the spirit of the Lord of Lords and King of Kings.

It has continued to administer with success neutral territories, such as the Saar Basin and the free city of Danzig, assigned it for administrative supervision by the Treaty of Versailles, and has thus kept in peaceful condition areas that would have been sources of danger to international relations.

It has continued to discharge with efficiency and vigilance the task of securing the protection of minorities in various parts of the world—another function assigned it by the Versailles treaty.

It has systematized and coordinated, on a scale more effective than has heretofore been possible, the struggle of private or-

ganizations and governments against the emanation from infected sections of epidemics which threaten the world.

It is directing with increasing effectiveness world efforts against the traffic in habit-forming drugs and the traffic in women and children, two of the chief curses of humanity.

Its labor office continues to enlist nation after nation in the crusade to secure better conditions for the toilers on whose shoulders rests the gigantic and complicated structure of modern civilization.

It has instituted a scientific study of the question of armaments, assembling definite information regarding the situation of each country as to national security, resources, etc.—information essential to any general plan of disarmament or limitation of armament.

It has given comprehensive attention to the question of the world's economic reconstruction developing at the Brussels Conference which it called in 1920, a declaration of principles constituting the last word in sound finance and practical monetary legislation, and also developing the only system of international credits, the ter Meulen plan, which has met the general approval of the business world, including the World Cotton Conference and our own Federal Reserve Board.

Above all, it remains the chief hope of mankind for universal peace, the first example in history, as I have before pointed out, of an organization embracing nearly all the civilized countries devoted to the abolition of war, and giving every indication of steady and beneficent growth.

The fact that the United States still stands aloof from the league while the rest of the world is making so heroic an effort to combat the principal menaces of humanity continues to be one of the overshadowing tragedies of all time.

APPENDIX.

I.—BRITISH MANDATE FOR PALESTINE—(AN "A" MANDATE).

The Council of the League of Nations:

Whereas the principal allied powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a mandatory selected by the said powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the principal allied powers have also agreed that the mandatory should be responsible for putting into effect the declaration originally made on November 2, 1917, by the Government of His Britannic Majesty, and adopted by the said powers, in favor of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas, recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

Whereas the principal allied powers have selected His Britannic Majesty as the mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

Whereas by the aforementioned article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the mandatory, not having been previously agreed upon by the members of the league, shall be explicitly defined by the council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1.

The mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

ARTICLE 2.

The mandatory shall be responsible for placing the country under such political administrative and economic conditions as will secure the establishmnet of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

ARTICLE 3.

The mandatory shall, so far as circumstances permit, encourage local autonomy.

ARTICLE 4.

An appropriate Jewish agency shall be recognized as a public body for the purpose of advising and cooperating with the administration of Palestine in such economic, social, and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the administration, to assist and take part in the development of the country.

The Zionist organization, so long as its organization and constitution are in the opinion of the mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the cooperation of all Jews who are willing to assist in the establishment of the Jewish national home.

ARTICLE 5.

The mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of the government of any foreign power.

ARTICLE 6.

The administration of Palestine, while insuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in cooperation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

ARTICLE 7.

The administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

ARTICLE 8.

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their reestablishment, or shall have agreed to their nonapplication for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately reestablished in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

ARTICLE 9.

The mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the disposition of the founders.

ARTICLE 10.

Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the mandatory and other foreign powers shall apply to Palestine.

ARTICLE 11.

The administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services, and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The administration may arrange with the Jewish agency mentioned in article 4 to construct or operate, upon fair and equitable terms, any public works, services, and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilized by it for the benefit of the country in a manner approved by the administration.

ARTICLE 12.

The mandatory shall be intrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

ARTICLE 13.

All responsibility in connection with the holy places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the holy places, religious buildings and sites and the free exercise of worship, while insuring the requirements of public order and decorum, is assumed by the mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the mandatory from entering into such arrangements as he may deem reasonable with the administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the mandatory authority to interfere with the fabric or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

ARTICLE 14.

A special commission shall be appointed by the mandatory to study, define, and determine the rights and claims in connection with the holy places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this commission shall be submitted to the Council of the League for its approval, and the commission shall not be appointed or enter upon its functions without the approval of the council.

ARTICLE 15.

The mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are insured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion, or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the administration may impose, shall not be denied or impaired.

ARTICLE 16.

The mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

ARTICLE 17.

The administration of Palestine may organize on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defense of the country, subject, however, to the supervision of the mandatory, but shall not use them for purposes other than those above specified save with the consent of the mandatory. Except for such purposes, no military, naval, or air forces shall be raised or maintained by the administration of Palestine.

Nothing in this article shall preclude the administration of Palestine from contributing to the cost of the maintenance of the forces of the mandatory in Palestine.

The mandatory shall be entitled at all times to use the roads, railways, and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

ARTICLE 18.

The mandatory shall see that there is no discrimination in Palestine against the nationals of any State, member of the League of Nations (including companies incorporated under its laws) as compared with those of the mandatory or of any foreign State in matters concerning taxation, commerce, or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the administration of Palestine may, on the advice of the mandatory, impose such taxes and customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may, also, on the advice of the mandatory, conclude a special customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

ARTICLE 19.

The mandatory shall adhere on behalf of the administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation, and postal, telegraphic, and wireless communication, or literary, artistic, or industrial property.

ARTICLE 20.

The mandatory shall cooperate on behalf of the administration of Palestine, so far as religious, social, and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

ARTICLE 21.

The mandatory shall secure the enactment within 12 months from this date, and shall insure the execution of a law of antiquities based on the following rules. This law shall insure equality of treatment in the matter of excavations and archæological research to the nationals of all States members of the League of Nations.

(1)

"Antiquity" means any construction or any product of human activity earlier than the year 1700 A. D.

(2)

The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorization referred to in paragraph 5, reports the same to an official of the competent department, shall be rewarded according to the value of the discovery.

(3)

No antiquity may be disposed of except to the competent department, unless this department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export license from the said department.

(4)

Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

(5)

No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorized by the competent department.

(6)

Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archæological interest.

(7)

Authorization to excavate shall only be granted to persons who show sufficient guarantees of archæological experience. The administration of Palestine shall not, in granting these authorizations, act in such a way as to exclude scholars of any nation without good grounds.

(8)

The proceeds of excavations may be divided between the excavator and the competent department in a proportion fixed by that department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

ARTICLE 22.

English, Arabic, and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statement or inscription in Hebrew shall be repeated in Arabic

ARTICLE 23.

The administration of Palestine shall recognize the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

ARTICLE 24.

The mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

ARTICLE 25.

In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of articles 15, 16, and 18.

ARTICLE 26.

The mandatory agrees that, if any dispute whatever should arise between the mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it can not be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by article 14 of the covenant of the League of Nations.

ARTICLE 27.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 28.

In the event of the termination of the mandate hereby conferred upon the mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the league, the rights secured by articles 13 and 14, and shall use its influence for securing, under the guarantee of the league, that the Government of Palestine will fully honor the financial obligations legitimately incurred by the administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the secretary general of the League of Nations to all members of the league.

Done at London the twenty-fourth day of July, one thousand nine hundred and twenty-two.

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II.—FRENCH MANDATE FOR SYRIA AND THE LEBANON—(AN "A" MANDATE).

The Council of the League of Nations:

Whereas the principal allied powers have agreed that the territory of Syria and the Lebanon, which formerly belonged to the Turkish Empire shall, within such boundaries as may be fixed by the said powers, be entrusted to a mandatory charged with the duty of rendering administrative advice and assistance to the population, in accordance with the provisions of article 22 (paragraph 4) of the covenant of the League of Nations; and

Whereas the principal allied powers have decided that the mandate for the territory referred to above should be conferred on the Government of the French Republic, which has accepted it; and

Whereas the terms of this mandate, which are defined in the articles below, have also been accepted by the Government of the French Republic and submitted to the Council of the League for approval; and

Whereas the Government of the French Republic has undertaken to exercise this mandate on behalf of the League of Nations, in conformity with the following provisions; and

Whereas by the aforementioned article 22 (paragraph 8), it is provided that the degree of authority, control, or administration to be exercised by the mandatory, not having been previously agreed upon by the members of the league, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

ARTICLE 1.

The mandatory shall frame, within a period of three years from the coming into force of this mandate, an organic law for Syria and the Lebanon.

This organic law shall be framed in agreement with the native authorities and shall take into account the rights, interests, and wishes of all the population inhabiting the said territory. The mandatory shall further enact measures to facilitate the progressive development of Syria and the Lebanon as independent States. Pending the coming into effect of the organic law, the Government of Syria and the Lebanon shall be conducted in accordance with the spirit of this mandate.

The mandatory shall, as far as circumstances permit, encourage local autonomy.

ARTICLE 2.

The mandatory may maintain its troops in the said territory for its defense. It shall further be empowered, until the entry into force of the organic law and the reestablishment of public security, to organize such local militia as may be necessary for the defense of the territory, and to employ this militia for defense and also for the maintenance of order. These local forces may only be recruited from the inhabitants of the said territory.

The said militia shall thereafter be under the local authorities, subject to the authority and the control which the mandatory shall retain over these forces. It shall not be used for purposes other than those above specified save with the consent of the mandatory.

Nothing shall preclude Syria and the Lebanon from contributing to the cost of the maintenance of the forces of the mandatory stationed in the territory.

The mandatory shall at all times possess the right to make use of the ports, railways and means of communication of Syria and the Lebanon for the passage of its troops and of all materials, supplies, and fuel.

ARTICLE 3.

The mandatory shall be entrusted with the exclusive control of the foreign relations of Syria and the Lebanon and with the right to issue exequaturs to the consuls appointed by foreign powers. Nationals of Syria and the Lebanon living outside the limits of the territory shall be under the diplomatic and consular protection of the mandatory.

ARTICLE 4.

The mandatory shall be responsible for seeing that no part of the territory of Syria and the Lebanon is ceded or leased or in any way placed under the control of a foreign power.

ARTICLE 5.

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, shall not be applicable in Syria and the Lebanon. Foreign consular tribunals shall, however, continue to perform their duties until the coming into force of the new legal organization provided for in article 6.

Unless the powers whose nationals enjoyed the aforementioned privileges and immunities on August 1, 1914, shall have previously renounced the right to their reestablishment, or shall have agreed to their nonapplication during a specified period, these privileges and immunities shall at the expiration of the mandate be immediately reestablished in their entirety or with such modifications as may have been agreed upon between the powers concerned.

ARTICLE 6.

The mandatory shall establish in Syria and the Lebanon a judicial system which shall assure to natives as well as to foreigners a complete guarantee of their rights.

Respect for the personal status of the various peoples and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in complete accordance with religious law and the dispositions of the founders.

ARTICLE 7.

Pending the conclusion of special extradition agreements, the extradition treaties at present in force between foreign powers and the mandatory shall apply within the territory of Syria and the Lebanon.

ARTICLE 8.

The mandatory shall insure to all complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality. No discrimination of any kind shall be made between the inhabitants of Syria and the Lebanon on the ground of differences in race, religion, or language.

The mandatory shall encourage public instruction, which shall be given through the medium of the native languages in use in the territory of Syria and the Lebanon.

The right of each community to maintain its own schools for the instruction and education of its own members in its own language, while conforming to such educational requirements of a general nature as the administration may impose, shall not be denied or impaired.

ARTICLE 9.

The mandatory shall refrain from all interference in the administration of the councils of management (Conseils de fabrique) or in the management of religious communities and sacred shrines belonging to the various religions, the immunity of which has been expressly guaranteed.

ARTICLE 10.

The supervision exercised by the mandatory over the religious missions in Syria and the Lebanon shall be limited to the maintenance of public order and good government; the activities of these religious missions shall in no way be restricted, nor shall their members be subjected to any restrictive measures on the ground of nationality, provided that their activities are confined to the domain of religion.

The religious missions may also concern themselves with education and relief, subject to the general right of regulation and control by the mandatory or of the local government, in regard to education, public instruction, and charitable relief.

ARTICLE 11.

The mandatory shall see that there is no discrimination in Syria or the Lebanon against the nationals, including societies and associations, of any State member of the League of Nations as compared with its own nationals, including societies and associations, or with the nationals of any other foreign State in matters concerning taxation or commerce, the exercise of professions or industries, or navigation, or in the treatment of ships or aircraft. Similarly, there shall be no discrimination in Syria or the Lebanon against goods originating in or destined for any of the said States; there shall be freedom of transit, under equitable conditions, across the said territory.

Subject to the above, the mandatory may impose or cause to be imposed by the local governments such taxes and customs duties as it may consider necessary. The mandatory, or the local governments acting under its advice, may also conclude on grounds of contiguity any special customs arrangements with an adjoining country.

The mandatory may take or cause to be taken, subject to the provisions of paragraph 1 of this article, such steps as it may think best to insure the development of the natural resources of the said territory and to safeguard the interests of the local population.

Concessions for the development of these natural resources shall be granted without distinction of nationality between the nationals of all States members of the League of Nations, but on condition that they do not infringe upon the authority of the local government. Concessions in the nature of a general monopoly shall not be granted. This clause shall in no way limit the right of the mandatory to create monopolies of a purely fiscal character in the interest of the territory of Syria and the Lebanon, and with a view to assuring to the territory the fiscal resources which would appear best adapted to the local needs, or, in certain cases, with a view to developing the natural resources either directly by the State or through an organization under its control, provided that this does not involve either directly or indirectly the creation of a monopoly of the natural resources in favor of the mandatory or its nationals, nor involve any preferential treatment which would be incompatible with the economic, commercial, and industrial equality guaranteed above.

ARTICLE 12.

The mandatory shall adhere, on behalf of Syria and the Lebanon, to any general international agreements already existing, or which may be concluded hereafter with the approval of the League of Nations, in respect of the following: The slave trade, the traffic in drugs, the traffic in arms and ammunition, commercial equality, freedom of transit and navigation, aerial navigation, postal, telegraphic, or wireless communications, and measures for the protection of literature, art, or industries.

ARTICLE 13.

The mandatory shall secure the adhesion of Syria and the Lebanon, so far as social, religious, and other conditions permit, to such measures of common utility as may be adopted by the League of Nations for preventing and combating disease, including diseases of animals and plants.

ARTICLE 14.

The mandatory shall draw up and put into force within twelve months from this date a law of antiquities in conformity with the following provisions. This law shall insure equality of treatment in the matter of excavations and archæological research to the nationals of all States members of the League of Nations.

(The eight subdivisions under this article are the same as under the article relating to excavations in the Palestine mandate.)

ARTICLE 15.

Upon the coming into force of the organic law referred to in article 1, an arrangement shall be made between the mandatory and the local governments for reimbursement by the latter of all expenses incurred by the mandatory in organizing the administration, developing local resources, and carrying out permanent public works, of which the country retains the benefit. Such arrangement shall be communicated to the council of the League of Nations.

ARTICLE 16.

French and Arabic shall be the official languages of Syria and the Lebanon.

ARTICLE 17.

The mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the council as to the measures taken during the year to carry out the provisions of this mandate. Copies of all laws and regulations promulgated during the year shall be attached to the said report.

ARTICLE 18.

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 19.

On the termination of the mandate, the Council of the League of Nations shall use its influence to safeguard for the future the fulfillment by the Government of Syria and the Lebanon of the financial obligations, including pensions and allowances, regularly assumed by the administration of Syria or of the Lebanon during the period of the mandate.

ARTICLE 20.

The mandatory agrees that if any dispute whatever should arise between the mandatory and another member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it can not be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the secretary general of the League of Nations to all members of the league.

Done at London on the 24th day of July, 1922.

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III.—ART. XXII OF THE LEAGUE COVENANT RELATING TO MANDATES.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations, who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as mandatories on behalf of the league.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of a mandatory.

Other peoples, especially those of central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and for the defense of the territory, and will also secure equal opportunities for the trade and commerce of other members of the league.

There are territories such as South-West Africa and certain of the South Pacific Islands which owing to the sparseness of their population or their small size or their remoteness from the centers of civilization, or their geographical contiguity to the territory of the mandatory, and other circumstances can be best administered under the laws of the mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate the mandatory shall render to the council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory shall, if not previously agreed upon by the members of the league, be explicitly defined in each case by the council.

A permanent commission shall be constituted to receive and examine the annual reports of the mandatories and to advise the council on all matters relating to the observance of the mandates.

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IV.—A, B, AND C MANDATES.

The mandates covering the communities formerly belonging to the Turkish Empire and referred to in the fourth paragraph of article 22 of the league covenant set out above have been further defined by the council as the A mandates, those covering territories of Central Africa mentioned in the fifth paragraph of article 22 as the B mandates, and those including territories of South-West Africa and certain South Pacific Islands specified in the sixth paragraph of said article as the C mandates.

Mr. HEFLIN (at 6 o'clock and 5 minutes p. m.). 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	McCormick	Shortridge
Ball	Gerry	McKellar	Smith
Bayard	Gooding	McKinley	Smoot
Borah	Hale	McLean	Spencer
Brandegee	Harris	McNary	Stanfield
Brookhart	Harrison	Moses	Stanley
Broussard	Heflin	New	Sterling
Calder	Hitchcock	Nicholson	Swanson
Cameron	Johnson	Norbeck	Townsend
Capper	Jones, N. Mex.	Oddie	Trammell
Caraway	Jones, Wash.	Overman	Underwood
Curtis	Kellogg	Pepper	Wadsworth
Dial	Keyes	Phipps	Warren
Edge	King	Poindexter	Watson
Ernst	Ladd	Ransdell	Weller
Fernald	La Follette	Reed, Mo.	Williams
Fletcher	Lenroot	Reed, Pa.	Willis
France	Lodge	Sheppard	

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

SOIL SURVEY OF LAUDERDALE COUNTY, ALA.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 83), which was read:

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.

Mr. MOSES. I move to concur in the resolution of the House.

Mr. HITCHCOCK. I object. I call for the regular order.

The VICE PRESIDENT. The regular order is called for.

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.

Mr. WILLIAMS. Mr. President, I am always sorry to differ with the senior Senator from Alabama [Mr. UNDERWOOD]. He and I have served the public here together, or have attempted to serve it, for something like 28 years. We have been very warm personal friends and we have agreed, upon the whole, in opinion and in policies; but I must take issue with some things that he said upon yesterday.

I agree to the general idea, of course, that this is a Government of majorities and minorities. That is a truism in any properly organized democracy. But in order to apply it we must determine what majorities and what minorities we are talking about. The majority in a democracy which rules, or ought to rule, is a majority of the people, and not an accidental or incidental left-over majority in either one of the two Houses of Congress or in both of them. When it comes to the question of the justification of Federal legislators delaying legislation, an inquiry into that source and nature of majorities is the very keystone of all of it.

Mr. President, this is the only democratic country in the world where, after the people have spoken at an election and have clearly indicated that they do not want certain legislation, a majority of left overs—"lame ducks," as they are popularly called, why I never knew—can proceed to put over legislation for the express purpose of defeating the will of the people before the new representatives recently elected to take their places can take their seats and be sworn in. There are enough of the "left overs" to hold the balance of power in the voting.

Mr. President, I voted for the joint resolution introduced by the Senator from Nebraska [Mr. NORRIS] providing for a submission to the people of a constitutional amendment for the purpose of changing the time of the meeting of the two Houses of Congress. I have been here now for nearly 30 years, and I have found that nearly every piece of bad legislation and about half of the crooked legislation is always "put over" at the short session of a Congress, after that Congress is about ready, or a great many Members of it are about ready, to go out of office. I am speaking without any bad feelings, for Senators all know I am about ready to go out myself; but, Mr. President, when a man is going out of office, especially if he go out by defeat, there is a certain degree of iron in his soul.

He feels not only a lack of responsibility to a constituency which he thinks has rebuked him or removed him, but he feels to a certain degree in many cases a feeling of anger; in all cases, however, there is a lack of responsibility.

The defect of the American Government as compared with parliamentary democracies all over the world is this: In any other democracy—Great Britain or Canada or Australia or Cape Colony or France, I care not which one be taken—after an election those just elected to the legislature all go into office almost immediately and the will of the people as expressed at the election is enacted into legislation immediately, or very soon. One of the defects that our forefathers left in our institution was the so-called left-over session of Congress.

Mr. President, while I agree thoroughly with the Senator from Alabama that the majority ought to rule, I say that he has what logicians call an ambiguous middle when he speaks that way; he is referring to a majority of the two legislative bodies, but the maxim refers to a majority of the people and their representatives. When he says that a majority of the representatives of the poeple must be heard, that is also true; but not a majority of the misrepresentatives of the people or not a majority of which the misrepresentatives of the people hold a balance of power. Undoubtedly a man who has been defeated is a misrepresentative of his constituency in the opinion of that constituency. Whether properly or improperly, wisely or foolishly, that is their opinion. A man voluntarily retiring is no longer responsible to any constituency, because he expects no future reward and no future punishment. If there be any responsibility, it is that of a high-minded man who wishes to do the right thing as thoroughly as if he had anticipation of punishment or reward before him.

Mr. President, I do not believe that "filibustering," as it is called, is ever justified except in two classes of cases: One of them the Senator from Alabama illustrated when he filibustered against the so-called antilynching bill, because that was a bill which proposed to make murder in a State a Federal offense punishable by a Federal court. Of course, if we once step out on the pathway of making common crimes within the States punishable entirely in the Federal courts, or chiefly there, or at all, we shall have deprived the States of their very life, which is their police power. Whatever else might have been said and however great the abuses which ought to be corrected—and they are great, and I regret them, especially in so far as they apply to my own section—the remedy was not in placing the police power of the States in the hands of the Federal Government. I have grown sick and tired of lynching bees, even if they were justified in some cases, perhaps, or if not justified extenuated by the nature and the gravity of the crime which led and provoked the people to act, as was the case long ago in the history of California, when the Vigilantes acted; but there is no excuse where there is organized government for lynching people for ordinary crimes, whether they be white people or black people or red people or Mongolian people. Rape, to my mind, is the only crime I can now think of which extenuates, if not excuses, it. But a vast majority of the lynchings are not for rape. I say I especially regret that part of it which applies to my section, but I regret it all over the country, and I am sorry to say that it exists all over the country. The only difference is that when a northern mob goes out for a criminal it is not satisfied with getting the criminal and punishing him, but it punishes all of his race, religion, or type against whom the prejudice exists or may, by the passion aflame on the occasion, be aroused at the time.

Mr. President, that was one instance where a filibuster is justified, because I think as we stand here as ambassadors of the States in a Congress, just as much so as delegates in a European congress, where the powers are met in concert, are ambassadors from their several governments, and it is our duty, therefore, to protect the State's rights of our constituents. It is a mistake to assume that there are no States' rights left. They are rapidly disappearing, but there are some

yet remaining. Wherever a great, vital, fundamental constitutional question is presented and a majority is trying to override the organic law of the United States, then, I repeat, a filibuster is justified. That was the case to which the Senator from Alabama referred.

But there is another class of cases, and that is when an accidental and incidental temporary majority in a legislative body tries to forestall the future and defeat the will of the majority of the people as expressed at an election, and as will be expressed by a majority of their recently elected representatives. I dare say there is not a man in this body who will have the hardihood to say that the ship subsidy bill can pass through the next Congress. If there be one who has that amount of hardihood, who is capable of that degree of recklessness of assertion, I should like to hear him now tell me that he thinks I am mistaken about it. Ah, Mr. President, the very reason why this bill is being pushed along to a conclusion at this tail end of an expiring Congress, where the "left overs" hold the balance of power, is because every man, from the President in the White House down to the pages upon the floor of the legislative halls, knows that it can not be passed in the next and recently elected Congress of the United States fresh from the people.

I do not believe in delaying legislation. As the Senator from Alabama said, the legislature "must function"; that is true; but it does not follow that it must function in order to put over things to keep a fair expression of the will of the people, as expressed at the last election, from being functioned. Why do you want to put this bill over at this session? Because if you once get it upon the statute books, it can not be repealed so long as the present administration is in power, at any rate, because the law repealing it could be and would be vetoed, as everybody knows, and it would take not a majority but two-thirds of both Houses to override the veto. That is the reason. Let us speak plainly to one another and let us speak honestly and candidly to the country.

The Senator from Alabama said that the tariff act recently passed, in his opinion, would do more harm than the shipping bill, if enacted. I shall not discuss that assertion, but, grant that it be true, the difference is this: There was a mandate of the people for the passage of the tariff law, however mistaken that mandate may have been. But there is a mandate of the people against the passage of this law, however mistaken that mandate may be. If this be a country where the majority ought to rule, then I can plant myself much more stably upon that principle than the Senator from Alabama can plant himself while I am taking my present position and he is taking his.

Mr. President, the immorality of this thing is great, if you think of it as a political philosopher loving democracy. It is unethical and immoral to put this legislation over at this session of Congress. It is *treason to the spirit of democracy;* that is what it is. There ought to be some way by law to punish it, but there is not. Then, what is the next best thing? It is to prevent it. Prevent it how? By every means within your power; that is all. How else are you going to rebuke an act of treason to the spirit of democracy which is yet legal, technically lawful, but which, once accomplished, can not be undone for a long time?

Mr. President, that is not all. If this bill went upon the statute books, not only could the President veto it as long as his term continued, or, if reelected, during another four years, but such is the nature of our politics in America that after you get through another election nobody could say whether the affirmative or the negative side of the ship-subsidy contention had won; there would be so many other issues involved, some of them overshadowing and outbalancing it. The only way you could tell would be by seeing whether a majority of the newly elected Members were in favor of or opposed to the legislation; that would be all, and even then some of them holding one opinion might have been elected upon some other issue. Still, Mr. President, the fact remains that when you do find out that a majority of the newly elected legislators are opposed to it, as is the case right now, then there can be no question of what the will of the people is upon that issue.

I would not have stood here to attempt to delay the passage of the tariff bill, as bad as I thought it was, and as bad as I think the American people ultimately will find it to be, because the principle of the right of the majority to rule did apply in that case, and it was not an accidental, nor an incidental, nor a *temporary* majority, and it was passed by those who were the representatives of the people upon that question, and were sent here to do that thing among other things; and, to use the language of the Senator from Alabama, these two bodies had a right on that issue to function. Function how? As representatives of the people. *They* had not been superseded. But *misrepresentatives* of the people have no right to function, if I can help it, on a question where they *are* misrepresentatives. Your neighbors to the north of you—the Canadians—stare almost paralyzed with wonderment at the spectacle of a democracy whose popular will as expressed at an election can not be put upon the statute books; aye, whose popular will as expressed at an election can be defeated by left-over misrepresentatives before the real representatives of the people can begin to "function."

That is the difference between the Senator from Alabama and me, and I am awfully sorry to have had to express it. There are few here I love better. He came into public life at the other end of this Capitol only two or four years—I have forgotten which—after I did. We have been working in unison ever since, as far as I know, and as far as I can remember now I believe this is the first great question we have ever differed about—the first fundamental difference of opinion or of policy, either one. He possesses a head that is exceedingly level, and it is very rarely, indeed, that anything carries him wrong, but it has carried him wrong this time. As a logician he is deficient. He has used an ambiguous middle. He has talked about the sacredness of the majority, when he does not tell what a majority is. The majority which is sacred is a majority of the electorate, and the legislative majority which is sacred is that which is representative of the electorate, and not that which has been left at home, either by voluntary retirement or by defeat for nomination or for election.

In order that it may impress itself upon the country, I again say that this effort to pass this bill at this session is immoral and unethical, because it is an attempt to "put over" legislation that the recently elected and true representatives of the people do not want and to rush it through before they can begin to function as the Members of either House; and to impress the other point I repeat that, in my opinion, there is not a man within the sound of my voice with the hardihood even to *pretend* to believe, even to assert that he does believe, that if this legislation does not pass at this session it will pass the next Congress.

Mr. President, if that were true, the special interests that are so much in favor of this bill would not be so anxious to put it over now. They would know that all they had to do was to wait a short time, and it would go through the next Congress. They would know, moreover, that the present incumbent of the White House—a man whom I like very much personally—would not hesitate to call an extra session to have it enacted. It would not be a month before it would go on the statute books, or two months at the most. Now, let us deal honestly with one another and with the people. Is not that true? Does anybody deny it?

Mr. President, bad as this ship subsidy bill is, if conditions were such that it could be heard upon its merits—or rather on its demerits, because it has no merits—by the representatives of the people really representing the people's views upon that particular subject, I would not attempt to delay it. I say this, though, I think it is about the worst thing that could be conceived of. I am opposed always to taxing all the people in order to give the taxes to a part of the people, no matter what the circumstances are, except in cases of great suffering, natural catastrophes, like earthquakes and fires, where charity is appealed to, and not justice.

Those cases are somewhat different; but here gentlemen propose deliberately to subsidize an industry so well protected already by law, so completely fenced in and buttressed about in its special privileges that in several lines of its operations it is a monopoly. It has by nature the monopoly of the lakes and the rivers, and we give it by law the monopoly of the coastwise trade, with all the incidents that follow, to the benefit not only of the masters and owners of ships but of the American builders of them, whereas Great Britain would allow me or the Senator from North Carolina to-morrow, if we chose, to sail or steam a ship from Glasgow to London at the mouth of the Thames and engage in fair competition publicly with any shipowner of its land. Here is a class of people who have been protected already far beyond their deserts, and yet they are seeking more. Then gentlemen tell me: "Well, if you do not give it to them, we will spend more money the way we are doing now than this would come to." My answer is that all you have got to do is to stop it. Quit spending that money and quit it now. Do not keep it as a losing game and purposely continue as a losing game for the purpose of forcing opinion to a ship subsidy.

One more point: A sort of pseudopatriotism is appealed to every now and then. "You want to ship your cotton and your wheat in a cargo boat that is flying the flag of the Ameri-

can Republic." Well, other things being equal, yes; I would rather help a neighbor than an outsider; but the interest that my cotton has and that the Northwestern farmer's wheat has in this controversy is getting to the consumer as quickly and as cheaply as possible. Moreover, Mr. President, all the subsidies in the world are not going to build up in the immediate future any American merchant marine. Why? Because the American boy is not going to do that sort of work. As long as he can get more profitable employment on land, he would rather leave it to Norwegians and Swedes and Dutchmen and Englishmen and Scotchmen. It is true you might pass a law, and have done it, saying that a certain proportion of the sailors shall be American citizens, but the result would be nothing but this: You would find that a majority of the so-called American citizens serving as sailors were naturalized foreigners, and then you would find that the balance, not required to be citizens, were unnaturalized foreigners.

There was a time when young boys now and then liked to go to sea out of romance. I passed through that period once myself, from reading Fenimore Cooper's novels, and Dana's Two Years Before the Mast, and various things of that sort; but that sort of literature has ceased to be popular now even with that sort of reader, so you can not even rely upon sentiment—outside of a few fishing villages in New England, perhaps—to furnish any American men for sea service outside of the Navy, where genuine patriotism and not pseudopatriotism makes an appeal.

Why should a boy want to leave his mother, his sisters, his sweetheart, and probably his wife to live one of the hardest lives in the world, with food not too good, with atmosphere to breathe at night not too unlimited in amount nor pure in character and under a discipline harsh and rigorous, when he could stay on land and earn more money, and be near his kith and kin, with his feet upon his native sod? Do you think you can furnish enough money to overcome that; and do you think that if you once did furnish money enough for you to seem to be overcoming it, all the other nations in the world would not begin to issue subsidies as effective as yours or a little bit more so? It would be the old endless race over again, only in peace instead of in preparation for war, of one nation building more battleships and enlisting more soldiers, and another at the very next meeting of its legislative assembly capping them, "calling the bluff"—the old endless race in armor and armament and land and sea forces. It would be the same thing for a merchant marine race.

You need not think, because the balance of the world just now looks as if it were a bit bankrupt, or nearly bankrupt, and you have money untold in your Treasury and almost unrealizable in potentiality, that therefore they will not spend money to keep you from pushing them out of a legitimate business. They will do it if they have to economize on something more important. Not only is their pride enlisted, but if you take countries like Holland and Norway and Great Britain and several others which I might name, the very livelihood of a great number of their people is enlisted.

For every dollar you put down they could put down a half a dollar, and a half a dollar would go just about as far with them in operating ships as a dollar will with you; or, if that is an overstatement, 75 cents would undoubtedly go just as far. They could put less money down and still be equal with you in the results attained.

But I did not intend to discuss the merits of the bill, or rather, its demerits, because it has no merits, except in the eyes of its beneficiaries, and except in the eyes of gross, maudlin sentimentalists, who think that a flag sanctifies a bushel of wheat or a bale of cotton carried behind it. I did not intend to discuss the bill. I merely intended to make a reply to the line of argument made by my friend from Alabama, which, in my opinion, is not only illogical and mistaken, but would lead to positively unethical political results.

Another Senator says that he fears that if we delay this legislation we might be understood as denying or delaying other legislation. Of course, we can not help what somebody may think, but anybody who would think that can not have very much sense. The thing that is denying and delaying other legislation is the keeping of this bill constantly before this body. The real filibuster in this case is this procedure, and the chief and head of the filibusters is the Senator from Washington [Mr. JONES], who obstinately keeps this legislation before this body all the time, thereby denying an opportunity to the Senate to pass other measures which the people are in favor of. I do not use the word "filibuster" in any insulting or offensive sense, but it has been hurled at men over here, and my friend from Montana says he fears we will be thought guilty of filibustering against other measures. The people who are filibustering against other measures are the men who are keeping this—oh, I started to use an adjective—this measure before this body. They can not plead that they are ignorant of the fact that if they keep this thing up to the end of the session a great many meritorious bills will have to fail. They know it just as well as I do, and if the people have not sense enough to learn it, then they have not sense enough for self-government, and the whole thing might as well go to pot; we might just as well stop the experiment of self-government.

The Senator from Alabama said that one reason why nobody ought to delay the ship subsidy bill was that it was an appropriation for a specific purpose. I would like to know what could be a more indefinite utterance than that. An appropriation; yes. How much? For a specific purpose; yes. What specific purpose? As long as you leave that statement out in the open by itself, subject to be rained upon and snowed upon, it is the most defenseless thing I have witnessed in a long, long time, and when you begin to define it you find there is nothing to it. Of course, everything is an appropriation "for a specific purpose," if it is an appropriation at all. The specific purpose in the heart of the beneficiary in this case is to put money in his purse, and if he does not know how to put it in by honest thrift and industry in open competition, to put it in by taxing my constituents, the farmers of Mississippi, black and white, poor as they can be, the darkies especially, when that beneficiary is rich already. Where is the man who is going to build a ship who is not already worth a quarter of a million or half a million?

"An appropriation for a specific purpose." It is the specific purpose which makes it hellish, and it is the fact that it is an appropriation that makes it a steal. There might be an appropriation for the specific purpose of helping the starving somewhere, in Europe or here at home, and this phrase would apply to it as well as to any other legislation I could conceive of which costs the Government a dollar.

The antilynching bill would have involved sooner or later "an appropriation for a specific purpose," the specific purpose of depriving the States of jurisdiction over cases of murder, because, after all is said or done, a man who is lynched is murdered, and that which can legally be said of those who have lynched him is that in the law they are murderers. If we started once to giving the Federal Government jurisdiction over murder, I do not know where we would stop in the catalogue of crime.

We would go next, I suppose, to arson, and after that to rape, and after that to grand larceny, and in the course of time we would get down to petty larceny. I know a distinction in grade, but I do not know any distinction in character or kind between crimes which have uniformly and universally been supposed to be punishable by the States under their police powers. Yet, if we start out on that pathway we will not only have appropriations for specific purposes but we will have very numerous and very large ones for a great many specific purposes.

Mr. President, I expect I owe somewhat of an apology for having spoken at this time. I have been feeling exceedingly badly all day long. My chief occupation for about a week has been blowing my nose, now and then interrupted by a sneezing spell, and to-day I have a little, dull, mean, bad headache with it, which makes me feel peculiarly stupid. In fact, I do not know of any physical ailment that attacks a man's mind quite as quickly as having his nose stopped up; and if I have not done my subject justice, please attribute it to the fact that my nose is not disciplinable.

REMOVALS FROM THE BUREAU OF ENGRAVING AND PRINTING.

Mr. CARAWAY. Mr. President, I regret to refer to the Senator from New York [Mr. CALDER] in his absence. Some time ago, however, I introduced a resolution asking for an investigation touching the discharge of the director and 27 chiefs of divisions in the Bureau of Engraving and Printing. They were discharged by an Executive order with the statement that it was "for the good of the service," an indictment against them both as to honesty and efficiency. After months of investigation the President gave out an indefinite interview to the effect that possibly in the future he might make a statement. In the meantime he permitted three women, who for 25 or 30 years had toiled faithfully for the Government, to creep back into the Government's employ at half their former salaries, while he put in their former places men of no experience and in some cases men of no character.

Recently the President issued another order restoring to the civil service status the remaining people whom he had stricken from the rolls, with two exceptions, one, Doctor Beach, who had been killed by this unjustifiable charge, the other, the former director, Mr. Wilmeth, whom he seeks to punish because Wil-

meth comes from my State. He has such little respect for other men's reputations that he is willing to damn for all time to come the reputation of Mr. Wilmeth because he imagines thus he is punishing me. Oh, Mr. President, if he wanted to strike me, why did he not strike me and not attempt to do so through a helpless individual who can not strike back?

I said the other day that this discharge was for a division of spoils, and that among the people who were the beneficiaries were some of the Senators who were blocking the investigation. The Senator from New York [Mr. CALDER] immediately asked if I was talking about him. He guessed correctly, because I was talking about him.

I have here a statement which I shall put in the RECORD when the Senator from New York is present, which tends to show that he in fact was awarded one of the places. I thought he got that as his part of the spoils, and now he helps to deny an investigation.

Honestly, now, I think he is inconsistent.

Mr. SHORTRIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from California?

Mr. CARAWAY. I yield.

Mr. SHORTRIDGE. I wish to file a report on behalf of the Judiciary Committee on a certain resolution.

Mr. CARAWAY. Let me withdraw that consent until the Senator from North Carolina [Mr. OVERMAN] is present. He wants to have something to say. That is on the child-labor question?

Mr. SHORTRIDGE. Yes.

Mr. CARAWAY. I shall have to refuse to yield until the Senator from North Carolina is present, because I know he wants to say something about it. The Senator will pardon me for not yielding?

Mr. SHORTRIDGE. Certainly.

Mr. CARAWAY. I was about to say that the Senator from New York [Mr. CALDER], whom I like, who is a delightful, pleasant gentleman, was named the other day by General Cronkhite, who says he helped smother an investigation into the charges against Captain Rosenbluth, whom he thinks killed his son; and when that charge was made, Senator CALDER said last night that he was willing that there should be an investigation so that all might know he was innocent of this charge, but he smothers an investigation where 28 men and women are laboring under a charge and denies them a forum in which they may be heard to vindicate their names against this charge made against them. He is quick to say, "I am willing to have an investigation of the killing of Major Cronkhite, when they say I induced the Attorney General to desist in the probe to determine who was guilty of the murder. I am willing that there should be a thorough investigation"; but when 28 men and women who are helpless ask and plead for an investigation, he will not let them have it because he does not want to embarrass the President, I understand he says.

I do not know what representations were made to the President to induce him to do this unthinkable thing of striking down the reputations of 28 men and women who heretofore have lived lives that entitled them to the respect and confidence of those who knew them. I do not know what representations were made to him, but I shall always believe, whatever the denials may be, that it was a political doling out of patronage to which the President yielded. I have said let them take the offices. I do not complain about that. Let them have the offices, but let them take them like spoilsmen that they are, and let the administration dole them out as the spoils broker that it is and not take them by robbing the men of their reputations.

This afternoon the President gave out an interview that I shall read. It appears in the Evening Star of this date, and is headed:

Ousted bureau officials will be denied old jobs. President Harding feels no regret over changes and feels matter now closed incident.

I do not think he feels any regret over the incident, because he belongs to that school of politicians who think, if a place is to be had, his friends should get it, whatever the means, and have no regret. He wanted those places for people, some of them, I fear, here in the Senate, who were demanding the jobs for their henchmen, and he now says, "Why, of course, we got the offices. What regret should I feel?"

In the interview he is quoted as saying:

President Harding feels no regret over the changes made at the Bureau of Engraving and Printing, has "laid all his cards" before the Senate Committee on Contingent Expenses, and probably will make no further statement in the matter.

I do not know what cards he laid on the table before the Committee to Audit and Control the Contingent Expenses of the Senate, but I do know, even though he is the President of these United States, that when he does a thing in secret that injures another man he ought not to be content to lay his cards in secret before a secret committee and then say, "I have nothing further to say." Lay them on the table before the public, which is his master and mine, and let the public judge and not let a committee that he knows will not report the resolution and will not make public the facts which he is supposed to have revealed. I understand—and there is a member of that committee sitting present to correct me if I am misinformed—that while he permitted everybody who wanted to crawl up out of the filth and cast their aspersions upon the character of these men to appear before the committee and to make charges indefinite and vague and principally by insinuation, yet when the men and women whose characters have been besmirched pleaded at the committee door to be heard they were denied.

It was explained that the committee was sitting like a grand jury; it would seem like a packed grand jury.

I continue to read:

In making this known at the White House to-day it was said that the President feels that restoration of the civil service status of the dismissed employees was sufficient to satisfy their claims, in the absence of any specific charges against them.

Oh, my goodness, Mr. President, to tell a man he may get a job if he can find it is not sufficient. When he has done that it is sufficient, although he struck them down when they had a job and destroyed their right to be reemployed when they were employed; that because he made no specific charges against them, it is sufficient because a year later he says, "If you can find some other place to work I am satisfied, and if you can not you can starve, and it does not concern me." I am sure the American people will be shocked to know that that is the sentiment of the President of the United States toward the people whom he has ruined.

But that is not all. I read further:

The President was also represented as feeling that it was "neither possible nor desirable" to restore any of the dismissed chiefs to their positions in the bureau.

Whether the Senate committee before which the President laid his facts, according to the statement to-day at the White House, will ever make public further details was problematical. It was thought, however, in view of the developments to-day, that no more official statement may be expected on the dismissals of March 31, last year.

I continue reading the article:

Chairman CALDER of the Senate Committee on Contingent Expenses, following a conference with President Harding at the White House to-day, indicated that the committee might make no report of any kind on the Caraway resolution to investigate the Bureau of Engraving and Printing dismissals.

Hearings have been concluded, Senator CALDER said, the committee calling in only one witness, Charles B. Brewer, special investigator of the Department of Justice. No witnesses were called to represent the dismissed employees, the Senator said. His committee was sitting in the nature of a "grand jury," it was explained, and, although having concluded its hearings, had not definitely decided what to do about it.

The probability is, however, the Senator intimated, that there will be no report at all. "It would be a serious thing," he said, "to investigate the President."

Oh, yes; it would, Mr. President, but the most serious charge ever made against the President of the United States is made in the statement which is quoted from the Senator from New York, that the President has been guilty of some act that it would be a "serious" offense to let the public know what it was the President did. I have said some things that were not exactly complimentary about the President, and suppressed a good many I wanted to say, but I have never thought, much less ever said, anything that so reflects upon the President as his particular friend, who is smothering the resolution to which I have referred. He said, and I want to quote it, because it is in his own language:

It would be a serious thing to investigate the President.

He knows what the President has done, because the President said he has told him, and he knows it. But he said that he will not permit others to know what the President said, because "it would be a serious thing to investigate the President."

Reading further from the article:

Wide difference of opinion exists in the Senate committee, Senator CALDER admitted, over the value of Brewer's testimony. Senator MCKELLAR, Democrat, Tennessee, member of the committee, has stated that Brewer failed utterly to substantiate the charges upon which it is alleged President Harding based his action.

Senator MCKELLAR was understood to-day to be still intent on doing further justice to the dismissed employees, and meant to try to get through the committee a proposed bill to pay the dismissed persons all back pay for the time since March 31, when they were let out, and, further, to replace them in positions similar to those from which they were dismissed.

I shall not read the remainder of the interview. I ask permission to insert the entire interview in my remarks at this point.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

OUSTED BUREAU OFFICIALS WILL BE DENIED OLD JOBS—PRESIDENT HARDING FEELS NO REGRET OVER CHANGES AND FEELS MATTER NOW CLOSED INCIDENT.

President Harding feels no regret over the changes made at the Bureau of Engraving and Printing, has "laid all his cards" before the Senate Committee on Contingent Expenses, and probably will make no further statement in the matter.

In making this known at the White House to-day, it was said that the President feels that restoration of the civil-service status of the dismissed employees was sufficient to satisfy their claims, in the absence of any specific charges against them.

The President was also represented as feeling that it was "neither possible nor desirable" to restore any of the dismissed chiefs to their positions in the bureau.

Whether the Senate committee before which the President laid his facts, according to the statement to-day at the White House, will ever make public further details was problematical. It was thought, however, in view of developments to-day, that no more official statement may be expected on the dismissals of March 31 last year.

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NO REPORT LIKELY.

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Whether Senator CALDER conferred with the President over this phase of the situation it was not learned to-day.

Brewer's testimony impressed members of the committee in various ways, Senator CALDER indicated. The chairman himself had entered the "grand jury" hearings on the Caraway resolution with an open mind, he said, and had learned from Brewer many valuable things, but added that his mind was still open on the question.

From confidential sources close to the committee it was learned further to-day that Brewer was not only asked to present his case, but that he was severely cross-examined by members of the committee as to the reasons why he had gathered the charges which were presented to President Harding, and upon which the President acted, without the knowledge and advice of Secretary of the Treasury Mellon.

Brewer was an early caller at the White House to-day. He refused to discuss his mission there or to make any statement on the Bureau of Engraving matter. Upon leaving the White House he was photographed for the first time since his implication in the bureau matter.

Mr. KING. Mr. President, will the Senator from Arkansas yield to me for a question?

Mr. CARAWAY. I yield for a question.

Mr. KING. I rose to inquire how the resolution reached the committee of which the able Senator from New York [Mr. CALDER] is chairman, and, secondly, if I may be permitted to ask two questions, if it did reach that committee properly, and I assume that it did, what reason has the committee to smother an investigation of a matter which obviously, under all the facts known to the public and known to the Senate, does demand an exhaustive inquiry?

Mr. CARAWAY. There were about two dozen Senators who objected to its immediate consideration, so it went to the Committee to Audit and Control the Contingent Expenses of the Senate. The reason why that committee smothered it is plain. I shall read again from the language of the chairman of that committee, though I read it a moment ago. Here it is again:

It would be a serious thing to investigate the President.

That is the reason why the committee smothered it, because he said, "It would be a serious thing to investigate the President." The resolution did not necessarily mean to investigate the President. The resolution asked that we might know why these people were dismissed, what their reputations and characters were, and what are the reputations and characters of the individuals whom the President put in their places. Now, the Senator from New York said it would be a serious thing to investigate the President. The committee, as I understand, stood on a division on purely political lines. The committee consists of Mr. CALDER, of New York, as chairman; Mr. KEYES, of New Hampshire; and Mr. MCCORMICK, of Illinois; and then the two Democrats, Mr. JONES of New Mexico and Mr. MCKELLAR, of Tennessee.

Mr. KING. Mr. President, before the Senator leaves that point will he yield?

Mr. CARAWAY. I yield for a question.

Mr. KING. I would like to ask the Senator whether, under the procedure of the Senate as he understands it and under the rules of the Senate as he interprets them, the Committee to Audit and Control the Contingent Expenses of the Senate have the right to deny an investigation? My understanding is, by way of interrogation, that they have the right merely to determine whether or not the funds are available to pay for the inquiry. If the object of the inquiry is at all legitimate, and it is for the Senate to determine that question, it is their duty to report back the resolution. Is not that the Senator's understanding?

Mr. CARAWAY. That is the way they have treated every resolution heretofore; but this resolution, for the reasons I have explained, is one tending to prevent people getting together to share the spoils in the way of a division of offices, so I suppose they feel they ought to stand together. Here are 28 helpless men and women, who have spent a lifetime in faithful service as employees of the Government. They have been despoiled of their right to make an honest living. They have had their characters besmirched and reputations destroyed, and yet the people who profit thereby will not even give them back their reputations. They will be compelled to go on down through the years with the finger of suspicion pointed at them. One of them is already dead, having died of a broken heart.

But this I wish to emphasize. Mr. Wilmeth is to be denied restoration altogether, because he comes from my State and I had the bad taste to say anything about his removal. Therefore he is to be perpetually barred because I have offended the President by calling the attention of the country to his unwarranted removal of these people. Mr. Wilmeth went into the Government employ as a messenger. For 30 years he toiled upward, with never a charge against him at any time by anybody. He is never to be restored, because he comes from my State.

Doctor Beach, 30 years with the Government, an educated, cultivated gentleman, was taken out of a little position when he was old, when he was getting $1,600 a year, and sent to his grave with a broken heart, and his place filled by a politician from Pennsylvania at $3,000 a year—a man who had no civil-service status at all and never had been in the employ of the Government before.

Mr. Wilmeth was removed, a man of high character, a Christian gentleman, and in his place was put a Mr. Hill, a man whose wife was then suing him for divorce. Among all the other unmentionable charges against Mr. Hill, which have never been denied so far as I know and have subsequently been sustained by proof, was that he has a daughter who is about grown, and he had the brutality to beat her in the face with his fist because she protested against the life he was living and the indignities he was heaping upon her mother.

Well, I do not much blame them not to want to air the reputation of Mr. Hill, whom the President put in charge of the bureau which has in it more women than are in any other division of the Government; but there are other things about Mr. Hill, to a few of which I wish to call attention.

I want to make the paper which I am preparing to read really interesting. I wish to call attention to the fact that Mr. Hill and his wife were separated, were living separated and apart; that he had thrown the furniture into the street, so that the family could not live with him; no member of his family I am informed, is living with him; and yet I have here the order which he gave for an automobile with certain equipment to which I wish to call attention. I am going to suppress the name of the automobile company to which the order was given, for I do not wish to do them an injury, but I have a copy of the order here and any Senator will be at liberty to see it.

Mr. Hill was appointed director of the bureau on the 1st day of April, 1922. On the 27th day of June following he made this requisition for an automobile, which he wished the Government to buy for him.

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

Mr. CARAWAY. Let me first read this requisition.

Mr. MCKELLAR. Very well.

Mr. CARAWAY. By way of explanation, I desire to say that the Government is expected to furnish the director of the bureau an automobile. This is the automobile for which Mr. Hill asked, and its equipment is what I wish to call to the attention of the Senate. The order is dated June 27, 1922.

I will leave off the name of the company, which is here. I shall also leave off the name of the car, because otherwise it could be identified. Mr. Hill wanted:

One * * * four-door, six-passenger sedan; equipped with cord tires, motometer, and bar cap—

Now, listen—

smoking set, lady's vanity case.

[Laughter.]

I pause to ask who the lady is who was to use the vanity case? Hill was separated from his wife; she was not using the car with him. He had beaten up his daughter as though she were a slave, and she would not ride with him; and yet he wanted his automobile equipped with a lady's vanity case!

Mr. KING. Mr. President, will the Senator yield for an inquiry?

Mr. CARAWAY. I will yield merely for an inquiry.

Mr. KING. Does the Senator mean that Congress appropriated money for a car for a man of that character and for a man holding that office?

Mr. CARAWAY. Well, Congress does not appropriate the money for that particular purpose.

Mr. KING. However, we provided this car?

Mr. CARAWAY. Congress provides the funds and they are used to buy cars.

I desire to digress here long enough to say that Mr. Mellon, in my judgment, however one may criticize his views, is a real man. Of all the master minds, not even excluding Doctor Sawyer, I think that Mellon is the best appointment the President made; and I have in mind that he also appointed Harry Daugherty when I make that statement. However, Mr. Mellon turned this order down, lady's vanity case and all, because Mellon could not understand what Hill needed with a vanity case for a lady when his wife would not live with him. So he did not get the vanity case nor the smoking set.

Mr. Ashworth was also dismissed. He was a man who had been for about 30 years in the employ of the Government. He was at the head of the division which had the custody—he is called the custodian—of dies, rolls, and plates.

He had under his care all the plates from which bonds and currency and stamps are printed and all the rolls and dies. At 4 o'clock in the afternoon he had a letter of commendation from the Treasury Department. It came about in this way: Under the law the Secretary of the Treasury must have a committee appointed once a year to check up that division to ascertain if the custodian has been faithful in his duty as custodian of the rolls and dies and plates. That committee had just concluded its investigation and made its report. Not only had his work been satisfactory but it had been so satisfactory that it transmitted to him a letter of commendation for the intelligent and faithful discharge of his duties. That letter reached him at 4 o'clock. At 6 o'clock he was dismissed from his place and put out of the service altogether "for the good of the service." Let us see what "the good of the service" meant. In his place was put a man named McCauley. McCauley's wife was then suing him for divorce on statutory grounds, naming about half a dozen ladies—well, other folks—as corespondents. Among the exhibits in this case Mrs. McCauley filed with her complaint was a letter that McCauley had written to a 15-year-old girl here in the District, asking her to meet him on Pennsylvania Avenue at 4 o'clock, and that he would give her the money and direct her to a doctor. We all know why she was to go to a doctor. That is the man who was put in the place of Mr. Ashworth "for the good of the service."

As to Mr. Perry, the man who comes from Brooklyn and the man who I think stands in the way of this investigation, his wife had a divorce from him, I am informed. In other words, the notice ought to read: "No man who is living with his own wife need apply, because there will be no place for him. None but 'gentlemen' who have beaten up their daughters and who have debauched children and divorced their wives or been divorced by their wives need apply for employment in this bureau."

Mr. Perry had some other qualifications. He had been dismissed from the service because he was a bookmaker and had solicited gambling bets from other employees, and yet "for the good of the service" he was installed as the custodian of this most important bureau.

I am not through with Mr. Hill, although I think that possibly he has had all the notoriety he is entitled to receive.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. CARAWAY. I yield for an inquiry.

Mr. KING. Does the Senator mean to state to the Senate that the President of the United States is retaining these men in office and keeping out of office men of the character to which the Senator has referred who for 30 years earnestly devoted themselves to the discharge of their duties?

Mr. CARAWAY. Of course, and also women who had toiled up through the years—and the Senator knows what discriminations have been practiced against women in public employment until recently—who had gone in there as girls and had toiled until their hair was as white as the driven snow; women against whom never a word had been uttered until the President of these United States struck their reputations down in the dark with a statement that they were dismissed "for the good of the service," and then allowed like whipped slaves to crawl back into public employment at half their former salary, while men of the character I have described were given their places.

I have another interesting document here that will show why Hill was appointed. It is a photostatic copy. It reads:

Republican State Voters' Association in the District of Columbia.
Application for membership.
Make checks payable to the Republican State Voters' Association.
Republican State Voters' Association.
Temporary headquarters, 808 Colorado Building, Washington, D. C.
I hereby apply for ——— membership in ——— the Republican State Voters' Association.

Then the applicant states what kind of membership he will take; he may be an active member or he may be a half member or he may be a sustaining member, which, I presume, is a "boss"; I do not know what else a "sustaining member" would be.

Then the important thing follows:

I inclose check (or currency) in the amount of $——— for the payment of my dues, pro rata, for the period January 1 to June 30, 1923, consisting of one-half the regular annual dues of the association applicable to my membership.

Here the contributing member will choose whether he will become an active or a half-active or a supporting or a sustaining member. The paper continues:

I am a Republican—

He must say that—

of the city or town—

He must name that—

and county—

Naming that—

and State—

Naming that.

He must also tell in what congressional district he originally had his residence and what voting precinct or ward. Then—

My business or occupation is—

So he must set down here whether he has charge of one machine or another. Then the blank says:

Recommended by L. A. Hill.

Mr. Hill, of course, is the director of the bureau.

In other words, he is having given to every man and woman in the bureau this blank, and they are required to fill it out and contribute toward a campaign fund for some purpose, which is presumed to be to elect Republicans.

The matter does not stop there, but I shall put the other document which I have in mind in the RECORD a little bit later, but not to-day.

After these people had contributed or not contributed, it has been told me, then somebody was to visit each Republican Member of the Senate and each Republican Member of the House and report the names of those who are from his State or district and whether they have contributed all they ought to have contributed. Some have already been visited. And in return for all that Mr. Hill and Mr. McCauley and Mr. Perry and all of that other bunch are to be kept in office. There is a community of interest. "Contribute to the fund and then tell your Senator what State you are from and that you vote the Republican ticket there, and for him to keep us in"; and they will do it until the people get a chance in another election.

That is not all of this interesting document:

If in any branch of the public service, complete the following statements:

I am employed in _____ _____
Government department. Title of position.

The status of my Government employment is _____.
(Classified civil service, unclassified civil service, presidential appointee, elective office) _____

And so on, and so on.

If elected to membership, I agree to support the constitution and observe the by-laws of the association.

Here he signs, and then here is something else:

OFFICE RECORD.

Examined by membership committee _____ Elected to membership _____
Reported to executive committee _____ Membership card No. _____
Action by executive committee _____ Membership card mailed _____

Why, I presume no man could get back to his desk and go to work if he did not have a membership card from Mr. Hill's Republican bureau, showing that he had paid his dues as a half member at least, and if he wants to be promoted he had better be a sustaining member.

Here, on the back of that interesting thing, is article 2 of the constitution:

MEMBERSHIP.

(Definition of classes.)

SEC. 2. The membership of this association shall be of five classes: Active, registered, sustaining, contributing, and honorary.

I presume Mr. Hill is an honorary member.

SEC. 3. Active members in this association shall have the right to vote and a voice in its management, and such other privileges and benefits as prescribed by this constitution.

SEC. 4. Registered members of this association, both sustaining and contributory, who are in the classified service shall take no active part in the management of the association or of its partisan objects, but will otherwise enjoy the privileges and benefits of the association as prescribed in its constitution.

That is, the right to contribute, and the right to hold a job as long as they do contribute.

There is some more of it.

SEC. 5. Sustaining members in this association shall be those active or registered members who pay voluntarily—

I want you to notice that:

Who pay voluntarily.

The other fellow did not pay voluntarily. He paid because they made him pay or lose his job; but—

Sustaining members in this association shall be those active or registered members who pay voluntarily such dues as are hereinafter prescribed by this constitution.

Do you imagine that there was not something meant by that word "voluntarily"? The other fellow was not a voluntary payer at all. He paid because he had a job, and Mr. Hill was the director, and Mr. Hill was organizing and circulating in his department this document; but if you are not employed by the Government, then you may pay voluntarily.

SEC. 6. Contributing members in this association shall be those active or registered members who voluntarily subscribe any sum in excess of $20, biennially, to the association.

SEC. 8. Applications for membership shall be made to the association, setting forth that the applicant is a Republican, the legal residence, Washington address, and character and place of official or business employment. Application shall be referred to the membership committee of the association, whose report thereon shall be submitted to the executive committee and acted upon at its next regular meeting, unless otherwise determined, by a majority vote of those present.

ARTICLE IV OF THE CONSTITUTION.

DUES.

SECTION 1. The annual dues for active membership shall be $3.

SEC. 2. The annual dues for registered membership shall be $2.

SEC. 3. The annual dues for class A—sustaining membership—shall be $10. The annual dues for class B—sustaining membership—shall be $5.

SEC. 4. The fiscal year of this association shall begin on the 1st day of July.

SEC. 5. All dues are payable from July 1, annually in advance, unless otherwise provided for by the executive committee for the period prior to July 1, 1923.

SEC. 6. Payment of membership dues, as hereinbefore prescribed, satisfies obligations to this association, and no increase of dues nor assessments for any purpose shall be made during the period for which membership dues have been paid in advance. No form of coercion shall be used in obtaining or maintaining membership.

Is not that a wonderful thing that they are not going to coerce you? But, you know, it says that you shall be recommended, and on this blank it says:

Recommended by L. A. Hill.

So everybody in his bureau is to be recommended by none but Hill, because Hill's name is in the blank. Nobody else may make a recommendation, and nobody can get into the club without Hill's recommendation, and nobody can work in the bureau, of course, we know, unless Hill recommends him.

Mr. President, we have a law that guarantees civil-service employees against being driven into contributing to campaign funds, but it does not run in the Bureau of Engraving and Printing as long as Mr. Hill is director. We have a law against punishing civil-service employees who do not contribute, but it has no effect as long as Hill is Director of the Bureau of Engraving and Printing, and as long as these people expect to hold a place in that bureau.

Mr. President, the President said in the interview which I have just read that he has no regrets; that is, he is glad he struck down these people's reputations, glad that he made them walk the streets and beg for a place to earn an honest living, glad that he made these women with 30 years of faithful service creep back like whipped slaves and take any place that he would give them at half their previous salary. He is glad he drove Doctor Beech into his grave with a broken heart. He is glad that feelings of injustice are rankling within all these other men, because he thinks they can not reach him, Mr. President.

The immunity against malicious slander does not clothe the Executive. Wisely or otherwise, the Constitution clothes us with the right to express opinions in debate in the Senate and in the House and not be required to answer elsewhere, but such immunity does not run with the President of these United States; and I feel certain, Mr. President, that what never happened before in the history of this country is going to happen now—that one of these discharged employees is going to sue the President of these United States for willful, malicious defamation of character, and the President, like any other citizen, is going before the bar of justice in a court room in the city of Washington and answer that charge. That is their last resort. They hoped that the President would have regard for their rights, and restore their reputations he so ruthlessly destroyed; but he says now: "I will not do it, and I am not sorry for what I did."

Therefore, Mr. President, the mere fact that it never happened is no reason why it is not going to happen; and the President, I fear, must answer to the Senate or to a jury, as he sees fit. There must be a tribunal before which even the President of the United States must answer.

The Senator from New York [Mr. CALDER] said in his interview to-day that it would be a serious thing to investigate the President. Then it must be that the President has done some terrible thing, because if he had done the thing that is right, the President would not object to being investigated, you know. But here is the remarkable thing: The Senator from New York gave out that interview about "how serious it would be to investigate the President" just after he had had an interview with the President on this matter, so I am sure the President said, "Now, there are things about this that I do not want the public to know," so the Senator from New York says, "It would be a serious thing to investigate the President."

Oh, well, the President will be investigated. In spite of all that may be done by the Senator from New York and those with him on the committee who want to smother the investigation, he is now being investigated by hundreds of thousands of people over this country, and they have a feeling of astonishment and indignation that a man, simply because he is the Chief Magistrate of this great country, could strike down the reputations of honest men and women and refuse to tell them why.

Let me tell you, the President can not now say that these people were guilty of any wrongdoing. In the first place, under the law in regard to accessories after a fact, if these men had been guilty of the wrongful things that he intimated that they had done, if they had stolen bonds and duplicated numbers and profited thereby, and he did not reveal it, he himself would be guilty of an offense as an accessory after the fact. So I know they were not guilty of any wrongdoing.

Again, the law requires that a man or woman who enters civil-service employment must be a person of good character, and of some attainments, at least; and since the President has issued another order restoring these people to their former civil-service status he has certified that they are men and women of good characters. Therefore he had no right, no justification, for striking down their standing as civil-service employees, and he is without a defense. So far as Mr. Ashworth is concerned, he never had any reason to believe that he was not an efficient and honorable man, because Brewster, who seems to have been the man who was sent by Mr. Daugherty to help clear the way for these places, himself says he never mentioned Ashworth's name to the President at all; and Ashworth's direct chief, the Secretary of the Treasury, had transmitted to him a letter showing that he was not only a man of good character and efficient, but that he had performed his duties in an extraordinarily efficient and honorable way, and recommended him. So the President did not have any probable grounds for believing that Ashworth was unworthy or incompetent, and he knows it, and the Senator from New York [Mr. CALDER] knows it, and yet he says "it would be a serious thing to investigate the President."

Mr. President, it is a serious thing for the President to have to be investigated; but you can not surround yourself with "certain influences" and escape; you can not incur obligations and pay them at the public expense and escape. Why, who ever suspected that the Attorney General was appointed because he was a lawyer? You could not prove by the court records of Ohio that he tried a lawsuit there in 15 years. He not only has no knowledge of the law but has no curiosity about it. He is going to quit, Mr. President. He got whitewashed by some lame ducks in the House who hope to be appointed to some place where they can get a living without working for it, and now, while he has got whitewash on him as thick as a negro puts on a cabin down in Arkansas, he is going back home, and if anybody says anything about it

will say: "Why, just look at this whitewash all over me! It is just dripping off of me"; and it is going to drip off of him, Mr. President. It is running now. He is going to quit before the Sixty-eighth Congress can have anything to say about his whitewash, and we know it; and there is another member of the Cabinet "fixing" to quit also, Mr. President. Whenever the lid on the Teapot Dome blows off—and it is already stewing—another who was a party to giving away all the naval-reserve fuel this country had, and one man for nothing got a hundred million dollars' worth of it, is going to quit. Fall is not going to have to carry the entire responsibility for giving away all of the national wealth.

He is entitled to only his part of it. The President also "whitewashed" him. He said, "All this thing that Mr. Fall has done I sanctioned." I rather imagine they promised to divide the spoils, including the naval-reserve oils, before he was in a position to appoint a Cabinet. Anyway, there will be but two or three of the master minds when we get back here in December next. The Secretary of State will possibly still be sitting on his iron safe, keeping anybody from finding out what the foreign policy of this country is. He will not even get off it long enough to get a shave. Doctor Sawyer will still be rattling his spurs around, just 2 inches beneath his ears. But all the other master minds will have gone the way of all the earth.

But in conclusion let me say if anybody is being sued by his wife on statutory grounds, and she can prove her case, let him apply and he will be given a place in the Bureau of Engraving and Printing; but if he has a good character he must apply elsewhere; he is not wanted.

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.

Mr. REED of Missouri obtained the floor.

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

The PRESIDING OFFICER (Mr. McNARY in the chair). The Secretary will call the roll.

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

Ashurst	George	McCormick	Robinson
Bayard	Gooding	McKellar	Sheppard
Brandegee	Hale	McKinley	Shortridge
Brookhart	Harreld	McLean	Smith
Bursum	Harris	McNary	Smoot
Calder	Harrison	Moses	Spencer
Capper	Heflin	Norbeck	Sutherland
Caraway	Johnson	Oddie	Townsend
Curtis	Jones, Wash.	Overman	Wadsworth
Dial	Keyes	Pepper	Warren
Edge	King	Phipps	Watson
Ernst	Ladd	Ransdell	Weller
Fernald	Lenroot	Reed, Mo.	Williams
Fletcher	Lodge	Reed, Pa.	Willis

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

Mr. REED of Missouri. Mr. President, merely by way of possibly shortening the labors of the Senate, I call attention to the fact that there is some discussion going on about agreeing to adjourn this evening and to vote on the pending motion at some hour to-morrow, to be fixed. If that is to be done, I think it ought to be done now before I begin my remarks.

Mr. JONES of Washington. I think perhaps we had better go on.

Mr. ROBINSON. Mr. President——

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

Mr. REED of Missouri. I do.

Mr. ROBINSON. The Senate has now been in session nine hours to-day, and I think we ought to take a recess until to-morrow at 11. I believe the Senator from Washington ought to make that request.

Mr. CURTIS. The Senator does not mean that that should be done without any agreement to vote?

Mr. ROBINSON. I think we would be willing to vote upon the pending motion at 12 o'clock to-morrow, if a recess could be taken now, and I make that proposal.

Mr. JONES of Washington. Mr. President, it is true that we have been in session since 11 o'clock this morning. We have had just three speeches and not one has touched the pending question. I think we had better go on to-night.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. HARRISON. Mr. President, before the Senator proceeds——

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

Mr. REED of Missouri. I do.

Mr. HARRISON. May I suggest, then, if no agreement is to be entered, that the Senator from Missouri is entitled to have a quorum present during his speech this evening? It is an important matter that he is going to discuss, and Senators should stay here to listen to him. Some of us will see to it that there is a quorum present.

Mr. REED of Missouri. Mr. President, anything that is agreeable to the Senate is agreeable to me. I am prepared to proceed. I am not only prepared to vote on the question of substituting the filled milk bill for the ship subsidy bill, but I would like very much to have a vote on the resolution I have offered, and I say that in the best of faith, and very earnestly, because this is probably the last opportunity I will have at this session of Congress to be present and to ask for a vote. I do not believe there will be any opposition to the resolution. There should not be, in my humble judgment, and I am making the suggestion now in order that Senators may consider it.

I ask permission to place here in front of the Senate, where those Senators who are interested in this question may be able to see them, two maps which I have now in the Senate Chamber.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Missouri? The Chair hears none, and the maps will be placed in appropriate places.

PROPOSED CESSION OF CERTAIN WEST INDIAN ISLANDS.

Mr. REED of Missouri resumed the speech begun by him on the 10th ultimo, upon the following resolution (S. Res. 396) submitted by him January 5, 1923:

Resolved, That the President be, and he is hereby, respectfully requested to ascertain whether the Government of the United Kingdom of Great Britain, etc., is willing to discuss the cession by it to the United States of all or any part of its possessions in the West Indies, including the island of Trinidad, and also the Bermuda Islands.

The President is further requested to ascertain whether the Government of the Republic of France is willing to discuss the cession by it to the United States of all or any part of its possessions in the Lesser Antilles, including the islands of Grande Terre, Guadeloupe, Marie Galante, and Martinique.

The speech of Mr. REED of Missouri is, entire, as follows:

Wednesday, January 10, 1923.

Mr. REED of Missouri. Mr. President, a day or two ago the Senate passed a resolution, which I introduced, requesting that the American troops be recalled from Germany. We were promptly told by the official reporter of unofficial news that it had been determined by the White House, notwithstanding the action of the Senate, that the troops should remain in Germany. But the scenes of the international drama now being played upon the stage of the world change nowadays with marvelous rapidity. Accordingly it appears that the logic of events transpiring within a few hours after the passage of the Senate resolution has forced the administration to reverse its defiant attitude and to admit the wisdom and imperative necessity for immediately returning American troops to American soil. I congratulate the country upon the fact that our soldiers are to be withdrawn from a position which every thoughtful man has for the past two years recognized as one of menace to the peace and good will that we desire to maintain with all of the nations of the world.

I remark in this connection that the order of the President should be extended. He should direct his official "unofficial" representative at the Lausanne conference to come home with the troops. An official "unofficial" representative is only an unfrocked meddler. Incapable of bargaining for our benefit, he yet possesses the capacity for incalculable injury. By improvident statements or speeches he may involve our country in the disputes of Europe at least to the extent of engendering all the ill will which an official representative might be able to arouse. It appears that this, our representative, who denies that he is a representative at all and who concedes that he is only a diplomatic cipher, is nevertheless surcharged with a great variety of opinions regarding a multitude of questions, coupled with an irresistible impulse to make speeches and a pronounced delusion that his "unofficial" voice is the voice of the American people. If some one will draw a line between the declaration by an official "unofficial" representative that "the United States regards Germany in default" and a declaration by "official" representative that "the United States regards Germany in default," he will be a better master of logical refinements than Sir Hudibras, whom Butler declared "could distinguish and divide a hair twixt south and southwest side." In very truth the President in the maintenance of his "unofficial representative" at the conference of foreign powers violates the spirit of the law that provides there shall be no American representative on the commission unless and until Congress shall specifically grant the necessary authority. When, therefore, the President sends a man to the conference to do everything or substantially everything that might be done

were Congress to grant the authority to appoint a representative and were the appointment made pursuant to the act, he is proceeding to annul by subterfuge the plain letter of the law. How pitiable that device is will be understood when we remember that the man sent is employed, paid, and accredited by the United States to attend the conference and to take part in the conference, and yet is described as an "unofficial representative." Such an avoidance of the letter and violation of the spirit of the statute is, I submit, unworthy the President of a great Republic. Either America is at the conference or it is not there. The pretense that a man can sit at the conference, listen to its deliberations, take part in them, and assume to express the opinion of the United States with reference thereto and yet that he is not speaking officially for the United States is utterly contemptible. I venture, therefore, to indulge the hope that the change of heart which the President has recently experienced will extend to a recall of this "unofficial" meddler.

[At this point Mr. REED of Missouri yielded the floor for the day.]

Tuesday, February 20, 1923.

Mr. REED of Missouri. Mr. President, let me say to Members of the Senate that I regard it as highly unfortunate that I am compelled to present the question at this time. I beg to assure the Senate that the resolution (S. Res. 396) which I offered and which I intended to discuss on the 10th day of January, would have been pressed upon the attention of the Senate at that time, but, as Senators know, I was compelled to leave the city because of the unfortunate death of my business associate. I have been waiting since my return for an opportunity to call this important matter to the attention of the Senate. I would not present it to-night except that I feel compelled to leave the Senate in the very near future. May I, therefore, ask the Senate to disabuse its mind of any thought that there is any purpose in my remarks except to seek to impress the great importance of the question upon the Congress?

In a word, and merely by way of introduction, it is proposed to ask the State Department to communicate with Great Britain and France in order to ascertain if they will consider the question of transferring to the Government of the United States any or all of their possessions in what is generally called the West Indies.

It seems to me that this is a singularly appropriate time for the consideration of the resolution. It is appropriate in its general sense because we have just voted to ratify an agreement with Great Britain by which we relieve her from her solemn written obligation to pay the United States 5 per cent interest upon her indebtedness of $4,600,000,000 and accept in lieu of that a rate of interest of 3 per cent for the first 10 years and 3½ per cent for the remainder of the time the debt is to run. Moreover, we have varied the terms of the contract in another important respect.

The stipulations of the contract which we now hold with Great Britain were that her bonds must mature at the same time our bonds mature. As we all know, the bonds which we have issued mature within a very few years. We have extended the time of payment to Great Britain so that the final payment will not be made for 62 years. Besides this, we have agreed to relieve Great Britain from her obligation to pay a higher rate of interest, even though the United States shall be obliged to pay a higher rate than was exacted when she negotiated her bonds to the American people.

In addition to that, we have agreed, at the option of Great Britain, to permit her to defer one-half of the interest payments during the first five years and to pay them by additional bonds. On top of this we have agreed that she may mature her indebtedness whensoever she pleases, so that if ever the money market of the world should enable her to borrow at a less rate of interest she can immediately discharge her obligations to the United States. And, finally, we have agreed that she can pay her obligations to us in the bonds of the United States.

Thus we have taken or proposed to take from her obligations that will bear but 3 per cent interest during the next 10 years, one-half of which interest payments can be deferred. We have placed her in the position where, if she sees fit, she can purchase in the open market American bonds at 4¼ per cent and, by carrying them in her treasury and balancing interest against interest, can actually during the first 10 years of her indebtedness escape with a net payment of 1¾ per cent interest.

We made these concessions well knowing that the American taxpayer must pay 4¼ per cent for money upon which Great Britain will only pay 3 per cent interest. We made the contract with full knowledge of the fact that we must be prepared to meet our obligations when they mature, regardless of the money market at that time, but that Great Britain, during the sweep of 62 years, can choose her time to negotiate her new loans and seize the most favorable opportunity to refund her indebtedness in order to discharge her obligations.

When these considerations were urged upon the Senate there was but one reply that I think was worthy the name of reply, namely, that we were bound to Great Britain by ties of amity and good will; that we desired to prolong that feeling of mutual respect and good will; that it would make for the continuance of the friendship of these two great powers if the United States should now, in her fiscal transactions with Great Britain, exhibit a degree of generosity not hitherto shown in any transaction between modern nations. If the transaction we have just concluded, so far as we are concerned, shall bring that amity and good will, and shall cause it to last through the years of the future, then perhaps our action will have been justifiable and our investment wise.

But if that be a sound doctrine and a wise policy for America to pursue, the doctrine of mutuality would seem to indicate that Great Britain might at least be willing to transfer to the United States on some kind of terms those islands which command our waters, which menace our coasts, and which are of no substantial value to Great Britain save as they might be of strategic importance in case of naval conflict. But if we have entered upon a period in which we are to extend and magnify the good will and brotherly affection of the past, and if it be true that we should in recognition of that make heavy financial sacrifices for the benefit of Great Britain, it would appear that mutually she should be willing to concede something to the United States, particularly when it will take from her practically nothing except a strategic advantage which could only be employed practically against the United States, now her sworn brother and her recent benefactor.

With that as a preliminary, in all earnestness, and in the hope that I may have disabused the minds of those who imagine that I am endeavoring merely to take up the time of the Senate this evening, I invite the attention of the Senate to the matter with every assurance that the question will not down; that it must be answered eventually; and that this is the most appropriate time and the best occasion to hope for a favorable answer.

Mr. President, we have returned our troops from Europe. Let us hope we are getting ourselves entirely out of European entanglements, disputes, and conflicts. Is this not also an exceedingly appropriate time to take a preliminary step toward the getting of foreign nations out of American waters and the removal of the guns of foreign nations from positions which command passages of the sea vital to the commerce and defense of our country?

It is not intended, Mr. President, by anything I may say here to-day, or by the resolution which I have introduced, to arouse resentment or to question the friendly attitude of either France or Great Britain. I invite particular attention to the resolution, which reads:

Resolved, That the President be, and he is hereby, respectfully requested to ascertain whether the Government of the United Kingdom of Great Britain, etc., is willing to discuss the cession by it to the United States of all or any part of its possessions in the West Indies, including the island of Trinidad and also the Bermuda Islands.

The President is further requested to ascertain whether the Government of the Republic of France is willing to discuss the cession by it to the United States of all or any part of its possessions in the Lesser Antilles, including the islands of Grande Terre, Guadeloupe, Marie Galante, and Martinique.

The resolution goes no further, be it observed, than to inquire whether these two great and friendly nations will "discuss the proposition." It does not propose to fix or to suggest conditions. It leaves to the State Department a free hand for the opening of negotiations upon the broadest possible lines. It does not contemplate, I repeat, any particular conditions. It does not foreshadow any special line or course of conduct. It simply requests the State Department to ascertain whether either of these countries is willing to discuss the proposition at all. Such a resolution can not by any stretch of construction be tortured into one that will give offense to friendly powers.

Upon the other hand, if the resolution be adopted by the Senate and shall receive favorable consideration by Great Britain and France, the suspicion and distrust which always naturally obtain when a distant foreign power holds positions of advantage near the coast line of another power will give place to sentiments of confidence and amity.

Let it be distinctly understood that the resolution offered is not because of any crisis immediately impending or likely to arrive in the near future. Entirely aside from such considerations there are many reasons why we should now take the initial step toward the acquisition of the land described in the resolution. (1) The islands indisputably are within the zone of our national influence. (2) They are essential to the defense

of the American Republic. (3) They are of slight value to their present holders except for their strategic importance in case of war against the United States. (4) Their possession by foreign powers is repugnant to the spirit of the Monroe Doctrine. (5) They embrace and command the Caribbean Sea, which is as much an American gulf as is the Gulf of Mexico. (6) They lie directly athwart the path of our manifest national destiny. (7) They form a barrier between our own coasts and could be employed to close not only the Panama Canal but as well the mouth of the Mississippi. (8) They dominate all our trade routes to the South American and Central American States. At the same time all European countries have a free and direct access to all South American ports. (9) They form a connecting link between the United States and South America whose protection we have assumed. (10) Their trade naturally flows to the United States despite the influence of these European masters and our own tariff monstrosities. (11) Under foreign rule their commerce and wealth have been for many years decreasing. (12) They can be made a source of wealth to us and their own condition be vastly improved.

Mr. President, a glance at the map will appeal strongly to those patriotic citizens who recognize the plain lesson of history that the security of the future is not guaranteed by the friendship of the past.

The British possessions in Canada and Newfoundland constitute an area substantially as large as the United States, including Alaska. This vast domain stretches along our entire northern border and completely separates us from land communication with Alaska. It embraces on both its eastern and western extremities impregnable harbors in which the combined British navies could lie in safety beneath the protection of almost invincible land fortifications. Such a fleet would be within a few hours of striking distance of Boston and New York City on the Atlantic side and a similar fleet could readily attack our western coast.

It is not proposed in this resolution to in any manner disturb these immense possessions of Great Britain upon the North American Continent. It is well, however, to bear in mind that the resources of Canada are very largely undeveloped and that they are so great as to be incalculable. At the same time, the present population, numbering nearly 9,000,000 souls, can be multiplied several times and not yet have exhausted the natural wealth of the Canadian Dominion.

In this connection also keep in consideration the fact that by agreement with Great Britain we are not to fortify the Canadian border or to place upon the waters of the Great Lakes men-of-war. The contract, of course, is mutual and is based upon the theory of reciprocal good will. Springing out of that doctrine is the very sound argument that Great Britain should not insist upon holding island possessions not essential to her security, although vital to the security of the United States.

Turn again to the map and you will observe that the British Empire holds dominion over the Bermuda Islands. They lie within approximately 1,000 miles of the city of New York and only a little over 500 miles from our coast line. These islands are fortified. They are so situated that they could be made a base of operations against New York and all of our eastern coast cities. They could be used as a point of attack by submarines and airplanes preying upon American commerce. They are of substantially no value to Great Britain except in case of conflict with the United States, when they would at once assume the importance of a deadly menace.

We should not forget that substantially all of our north and south commerce passes between the Bermudas and our own coast, so that our ships bound for the canal or southern ports would be obliged to go either far from their course or to pass through seas infested with submarine and airplanes operating from the Bermuda Islands.

Proceeding southward, the map discloses that opposite the Florida coast begins a chain of islands owned by Great Britain and France which form an immense segment of a circle from a point 50 miles off the Florida coast to the island of Trinidad, which embraces the heavily fortified Port of Spain. These islands include the Bahamas, the British Virgin Islands, the Leeward Islands, the Windward Islands, as well as the island of Trinidad and the island of Jamaica.

In this connection, while not referred to in the resolution, we must not lose sight of the fact that Great Britain holds of the mainland British Honduras, which naturally constitutes a part of the coast line of Guatemala, and British Guiana, which likewise naturally constitutes a part of the Venezuelan coast line.

These island possessions form a barrier which commands the Gulf of Mexico, the Caribbean Sea, the Panama Canal, and every trade route between North and South America. It is not too much to say that in the hands of a hostile power they could be so employed as to close the Panama Canal, rendering it practically useless, and that the Gulf of Mexico, including the mouth of the Mississippi River, could be placed under terrible menace. At the same time, I repeat and shall continue to repeat, these islands are of no substantial value to either France or England save as positions from which America may at some time be attacked.

I invite attention to certain well-established principles of national policy and naval warfare. (1) It is a sound national principle that small areas located near the territory of a great power should belong to it rather than to a distant country. (2) A nation's navy should be concentrated or capable of immediate concentration, as dispersion inevitably leads to disaster. (3) Of almost equal importance—indeed, a part of the foregoing doctrine—is the rule which emphasizes the value of central position and interior lines.

The value of a central position and interior lines arises from the fact that such a position enables a power to throw the forces there located in either direction to the point of attack by proceeding upon shorter lines than can its antagonist.

This one advantage has been decisive in many of the great historic land and naval contests. It is illustrated on a great scale by the position of Germany in the late war, that country being able to withstand for a long time the attacks of Russia upon one front, and of Italy, France, Great Britain, and Belgium upon the others, because she could unite great forces for attack on either front while her antagonists could not thus concentrate their widely scattered armies.

What I have said illustrates the importance of the Panama Canal in the defense of our country. Indeed, one of the chief reasons for building the canal was the argument that we could, through the canal, unite our Atlantic and Pacific fleets in a few days' time and thus be able to meet an enemy in either ocean with the full strength of our Navy. It must, therefore, be manifest that any condition which places the control of the canal in a foreign power is one of extreme gravity.

In this connection I call attention to the warning of Admiral Mahan, perhaps the greatest authority on naval strategy this country has yet produced. He declares:

> One thing is sure. In the Caribbean Sea is the strategic key to the two great oceans, the Atlantic and the Pacific, our chief maritime frontiers.

Of course, the canal itself is the great strategical objective in the Caribbean Sea. In the immense semicircle of islands that embrace the ocean side of the Caribbean Sea from northeast and southeast, Britain controls the following: Bermuda, Bahamas, Vandyke, Tortola, Anegada, Anguilla, Barbuda, St. Kitts, Antigua, Montserrat, Dominica, Santa Lucia, St. Vincent, Barbados, Grenadines, Grenada, Tobago, and Trinidad.

The entrances from the Atlantic into the Caribbean Sea are as follows: Florida Straits between Florida and the Bahamas, Windward Passage between Cuba and Haiti, Mona Passage between Haiti and Porto Rico, Anegada or Virgin Passage between Porto Rico and St. Thomas, and more easterly passages between various islands east and south to Trinidad.

As can be seen from the map, the control of the Florida Straits is shared by Great Britain with America through the control by the former of the Bahamas. This strait, in the event of war with Great Britain, would be infested with British cruisers, British submarines, and British airplanes based on the Bahamas.

I read now from Admiral Mahan's "Naval Strategy":

> A glance at the map will show that the combination of these three conditions, narrowness, length, and difficulty, are all found to the greatest extent about the Straits of Florida and the Windward Passage; while the position of Jamaica, and of its dockyard Kingston, with reference to the Windward and Yucatan Passage, to the rear though somewhat on the right flank of Cuba, regarded as facing the North Atlantic, admirably meets the requirements of a position guarding two defiles; being in the rear, with facility for moving the whole force in either direction.
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> The Bahama Bank and Islands, extending from near the coast of Florida, along the northern shores of Cuba and Haiti, nearly to the longitude of the eastern end of Haiti, will have a strong influence upon the approaches to the western passages, and must be included in the general field for study.

There is a long chapter here devoted to the importance of the Straits of Florida, and some naval authorities at least have arrived at the conclusion that if that passage were controlled the power of the United States to defend itself would be enormously decreased.

Speaking now of the outlying islands, and omitting Jamaica from consideration for the present, the command of the Windward Passage may be said to be like the Florida Straits, divided between Great Britain and the United States, with the advantage on the side of Great Britain.

Speaking now alone of the outlying islands, the command of the Windward Passage may be said to be likewise divided between Great Britain and the United States.

In the Mona Passage we have through the possession of Porto Rico perhaps the advantage so far as mere entrance into the Caribbean Sea is concerned. But that would take us far from our course if we were seeking to enter or leave the canal upon a direct route from New York.

The command of the Virgin Passage between Porto Rico and St. Thomas is as to the mere entrance to the Caribbean Sea divided with Great Britain.

All of the more easterly passages between the various islands east and south to Trinidad are absolutely controlled by Great Britain.

Thus far I have dealt with the mere entrance to the waters of the Caribbean and the Gulf. But, as I shall show, Great Britain holds the key to all these passages and the command of the waters of the Caribbean Sea, as well as the Gulf itself, through the possession of Jamaica.

JAMAICA.

That island furnishes Great Britain a base nearer to the canal than any of our possessions, and affords a point from which, moving along interior lines, all vessels proceeding into the waters of the Caribbean Sea, either to or from the canal, can be successfully attacked. Jamaica is situated only 600 miles from the mouth of the canal. Our closest fortified base, Guantanamo in Cuba, is 750 miles distant; Key West, 1,200 miles; New Orleans, 1,500 miles; and Pensacola, 1,650 miles. Jamaica is, therefore, within four or five hours' airplane distance from the canal and constitutes the strategic key to all of the passages into and through the waters of the Caribbean Sea. Commenting upon this important fact, Admiral Mahan states:

The military and commercial objectives within the Caribbean, as distinguished from points on its circumference, reduce themselves thus to two, namely, Jamaica and the Isthmus. (Mahan's Naval Strategy, p. 351.)

He adds:

Jamaica has this particular advantage over all approaches to the Isthmus, and that against the greatest local power in the Caribbean, namely, Cuba. Ships of war from Jamaica, scarcely venturing out of sight, still less out of support of their base, sweep both the approaches to the Isthmus from the greater island. Jamaica flanks both routes, and when to this we add that it is nearer the Spanish Main by 150 miles than Guantanamo, and so has 300 miles less coal to burn on lines covering the sea in its breadth, it is seen that Jamaica has a decided advantage over Cuba in controlling communications from the edge of the sea to the objectives, including the Isthmus. Both islands flank the routes from the eastern Antilles, but Jamaica is the nearer. (Mahan's Naval Strategy, pp. 354–355.)

The same author further declares:

Every line of communication from Europe to the Isthmus must pass nearer Jamaica than it necessarily does to any particular one of the eastern islands. (Mahan's Naval Strategy, p. 355.)

On pages 356 and 357 he asserts:

Taking all together, control over transit depending upon situation only, other conditions being equal, is greatest with Jamaica, next with Cuba, least with the Lesser Antilles. * * * The situation of Jamaica gives such command over all the approaches to the Isthmus as to make it, in a military sense, the predominant factor in the control of the Caribbean. Jamaica is a preeminent instance of central position, conferring the advantage of interior lines, for action in every direction within the field to which it belongs. Taking into consideration situation only, Jamaica is admirably placed for the control of the Caribbean. It is equidistant from Colon, from the Yucatan Passage, and from the Mona Passage. It shares with Guantanamo and Santiago control of the Windward Passage and of that along the south coast of Cuba, while, with but a slight stretching out of its arm, it reaches the routes from the Gulf of Mexico to the Isthmus. Above all, as toward Cuba, it so blocks the road to the Isthmus that any attempt directed upon the Isthmus from Cuba must first have to account with the military and naval forces of Jamaica.

The author, in dealing with this question in a general way, has referred to Cuba as though it might be regarded as an American possession, but such is not the case. It is easy enough to conceive a condition of affairs in which Cuba might be hostile to the United States and might either be captured or even open her ports to an enemy.

The immense advantage of Jamaica as a base of operations against the canal can not be exaggerated. Airplanes carrying immense bombs now being experimented with and used might be able in a few hours' time to cover the distance between Jamaica and the canal and to completely destroy that artery of communication. In this connection it must not be forgotten that the Port of Spain on the Island of Trinidad completely controls the waters of the Gulf of Paria, in which the entire British fleet could lie at anchor.

NAVAL STATIONS.

It is interesting to note that the British have at Bermuda a naval dockyard equipped with a floating dock capable of receiving a vessel of 17,500 tons. At St. Georges, in the Bermudas, there is a marine slipway capable of caring for smaller craft. She has coast fortifications located at Ireland Island and a dockyard; also at Spanish Point, Prospect Camp, and at St. Georges. She has fortifications at the latter. She has located here two large oil storage tanks of 35,000 barrels capacity each. She also maintains here a battalion of infantry.

At Jamaica she possesses fortifications and keeps stationed there a battalion of troops, but the strength of her fortifications and the type of her guns are not even known to authorities of the American Navy.

The Admiralty is now engaged in building oil-storage tanks and moorings, which for 1922–23 will cost 80,000 pounds sterling.

If it be asserted that these dockyard facilities and fortifications are not presently of great capacity or power, the answer is that they can be increased in size at any time, and that we have no legal right to protest.

The cold, unadulterated truth is that if the American and English Navies were equally matched the possession of these islands would probably turn the balance in favor of Great Britain, and she would be able to effectively deprive us of the use of the canal, and, as indicated by Mahan, might even turn it into an instrumentality for our destruction.

[At this point Mr. FLETCHER raised the point of no quorum, and the roll was called, when various parliamentary motions were made, which were debated, all of which appear following the speech of Mr. REED of Missouri.]

Mr. REED of Missouri. Mr. President, I was speaking of the importance of this semicircle of islands embracing the waters of the Caribbean Sea and the Gulf and was endeavoring to impress upon Senators the importance of these islands to the defense of the canal and of our American waters.

THE VIRGIN ISLANDS.

I challenge attention to one bit of proof that I have not overstated this question. That is the purchase by our Government of the Virgin Islands just preceding our entrance into the war. Those islands are indicated by little specks upon the map, so small that Senators can not distinguish them on the map. They are insignificant and inconsequential compared with the vast mass of island possessions held by the British Empire and by the Republic of France in the West Indies.

We were asked to purchase the Virgin Islands and were told that they were of the highest strategic importance. The Executive department, backed by Army and Navy authorities, joined in this insistence. Accordingly we purchased the islands from Denmark, a friendly power, and at the same time a power which would never menace us. We paid for these islands, which embrace a total territory of 138 square miles, $25,000,000. Turn now to the map and you will find that they are but mere specks compared with the vast West Indies possessions of Great Britain and France. They are located 483 nautical miles farther from the canal than the Island of Jamaica, and they are so situated that they could have been readily attacked from our base in Porto Rico. It should also be borne in mind that Great Britain controls islands which by good naval authorities are believed to command and therefore greatly reduce the value of these islands which we paid $25,000,000 to obtain. No man who voted to pay $25,000,000 to acquire the Virgin Islands from Denmark can consistently oppose the resolution I have offered.

In the purchase of those islands we were deceived, either by the Executive or by our naval and military authorities, for the possession of any one of the larger islands which Great Britain holds is a menace to the United States. The Virgin Islands do not compare in their strategic importance with many other islands controlled by Great Britain.

I have thus far treated the question largely from the standpoint of war. Let me not be misunderstood. I am neither seeking to stir up animosity toward Great Britain nor to arouse a feeling of distrust against that great nation. We all entertain the hope that the great English-speaking race will never be engaged in a death struggle. Reasonable men, however, will concur in the conclusion that if the view I have just expressed is sound, then there is no strategic reason why Great Britain should insist upon holding these islands against us, her friend and brother. They are not necessary for her defense against other countries. If we are to indulge the hope of eternal peace with Great Britain, then they are of no use for attack against us, because we are not to be attacked.

Nothing could so much make for the peace of the present and its perpetuation into the distant future as an expressed willingness by Great Britain to turn these islands over to America upon the broad ground that they are contiguous to our coast and would be of great value to America in case of

any contest with any other foreign power other than herself. Their possession by America would render the canal secure and enable us to keep it open against any nation in the world.

ECONOMIC CONSIDERATIONS.

Let us examine now whether the British or French islands are of any special economic value to their respective proprietors, and in that connection let me a little later discuss briefly the continental possessions of Great Britain in Central and South America.

First, as to the island possessions there was a time when they were a considerable factor in the trade of the parent countries. But that time has long since passed. The London Times of Saturday, January 27, 1923, in an article commenting upon the three hundredth anniversary of the acquisition of the West Indies, after dwelling upon the achievements of her heroic seamen in that quarter of the globe and insisting that the West Indies "make substantial contribution to the wealth of the Empire," is forced to say that "the West Indian trade has been faced with a serious crisis, that neither the generous preferential treatment given by Canada nor the guaranty furnished by the British Government that the existing preference, one-sixth of the duty, will be renewed for another 10 years, has been sufficient to save the situation. Mr. Joseph Chamberlain once referred to the Crown Colonies of the Empire as undeveloped estates which can never be developed without imperial assistance, and in present circumstances the planter may be readily excused for asking that such assistance should be granted on a more generous scale." The article then proceeds to advocate further concessions and expenditure of money in the West Indies, as follows:

However loyal the Jamaican planter may be, it must throw a severe strain on his loyalty to look across the waters to Porto Rico where his American fellow planters ship their sugar to the markets of the United States free of all duty.

In an article submitted to the Royal Colonial Institute, Sir Edward Davson plainly stated the desperate financial condition of the colonies. He insisted that a 50 per cent preference in duties by Canada in dealing with the West Indies was necessary to their prosperity if not to their preservation.

These islands have been in the possession of Great Britain for 300 years. They have for a long time held contiguous continental possessions. The effect of this situation is well summed up by William R. Shepherd, professor of history, Columbia University, in a pamphlet issued in 1917. He said:

As colonization is carried on to-day, the real test of the right of a European nation to retain control of American territories, like those in and around the Caribbean, is determined, not alone by their actual utility to the nation in question, but by the amount of service thus rendered to their inhabitants. For many years past Great Britain, France, and the Netherlands have centered their oversea activities in the eastern hemisphere, in Africa, Asia, Australia, and Polynesia. The islands and parts of continents they hold in the Caribbean region are little more than relics of ancient grandeur, burdensome rather than a source of advantage. No sentimental value worth mentioning attaches to these areas. Few Englishmen, Frenchmen, or Dutchmen reside in them longer than is necessary for commercial purposes. Possibly the colonies may have some strategic value to their owners as naval bases. If so, against what power? This is an obvious question that has an obvious answer—the United States. In that case no doubt remains as to our duty in the premises.

The author continued:

Practically all the Caribbean colonies have fallen long since into a state of absolute or relative neglect. Their population either crowds the means of subsistence or tends steadily to fall off. That any of the areas flourish at all is due mainly to their connection with the United States and to the introduction of Asiatics for work on the plantations. The trade of the British possessions with this country is worth upward of $4,000,000 a year more than that with Great Britain itself, and if British Guiana is excepted, more than $13,000,000. In the case of *British Guiana* the reason for the larger amount of commerce carried on with the mother country is found in the labor of Asiatics. Both here and in Jamaica, as well as in the French and Dutch colonies, the practice of using orientals prevails. However legitimate the bringing over to America of Hindus, Japanese, Siamese, and Chinese by the tens and hundreds of thousands may seem to the British, Dutch, and French owners of the Caribbean region, it is altogether opposed to the principles which the United States has steadfastly championed in defense of the American workingman. Legitimate it may be in point of law, though not in point of morals, for its object is, not the advancement of civilization in the areas concerned, but solely the exploitation of them by the agency of cheap labor.

Railroads, furthermore, almost unknown in the islands, are relatively much scarcer still in the continental sections. British Guiana, which is somewhat smaller than Oregon, has 97½ miles of railway, run on three different gauges; British Honduras has 25 miles; Dutch Guiana, about as big as New York—for which, by the way, it was exchanged back in 1667—has 104 miles; whereas French Guiana, a bit larger than Maine, has no railways at all. Both the French and the Dutch colonies show a declining commerce and they are dependent, also, for their financial existence upon annual subsidies furnished by the home government. To recognize, therefore, that, economically at least, the British territories already form part of the United States, and to relieve the taxpayers of France and the Netherlands of the burden of meeting the deficits of their backward dependencies in America, would not seem on the face of it an unwelcome act.

Nor is this all of the story. None of the British colonies in and around the Caribbean enjoys self-government in anything like the measure of it accorded to Canada and Newfoundland. So far as the privilege is granted at all, the people thus favored stand more or less on a level with the inhabitants of India. In the French and Dutch areas the situation is worse. Even if the French colonists are represented in the home parliament, the representation is illusory rather than otherwise, whereas the folk under Dutch rule have to depend on what the good Queen sends them. Whatever the amount of attention, also, given to education in the British possessions, it is pitiably scant among their French and Dutch neighbors. In partial compensation for the drawbacks, however, many of the inhabitants speak English after the American fashion and use dollars and cents more commonly than they do pounds, shillings, and pence, francs and guilders.

Given these circumstances, it seems clear that, taken as a whole, the colonies in and around the Caribbean are a loss to the European nations that own them and a detriment to the people who live in them. Were they to be made, instead, a part of the United States in the political sense, as essentially they already are a part of it in the geographical, linguistic, and economic sense, their lot would be a happier one and so would ours.

Mr. President, in that connection I desire to call attention to the character of the population of these islands. Professor Shepherd declares:

A more extraordinary mixture of races, colors, and religions, a more singular juxtaposition of oriental and occidental, of folk from Europe, Africa, Asia, and the South Sea Isles, all brought face to face in America, it would be hard to find anywhere in the world. Beneath the thin crust of a few thousand whites, of British, French, Dutch, Spanish, and Portuguese origin, are massed millions of negroes and mulattoes, hundreds of thousands of Hindus, tens of thousands of Javanese, and thousands of Chinese, Siamese, and Indians. Here are black, brown, red, and yellow Christians, Mohammedans, and Jews, devotees of Brahma and Buddha, followers of Confucius, and worshippers of nature, transplanted from Africa and Asia, made dwellers in America, and yet owing allegiance to European masters.

Now, reading from the same distinguished authority, it is interesting to compare this retrograde movement that afflicts these islands that have for 300 years been under foreign rule with the blessings conferred in the island of Porto Rico, which began the moment our flag floated over that island and which continue to this hour. Speaking of the other islands in connection with Porto Rico, Professor Shepherd says:

Were they to be included in the American Union, there is every reason to believe that the benefits which have followed the American occupation of Porto Rico would be extended to them also. What we have accomplished in 19 years—

This book was written in 1917—

for the material, mental, and moral advantage of that island and its American citizenry, needs no expatiation here, for the evidence is too well known. If the destinies of the Caribbean colonies, therefore, were committed to our charge, we could assure to their inhabitants an interest in their welfare which the countries now ruling them can not possibly display.

Additional evidence, Mr. President, of the bad condition of affairs in these islands and of their natural alliance in trade and commerce with America is found in a recent editorial in the London Times printed on Saturday, January 27, last. It is a labored argument in favor of British control, but it contains unwilling admissions of the highest importance. The writer says:

* * * In the present circumstances the planter in Jamaica may be readily excused for asking that such assistance—

That is in the nature of preferential tariffs—

should be granted on a more generous scale. He has before him the strong recommendation contained in the report made by Mr. Edward Wood after his return from his mission to the West Indies last year. Mr. Wood said that, having regard to the political and economic issues advanced by the settlers, their request that the preference rate on West Indian sugar in the United Kingdom should be increased from one-sixth to one-third, and that the rate should be not allowed to fall below the present figure of £3 15s. per ton, was entitled to favorable consideration.

A most important result of the valuable work of Mr. Wood and his colleagues was the increased confidence it gave to the people of the West Indies in the control of the colonial office. If this confidence is not to be betrayed, there must be immediate and practical evidence that the labor of the mission was not in vain, for the "political issues" of which Mr. Wood spoke are inevitably linked up with the economic aspect of the question. In a memorable speech when he was at Port of Spain in 1920 the Prince of Wales referred to the suggestion that the Empire might be willing to part with one or more West Indian islands for a financial consideration. "I should like to say here what I have said before," he stated, "that British subjects are not for sale."

I want to digress a moment. The Prince of Wales says that "British subjects are not for sale." No, Mr. President, they are for exploitation. What does the Prince of Wales care for the mixed population on these islands, which has been degraded and further degraded by the importation of cheap Asiatic labor? It is not the inhabitants he is interested in; it is the land, the harbors, the strategic advantage, the gain to British merchants who maintain an advantage over the traders of other countries as they deal with these British subjects.

This editorial writer continues:

His—

That is, the Prince of Wales's—

words are as true to-day as they were then. But there are other ways—

Notice this language:

But there are other ways of acquiring colonies than by annexation, and, loyal, for instance, as the Jamaican may be, it must throw

a severe strain on his loyalty to look across the waters to Porto Rico, where his American fellow planters ship their sugar to the markets of the United States free of all duty.

Thus recognizing that the superior advantages afforded by America are so important that Great Britain's great editor at least recognizes the fact that if Great Britain retains the loyalty of these subjects she will not sell, she must mete out to them a different treatment than she has in the past.

The editor proceeds:

The West Indies do not ask for "imperial assistance" as a charity. They have already given an example of reciprocal treatment in their existing preference to British goods, and the broad imperial basis on which the recently opened West Indian Agricultural College has been founded is a striking instance of that mutual cooperation so essential to the future of the Empire.

The future of the islands themselves must depend upon their economic prosperity. The members of the mission recognized the benefits that would ensue from a closer federation, and in a series of articles contributed to the Times by Mr. Ormsby-Gore—whose first-hand knowledge should be of infinite value to him in his present office—attention was drawn to the absurd position in the Leeward Islands, where a population of fewer than 150,000 people supports six executive councils and five legislatures. A necessary preliminary to federation is an improvement in communication between the islands, and it is satisfactory to know that the Postmaster General has promised immediate improvement in the cable system. Meanwhile the people of this country owe it to these colonies, who are celebrating their tercentenary to-day, that the most sympathetic treatment be accorded to their aspirations; that alleged grievances as to their administration—unfortunately frequent of late—be satisfactorily settled according to their merits; and, above all, that a definite and logical policy of control, affected neither by change of Government nor change of administrator, be established as a safe and sure foundation upon which they may build their faith in the mother country.

After 300 years of rule, this editorial in fact makes the concession that these people are compelled to grant preferential rates to British trade; that they are taxed upon their sugar at enormous rates when they send it into British dominions; that the advantages of Porto Rico under the American flag are such that they are producing discontent, and alienating the affections, if any they ever had, of the British subjects in Jamaica; and that a reform, or numerous reforms, must be inaugurated by Great Britain. If the Prince of Wales will not sell a British subject, it would seem that his government ought to treat the subject a little better—perhaps liberate him without selling him. We are not engaged in the business of buying subjects.

During the delivery of the speech of Mr. REED of Missouri,

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

Mr. JONES of Washington. I make the point of order that no business has been transacted since the last quorum call.

Mr. FLETCHER. Since the last quorum call there was negotiation for a unanimous-consent agreement.

Mr. JONES of Washington. It was simply a conversation between Senators.

Mr. FLETCHER. No; the record will show that there was an offer of a unanimous-consent agreement.

Mr. JONES of Washington. Yes; but no action taken by the Senate.

Mr. FLETCHER. It was declined. I consider that to have been business.

The PRESIDING OFFICER (Mr. MCNARY in the chair). Since the last roll call the present occupant of the chair recalls that the Senator from Arkansas [Mr. ROBINSON] at least tendered the plan of a unanimous-consent agreement to vote at 12 o'clock to-morrow on the pending motion offered by the Senator from North Dakota [Mr. LADD], and upon objection from the Senator from Washington [Mr. JONES] the plan for the proposal was abandoned.

Mr. JONES of Washington. The Senate did not act upon it.

Mr. FLETCHER. It could not act upon it.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. The Senator from Florida has the floor. Does he yield to the Senator from Arkansas?

Mr. FLETCHER. I yield.

Mr. ROBINSON. I was about to observe that the proposition having been submitted and rejected, it constitutes the transaction of business. There was nothing further that could be done. Under the unanimous precedents of the Senate, the roll should be called to ascertain the presence of a quorum.

Mr. JONES of Washington. It was nothing more than conversation between the Senator from Arkansas and myself.

The PRESIDING OFFICER. The present occupant of the chair has in mind the precedents and is firmly convinced after perusal and consideration thereof that no roll call at this time would be pertinent unless there had been the transaction of business in some form. The Chair thinks the rule should be liberally construed. It is the opinion of the present occupant of the chair that business did transpire in the proposal of the plan offered by the Senator from Arkansas. The Secretary will call the roll.

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

Ashurst	Hitchcock	McNary	Sheppard
Bayard	Johnson	Moses	Smoot
Brandegee	Jones, Wash.	New	Spencer
Calder	Keyes	Norbeck	Sutherland
Cameron	Ladd	Oddie	Wadsworth
Capper	Lenroot	Pepper	Warren
Curtis	Lodge	Phipps	Watson
Edge	McCormick	Ransdell	Weller
Fernald	McKellar	Reed, Mo.	Willis
Hale	McKinley	Reed, Pa.	
Heflin	McLean	Robinson	

The PRESIDING OFFICER. Forty-two Senators have answered to their names. There is not a quorum present.

Mr. ROBINSON and Mr. HITCHCOCK addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. ROBINSON. I move that the Senate do now adjourn.

Mr. JONES of Washington. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FLETCHER (when his name was called). I have a general pair with the Senator from Delaware [Mr. BALL], which I transfer to the Senator from Rhode Island [Mr. GERRY], and vote "yea."

Mr. TOWNSEND (when his name was called). I have a pair for the night with the senior Senator from Virginia [Mr. SWANSON]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. WILLIAMS]. I am unable to obtain a transfer, and therefore withhold my vote. If permitted to vote, I should vote "nay."

The roll call was concluded.

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 junior Senator from Vermont [Mr. PAGE], and allow my vote to stand.

Mr. MCCORMICK (after having voted in the negative). I have a standing pair with the junior Senator from Wyoming [Mr. KENDRICK]. As I am unable to learn how he would vote on this roll call if he were present, I withdraw my vote.

Mr. MOSES (after having voted in the negative). My general pair, the junior Senator from Louisiana [Mr. BROUSSARD], has not voted, but I am reliably informed that if present he would vote as I have voted. I will, therefore, permit my vote to stand.

Mr. WILLIS (after having voted in the negative). I am paired with my colleague, the senior Senator from Ohio [Mr. POMERENE], who is absent. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD], and permit my vote to stand.

Mr. ERNST. I inquire if the senior Senator from Kentucky [Mr. STANLEY] has voted?

The PRESIDING OFFICER. He has not.

Mr. ERNST. As I have a pair with that Senator and am unable to obtain a transfer, I withhold my vote.

Mr. BRANDEGEE (after having voted in the negative). I inquire if the junior Senator from Idaho [Mr. GOODING] has voted?

The PRESIDING OFFICER. He has not.

Mr. BRANDEGEE. I have a pair for the evening with that Senator. Not knowing how he would vote, I withdraw my vote.

Mr. FERNALD (after having voted in the negative). I have a pair with the senior Senator from New Mexico [Mr. JONES]. Not knowing how he would vote, I withdraw my vote.

Mr. LODGE (after having voted in the negative). My pair, the senior Senator from Alabama [Mr. UNDERWOOD], has not voted. Being unable to secure a transfer, I withdraw my vote.

Mr. HARRISON. I inquire if the junior Senator from Minnesota [Mr. KELLOGG] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. HARRISON. I have a pair with the junior Senator from Minnesota. I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and vote "yea."

Mr. CURTIS. I desire to announce the following pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Minnesota [Mr. NELSON] with the Senator from Idaho [Mr. BORAH];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from New Jersey [Mr. FRELINGHUYSEN] with the Senator from Montana [Mr. WALSH]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 14, nays 29, as follows:

YEAS—14.

Ashurst	Fletcher	Ladd	Robinson
Bayard	George	McKellar	Sheppard
Capper	Harrison	McNary	
Caraway	Heflin	Norris	

NAYS—29.

Bursum	Keyes	Pepper	Townsend
Calder	Lenroot	Phipps	Wadsworth
Cameron	McKinley	Ransdell	Warren
Curtis	McLean	Reed, Pa.	Weller
Edge	Moses	Shortridge	Willis
Hale	New	Smoot	
Johnson	Norbeck	Spencer	
Jones, Wash.	Oddie	Sutherland	

NOT VOTING—53.

Ball	France	McCormick	Smith
Borah	Frelinghuysen	McCumber	Stanfield
Brandegee	Gerry	Myers	Stanley
Brookhart	Glass	Nelson	Sterling
Broussard	Gooding	Nicholson	Swanson
Colt	Harreld	Overman	Trammell
Couzens	Harris	Owen	Underwood
Culberson	Hitchcock	Page	Walsh, Mass.
Cummins	Jones, N. Mex.	Pittman	Walsh, Mont.
Dial	Kellogg	Poindexter	Watson
Dillingham	Kendrick	Pomerene	Williams
Elkins	King	Reed, Mo.	
Ernst	La Follette	Shields	
Fernald	Lodge	Simmons	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The roll call, which was interrupted by the motion of the Senator from Arkansas, having failed to develop a quorum, the Secretary will call the roll.

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

Ashurst	Heflin	McNary	Shortridge
Brandegee	Johnson	Moses	Smoot
Bursum	Jones, Wash.	New	Spencer
Calder	Keyes	Norbeck	Townsend
Cameron	Ladd	Oddie	Wadsworth
Capper	Lenroot	Pepper	Warren
Curtis	Lodge	Phipps	Watson
Edge	McCormick	Ransdell	Weller
Ernst	McKellar	Reed, Mo.	Willis
Fernald	McKinley	Reed, Pa.	
Hale	McLean	Sheppard	

The PRESIDING OFFICER. Forty-two Senators having answered to their names, there is not a quorum present. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and Mr. SUTHERLAND answered to his name when called.

The PRESIDING OFFICER. Forty-three Senators having answered to their names, there is not a quorum present.

Mr. JONES of Washington. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. ROBINSON. Mr. President, on that motion I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. FERNALD (when his name was called). I am unable to get a transfer of my pair, and therefore withhold my vote.

Mr. LODGE (when his name was called). I have a pair with the Senator from Alabama [Mr. UNDERWOOD]. Being unable to obtain a transfer, I am unable to vote. If I were at liberty to vote, I should vote "yea."

Mr. McKELLAR (when his name was called). I transfer my pair with the Senator from Indiana [Mr. NEW] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. MOSES (when his name was called). Repeating the announcement with reference to my pair and his manner of voting, I vote "yea."

Mr. REED of Pennsylvania (when his name was called). Being unable to obtain a transfer, I withhold my vote.

Mr. TOWNSEND (when his name was called). Making the same announcement as before as to my pair and its transfer, I vote "yea."

Mr. WATSON (when his name was called). I am paired with the Senator from Mississippi [Mr. WILLIAMS]. Being unable to obtain a transfer, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. WILLIS (when his name was called). I am paired with my colleague, the senior Senator from Ohio [Mr. POMERENE]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and will vote. I vote "yea."

The roll call was concluded.

Mr. BRANDEGEE (after having voted in the affirmative). Has the junior Senator from Idaho [Mr. GOODING] voted?

The PRESIDING OFFICER. He has not.

Mr. BRANDEGEE. Having a pair with that Senator, I am compelled to withdraw my vote.

Mr. ROBINSON. I have been requested to announce that the Senator from North Carolina [Mr. OVERMAN] is paired with the Senator from Iowa [Mr. CUMMINS]. If the Senator from North Carolina were present, he would vote "nay."

The result was announced—yeas 29, nays 9, as follows:

YEAS—29.

Bursum	Keyes	Oddie	Townsend
Calder	Lenroot	Pepper	Wadsworth
Cameron	McCormick	Phipps	Warren
Curtis	McKinley	Ransdell	Weller
Edge	McLean	Shortridge	Willis
Hale	Moses	Smoot	
Johnson	New	Spencer	
Jones, Wash.	Norbeck	Sutherland	

NAYS—9.

Ashurst	Heflin	McKellar	Norris
Capper	Ladd	McNary	Sheppard
Caraway			

NOT VOTING—58.

Ball	Fletcher	La Follette	Shields
Bayard	France	Lodge	Simmons
Borah	Frelinghuysen	McCumber	Smith
Brandegee	George	Myers	Stanfield
Brookhart	Gerry	Nelson	Stanley
Broussard	Glass	Nicholson	Sterling
Colt	Gooding	Overman	Swanson
Couzens	Harreld	Owen	Trammell
Culberson	Harris	Page	Underwood
Cummins	Harrison	Pittman	Walsh, Mass.
Dial	Hitchcock	Poindexter	Walsh, Mont.
Dillingham	Jones, N. Mex.	Pomerene	Watson
Elkins	Kellogg	Reed, Mo.	Williams
Ernst	Kendrick	Reed, Pa.	
Fernald	King	Robinson	

So the motion of Mr. JONES of Washington was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

At 9 o'clock and 55 minutes p. m. Mr. CARAWAY entered the Chamber and answered to his name.

Mr. JONES of Washington (at 9 o'clock and 58 minutes p. m.). I move the adoption of the order which I send to the desk.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Secretary will read the proposed order.

The reading clerk read as follows:

Ordered, That the Sergeant at Arms be directed to use all necessary means to compel the attendance of absent Senators.

Mr. ROBINSON. On that I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. FERNALD (when his name was called). I have a general pair with the Senator from New Mexico [Mr. JONES]. I am unable to obtain a transfer so I withhold my vote. If allowed to vote I would vote "yea."

Mr. LODGE (when his name was called). I am paired with the senior Senator from Alabama [Mr. UNDERWOOD]. I transfer that pair to the Senator from New Mexico [Mr. BURSUM] and vote "yea."

Mr. McCORMICK (when his name was called). I have a standing pair with the junior Senator from Wyoming [Mr. KENDRICK]. Since I can not obtain a transfer I withhold my vote.

Mr. McKINLEY (when his name was called). Has the junior Senator from Arkansas [Mr. CARAWAY] voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. McKINLEY. Having a pair with that Senator and being unable to obtain a transfer, I withhold my vote.

Mr. MOSES (when his name was called). Under the circumstances announced on the previous vote, I vote "yea."

Mr. TOWNSEND (when his name was called). I am paired for the evening with the junior Senator from Virginia [Mr. SWANSON]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote "yea."

Mr. WATSON (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. WILLIAMS]. Being unable to obtain a transfer I withhold my vote. If I were voting, I would vote "yea."

Mr. WILLIS (when his name was called). I am paired with my colleague [Mr. POMERENE]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

The roll call was concluded.

Mr. ERNST (after having voted in the affirmative). I transfer my general pair with the senior Senator from Kentucky [Mr. STANLEY] to the junior Senator from Oregon [Mr. STANFIELD] and permit my vote to stand.

Mr. EDGE. Making the same announcement as before as to my pair and transfer, I vote "yea."

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). In the absence of the junior Senator from Idaho [Mr. GOODING], with whom I have a pair for the evening, I withhold my vote.

Mr. REED of Pennsylvania (after having voted in the affirmative). In the absence of my pair [Mr. BAYARD], and being unable to obtain a transfer, I withdraw my vote.

Mr. BALL (after having voted in the affirmative). I understand the senior Senator from Florida [Mr. FLETCHER] has not voted. I have a general pair with that Senator. Being unable to obtain a transfer, I withdraw my vote.

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Oklahoma [Mr. HARRELD] with the Senator from Colorado [Mr. NICHOLSON];

The Senator from Minnesota [Mr. NELSON] with the Senator from Idaho [Mr. BORAH];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Utah [Mr. KING].

Mr. ROBINSON. I wish to announce that the Senator from North Carolina [Mr. OVERMAN] is paired with the Senator from Iowa [Mr. CUMMINS]. If the Senator from North Carolina were present he would vote "nay."

The roll call resulted—yeas 32, nays 8, as follows:

YEAS—32.

Calder	Jones, Wash.	New	Smoot
Cameron	Kellogg	Norbeck	Spencer
Capper	Keyes	Oddie	Sutherland
Curtis	Lenroot	Pepper	Townsend
Edge	Lodge	Phipps	Wadsworth
Ernst	McKinley	Ransdell	Warren
Hale	McNary	Reed, Mo.	Weller
Johnson	Moses	Shortridge	Willis

NAYS—8.

Ashurst	George	Heflin	Robinson
Caraway	Harrison	McKellar	Sheppard

NOT VOTING—56.

Ball	Fernald	La Follette	Reed, Pa.
Bayard	Fletcher	McCormick	Shields
Borah	France	McCumber	Simmons
Brandegee	Frelinghuysen	McLean	Smith
Brookhart	Gerry	Myers	Stanfield
Broussard	Glass	Nelson	Stanley
Bursum	Gooding	Nicholson	Sterling
Colt	Harreld	Norris	Swanson
Couzens	Harris	Overman	Trammell
Culberson	Hitchcock	Owen	Underwood
Cummins	Jones, N. Mex.	Page	Walsh, Mass.
Dial	Kendrick	Pittman	Walsh, Mont.
Dillingham	King	Poindexter	Watson
Elkins	Ladd	Pomerene	Williams

The PRESIDING OFFICER. On this motion the yeas are 32 and the nays are 8. The motion prevails. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. REED of Missouri. Mr. President, I move to reconsider the vote just taken, and on that I demand the yeas and nays.

Mr. JONES of Washington. I make the point of order against the motion that a motion to reconsider is not in order except when we have a quorum. I cite from page 16 of the Precedents the following:

The Presiding Officer (Mr. Blair in the chair) decided a motion was not in order, in the absence of a quorum, to reconsider a vote directing the Sergeant at Arms to compel the attendance of absent Senators. Decision sustained on appeal.

I make the point of order that the motion to reconsider is out of order.

Mr. REED of Missouri. I do not think a decision by Mr. Blair some years ago is binding upon the Senate at this time. I would like to discuss the question.

Mr. CURTIS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Kansas will state the point of order.

Mr. CURTIS. The question is not debatable.

Mr. LODGE. There is no debate permissible on the motion.

The PRESIDING OFFICER. The Chair is of the opinion that debate is out of order and business can not be transacted without a quorum. Does the Senator from Missouri desire to be heard on the point of order?

Mr. REED of Missouri. I desire to appeal from the decision of the Chair.

Mr. JONES of Washington. I move to lay the appeal on the table.

Mr. REED of Missouri. On that I ask for the yeas and nays.

The PRESIDING OFFICER. Does the Senator from Washington withdraw his point of order?

Mr. JONES of Washington. I made the point of order that the motion to reconsider could not be made until a quorum is present. I do not withdraw that point of order.

The PRESIDING OFFICER. Does the Senator from Missouri desire to be heard on the point of order?

Mr. REED of Missouri. Not at this moment.

Mr. LODGE. All debate is out of order at this time.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. REED of Missouri. I appeal from the decision of the Chair, and on that appeal I ask for the yeas and nays.

Mr. JONES of Washington. I move to lay the appeal on the table.

The PRESIDING OFFICER. The Senator from Washington moves to lay the appeal on the table.

Mr. REED of Missouri. On that I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. FERNALD (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. LODGE (when his name was called). Making the same announcement as before, I vote "yea."

Mr. MOSES (when his name was called). Under the same circumstances as announced on the previous vote, I vote "yea."

Mr. REED of Pennsylvania (when his name was called). In the absence of my pair, the Senator from Delaware [Mr. BAYARD], I withhold my vote.

Mr. TOWNSEND (when his name was called). Making the same announcement as before, I vote "yea."

Mr. WATSON (when his name was called). I have a pair with the Senator from Mississippi [Mr. WILLIAMS]. I am unable to obtain a transfer and therefore withhold my vote. If permitted to vote, I should vote "yea."

Mr. WILLIS. I transfer my pair with my colleague [Mr. POMERENE] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

The roll call was concluded.

Mr. BALL (after having voted in the affirmative). I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I understand that Senator has not voted. I therefore withdraw my vote.

Mr. MCCORMICK. I have a standing pair with the junior Senator from Wyoming [Mr. KENDRICK], who is absent. As I am unable to obtain a transfer, I withhold my vote. If I were voting, I would vote "yea."

The PRESIDING OFFICER. Again announcing my pair with the junior Senator from Idaho [Mr. GOODING], who is absent, I withhold my vote.

Mr. CURTIS. I wish to announce the following general pairs:

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Oklahoma [Mr. HARRELD] with the Senator from Colorado [Mr. NICHOLSON];

The Senator from Minnesota [Mr. NELSON] with the Senator from Idaho [Mr. BORAH];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from North Dakota [Mr. MCCUMBER] with the Senator from Utah [Mr. KING].

Mr. ROBINSON. I wish to announce that the Senator from North Carolina [Mr. OVERMAN] is paired with the Senator from Iowa [Mr. CUMMINS].

Mr. REED of Missouri. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator from Missouri will state the point of order.

Mr. REED of Missouri. The point of order is that there not being a quorum in the Senate, no business of any kind can take place except that specially authorized by the rules, to wit, the necessary orders to bring in absent Senators or to adjourn. A motion to lay any matter upon the table is in the nature of business. It can no more be enacted by a body of men lacking a quorum than any other business. Neither can the Chair announce the result of the roll call of such a body. I make the point of order that the motion itself was out of order and the Chair is without power or authority to announce the result of the roll call.

The PRESIDING OFFICER. The Chair will state that the motion was made by the Senator from Missouri.

Mr. REED of Missouri. No; the motion was made by the Senator from Washington, and I asked for the yeas and nays.

The PRESIDING OFFICER. The Chair will state that the appeal was taken by the Senator from Missouri from the ruling of the Chair on the point of order.

Mr. REED of Missouri. Certainly.

The PRESIDING OFFICER. And no business could have been transacted because the Senator is arguing that his own motion was out of order.

Mr. REED of Missouri. That may be true, but the question of jurisdiction——

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HITCHCOCK. Will the Chair permit me to read a precedent?

The PRESIDING OFFICER. The Chair withholds his ruling for that purpose.

Mr. HITCHCOCK. On page 430 of Gilfry's Precedents——

Mr. CURTIS. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. I wish simply to say that I think the position taken by the Senator from Missouri [Mr. REED] is correct. There is no business in order except the securing of a quorum. That was decided by Vice President Marshall upon a point raised by the present occupant of the chair. If the Chair desires the decision, I will call his attention to it. It will be found on page 213 of Gilfry's Precedents, and is as follows:

The roll was called and no quorum responded.

Mr. BRANDEGEE. I make the point of order that until a quorum appears there is nothing in order except to secure a quorum, and that that order has been entered.

The VICE PRESIDENT (Mr. Marshall). The point of order is sustained.

The PRESIDING OFFICER. The Chair would be of the same opinion still. The question, however, in this case arose on a point of order, not in the transaction of ordinary business. No point of order was made against the motion of the Senator from Missouri when the motion was made, and therefore the Chair entertained it.

Mr. HITCHCOCK. Mr. President, the precedent which I have before me is not very complete, but it is quoted as follows on page 430 of Gilfry's Precedents:

During the consideration of the conference report on H. R. 21871 "to amend the national banking laws," Mr. LA FOLLETTE raised a question as to the presence of a quorum.

Mr. Aldrich raised a question of order, viz, that a Senator must be in the possession of the floor, and that he can not take the floor by asking to make a parliamentary inquiry and then make any motion.

The Vice President (Mr. Fairbanks) sustained the question of order.

Mr. LA FOLLETTE appealed.

Mr. Aldrich moved to lay the appeal on the table, and on a division the yeas were 32, nays 14, no quorum voting.

The Vice President (Mr. Fairbanks) counted the Senate and announced that a quorum was present, and so the motion prevailed.

It is sort of a negative statement of the case but it implies evidently that if the Chair had not been able to count a quorum as being present the appeal could not have carried.

Mr. LODGE. I rise to a question of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. LODGE. Under the rules no debate of any kind is in order.

The PRESIDING OFFICER. The roll is in process of being called by the Secretary.

Mr. LODGE. No debate or motion is in order pending the roll call.

Mr. FRELINGHUYSEN, Mr. MCCUMBER, and Mr. NELSON entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum of the Senate is present.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock to-morrow, and on that I demand the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as to my pair and its transfer as before, I vote "nay."

Mr. FERNALD (when his name was called). Making the same announcement as before with reference to my pair, I withhold my vote.

Mr. FRELINGHUYSEN (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I observe he is not in the Chamber, and therefore I withhold my vote.

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. Being unable to secure a transfer of that pair, I am not at liberty to vote. If permitted to vote, I should vote "nay."

Mr. MCCUMBER (when his name was called). I have a general pair with the junior Senator from Utah [Mr. KING]. That Senator being necessarily absent from the Chamber, I withhold my vote.

Mr. MCKINLEY (when his name was called). I inquire if the junior Senator from Arkansas [Mr. CARAWAY] has voted?

The PRESIDING OFFICER. He has not.

Mr. MCKINLEY. As I have a pair with that Senator and am unable to secure a transfer, I withhold my vote.

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD], who is absent. I am informed that, if present, he would vote as I intend to vote. I therefore vote "nay."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as previously with regard to my pair, I withhold my vote.

Mr. TOWNSEND (when his name was called). Making the same announcement as before with reference to my pair and its transfer, I vote "nay."

Mr. WILLIS (when his name was called). Repeating the announcement as to the transfer of my pair, I vote "nay."

The roll call was concluded.

Mr. ROBINSON. I desire to state that the Senator from North Carolina [Mr. OVERMAN] is paired with the Senator from Iowa [Mr. CUMMINS]. If the Senator from North Carolina were present, he would vote "yea" on the pending motion.

Mr. BALL. I have a pair with the senior Senator from Florida [Mr. FLETCHER]. He being absent, I withhold my vote.

Mr. ERNST (after having voted in the negative). I have a general pair with the senior Senator from Kentucky [Mr. STANLEY]. I transfer that pair to the Senator from Oregon [Mr. STANFIELD] and permit my vote to stand.

Mr. WATSON. I transfer my pair with the Senator from Mississippi [Mr. WILLIAMS] to the Senator from Maryland [Mr. FRANCE] and vote "nay."

Mr. MCCORMICK. I have a general pair with the junior Senator from Wyoming [Mr. KENDRICK], who is absent. Therefore I withhold my vote. If at liberty to vote, I should vote "nay."

The PRESIDING OFFICER (Mr. BRANDEGEE). The present occupant of the chair announces his pair with the junior Senator from Idaho [Mr. GOODING]. Not knowing how that Senator would vote if present, the present occupant of the chair withholds his vote.

Mr. CURTIS. I desire to announce the following pairs:

The Senator from Rhode Island [Mr. COLT] with the Senator from Florida [Mr. TRAMMELL];

The Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Oklahoma [Mr. HARRELD] with the Senator from Colorado [Mr. NICHOLSON];

The Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 9, nays 30, as follows:

YEAS—9.

Ashurst	Heflin	McKellar	Robinson
Capper	Ladd	McNary	Sheppard
George			

NAYS—30.

Bursum	Jones, Wash.	Oddie	Townsend
Calder	Kellogg	Pepper	Wadsworth
Cameron	Keyes	Phipps	Warren
Curtis	Lenroot	Ransdell	Watson
Edge	Moses	Shortridge	Weller
Ernst	Nelson	Smoot	Willis
Hale	New	Spencer	
Johnson	Norbeck	Sutherland	

NOT VOTING—57.

Ball	Fletcher	McCormick	Shields
Bayard	France	McCumber	Simmons
Borah	Frelinghuysen	McKinley	Smith
Brandegee	Gerry	McLean	Stanfield
Brookhart	Glass	Myers	Stanley
Broussard	Gooding	Nicholson	Sterling
Caraway	Harreld	Norris	Swanson
Colt	Harris	Overman	Trammell
Couzens	Harrison	Owen	Underwood
Culberson	Hitchcock	Page	Walsh, Mass.
Cummins	Jones, N. Mex.	Pittman	Walsh, Mont.
Dial	Kendrick	Poindexter	Williams
Dillingham	King	Pomerene	
Elkins	La Follette	Reed, Mo.	
Fernald	Lodge	Reed, Pa.	

The PRESIDING OFFICER. The motion to take a recess is lost.

Mr. ROBINSON. Mr. President, what was the announcement of the Chair?

The PRESIDING OFFICER. The yeas are 9 and the nays are 30.

Mr. ROBINSON. Not a quorum.

The PRESIDING OFFICER. No quorum has developed. The Sergeant at Arms stands instructed to compel the attendance of absent Senators, but no report has been received from the Sergeant at Arms.

Mr. REED of Missouri. Mr. President, with all respect, I make the suggestion to the Chair that the order to the Sergeant at Arms to bring in Senators to develop a quorum was made some time ago, and since then a quorum has been developed and announced by the Chair. If I recollect correctly, that is the situation. A quorum having been developed, that order, of course, is a dead order.

Mr. WATSON. No.

Mr. REED of Missouri. It does not stand for the whole night.

Mr. WATSON. The order is a continuing order until revoked by action of the Senate.

Mr. REED of Missouri. Then there are a thousand of such orders out, for I never heard of one of them being revoked in my life.

Mr. WATSON. The Senator did not stay until they were revoked.

Mr. REED of Missouri. I have been here as long as has the Senator from Indiana, and I say that I never heard of one being revoked. That order was made to develop a quorum. A quorum having been developed, the reason for the order ceases to be. Of course that is the rule.

The PRESIDING OFFICER. The Chair can not rule upon that question with the authority of any precedent, because he has had no time to look up the precedents. The Chair would be of the opinion——

Mr. SHEPPARD. Mr. President, a point of order.

The PRESIDING OFFICER. Just a moment. The Chair would be of the opinion that the order of the Senate to compel the attendance of absent Senators was designed to develop a quorum at the time at which it was made. A quorum was developed. The order can not stand to develop the lack of another quorum occurring subsequently. The Chair distinctly remembers many such orders to the Sergeant at Arms to have been discontinued or revoked. The Senator from Texas is now recognized.

Mr. SHEPPARD. I make the point of order that the last vote having disclosed the lack of a quorum, the roll should be called.

The PRESIDING OFFICER. The Chair will say to the Senator that the presence of a quorum was developed. Then, on the motion to take a recess, the lack of a quorum was shown. At the last session the Chair in a similar circumstance, where the vote disclosed a lack of a quorum, suggested the absence of a quorum and ordered the Secretary to call the roll, and the Senate took exception to that procedure.

Mr. SHEPPARD. I ask the Chair to rule on this point.

The PRESIDING OFFICER. The Chair rules that the vote discloses the absence of a quorum.

Mr. SHEPPARD. Then I make the point, Mr. President, that the Chair should order the roll to be called.

The PRESIDING OFFICER. The Senator from Texas suggests the absence of a quorum?

Mr. SHEPPARD. 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	Curtis	Hale	Ladd
Brandegee	Edge	Heflin	Lenroot
Bursum	Ernst	Johnson	Lodge
Calder	Fernald	Jones, Wash.	McCormick
Cameron	Frelinghuysen	Kellogg	McCumber
Capper	George	Keyes	McKellar
McKinley	Oddie	Shortridge	Warren
McNary	Pepper	Smoot	Watson
Moses	Phipps	Spencer	Weller
Nelson	Ransdell	Sutherland	Willis
New	Reed, Pa.	Townsend	
Norbeck	Sheppard	Wadsworth	

The PRESIDING OFFICER. Forty-six Senators having answered to their names, there is not a quorum present.

Mr. JONES of Washington. I suggest that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the names of the absentees.

The reading clerk called the names of the absent Senators, and Mr. HITCHCOCK, Mr. REED of Missouri, and Mr. ROBINSON answered to their names when called.

Mr. COLT entered the Chamber and answered to his name.

The PRESIDING OFFICER. Fifty Senators having answered to their names, a quorum of the Senate is present.

Mr. JONES of Washington. I call for the regular order.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas.

Mr. CURTIS. While a quorum is here, I desire to call the Chair's attention to a ruling that was made a few moments ago that is clearly erroneous.

Mr. ROBINSON. Mr. President, a point of order.

Mr. CURTIS. I make the statement at this time——

Mr. ROBINSON. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBINSON. The pending question is the motion to take a recess.

Mr. WADSWORTH. That is debatable.

The PRESIDING OFFICER. The Senator from Kansas rises to a point of order.

Mr. ROBINSON. The Senator from Kansas did not say so. He said he desired to discuss the ruling of the Chair.

Mr. CURTIS. I am calling the Chair's attention——

The PRESIDING OFFICER. The Chair understood the Senator from Kansas to say that he rose to a point of order.

Mr. CURTIS. That was the intention of the Senator from Kansas. In 1908——

Mr. ROBINSON. Mr. President, a parliamentary inquiry. What is the point of order made by the Senator from Kansas?

The PRESIDING OFFICER. The Chair can not inform the Senator until he has heard it.

Mr. HARRISON. Mr. President, we can not hear the conversation.

The PRESIDING OFFICER. Neither can the Chair. The Senate will be in order.

Mr. CURTIS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Is a motion to take a recess debatable?

The PRESIDING OFFICER. The Chair thinks it is.

Mr. ROBINSON. Mr. President, a point of order. The yeas and nays have been ordered and the roll called on the motion to take a recess, and the roll call is in progress. The absence of a quorum developed upon the motion to take a recess, upon the call of the roll.

Mr. CURTIS. Mr. President, I can call the Chair's attention to this matter later.

Mr. ROBINSON. The roll call can not be interrupted.

The PRESIDING OFFICER. The Chair does not recollect about that. The Chair will ask the Secretary whether the motion of the Senator from Arkansas to take a recess was voted upon, a quorum voting. The Chair is informed that a quorum did not vote, so that is the pending motion. Does the Senator demand the yeas and nays on it?

Mr. ROBINSON. The yeas and nays have been demanded, and the roll call is in progress.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk proceeded to call the roll.

Mr. EDGE (when his name was called). Making the same announcement as before, I vote "nay."

Mr. ERNST (when his name was called). Making the same announcement as before, I vote "nay."

Mr. FERNALD (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. FRELINGHUYSEN (when his name was called). I am unable to get a transfer of my general pair, and therefore withhold my vote.

Mr. LODGE (when his name was called). Making the same announcement as before of the transfer of my pair, I vote "nay."

Mr. McCORMICK (when his name was called). I have a standing pair with the Senator from Wyoming [Mr. KENDRICK] and therefore withhold my vote.

Mr. McCUMBER (when his name was called). Being unable to secure a transfer of my pair, I withhold my vote. If at liberty to vote, I should vote "nay."

Mr. McKINLEY (when his name was called). Has the junior Senator from Arkansas [Mr. CARAWAY] voted?

The VICE PRESIDENT. He has not.

Mr. McKINLEY. I withhold my vote. If the Senator from Arkansas were present, I should vote "nay."

Mr. REED of Pennsylvania (when his name was called). Making the same announcement as before, I withhold my vote.

Mr. TOWNSEND (when his name was called). I am paired for the evening with the senior Senator from Virginia [Mr. SWANSON]. I transfer that pair to the junior Senator from Washington [Mr. POINDEXTER], and I desire this announcement to stand for all votes this evening. I vote "nay."

Mr. WATSON (when his name was called). Making the same announcement as on the last roll call, with reference to my pair and its transfer, I vote "nay."

Mr. WILLIS (when his name was called). I am paired with my colleague, the senoir Senator from Ohio [Mr. POMERENE]. I transfer that pair to the junior Senator from Louisiana [Mr. BROUSSARD] and will vote. I vote "nay."

The roll call was concluded.

Mr. BALL (after having voted in the negative). I find that my general pair, the Senator from Florida [Mr. FLETCHER], has not voted, so I withdraw my vote.

Mr. COLT (after having voted in the negative). Has the junior Senator from Florida [Mr. TRAMMELL] voted?

The VICE PRESIDENT. He has not voted.

Mr. COLT. I have a pair with that Senator. Being unable to obtain a transfer, I withdraw my vote.

Mr. LODGE. Mr. President, the Senator to whom I transferred my pair having returned to the Chamber and voted, I withdraw my announcement of transfer and withdraw my vote, and leave my pair standing with the Senator from Alabama [Mr. UNDERWOOD].

Mr. KELLOGG (after having voted in the negative). Has the junior Senator from Mississippi [Mr. HARRISON] voted?

The VICE PRESIDENT. He has not.

Mr. KELLOGG. I have a pair with that Senator, and withdraw my vote.

Mr. ROBINSON. I have been requested to announce that the Senator from North Carolina [Mr. OVERMAN] is paired with the Senator from Iowa [Mr. CUMMINS]. If the Senator from North Carolina were present, he would vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Iowa [Mr. CUMMINS] with the Senator from North Carolina [Mr. OVERMAN];

The Senator from West Virginia [Mr. ELKINS] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Virginia [Mr. GLASS];

The Senator from Oklahoma [Mr. HARRELD] with the Senator from Colorado [Mr. NICHOLSON];

The Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS]; and

The Senator from South Dakota [Mr. STERLING] with the Senator from South Carolina [Mr. SMITH].

The roll call resulted—yeas 8, nays 30, as follows:

YEAS—8.

Capper	Heflin	McKellar	Robinson
George	Ladd	McNary	Sheppard

NAYS—30.

Brandegee	Johnson	Oddie	Townsend
Bursum	Jones, Wash.	Pepper	Wadsworth
Calder	Keyes	Phipps	Warren
Cameron	Lenroot	Ransdell	Watson
Curtis	Moses	Shortridge	Weller
Edge	Nelson	Smoot	Willis
Ernst	New	Spencer	
Hale	Norbeck	Sutherland	

NOT VOTING—58.

Ashurst	Fletcher	Lodge	Reed, Pa.
Ball	France	McCormick	Shields
Bayard	Frelinghuysen	McCumber	Simmons
Borah	Gerry	McKinley	Smith
Brookhart	Glass	McLean	Stanfield
Broussard	Gooding	Myers	Stanley
Caraway	Harreld	Nicholson	Sterling
Colt	Harris	Norris	Swanson
Couzens	Harrison	Overman	Trammell
Culberson	Hitchcock	Owen	Underwood
Cummins	Jones, N. Mex.	Page	Walsh, Mass.
Dial	Kellogg	Pittman	Walsh, Mont.
Dillingham	Kendrick	Poindexter	Williams.
Elkins	King	Pomerene	
Fernald	La Follette	Reed, Mo.	

The VICE PRESIDENT. On this question the yeas are 8; the nays are 30. There are present and not voting the following Senators who are paired: Mr. KELLOGG, Mr. LODGE, Mr. FERNALD, Mr. FRELINGHUYSEN, Mr. McCORMICK, Mr. McCUMBER, Mr. McKINLEY, Mr. REED of Pennsylvania, Mr. WATSON, Mr. BALL, and Mr. COLT, making a quorum. The motion does not prevail.

Before Mr. REED of Missouri concluded his speech for the day,

Mr. HARRISON. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. REED of Missouri. I yield.

Mr. HARRISON. Some while ago there was an order entered for the Sergeant at Arms to bring in absent Senators. I desire to inquire what report has been made under that order?

The VICE PRESIDENT. The Chair did not understand the inquiry of the Senator.

Mr. HARRISON. Some time ago there was an order made by the Senate for the Sergeant at Arms to bring in absent Senators. Some time has elapsed. A quorum developed. Has there been any report made by the Sergeant at Arms under that order?

The VICE PRESIDENT. The Chair does not recall any report.

Mr. JONES of Washington. Mr. President, I do not desire to take the Senator from Missouri off the floor, and I hope the Senator from Mississippi will not do so.

Mr. HARRISON. I am only propounding a parliamentary inquiry.

The VICE PRESIDENT. The Chair has answered the inquiry.

Mr. HARRISON. The answer was that no report had been made?

The VICE PRESIDENT. The Chair knows of no report that has been made.

Mr. HARRISON. May I ask the Chair if a report may now be made to the Senate on that order?

The VICE PRESIDENT. The Chair knows of no requirement that a report shall be made.

Mr. HARRISON. I call for a report from the Sergeant at Arms.

Mr. JONES of Washington. I want to say that if the Senator from Missouri is yielding for that purpose he is yielding the floor.

Mr. REED of Missouri. I am obliged to yield for a parliamentary inquiry.

Mr. JONES of Washington. I think not for this purpose.

Mr. REED of Missouri. Oh, yes. Otherwise a Senator could be taken off the floor at any moment, because a point of order is always in order.

Mr. JONES of Washington. The Senator from Mississippi rose for the purpose of making a parliamentary inquiry. He has made the parliamentary inquiry and the Chair has answered the parliamentary inquiry.

Mr. HARRISON. I asked the Chair——

Mr. JONES of Washington. I object to the Senator from Missouri yielding for this purpose.

Mr. REED of Missouri. I am not yielding. The Senator from Mississippi rose to a point of order and it is not for me to refuse to yield for that purpose.

Mr. HARRISON. If the Senator from Washington is afraid that a report from the Sergeant at Arms would disclose the fact that a large number of Republican Senators were brought in under the order, I will withdraw the request.

Mr. JONES of Washington. The Senator is not afraid of that, but he does not desire the Senator from Missouri to be taken off the floor. The Senator from Missouri has been taken off the floor once and can only make one more speech on the subject.

Mr. REED of Missouri. I have two speeches on it if I want to make them. I am still making the first one.

Mr. JONES of Washington. Oh, no; the Senator lost the floor awhile ago.

Mr. REED of Missouri proceeded with his speech, as appears earlier in the proceedings, and was interrupted by,

Mr. JONES of Washington. Mr. President, will the Senator yield to me for a moment?

Mr. REED of Missouri. I yield to the Senator from Washington.

Mr. JONES of Washington. I know that the Senator's throat is troubling him, and I do not want to keep him going on unnecessarily. Frankly, some of the older Senators who are here I do not like to keep here, and I do not believe we ought to do it; so Mr. President, I am going to ask unanimous consent that the Senate take a recess until 11 o'clock to-morrow morning.

Mr. REED of Missouri. Mr. President, I do not object to that, but I do object to having it put in the RECORD that my voice is anything but music.

Mr. JONES of Washington. Oh, it was not the Senator's voice; it was his throat. His voice is music; I agree with the Senator about that. Would the Senator like to have that stricken out of the RECORD?

Mr. REED of Missouri. Oh, no; let it stay in. It will be an evidence that I have been serving my country.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington that the Senate take a recess until 11 a. m. to-morrow? The Chair hears none, and it is so ordered.

Thereupon (at 11 o'clock and 40 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, February 21, 1923, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 20, 1923.*

The House met at 12 o'clock noon.

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

We are still beneath Thy guardian care, blessed Lord. Do Thou mercifully receive of tributes of gratitude. As we come into new days there come also new circumstances and new tasks. Reveal unto us the tide of Thy purpose and may we pursue it with unwavering confidence. If any are in perplexity, clear the way; if any are unduly burdened, help with the load; if any are tempted, be at their side; if any are sick, give them comfort; if any are in sorrow, dry their tears. O make the darkest day of life the path that leads to Thee. Amen.

The Journal of the proceedings of yesterday was read and approved.

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following communication, which was read:

FEBRUARY 17, 1923.

Hon. FREDERICK H. GILLETT,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Labor of the House of Representatives, to take effect immediately.

Very truly yours, JOHN PAUL.

ELECTION TO A COMMITTEE.

Mr. MONDELL. Mr. Speaker, I offer the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 546.

Resolved, That JOHN PAUL, a Member of Congress from the seventh Virginia district, be, and he is hereby, elected a member of the District of Columbia Committee of the House of Representatives.

CALL OF THE HOUSE.

Mr. FULLER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. It is clear there is not.

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

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

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

Ansorge	Dyer	Kennedy	Parks, Ark.
Arentz	Echols	Kindred	Paul
Barkley	Edmonds	King	Perkins
Benham	Focht	Kirkpatrick	Perlman
Bowers	French	Kitchin	Petersen
Brennan	Garner	Kline, N. Y.	Pringey
Britten	Goldsborough	Knight	Rainey, Ala.
Brooks, Ill.	Goodykoontz	Lee, N. Y.	Reber
Brooks, Pa.	Gorman	Lineberger	Reed, N. Y.
Burke	Gould	Lyon	Reed, W. Va.
Cable	Graham, Pa.	McArthur	Riddick
Carter	Griffin	McClintic	Riordan
Chandler, N. Y.	Hardy, Colo.	Michaelson	Rodenberg
Chandler, Okla.	Hays	Mills	Rose
Classon	Himes	Moore, Ohio	Rossdale
Codd	Hogan	Morin	Ryan
Connolly, Pa.	Huck	Mudd	Sanders, N. Y.
Copley	Hutchinson	Nolan	Schall
Crowther	Johnson, Ky.	O'Brien	Scott, Mich.
Dale	Johnson, Miss.	O'Connor	Shaw
Davis, Minn.	Jones, Pa.	Olpp	Smith, Mich.
Drane	Kahn	Overstreet	Snell
Drewry	Keller	Park, Ga.	Steenerson
Stiness	Taylor, Colo.	Volk	Woodyard
Stoll	Taylor, N. J.	Ward, N. C.	Zihlman
Sullivan	Thomas	Watson	
Tague	Thorpe	Webster	
Taylor, Ark.	Tucker	Wheeler	

The SPEAKER. Three hundred and nineteen Members have answered to their names, a quorum.

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

The motion was agreed to.

The doors were opened.

ELECTIONS TO COMMITTEES.

The SPEAKER. The Clerk will report House Resolution 546.

The Clerk again reported the resolution.

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

The resolution was agreed to.

Mr. MONDELL. Mr. Speaker, I present the following resolution and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 547.

Resolved, That Mrs. MAE ELLA HUNT NOLAN, a Member of Congress from the fifth California district, be, and she is hereby, elected a member of the following committees of the House:

Committee on Labor,
Committee on Expenditures in the Post Office Department.

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

The resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4583. An act 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.;

S. 4579. An act to authorize the Lee County bridge district No. 2 in the State of Arkansas to construct a bridge over the St. Frances River;

S. 4552. An act to incorporate the Belleau Wood Memorial Association;

S. 930. An act for the relief of Thomas J. Temple;

S. 4216. An act authorizing the sale of real property no longer required for military purposes;

S. 3742. An act for the relief of John H. Fesenmeyer, alias John Wills;

Senate Concurrent Resolution 39:

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;

S. 4345. An act for the relief of E. J. Reynolds;

S. 2598. An act for the relief of Franklin Gum;

S. 2002. An act for the relief of Charles D. Shay;

S. 3849. An act for the relief of Robert J. Kirk;

S. 4167. An act to amend an act entitled "An act for the retirement of employees in the classified civil service, and for other purposes";

S. 2921. An act 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; and

S. 3942. An act for the relief of John H. McAtee.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 9049. An act 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; and

H. R. 13808. An act 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.

RED RIVER OIL LEASING BILL.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may have up to and including to-morrow to file minority views on the bill S. 4197, the Red River oil leasing bill.

The SPEAKER. Is there objection.

There was no objection.

EXTENSION OF REMARKS.

Mr. WILSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the matter of experiments in relation to the cotton-boll weevil, and in that connection I wish to state that there is to-day in session at Atlanta, Ga., a conference of world-wide significance; and I want to print in connection with my remarks a short statement showing the results of experiments with calcium arsenate and of the use of the airplane in connection with the destruction of the boll weevil.

The SPEAKER. Is there objection?

There was no objection.

THE COTTON-BOLL WEEVIL.

Mr. WILSON. Mr. Speaker, a conference is in session in the city of Atlanta Ga., to-day of nation-wide and world-wide importance. This conference is composed of leaders in science, in industry, and in agriculture, and has met for the purpose of devising ways and means for the eradication or control of the cotton-boll weevil.

The boll weevil now covers the entire area of the cotton-production section of the Union, and to all those who have studied the problem of cotton production in the Southern States in connection with the ravages of the boll weevil it must be evident that a most serious condition is confronting that industry.

World cotton production last year was approximately 16,000,000 bales, while world consumption was more than 20,000,000 bales, and this with industry normal nowhere except in America. During the last two years cotton production has fallen about 8,000,000 bales short of the actual consumption. There will be practically no carry over this year from which a deficit in production can be supplied.

The decrease in production is running about 6,000,000 bales annually and is confined to this country and almost solely due to the ravages of the boll weevil. The annual loss to the American cotton farmer, caused by this pest for the year 1922, has been estimated to be $1,000,000,000, and unless it is effectively controlled the huge losses suffered by the cotton farmer will continue, and will be brought to staggering proportions by the added losses to allied industries.

Raw cotton constitutes the Nation's chief export product, and has in one way or another more people dependent upon its continued production than any other industry in the United States, and this Congress should stand united in the support of any measure having for its purpose the preservation of this, the country's chief agricultural asset.

Up to this time the most effective means of controlling the boll weevil developed is the application of powdered calcium arsenate. The experiments resulting in this discovery were made by and under the direction of the Delta Laboratory, at Tallulah, La., which is under the Bureau of Entomology of the Department of Agriculture. The machinery for applying the calcium arsenate was also developed by the Delta Laboratory. For the small farmer a hand-gun duster, capable of poisoning about 8 or 10 acres per day is used, while a power duster, capable of poisoning about 70 acres per day, is available for the farmer with a larger acreage. Bulletins giving detailed information regarding the use and application of calcium arsenate, based upon the tests made by the Delta Laboratory, have been published by the Department of Agriculture.

I have secured reports direct from a few cotton farmers relative to the results obtained by the use of calcium arsenate. These confirm the official statements and set forth in a general way the results obtained. I wish to quote briefly from two of these reports. Mr. P. M. Atkins, of Monroe, La., states:

I got remarkable results from the use of the poison, although I received my machine late and the poisoning was done under great difficulties on account of the continuous rain during the poisoning season. I had approximately 650 acres in cotton, and made 218 bales on that acreage. I poisoned approximately 200 acres, and the poisoned cotton averaged a little better than half a bale of seed cotton per acre, in spite of the fact that we had an extremely poor season for growing cotton due to continuous rain, which prevented proper cultivation.

The cotton in the same field under the same conditions that was not poisoned made an average of approximately a bale of seed cotton to every 4 acres.

I think so well of the poisoning that I am going to buy additional machines and poison my entire crop this year. I expect to plant about 800 acres of cotton, and if it were not for the protection that I can get against the boll weevil by poisoning, I would not plant an acre.

Mr. J. T. Austin, of Monroe, La., states:

My results last year were very satisfactory. Where I used from four to six applications of calcium arsenate I made from one-half to three-fourths of a bale per acre, and where I did no poisoning on cotton raised under exactly the same conditions I made only one bale to five acres on an average.

During the 1922 season the Delta Laboratory made some very interesting experiments in applying calcium arsenate by airplane. While the experiments were not complete enough to be conclusive, they were very encouraging and showed the following results: Under average conditions a plane could poison from two to five hundred acres per hour, and under the best conditions as high as 1,000 acres per hour, with a consumption of about one-half as much poison per acre as the ground machines, at a total cost of operation per acre of less than the labor cost of operating the ground machines.

The airplane might also be used in the control of insects destructive of crops other than cotton. For instance, large orchards require protection against insects, the alfalfa and potato fields require similar protection, and these crops present even more favorable conditions for the use of the airplane than does cotton.

The means should be supplied and every opportunity given for cooperative effort by the Department of Agriculture and the air service for a thorough demonstration of all the uses that may be made of the airplane as a means of insect control.

In addition to this, immediate steps should be taken to guarantee a sufficient supply of calcium arsenate. The shortage is not due, as has been alleged, to any organization having established a monopoly or cornered the available supply for profiteering purposes. The investigation ordered by Congress developed the fact that calcium arsenate did not exist in sufficient amount to supply the needs of the farmers in the Cotton Belt or other sections where this insecticide is necessary.

A resolution is now pending before Congress to make available the sum of $10,000,000 for the purchase of nitrate of soda and calcium arsenate to be sold to the farmer at cost. This, or some similar measure should be passed without delay.

FEDERAL FARM LOAN ACT.

The SPEAKER. The unfinished business is the consideration of the bill (H. R. 14041) to amend certain sections of the Federal farm loan act, reported from the Committee on Banking and Currency, on which the previous question was ordered on Saturday last. A separate vote was demanded on one amendment. Is a separate vote demanded on any other amendment?

Mr. WINGO. Mr. Speaker, I demand a separate vote upon the amendment covering the Porto Rican loan.

The SPEAKER. Is a separate vote demanded on any other amendment? The Clerk will report the first amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment by Mr. ANDERSON: Page 9, line 23, strike out all of section 5.

The SPEAKER. A separate vote has been demanded on two amendments. Is a separate vote demanded on any other amendment?

Mr. KETCHAM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KETCHAM. Would it be in order to have read from the Clerk's desk the record and the proceedings on the Anderson amendment, which was agreed to in the Committee of the Whole by a vote of 75 to 48?

Mr. MONDELL. Mr. Speaker, that is not a parliamentary inquiry.

The SPEAKER. The question is on agreeing to the other amendments.

The other amendments were agreed to.

The SPEAKER. The first vote comes upon the Anderson amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ANDERSON: Page 9, line 23, strike out all of section 5.

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

The question was taken.

Mr. WINGO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 203, nays 117, answered "present" 2, not voting 105, as follows:

YEAS—203.

Abernethy	Bond	Clouse	Denison
Ackerman	Bowling	Cole, Ohio	Driver
Almon	Box	Collier	Dunn
Anderson	Briggs	Collins	Dupré
Andrews, Mass.	Brown, Tenn.	Connally, Tex.	Elliott
Andrews, Nebr.	Browne, Wis.	Cooper, Ohio	Evans
Aswell	Bulwinkle	Cooper, Wis.	Fairchild
Bankhead	Burtness	Coughlin	Fairfield
Beck	Butler	Crago	Favrot
Beedy	Byrns, Tenn.	Cramton	Fess
Begg	Cannon	Curry	Fish
Blakeney	Carter	Dallinger	Fitzgerald
Bland, Ind.	Chindblom	Davis, Tenn.	Focht
Bland, Va.	Clague	Deal	Frear
Blanton	Clark, Fla.	Dempsey	Freeman

Frothingham	Kline, N. Y.	Moore, Ill.	Snell
Fulmer	Kline, Pa.	Moore, Va.	Snyder
Gahn	Knutson	Moores, Ind.	Sproul
Gallivan	Kraus	Mott	Stafford
Green, Iowa	Kreider	Nelson, Me.	Steenerson
Greene, Mass.	Kunz	Nelson, J. M.	Strong, Pa.
Greene, Vt.	Lampert	Newton, Minn.	Summers, Wash.
Griest	Langley	Norton	Sumners, Tex.
Hadley	Lanham	Oldfield	Swank
Hammer	Larsen, Ga.	Oliver	Taylor, Ark.
Hardy, Tex.	Lazaro	Paige	Temple
Henry	Lee, Ga.	Parker, N. J.	Ten Eyck
Herrick	Lehlbach	Parker, N. Y.	Tillman
Hersey	Linthicum	Parks, Ark.	Tilson
Hickey	Logan	Quin	Tinkham
Hicks	London	Radcliffe	Treadway
Hogan	Lowrey	Rainey, Ill.	Tyson
Hooker	Luhring	Rankin	Underhill
Huddleston	McDuffie	Ransley	Upshaw
Humphrey, Nebr.	McKenzie	Rayburn	Vestal
Husted	McLaughlin, Mich.	Ricketts	Voigt
Ireland	McLaughlin, Nebr.	Robsion	Volstead
Jacoway	McLaughlin, Pa.	Rogers	Ward, N. Y.
James	McSwain	Rosenbloom	Wason
Jefferis, Nebr.	MacGregor	Rucker	Watson
Jeffers, Ala.	MacLafferty	Sabath	Weaver
Johnson, S. Dak.	Madden	Sanders, Ind.	Webster
Johnson, Wash.	Magee	Sanders, Tex.	White, Me.
Jones, Tex.	Maloney	Sandlin	Williams, Tex.
Kearns	Mansfield	Sears	Wilson
Kelley, Mich.	Mapes	Shreve	Winslow
Kelly, Pa.	Mead	Siegel	Woodruff
Kendall	Merritt	Sinclair	Woods, Va.
Ketcham	Michener	Sinnott	Wurzbach
Kincheloe	Miller	Sisson	Young
Kleczka	Montague	Smith, Idaho	

NAYS—117.

Anthony	Faust	Larson, Minn.	Shelton
Appleby	Fenn	Lawrence	Smithwick
Atkeson	Fields	Lea, Calif.	Speaks
Barbour	Fisher	Leatherwood	Steagall
Bell	Fordney	Little	Stedman
Bird	Foster	Longworth	Stevenson
Black	Free	Luce	Strong, Kans.
Brand	Fuller	McCormick	Sweet
Buchanan	Funk	McFadden	Swing
Burdick	Garrett, Tenn.	Martin	Taylor, Tenn.
Burton	Gensman	Mondell	Thompson
Byrnes, S. C.	Gernerd	Morgan	Timberlake
Campbell, Pa.	Gifford	Murphy	Tincher
Cantrill	Gilbert	Nelson, A. P.	Towner
Carew	Graham, Ill.	Newton, Mo.	Turner
Chalmers	Hardy, Colo.	O'Connor	Vaile
Christopherson	Haugen	Patterson, Mo.	Vinson
Clarke, N. Y.	Hawley	Patterson, N. J.	Walters
Cole, Iowa	Hayden	Porter	White, Kans.
Colton	Hill	Pou	Williams, Ill.
Crisp	Hoch	Purnell	Williamson
Cullen	Hudspeth	Raker	Wingo
Dale	Hukriede	Ramseyer	Wise
Darrow	Hull	Reece	Wright
Dickinson	Humphreys, Miss.	Rhodes	Wyant
Dominick	Johnson, Ky.	Roach	Yates
Doughton	Kiess	Robertson	Zihlman
Dowell	Kissel	Rouse	
Dunbar	Kopp	Scott, Tenn.	
Ellis	Lankford	Shaw	

ANSWERED "PRESENT"—2.

Bacharach	Cockran

NOT VOTING—105.

Ansorge	French	Lineberger	Rodenberg
Arentz	Garner	Lyon	Rose
Barkley	Garrett, Tex.	McArthur	Rossdale
Benham	Glynn	McClintic	Ryan
Bixler	Goldsborough	McPherson	Sanders, N. Y.
Boies	Goodykoontz	Michaelson	Schall
Bowers	Gorman	Mills	Scott, Mich.
Brennan	Gould	Moore, Ohio	Slemp
Britten	Graham, Pa.	Morin	Smith, Mich.
Brooks, Ill.	Griffin	Mudd	Stephens
Brooks, Pa.	Hawes	Nolan	Stiness
Burke	Hays	O'Brien	Stoll
Cable	Himes	Ogden	Sullivan
Campbell, Kans.	Huck	Olpp	Tague
Chandler, N. Y.	Hutchinson	Overstreet	Taylor, Colo.
Chandler, Okla.	Johnson, Miss.	Park, Ga.	Taylor, N. J.
Classon	Jones, Pa.	Paul	Thomas
Codd	Kahn	Perkins	Thorpe
Connolly, Pa.	Keller	Perlman	Tucker
Copley	Kennedy	Petersen	Volk
Crowther	Kindred	Pringey	Ward, N. C.
Davis, Minn.	King	Rainey, Ala.	Wheeler
Drane	Kirkpatrick	Reber	Wood, Ind.
Drewry	Kitchin	Reed, N. Y.	Woodyard
Dyer	Knight	Reed, W. Va.	
Echols	Layton	Riddick	
Edmonds	Lee, N. Y.	Riordan	

So the amendment was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. Morin with Mr. Garner.

Mr. Reed of New York with Mr. Riordan.

Mr. Bixler with Mr. Kitchin.

Mr. Kahn with Mr. Goldsborough

Mr. Connolly of Pennsylvania with Mr. Barkley.

Mr. McPherson with Mr. McClintic.

Mr. Stephens with Mr. Johnson of Mississippi.

Mr. Kennedy with Mr. Sullivan.

Mr. Perkins with Mr. Ward of North Carolina.

Mr. Graham of Pennsylvania with Mr. Drane.

Mr. Brennan with Mr. Hawes.

Mr. Hutchinson with Mr. Kindred.

Mr. Rose with Mr. Park of Georgia.

Mr. King with Mr. Tague.

Mr. Crowther with Mr. Drewry.

Mr. Stiness with Mr. O'Brien.

Mr. French with Mr. Tucker.

Mr. Davis of Minnesota with Mr. Garrett of Texas.

Mr. Lineberger with Mr. Lyon.

Mr. Brooks of Illinois with Mr. Thomas.

Mr. Olpp with Mr. Taylor of Colorado.

Mr. Edmonds with Mr. Griffin.

Mr. Mudd with Mr. Overstreet.

Mr. Keller with Mr. Rainey of Alabama.

Mr. Taylor of New Jersey with Mr. Stoll.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the other amendment on which a separate vote is demanded.

The Clerk read as follows:

On page 9, line 22, after the word "under," add a new paragraph, as follows: "*Provided further*, That section 4 as amended by the act of February 27, 1921, authorizing the establishment of a branch bank in Porto Rico and providing that 'loans made by such branch bank when so established shall not exceed the sum of $5,000 to any one borrower,' is hereby amended by striking out '$5,000' and substituting therefor '$10,000.'"

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

The question was taken, and the Speaker announced the noes appeared to have it.

Mr. TOWNER. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 92, noes 21.

So the amendment was agreed to.

Mr. HERRICK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HERRICK. Mr. Speaker, I move to strike out the enacting clause, and I make that motion for the purpose of saying that the crying need of the farmer to-day is not more facilities for getting in debt but——

The SPEAKER. The gentleman is out of order; the previous question has been ordered, and the motion is not in order. The question is on the engrossment and third reading of the bill.

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

Mr. WINGO. Mr. Speaker, I offer the following motion to recommit, and on that I move the previous question.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. WINGO. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. WINGO moves to recommit the bill H. R. 14270 to the Committee on Banking and Currency with instructions to report the same back forthwith with the following amendments:

One page 9, line 11, after the word "seven," strike out all the paragraph and insert in lieu thereof the following: "The amount of loans to any one borrower shall in no case exceed a maximum of $25,000: *Provided*, That preference shall be given to applications for loans of $10,000 and under."

On page 9, after section 4, insert a new section, to read as follows:

"SEC. 5. That section 15 of said act be amended to read as follows:

"'SEC. 15. Federal land banks shall not make any loans through any agency other than the local national farm loan associations: *Provided*, That if any local national farm loan association shall refuse any farmer or farmers in its jurisdiction who are entitled to the benefits of the farm loan system eligible loans, or if no national farm loan association has been formed, or if the local national farm loan association fails, neglects, or refuses to serve properly the needs of its territory in any locality, the Federal Farm Loan Board may, after 30 days' notice to said association or associations, authorize and direct Federal land banks to make such loans direct: *Provided further*, That whenever any national farm loan association located in territory where direct loans are being made shall by resolution declare its willingness to serve the prospective borrowers in said territory and transmits a copy of such resolution to the Federal Farm Loan Board, the board shall at once instruct the Federal land bank of that district to discontinue making such direct loans and shall thereafter only make loans through said associations in said territory as long as it continues to serve its territory properly: *Provided further*, That no secretary-treasurer of a national farm loan association or any one acting for a Federal land bank shall engage in making land-mortgage loans, eligible at a Federal land bank, by, through, or for any other land-mortgage company, association, or agency.

"'Such direct loans shall be subject to the same conditions and restrictions as if the same were made through national farm loan associations, and each borrower shall contribute 5 per cent of the amount of his loan to the capital of the Federal land bank and shall become the owner of as much capital stock of the land bank as such contribution shall warrant.

"'The Federal Farm Loan Board shall, by proper regulations, require each Federal land bank to maintain out of earnings apportionable to stock acquired on direct loans sufficient reserves to cover and pay delinquent payments on such class of loans.

"'Shareholders in a Federal land bank under this provision shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such bank to the extent of the amount of stock owned by them at par value thereof, in addition to the amount paid in and represented by their shares.

"'Any borrower who acquires stock in the Federal land bank under the provisions of this section shall have one vote in all meetings of shareholders of the bank for each share of stock owned by such borrower not exceeding 20 votes and a like number of votes in the election of directors of such bank, such votes to be cast and canvassed in such manner as the Federal Farm Loan Board shall provide.

"'Any 10 borrowers under this section whose loans aggregate not less than $20,000 may at any time organize themselves into a national farm loan association by filing with the proper Federal land bank their articles of association as originally provided in section 7, and thereupon the stock held by such borrower in the Federal land bank shall be transferred to the association thus organized, and each borrower shall receive a corresponding amount of stock in such association. The stock of the bank and the stock of the association shall each be held subject to the same terms and conditions and the members thereof shall be entitled to the same rights and benefits as if the association had been originally organized under section 7 of this act.'"

Mr. BLANTON. Mr. Speaker, I make the point of order——

Mr. WINGO. I move the previous question on the motion to recommit.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. MCFADDEN].

Mr. McFADDEN. Mr. Speaker, I move the previous question.

Mr. BLANTON. I make a point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Mr. Speaker, I make the point of order against the motion to recommit because it is a violation of the rules of the House in that it seeks to reopen a matter which the House has just determined by vote on the Anderson amendment. It embraces part of section 5, which the House a few moments ago struck from the bill, it being the Anderson amendment. It is in violation of the rules of the House in this respect, Mr. Speaker: Under the provisions of section 5 there was permitted to individuals outside of farm-loan organizations to make loans from farm-loan banks. That was the main provision of section 5. The amendment of the gentleman from Minnesota [Mr. ANDERSON] sought to remove that provision from the bill and did remove it. The House by an overwhelming vote decided that it should not be done. Now, the motion to recommit seeks to reopen the question, and therefore is in violation of the rules of the House.

Mr. WINGO and Mr. BEGG rose.

The SPEAKER. Does the gentleman from Ohio desire to be heard?

Mr. BEGG. I do.

The SPEAKER. The Chair will hear the gentleman.

Mr. BEGG. I desire to be heard right along the same line as the gentleman from Texas. In the first place, the first part of the motion to recommit restates what is already left in the bill, only in different language, namely, that the maximum loan is $25,000. That is all the amount of money that can be loaned under the bill. Hence that part is a restatement of what is already in the bill. Now, the major portion of the motion to recommit is, judging from the reading of it, half of it was the identical language that was just now cast out. The other half was a restatement, more particularly, namely, that the Federal Farm Loan Board can make loans to individuals without the cooperative feature, and the House has just gone on record as desiring to strike out that part of it which enables the Farm Loan Board to loan direct to individuals. This motion to recommit is just a restatement of that same principle. If you will look into the first half of the motion following the maximum amount of the loan you will see that is so.

The SPEAKER. The Chair thinks it very clear that while this does repeat some of the provisions already stricken out, yet it is coupled with new provisions in such a way as to make it quite different.

Mr. WINGO. Mr. Speaker, both of the gentlemen are in error about the facts. The gentleman from Ohio [Mr. BEGG] is in error. I cut out $16,000 and make the maximum $25,000 direct. Then I leave out all direct provisions for agents and provide for loans direct to farmers who are refused loans arbitrarily on account of religious belief or other reasons by a local association. The rest of my motion covers stock liability of direct borrowers; that is the same that the Clerk read from the printed copy. A man who gets a direct loan under this provision has the same stock liability as association borrowers.

The SPEAKER. The Chair thinks this comes within the precedents that while, of course, you can not insert the same matter that was stricken out, yet it must be very nearly identical in order to have the point of order apply.

Mr. TOWNER. Mr. Speaker, I would like to be heard.

The SPEAKER. The Chair will be glad to hear the gentleman.

Mr. TOWNER. Mr. Speaker, if in any form or to any extent what we do now would be contrary to what we did a few moments ago, then the objection must be sustained, no matter what other matters are coupled with it, because on the motion to recommit we can not, when the House has already passed upon a matter, make that nugatory by again acting on it or inducing to vote for it because of some other matter. That is all.

Mr. BEGG. Does not the gentleman think that the motion to recommit is just a restatement of the principle voted out?

Mr. TOWNER. It certainly does contain some of the matter voted out, although I voted against it. My proposition is this, Mr. Speaker: If, as a matter of fact, this motion should be sustained, it would negative just what we did before; and it seems to me it must be clear that even if stated in different language, the objection must be sustained to the motion to recommit.

Mr. WINGO. Mr. Speaker, if the gentleman will permit me, he is in error about what my motion does. He would not say that because the House has rejected one scheme by which the farmer can get a direct loan, that would preclude the House from considering another plan by which the farmer would get the direct loan.

Mr. TOWNER. No; that does not reach the point.

The SPEAKER. The Chair thinks it very clear that this, while in some measure it repeats what the House has already acted upon, changes it so much that the Chair thinks the House is entitled to say that it prefers the change or prefers to leave it as it was. Of course, it is a matter for the House to decide. The Chair overrules the point of order.

Mr. WINGO. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. WINGO. On that I demand the yeas and nays.

Mr. STEAGALL. Mr. Speaker, do the rules permit a division of the question?

The SPEAKER. No. The gentleman from Arkansas [Mr. WINGO] demands the yeas and nays. Those in favor of taking this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Forty-one gentlemen have risen—not a sufficient number.

So the yeas and nays were refused.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the Speaker announced that the noes appeared to have it.

Mr. WINGO. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 60, noes 153.

Mr. WINGO. Mr. Speaker, I object to the vote on the ground of no quorum. I make the point of no quorum.

Mr. YOUNG. Mr. Speaker, I call for tellers.

The SPEAKER. The Chair will count. [After counting.] There are many more than a quorum present. The point of order is overruled. The "noes" have it, and the motion to recommit is rejected. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the "ayes" appeared to have it.

Mr. WINGO. Mr. Speaker, I ask for a division.

The SPEAKER. A division is demanded.

The House divided; and there were—ayes 150, noes 61.

Mr. WINGO. Mr. Speaker, I challenge the vote on the ground that there was not a quorum voting and present.

The SPEAKER. There is clearly a quorum present.

Mr. WINGO. There was not a quorum voting.

The SPEAKER. It is not necessary to have a quorum voting. A quorum is present.

Mr. WINGO. I ask for the yeas and nays.

The SPEAKER. The gentleman from Arkansas asks for the yeas and nays. Those in favor of taking this vote by the yeas and nays will rise and stand until they are counted. [After counting.] Twenty-five gentleman have arisen—not a sufficient number have arisen. The yeas and nays are refused, and the bill is passed.

Mr. COOPER of Wisconsin. Mr. Speaker, I move to reconsider the vote and lay that motion on the table.

Mr. WINGO. I object, Mr. Speaker.

The SPEAKER. The gentleman from Arkansas objects.

WAR DEPARTMENT APPROPRIATIONS.

Mr. ANTHONY. Mr. Speaker, I call up the conference report on 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. The gentleman from Kansas calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

[For conference report and statement of House conferees see House proceedings of Monday, February 10, 1923.]

Mr. ANTHONY. Mr. Speaker, the total amount of money carried by this bill as it passed the House was $333,654,000. The Senate increased the amount carried in the bill in the sum of $6,789,000. As the bill now comes back to the House from conference it carries net additions made in conference of $2,693,000, a reduction of approximately $4,000,000 from the figures placed on the bill by the Senate, so that the total of the bill as it now stands before you is $336,347,000. Of this amount the total for military purposes—that is, for the support of the Army—is $251,250,231; for nonmilitary activities of the War Department the sum is $85,096,000, making the sum total $336,347,000.

The situation which your conferees bring back to the House is that of an almost complete agreement on all the items of the bill with one exception. We feel that the result of the conference has been that liberal sums have been provided for all of the various activities. The House conferees have agreed to increases in some of the items for the training activities. We have endeavored to make ample provision for each one of them. For the information of the House I should like to state that increases have been made in some of the items for the support of the National Guard which will permit an increase in the number of horses in certain of the mounted organizations. It will also provide for an increase in the number of caretakers allowed to the different organizations.

Mr. HILL. Does the gentleman care to be interrupted at this time for a question, or shall I wait until later?

Mr. ANTHONY. I shall be glad to yield to the gentleman now or at any time.

Mr. HILL. I should like to ask the gentleman about the number of horses for the mounted units of the National Guard, which is dealt with by amendment No. 89. As I understand it, the House bill appropriated $1,250,000. I offered an amendment providing for $1,465,000, and I understand the conferees have agreed to $1,400,000, which is almost the amount asked for by the War Department.

Mr. ANTHONY. Almost the amount they have asked for.

Mr. HILL. I thank the gentleman.

Mr. CRAGO. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Pennsylvania.

Mr. CRAGO. In the amount provided for the training of the reserve and the organization of the reserve, is that amount agreed upon sufficient to maintain their headquarters as they have been maintained for the different divisions and brigades?

Mr. ANTHONY. I will say to the gentleman that for the organized reserve the figures have been agreed upon. We find that there is an unexpended balance from the current year of $382,000. It is the plan of the War Department, so we have been informed, to expend this before the expiration of the fiscal year, so that approximately 3,800 officers may receive training in June under this unexpended balance. Under the terms of the bill the appropriation of $900,000 will train 9,000 men during the months of July and August. Under the amount which is carried for the detail of officers in the reserve to active duty it is figured that approximately 1,000 can be given details to active duty, which will be in the civilian training camps for instruction purposes, or to the service schools for the General Staff of the War Department for longer periods than 15 days.

Now in regard to the item for rent of buildings in the various cities and towns, and for clerical forces, we have appropriated $350,000 for expenses in preparation for these camps of instruction. Under the House language they are permitted to rent the necessary buildings and grounds in the work of preparing the camps. They are permitted to use all the clerical help they need for preparing for the training period under that appropriation for preparing for camps. But we found also that during the last year, without any authority in the appropriation bill or any authority of law that we could find anywhere, the department has expended a considerable sum for rent of buildings in the different cities and for hire of clerical forces where there are reserve officers in any number, and they asked us to appropriate approximately $181,000 for that purpose for the next fiscal year. Your conferees felt that as we do not appropriate any money to the National Guard for rent for the meetings of their officers between their training periods, as we appropriate no money to the Reserve Officers' Training Corps for such purposes, as we appropriate no money to the civilian training camps for meeting purposes during the winter, it would be unwise and a waste of money and a useless expenditure to allow $181,000 for the rent of offices in the big cities or the larger towns and for clerical forces for the reserve officers between the periods of their training activities.

Mr. CRAGO. The only question comes up as to how they are to maintain these organizations. They are paper organizations in a way.

Mr. ANTHONY. In my judgment there will be no trouble about maintaining their organizations. All they want to rent these buildings for is for a place to meet in between times, or perhaps for the headquarters for the Regular Army officer who is detailed on duty with the reserve. In every large city in the country, or nearly every large city, there are many National Guard armories or facilities. There are military posts, there are Government headquarters in the big cities, and offices where there is ample room to accommodate any meetings of reserve officers for consultation with the Regular Army officers who are detailed there, and in my opinion it would be absurd for us to provide money to rent separate buildings in each city for a little group of officers to meet in two or three times during the winter.

Mr. CRAGO. That is all true. I am speaking of some office where they can maintain a clerk, or some one to be in charge of the correspondence of this organization. If that can be done under the agreement that you have made I shall be satisfied.

Mr. ANTHONY. I do not see why not. For instance, take the case of the gentleman from Minnesota [Mr. NEWTON], who spoke to me a few minutes ago. He certainly has around St. Paul a number of National Guard armories, and there is Fort Snelling, where there is abundant room for the Regular Army officers detailed to the reserves to maintain an office and abundant room for these officers to meet during the winter. They should meet and they should be instructed, but there are abundant Government facilities now available, I am sure.

Mr. NEWTON of Minnesota. I hope the gentleman will correct his statement so as to refer to Minneapolis instead of St. Paul.

Mr. ANTHONY. St. Paul and Minneapolis, the Twin Cities.

Mr. HULL. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HULL. Is it not true that if they have headquarters they will use them and they will not pay any rent?

Mr. ANTHONY. That is true.

Mr. HULL. This is only to take care of places where the present Government facilities are not sufficient to furnish headquarters for the company.

Mr. ANTHONY. I am sorry to say that there are no details furnished by the War Department as to the number of buildings they now rent or they propose to rent or the clerical force that they propose to hire for that purpose, and your committee considered that the orderly procedure would be for the War Department to ask the gentleman's committee for legislation authorizing it.

Mr. HULL. That is the reason they have put the authority in this bill. The amount of money is not in dispute. It does not increase the amount, does it?

Mr. ANTHONY. It would be an increase of $180,000 if we gave the complete Budget estimate.

Mr. MONDELL. Will the gentleman yield?

Mr. ANTHONY. Certainly.

Mr. MONDELL. Is not this true?—take the Fort Snelling case. There are quarters at Fort Snelling and facilities there, but it might occur to the War Department that it would be a little more convenient to have quarters in the Twin Cities, one or both of them, perhaps at one of the best hotels. The danger in this proposition is that if you are not a little careful you will provide for a lot of things—comfortable clubs, meeting places—all of which it would be well to have if we could provide for them properly, with due consideration to economy and other demands on the Public Treasury. The moment this authority is granted Congress has no control over it. It may be that the Military Committee in its wisdom may some time determine that this should be done. If it is so important, why has it not determined that it should be done? Why at the closing hours of a session on an appropriation bill should we be asked to legislate in regard to a matter that, to say the least of it, has many sides and presents many problems?

Mr. CRAGO. The answer to that is that they have been doing it without legislation. I think the gentleman from Minnesota is right—that wherever they have quarters provided by the Government they should be forced to use them.

Mr. MONDELL. It is a serious reflection on the War Department if the War Department without authority has been supplying these quarters. If that is true, and the department knew that it had no authority, it should have been here long ago insisting on the legislation, and not coming here at the end of the session and demanding on an appropriation bill what has not been asked for of the legislative committee.

Mr. HILL. I will say in connection with that that wherever it has been possible the War Department has availed itself of public property, but in a great many places it has been impossible. For instance, in Baltimore they have rented one small room on the outskirts of the business district for divisional headquarters for two divisions and five or more reserve regiments. These headquarters are not "luxurious clubs"; they are bare business offices, and there is kept only one clerk and one officer to take care of the records and the current work. Of course, Fort Howard might be used, but it is hard enough to get individuals to go into the Reserve Corps, and they would not go 15 miles from any city to a place like Fort Howard.

Mr. ANTHONY. Has not the National Guard armories in Baltimore?

Mr. HILL. They are all full and all used; that matter was gone over very thoroughly.

Mr. ANTHONY. Is it not true that at the meetings of these reserve officers you would not have over 40 or 50 assembled at one time?

Mr. HILL. They are not used for meeting of reserve officers. They meet at the armories.

Mr. ANTHONY. They use the headquarters for the Regular Army officer detailed with the reserve?

Mr. HILL. They use the headquarters for the reserve units, and the five or more regiments have one office. I know of one reserve regiment where the commanding officer has had no office and he has had the work of his regiment done in his own office, but there is too much of it and it is difficult to do.

Mr. ANTHONY. The reserve regiment has no enlisted men; it is all on paper.

Mr. HILL. The gentleman knows that there shall be no enlistment, except for noncommissioned officers, in the reserve regiments except in case of war.

Mr. ANTHONY. The plan of the War Department was to raise the enlisted reserve at the same time it raised the commission reserve, but the enlisted reserve was an utter failure, for it has been impossible to get the men into the regiments.

Mr. HILL. Last year I offered an amendment to appropriate $250,000 to train the enlisted men in the Reserve Corps and the House passed an amendment appropriating $100. You could not get men into the Reserve Corps unless they are to go to camp and be trained.

Mr. ANTHONY. Will the gentleman yield?

Mr. HILL. Yes.

Mr. ANTHONY. Neither the War Department nor the Budget estimate asked for a dollar for training the enlisted reserve, because we had no reserve. Yet the House put in $5,000 to train enlisted reserve thinking you might have a few.

Mr. HILL. That only applies to the noncommissioned personnel.

As I understand it, the matter of the reserve pay for the 15-day camps of instruction has been settled by the conferees on this basis: The House appropriated $900,000 and the Senate raised it to $1,100,000. I offered an amendment to make it $1,546,709. I understand, and the gentleman from Wisconsin stated in committee——

Mr. STAFFORD. What committee?

Mr. HILL. The Committee of the Whole House on the state of the Union which had this under discussion, that there is $381,000 available for training this year, and therefore it has been agreed—of course there is no chance of now voting on it—that this year for training the reserve officers there is available $1,281,000. Is that a correct statement?

Mr. ANTHONY. That is for the 15-day period. There is also $250,000 available for the reserve officers on duty for a period of more than 15 days.

Mr. NEWTON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. NEWTON of Minnesota. Just what did the Bureau of the Budget recommend for this specific purpose which the committee originally recommended to the House in the sum of $900,000?

Mr. HILL. One million seven hundred and forty-six thousand seven hundred and nine dollars for that training, but the committee gave $200,000 on another item. The War Department asked for only $1,746,709. I think that is correct.

Mr. NEWTON of Minnesota. Did the Bureau of the Budget have in mind the $381,000 that was not expended?

Mr. ANTHONY. I do not think they knew anything about it. At least no mention was made of it until developed in our hearings. We always make the inquiry as to the unexpended balance, and to our surprise found that there was that amount of money.

Mr. NEWTON of Minnesota. So that there will be for the present season $1,381,000?

Mr. ANTHONY. There will be $1,755,000 directly appropriated in the bill, in addition to which there will be $382,000 unexpended balance, making a total of over $2,000,000 available.

Mr. NEWTON of Minnesota. How many Reserve Corps officers in the summer camps will the amount available train?

Mr. ANTHONY. The unexpended balance will permit the training of 3,800 in the month of June, before the end of the fiscal year. The $900,000 will permit the training of 9,000 for 15 days during July or August, and the $250,000 which we appropriated for longer than 15 days will permit the detailing to active duty of approximately 1,000 men, depending upon the length of the duty to which they are assigned.

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

Mr. ANTHONY. Yes.

Mr. MILLER. I call the attention of the gentleman to Senate amendment No. 29, on page 17 of the bill, and I would like to know just what that means.

Mr. ANTHONY. The House conferees have accepted the Senate language in regard to taking care of, I think it was, 271 demoted captains who were originally commissioned largely from among the emergency officers under the act of June, 1920.

Mr. MILLER. Under the act of June 30, 1920?

Mr. ANTHONY. Yes. These men are largely of the ages of 30 years up to a high as 47 years. Under the provisions of the Army reorganization act which created a single list for promotion, much to the surprise of those who framed that legislation, these 271 officers who were commissioned to be captains were placed for promotion purposes among the first lieutenants.

Mr. MILLER. They were placed according to length or period of service.

Mr. ANTHONY. According to length of service, but undoubtedly the sound military rule in such a case is to rank a man in his grade according to his age and length of service. Otherwise, if you take a captain over 40 years of age and place him down for promotion among the young lieutenants, it means that his promotion is practically barred as far as his reaching a high rank is concerned, so that under the Senate provision before any promotions to the grade of captain are made, this will demand the promotion of these 271 older men who were originally commissioned as captains.

Mr. MILLER. The 271 men to be promoted were not to be promoted in the order in which they were demoted?

Mr. ANTHONY. No. This corrects their position on the promotion list, and in the judgment of the conferees puts them in the position where they rightfully belong.

Mr. MILLER. Does it put them in the position exactly in the inverse order in which they were demoted?

Mr. ANTHONY. I am not sure about it.

Mr. MILLER. That is the important part of it.

Mr. ANTHONY. They were all squeezed down together, and my opinion is that these men would go back to the foot of the list of captains in the order of their present standing.

Mr. MILLER. The first lieutenants were set back. Are they going to promote these 271 in the inverse order of their demotion?

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

Mr. MILLER. Yes; I want an answer to this question. I want to know what this is doing.

Mr. ANTHONY. In my opinion they would take their positions at the foot of the list of captains after they received their promotions.

Mr. MILLER. Are they to be promoted according to age or are they to be promoted according to the period of time in the service?

Mr. ANTHONY. As I stated to the gentleman, originally they were placed down among the lieutenants in the promotion list. They were men who had been appointed captains, men of mature years, largely emergency officers, and the War Department placed them on the promotion list among the first lieutenants, submerged them, and the action of this committee will correct the injustice done them at that time.

Mr. MILLER. Here is a case: A young captain in the Army—that is, under 30 years of age—will not be promoted until all of the captains over 30 years of age are promoted.

Mr. ANTHONY. Until these 271 are promoted. The rate of promotions from first lieutenant to captain in the Army is about 227 each year, so that it would take this young captain who is at the top of the list now a year before getting his promotion.

Mr. MILLER. Suppose he is at the bottom of the list, then he will have to wait at least 8 or 10 years.

Mr. ANTHONY. Under the terms of this bill the 271 men who were formerly captains are undoubtedly preferred in their advancement.

Mr. MILLER. The old rule gave them that, and there is nothing new about it.

Mr. ANTHONY. No.

Mr. MILLER. Yes, it did.

Mr. ANTHONY. Oh, no; they are absolutely submerged among the first lieutenants. I yield to the gentleman from Iowa [Mr. HULL], who is the father of that amendment in the House.

Mr. HULL. It is unquestionably true the War Department when it came to pick a new captain would be forced under the amendment of the Senate to pick a captain from those who had been captains.

Mr. MILLER. Do they anyway?

Mr. HULL. And they will pick the one who is highest on the single list among those captains and promote them.

Mr. MILLER. On the basis of age rather than the period of time in the service?

Mr. HULL. No; as they are fixed on the single list. That would be the rule. There is no question about that. What we are trying to do by this amendment—and the amendment goes a little farther than the amendment or limitation that I placed on the bill when it was in the House—is to correct an injustice and at the same time to save money to the Government.

Mr. MILLER. Well.

Mr. HULL. Wait a minute. We have some 270 captains in the Army who were captains and by the appropriation bill were demoted.

Mr. MILLER. Two hundred and seventy-three.

Mr. HULL. Now, those men to-day are drawing the pay, subsistence, and allowance of captains. They are serving as first lieutenants. Now, what we are trying to do, and what we do do by this amendment, is to tell the War Department when they select a new captain not to select one who has not been a captain, but to pick the one who is at the top of the list and has been a captain. They will, unless you pass that amendment, be paying a lot of men for subsistence and allowance and duplicating that along for the next six or seven years.

Mr. MILLER. I understand exactly what the gentleman says and I understand exactly what he is aiming at and endeavoring to cure, but does the amendment of the Senate cure that?

Mr. HULL. Certainly.

Mr. MILLER. Let us see.

Mr. TILSON. How are they fixed on the single list? What determines their position on that list?

Mr. HULL. The length of service determines their position on the single list, and when they picked these captains they picked a lot because they had had experience and had shown great ability in the National Guard or in other ways, and they placed them in as captains. Now, on the single list they have them down below some who are first lieutenants. To be fair with the War Department, they did not expect they would be compelled to demote any, but they were compelled to demote a lot of these men, and when they were demoted from captains to first lieutenants they went down below about 400 first lieutenants on the single list, and unless you pass something like this they will remain there and be drawing the pay and subsistence of a captain and serve while a lot of first lieutenants will be promoted to be captains before they are, and thereby you will work an injustice and duplicate pay, subsistence, and allowance.

Mr. MILLER. And this will compel them to choose many of the 273 demoted captains when they reach the highest on the single list?

Mr. HULL. Certainly. I do not think there is any question about that.

Mr. MILLER. Take the case of a young officer who was overseas and appointed a captain prior to July 1, 1920, or on July 1, and he has subsequently been demoted. Now, will his status be changed?

Mr. HULL. No; his status will not change, because it is fixed by the Army reorganization act of 1920.

Mr. KELLY of Pennsylvania. Mr. Speaker, I should like to ask the gentleman from Kansas for information of the effect of the agreement on Senate amendment 69, page 55, which struck out five lines of the provision provided by the House in reference to exhibitions by the aviation section.

Mr. ANTHONY. Why, the amendment which was agreed to by the House would compel the giving of a bond to the Government as a protection against damages wherever Government fliers give exhibitions on privately owned flying fields. It does not, however, interfere with the giving of exhibition flights on Government fields.

Mr. KELLY of Pennsylvania. Where Army races are held by flying from one point to another, would it prevent their going into those races?

Mr. ANTHONY. It would not prevent such races if they race from a Government flying field, as, for instance, if they should start from Bolling Field and fly to another Government flying field, it would not interfere with such race. It is only on privately owned ground that it is necessary for the managers of that affair to indemnify the Government against possible damage.

Mr. KINCHELOE. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. KINCHELOE. I notice that the river and harbor item of $56,589,910 was retained by the Senate. That is not in conference?

Mr. ANTHONY. No.

Mr. KINCHELOE. I noticed in the Washington papers a statement purporting to come from the White House that if this provision stayed in the bill, notwithstanding the act of Congress, that the President would see to it that this amount was not expended, and I was wondering if the gentleman had any information whether that article appearing in the paper was true or false.

Mr. ANTHONY. I am unable to supply the gentleman with any information except that it is my belief that if the House will agree to the solution that the conferees will offer this afternoon this bill will be a law in a few days.

Mr. KINCHELOE. There will not be any effort to cut out of this bill the river and harbor act?

Mr. ANTHONY. No.

Mr. KINCHELOE. The paper stated that notwithstanding it should become a law with the signature of the President, he, as Commander in Chief of the Army and Navy, was going to see to it that this amount was not expended, and that no amount exceeding that recommended by the Budget would be expended.

Mr. ANTHONY. I do not think there was any authentic statement to that effect.

Mr. KINCHELOE. It was in the paper that is recognized as the exponent of the administration. I was wondering whether or not the gentleman had any accurate information on the subject.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. HILL. I wish to call the gentleman's attention to Senate amendment No. 16, which was agreed upon, in reference to the Officers' Training Corps, providing for 15 days' pay, where $900,000 is carried for that purpose. The chairman stated that there was $381,000 available for training this year, making a total of $1,281,000. How many reserve officers would that pay for 15 days?

Mr. ANTHONY. The approximate cost of training a reserve officer for 15 days is about $100; so that the gentleman will notice that the amount he names, $900,000, appropriated for the 15-day period, will train 9,000 men. The money in this bill, with the unexpended balance of this year, would certainly take care of 13,000 reserve officers during this year. Considering the fact that only 4,500 were trained in the camps last year, this is a very substantial increase.

Mr. HILL. It is a question of whether $106 will be necessary. That would take care of 11,000 officers for a 15-day period, would it not?

Mr. ANTHONY. Yes.

Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first Senate amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 18: Page 10, line 8, after the word "mileage," strike out "$250,000" and insert "$275,000: *Provided*, That the mileage allowance to members of the Officers' Reserve Corps when called into active service for training for 15 days or less shall not exceed 4 cents per mile: *Provided further*, That the laws providing for land-grant deductions shall not apply to travel at 4 cents per mile here-

tofore performed by members of the Officers' Reserve Corps under the War Department appropriation act for the fiscal year 1923, approved June 30, 1922."

Mr. ANTHONY. Mr. Speaker, I move to recede and concur with an amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kansas moves to recede and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to recede and concur with an amendment, as follows: In lieu of the sum proposed in said amendment insert "$250,000."

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

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 21: Page 10, line 19, after the word "For," insert "divisional and regimental headquarters and the."

Mr. ANTHONY. Mr. Speaker, I move to further insist on the disagreement of the House to the Senate amendment.

The SPEAKER. The gentleman from Kansas moves that the House further insist.

Mr. SISSON. Mr. Speaker, No. 19 is a total. I suppose that has been corrected?

Mr. STAFFORD. Yes; that is a total, and has already been included in the conference report.

Mr. McKENZIE. Mr. Speaker, I offer a preferential motion as to amendment No. 21, that the House recede and concur.

The SPEAKER. The gentleman from Illinois offers a preferential motion that the House recede and concur.

Mr. McKENZIE. And on that I would like to be heard for a moment.

Mr. ANTHONY. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The gentleman from Kansas asks for a division of the question. Does the gentleman from Kansas yield to the gentleman from Illinois?

Mr. ANTHONY. How much time does the gentleman desire?

Mr. McKENZIE. Five minutes.

Mr. ANTHONY. I will yield to the gentleman five minutes, and more later if he desires.

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, I feel that after making this motion I ought to say a few words in explanation of the motion. I want to say to you gentlemen, and you are perhaps familiar with what I shall have to say, that in 1920, when the Committee on Military Affairs of the House undertook the reorganization of the Military Establishment, we provided that the Military Establishment of the United States should be composed of three elements, namely, the Regular Army, the National Guard federalized, and the Organized Reserves. The National Guard, as you understand, is a State force. The State furnishes the armory; the State takes care of them, so far as the State service is concerned. However, under the law passed in 1920 we make the National Guard a part of the first line of defense in our Military Establishment by having it made possible to draft them into the service in time of emergency, and we furthermore pay to the officers of the National Guard and to the enlisted men for drill a small amount out of the Federal Treasury. The third element, the Organized Reserves, which now contains about 70,000 officers, a great many of them World War veterans. And, after all, the great element upon which we must depend always when we get into war is the reserves, who receive no compensation from the Government except their pay when called out for drill and training purposes.

Now, the law further provided that the President should have the power and the right to organize the reserves into tactical units and provide officers for them in the various areas, so that in case war should come the Regular Army, small as it is, backed up with the National Guard of the various States, and then united with the Organized Reserves, would complete the Army of the United States. Under that law these 70,000 men took out their commissions to serve the Government of the United States. All over the country they are trying to build up units, such as companies, regiments, and divisions, and getting men into these various divisions, regiments, and companies, so that in case war comes they can be called out in organizations and immediately begin to function.

In my judgment, it is a wise law. And let me say a word to my friends here in Congress who fought so strenuously on the question of the size of the Regular Army. I am one of those who have not favored a large standing Army, but I want a fairly decent-sized Regular Army. The House has seen fit to cut it down to the minimum. With that I am now in full accord. But the gentlemen who cut it down said, "We have the National Guard and we have the reserve." Now, for God's sake, gentlemen, do not undertake to cripple the National Guard or the Organized Reserves. When we passed this law to which I have referred we had the alternative of compulsory universal military training in this country, carrying with it thousands and thousands of officers, or the plan which we have adopted. The gentleman from Kansas [Mr. ANTHONY] served with me on that committee on which we worked months in writing this law as an alternative against compulsory universal military training in this country. I think the wisdom of our course at that time has been borne out.

Now, what is the proposition here? These men who voluntarily give their services, who take time away from their business, who take pride in this organization for the defense of our country—what are they asking in this bill? They are asking that the people of the United States give them a little money so that they may have headquarters in the cities or towns in which their regiments or divisions are organized. Are these men entitled to that much consideration? Shall we now be so parsimonious, after cutting down the Regular Army, after holding the National Guard in check, as to say that these 70,000 men who are engaged in building up an organization for the defense of our country shall not be entitled to have a little rent money to have a headquarters where they can write to their fellow officers and call them in to hear a lecture occasionally? I hope, gentlemen, for the sake of expediting this bill in the interest of national defense, in justice to those men who are willing to give their services to our country, this House will concur in this Senate amendment and write into the law the language which shall be so plain that they shall have the right to expend whatever amount is appropriated for this purpose, and not be compelled, as the gentleman from Kansas [Mr. ANTHONY] said they did last year, to take a little money from the appropriation for barracks and quarters. They took a little money from the appropriation for general supplies and paid some rentals here and there at the different headquarters in the country. Remember this, my good friend from Kansas, that the reserves are a part of the Federal force of this country and not the National Guard, and that they are entitled to be supported out of appropriations made for the Regular Establishment.

In my judgment it was no violation of good faith for the officers in the Regular Army to say as they did, "We are not the whole thing." You men who have called the Regular Army the domineering force in this country have rebuked them for undertaking, as you said, to assume certain authority. Now, when they undertake to help the reserves of the country, do not get up here and criticize them and say they have committed a crime.

Mr. JOHNSON of South Dakota. Will the gentleman yield?

Mr. McKENZIE. I yield to the gentleman from South Dakota.

Mr. JOHNSON of South Dakota. As a matter of fact, at corps headquarters and a good many other Army headquarters there would be no additional expense at all.

Mr. McKENZIE. Not at all.

Mr. JOHNSON of South Dakota. There would be no additional appropriation whatever.

Mr. McKENZIE. That is true.

Mr. JOHNSON of South Dakota. And this is simply to enable these men who are giving their time and services to have a little place where they can convey information back and forth to each other.

Mr. McKENZIE. Absolutely.

Mr. JOHNSON of South Dakota. How many of these headquarters would there be in the United States?

Mr. McKENZIE. That would be pretty hard to tell.

Mr. STAFFORD. Three hundred and fifty.

Mr. JOHNSON of South Dakota. Does the gentleman mean to say that there are 350 regimental headquarters?

Mr. STAFFORD. In the conference it was stated that at present there are 350 Regular Army officers distributed about the country for these social and functional headquarters.

Mr. JOHNSON of South Dakota. It would be absolutely impossible to have that number of headquarters, would it not?

Mr. McKENZIE. I think so.

Mr. STAFFORD. That is the testimony, that there are 350 Army officers assigned to these divisional and regimental headquarters.

Mr. McKENZIE. That does not mean that many headquarters. Now, gentlemen, we control the purse strings, and we can limit the amount of the appropriation. The only question is how this money shall be expended. The amount is not involved, but simply the question how it shall be expended.

Mr. ANTHONY. I yield 10 minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, the last remark made by my friend from Illinois [Mr. MCKENZIE] is one that we may well consider, and that is that Congress is called upon in this amendment to control the appropriation. That is what we want Congress to be in a position always to do. So far as the amount of money carried in this item is concerned, the Senate conferees and those who want this language would not only take half, would not only take a third, but they would take a quarter. In fact, they will take any amount that we will name if we give them this language.

Mr. TILSON. What does that indicate? Does it not indicate that they think it is of very vital importance?

Mr. SISSON. In other words, every man who believes in Prussianizing this country wants an item like this, in my judgment. I stated to the conferees, and I do not mind stating to you, that if I knew this plan would not succeed I would not care about the amount of money; but the trouble is I am afraid it may succeed. They propose as a beginning to establish 491 of these regimental and divisional headquarters, 42 of which shall be divisional headquarters and the remainder shall be regimental headquarters, and that in each of these headquarters there shall be at least one Army officer. The most significant thing is that there is no limit on the number of these regiments that may be organized. Now, when you shall legalize the establishment of these offices and place in each of them an Army officer in every district, there will be move than one to every congressional district. It is to be his duty and his business to secure all the membership and to increase the membership of this particular branch of the service as much as he possibly can.

If you invite the boys to these 15-day training camps and have a real good officer in charge, you will not simply have one to every congressional district, but it is possible to have 2,000 of these regimental headquarters, one to each regiment. If you wish to do that you may have 3,000,000 boys in these 15-day training camps. Where are you going to? They estimate now that the expense per man is $100 plus the mileage to these places. If you put an officer in each congressional district advocating this particular plan, get the boys together to frolic 15 days in the year, it will cost you not less than $350,000,000—$300,000,000 for the 15 days training and $50,000,000 to pay for the mileage. But the whole purpose is more than the merely training of the men. If you can get the regimental headquarters established in almost every neighborhood, with the preachment that they want 15 days of training of your boys and mine, you will have built up a sentiment encouraging militarism which, in my judgment, has not been equaled in Prussia. It is true that Prussia's was compulsory, but this is more. It is getting the nose under the tent, and your conferees were not quarreling about the payment of the money; they were quarreling about the principle.

I am not going to criticize how this money is to be expended, because all you gentlemen who vote at this eleventh hour to amend the law—and this is an amendment on an appropriation bill. I urged upon the Senators this law, that conferees always agree to, that the House or body that violates the rule and puts legislation on an appropriation bill, where the conferees in conference vigorously insist, it has always been the rule that the offending House shall recede. They admitted that that was the rule, but insisted that this matter should come back to the House. In other words, they put this down as one of the most important items in the bill. Why? For the reason that they see the picture that I have outlined. That being true, I can not give my consent to this radical departure in America for this un-American system.

Let me say that I have frequently lauded the honesty and integrity of the Army and Navy officers. I do now. But they are ambitious; they are controlled, like other human beings, by their ambition to the extent that other men are in other walks in life. These gentlemen employed by the Government are anxious to extend their influence and control, and they have hit upon a method which means that you gentlemen in two or three years will be absolutely helpless to control the situation, because they will control every congressional district in the United States. The gentleman from Illinois [Mr. MCKENZIE] says, Have not we the right to control the purse strings? We have. But if this system succeeds you will be unable when the Army and the Navy shall agree on the amount of money that shall be expended. I am not willing, directly or indirectly, to give my support to a proposition of this kind. The conferees could agree on all other items except this one item, but your conferees feel that this is not the way to do this. If the gentleman from Illinois and his committee think so much of this proposition, why do not they take it up in a legislative bill and have it properly considered and with proper limitations put upon it? By all the rules of conference, by all the rules of legislation, in a matter of so great importance, it ought not to be put on a bill in the closing hours of a session. By the rules of both Houses it can not be properly put on this appropriation bill. Let the matter go over until December; let the Military Affairs Committee take it up, give it proper consideration, before you take this radical departure and license by law this vast expenditure of money. [Applause.] Mr. Speaker, I reserve the balance of my time.

Mr. ANTHONY. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. NEWTON].

Mr. NEWTON of Minnesota. Mr. Speaker, my good friend from Mississippi [Mr. SISSON] never is more eloquent than when he talks upon his favorite topic, the dangers of militarism and the Prussianizing of our country. For myself I have altogether too high an opinion of the American people to believe that they are in danger of being Prussianized through either a Regular Army, an Organized Reserve, or any other military force.

The gentleman from Kansas [Mr. ANTHONY] seeks to strike out from the Army appropriation bill the provision for the maintenance of regimental and divisional headquarters. What is our attitude four years after the ending of the Great War regarding this question of military preparedness against war? The gentleman's proposition goes to the very heart of the whole business. Is history to repeat itself? Are we, following this war, to lapse back into a policy of military unpreparedness as we have done before? We have only to read history to see that after achieving our independence we immediately forgot that that independence was achieved by our ability to fight for it. We forgot that that independence could only be maintained unless we were willing to spend sufficient moneys to prepare ourselves against any nation's attempt to take it away from us. We practically disbanded our Army and scuttled our Navy.

Then came the War of 1812. We were so unprepared for it upon land that the armed forces of our enemy landed upon our coasts, burned our cities, and even burned our own Capitol. Finally, with the help of a Navy that had been trained in the naval war with France and with the Barbary pirates, we managed to muddle through.

The Mexican War was but little tax upon our resources, either military or otherwise.

Then came the War of the Rebellion. There is no question but what this great civil conflict between the North and the South could have been averted if the statesmen of that day had looked far enough ahead and prepared for it by an adequate military policy. They did not do so. As a result, we are still owing for debts contracted during that war of 60 years ago.

Immediately following the close of that war we disbanded our armies, forgot all about the question of national defense, retaining only a sufficient force to now and then fight the Indians. Military preparedness against war was given practically no consideration from the close of the Civil War until just before the beginning of our next war, the war with Spain in 1898. As a result, that war found us with an army of some 25,000 well-drilled men but practically no trained citizen army of either officers or men.

That taught us a lesson in reference to the necessities of an effective and efficient navy, but very little in reference to the necessity of the maintenance of an adequate policy in reference to our Army.

Then came the Great War. We had advance notice of it so far as our own entry was concerned of two and a half years. Yet we did not anywhere near adequately prepare for it. It was practically a year or more following our entry before our troops were really engaged with the enemy.

During all of this time there have been men who have stood up and told the country of the dangers of not having a military policy. These men have been called militarists, but if the country had followed the counsels given by some of these men we would not have the debt to pay that we have to-day.

With all of this in mind, in 1920, following the Great War, Congress passed the Army reorganization act which materially amended the national-defense act. By this bit of legislation Congress laid down for the first time a real policy of preparedness against war. It was my privilege, as it was the privilege of many in this House, to have participated in the consideration of that great measure; and I for one am not going to stand here to-day and undo or permit others to undo without a protest the work that was there accomplished.

Among other things, it provided for an Army composed of Regulars, the National Guard, and the Organized Reserves. Bear in mind that each and every one of these units were made

part and parcel of the Army itself. The country was divided into corps areas. In each area will be found one or more of these reserve divisions. The divisions in turn are divided up into regimental and other units. These different units from the division down are being built up with a full war-strength complement of reserve officers and a small number of noncommissioned officers. In a division will be found a skeleton organization of officers from the divisional commander down to the company officers. As I understand it, in the event of war it will be the mission of these reserve divisions to rapidly absorb and train the men who will be assigned to them either by draft or otherwise.

For instruction purposes and for the maintenance of a headquarters one or more Regular officers are assigned to these divisional and regimental units. In a way it is a paper organization. An Army division is not a real divison for all purposes, of course, until it has its complement of enlisted men. But in another sense it is not a paper organization at all. These skeleton organizations with a full complement of officers are supposed to function immediately following the outbreak of a war. They can not do so if headquarters are not maintained and if they have not some means of getting together and keep in touch with one another. It is obvious, then, that these regimental and divisional headquarters should be maintained. Sometimes these headquarters cost the Government nothing, for they can be located in public buildings or on Government reservations. That can not be done, however, with all of the units. For example, the Eighty-eighth Reserve Division is spread over the States of Iowa, Minnesota, and North Dakota. The headquarters are in Minneapolis. There is no available space in Minneapolis where these headquarters can be located. The Government has had to rent space itself. Let me say that the public spirit of these reserve officers of the Eighty-eighth Division was such that from September, 1921, until May of 1922 they paid the office rent themselves. Yet we hear talks of Prussianizing the country by reason of commissioning and encouraging men of that sort! They desire to do all in their power to so keep prepared that this country will never get into another war. We ought to help them.

If the motion of the gentleman from Kansas [Mr. ANTHONY] prevails, we strike out this provision. It ought to stay in. You can not have an organized reserve without an organization. This takes offices and a headquarters. What do they do? Some of the gentlemen who have spoken apparently have very little idea of what these headquarters are for and what is accomplished by maintaining them. Let me take the Eighty-eighth Division, for example. The office quarters are extremely modest; the monthly rental is small; the staff of regulars is comprised of some five or six Regular officers. Their first task was to compile a correct list of addresses of the three to four thousand reserve officers residing in the States of Iowa, Minnesota, and North Dakota. In addition I find that by getting together and working together they have induced some 200 veteran officers of the late war to accept commissions in the Officers' Reserve Corps. In further addition to this there is conducted from divisional headquarters a correspondence course which is being taken by some 600 officers in the divisions located throughout the whole divisional area.

These men in the Reserve Corps are young men. Many of them change their homes and places of business. If headquarters were not maintained it would be no time before the present lists would become obsolete and of no account. Furthermore, these headquarters are in themselves sources of information on all matters pertaining to military affairs. They bring the regular into intimate touch and contact with the reserve officer and with the civilian population. This is good for the regular, and it likewise should be the means of acquainting the people generally more intimately with the affairs of the Regular Army.

But why take up the time to outline or attempt to detail the uses to which these headquarters are put? You simply can not have an organization, skeleton or otherwise, without a headquarters and a headquarters staff. You were asked to eliminate them. If we are not careful we will soon be in a position where we might as well strike out the Officers' Reserve Corps from the national defense act.

Mr. STAFFORD. Will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. STAFFORD. Does the gentleman give any value to the eleven and twelve thousand reserve officers training in small communities to keep the organization intact and being instructed by the Army officers in Army maneuvers?

Mr. NEWTON of Minnesota. Yes; I give full value to that, but you only propose to get them there for 15 days——

Mr. STAFFORD. The hearings state that they only propose to have one-third of the entire number every three years, and we are giving them more than that.

Mr. NEWTON of Minnesota. But you only get them to go every third year?

Mr. STAFFORD. We are doing more than that.

Mr. NEWTON of Minnesota. The suggestion has been made that the Eighty-eighth Divisional Headquarters should be at Fort Snelling. Fort Snelling is 8 miles away from the center of the city. You can not get busy men to travel out of the city for any such purpose. You ought not ask it. Our opponents say: Go to the armories. The armories of every State are maintained by the State organizations for National Guard purposes, and the Government has no control over them. In my own city the Government exercises no control over them.

Mr. STAFFORD. The National Government has a representative of the National Army there.

Mr. NEWTON of Minnesota. Yes; but the National Government can not say that we can have this room or that room, and the gentleman from Wisconsin knows that they have no control over the armories there. Then, there is no room. Now, under the pretext of saving $350,000 the conferees come here and ask us to strike out the maintenance of the regimental or divisional headquarters, and to go back, if you will, to the days before the war, when we had nothing like a reserve force at all. Gentlemen, this is the first step toward eliminating the Organized Reserve in our Army system. I for one shall be no willing party to letting this country again lapse into the condition in which it has been before regarding national defense.

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

Mr. GARRETT of Tennessee. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Tennessee makes the point of order that there is no quorum present. It is evident that there is not.

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

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

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

Ansorge	Ellis	Langley	Rossdale
Arentz	Fairchild	Layton	Rucker
Atkeson	Fairfield	Lee, N. Y.	Ryan
Barkley	Free	Luhring	Sanders, N. Y.
Bixler	French	Lyon	Scott, Mich.
Blakeney	Funk	McClintic	Shelton
Bond	Garner	McFadden	Sinnott
Bowers	Garrett, Tex.	Martin	Slemp
Brennan	Glynn	Michaelson	Smith, Mich.
Britten	Goldsborough	Mills	Snell
Brooks, Ill.	Gorman	Moore, Ohio	Stephens
Brooks, Pa.	Gould	Morin	Stiness
Brown, Tenn.	Graham, Pa.	Mudd	Stoll
Browne, Wis.	Hays	Newton, Mo.	Sullivan
Burke	Himes	Nolan	Sweet
Burton	Huck	O'Brien	Tague
Cable	Hukriede	Olpp	Taylor, Ark.
Cantrill	Hutchinson	Overstreet	Taylor, Colo.
Carew	Jefferis, Nebr.	Park, Ga.	Taylor, N. J.
Carter	Johnson, Ky.	Parker, N. Y.	Thomas
Chandler, N. Y.	Johnson, Miss.	Patterson, Mo.	Thorpe
Chandler, Okla.	Jones, Pa.	Patterson, N. J.	Timberlake
Clark, Fla.	Kahn	Paul	Tucker
Classon	Keller	Perkins	Upshaw
Codd	Kelly, Pa.	Perlman	Vestal
Connolly, Pa.	Kennedy	Petersen	Voigt
Copley	Kindred	Pringey	Volk
Crowther	King	Rainey, Ala.	Volstead
Davis, Minn.	Kirkpatrick	Reber	Ward, N. C.
Drane	Kitchin	Rhodes	Wheeler
Dunn	Kleczka	Riordan	Woodyard
Dyer	Knight	Rodenberg	Young
Echols	Kraus	Rogers	Zihlman
Edmonds	Kunz	Rose	

The SPEAKER. Two hundred and ninety-five Members have answered to their names, a quorum.

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

The motion was agreed to.

The doors were opened.

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, the amendment which is pending before the House, and which the House conferees oppose, proposed to appropriate $494,000 to maintain headquarters throughout the United States.

Mr. SWING rose.

Mr. MADDEN. I do not yield.

Mr. HILL. It is $350,000.

Mr. MADDEN. I do not yield. It was $494,000.

Mr. ANTHONY. That is what the War Department wants.

Mr. MADDEN. I shall come to the explanation of it. I am making this speech. Four hundred and ninety-four thousand

dollars was asked to maintain headquarters for the Reserve Officers' Corps throughout the United States, to pay rent, to pay men, to keep up 491 headquarters, divisional and regimental—42 of which are divisional. They will have headquarters in larger number if this amendment of the Senate is voted into the bill than the Regular Army and the National Guard combined. They have no men to command. The only thing there is for them to do is to take training when they are called out; and it is proposed by the Senate amendment to establish headquarters to assemble the men for annual drill and to maintain these headquarters for that purpose. One hundred and eighty-one thousand dollars of the $494,000 asked, which has been cut to $350,000, was expended by the War Department this year without any authority of law, in violation of law, without rime, reason, or justice, without legal authority; and if the $350,000 that I alluded to should be appropriated, the $181,000 would be paid from that.

What do we propose? We propose that there shall be no such headquarters. We propose to drill these men, and we have provided for the training of about 11,000 of them in the coming year. We are training 110,000 men to make them into reserve officers through the colleges of the United States. We are providing for a National Guard of 250,000 men. We are providing for an Army of 137,000 men, including the officers, but we are opposed to the imposition of this additional burden on the taxpayers of the country for which there will be no return received. Three hundred and fifty thousand dollars is not the measure of the amount that we will be called upon to pay if this be once established. These headquarters will become permanent fixtures, and they will be filled to overflowing with men on the Government pay roll, and no man can venture to predict what the aggregate annual cost will be.

Now I am as much for an efficient Army as any man in America. I yield to no man in my patriotic desire to see American interests protected, not even to the most enthusiastic reserve officer who ever wore the uniform. I am for America, and in doing for America I believe we ought to serve the interests of those who pay the taxes [applause] while we are doing the other things. I wonder if the taxpayers have no rights here. Has the time come when we are willing to say they have none? Are we willing to continue imposing untold burdens upon the people of America in order that we may be able to yield to the fancy of men who believe it is necessary to add more employees to the Government pay roll? That is what it means. The responsibility is on you. You are going to decide this question. You will determine the outcome and when you determine it do not forget that there is somebody somewhere in the coal mines, on the farms, on the railroads, in the sewers creating better sanitary conditions for us all, who must pay the burdens. Now, men, think occasionally of those who have no Government pay roll to draw from and consider that the Government expenses are already too high and overburdensome. [Applause.] And if you do, you will stand by the Committee on Appropriations and further disagree to the Senate amendment which proposes this abnormal and unnecessary expense on the Treasury. [Applause.]

Mr. ANTHONY. Mr. Speaker, it is my purpose to yield to two more talks on this question. Does the gentleman from Maryland desire time? If so, I will yield him five minutes.

Mr. HILL. Mr. Speaker and gentlemen of the House, the national defense act provides as follows:

> That the Army of the United States shall consist of the Regular Army, the National Guard while in the service of the United States, and the Organized Reserves, including the Officers' Reserve Corps and the Enlisted Reserve Corps.

Section 3 provides:

> The organized peace establishment, including the Regular Army, the National Guard, and the Organized Reserves, shall include all of those divisions and other military organizations necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency declared by Congress. The Army shall at all times be organized, so far as practicable, into brigades, divisions, and army corps, and whenever the President may deem it expedient, into armies.

By that act, which the Congress of the United States very wisely passed and which at the present time is on its test, you provided that the reserves should be the third and main line of defense, and necessarily provided that in time of peace they should be organized into definite tactical units.

Under the authority you have given for the creation in time of peace of tactical units, which took you months to create in the recent emergency, there have been created in this country by the War Department and are now being perfected and created 27 Infantry divisions, 6 Cavalry divisions, 108 Infantry regiments, 54 Artillery regiments, 24 Cavalry regiments, 9 nondivisional headquarters, and other units, amounting to 449 in all. You have provided that they shall have only skeleton organizations of officers, and it is provided by the War Department that there shall be noncommissioned officers when a certain number of commissioned officers are enrolled.

It is absolutely certain that where public headquarters are not available, as they are not in many places, there must be a room where the Regular officer and his clerk, who has charge of the records, training, and organization of these units, can perform his duties. I will say that I know of one room in which 10 of these 449 units are administered by one Army officer, who is executive officer and instructor for all of them, and has one clerk. Wherever it is possible armories are used, but it is not possible in many cases to use such existing facilities. These rooms are not intended to be "social headquarters," as one gentleman called them. Gentlemen, the difficulty of getting officers to come into the Reserve Corps is extraordinarily great.

I can expect the opposition of Members of this House who are opposed to the national defense act, who are opposed to the reserve system, and take the point of view which was just presented by the gentleman from Mississippi [Mr. SISSON]. I am not discussing that point of view, but apparently he is against the theory of a reserve organization, because he stated it tended to militarism.

I do not take that view. If you take that view, you will vote with Mr. SISSON to cripple the reserve system by taking away these headquarters. They carry on the correspondence courses and other instruction there, and it is a marvel to me, gentlemen of the House, that you are able to get any men who will go into the Reserve Corps. It is a very difficult thing to recruit. There is no attraction for a reserve officer to go to a sand dump like Camp Meade and spend 15 days in the middle of the summer in the hot sun when he would like to go off on a pleasant vacation elsewhere.

But in regard to this particular item, we are not asking the Government for one more penny for the national defense. The amount of this paragraph is $350,000, and you are not asked by this motion to increase the amount, only a part of which is for headquarters, and I say this House can take care of itself in the future in regard to any amount asked.

What you are asked for at the present time is to permit the War Department, which stands for your safety in the case of any emergency, to organize now efficient units which may be called on and into which your enlisted men may be poured in time of war, with efficient officers to lead and care for them. I hope that you will vote for this motion and give this authority to the War Department, if it does not possess it now. [Applause.]

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

Mr. ANTHONY. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. FIELDS].

The SPEAKER. The gentleman from Kentucky is recognized for five minutes.

Mr. FIELDS. Mr. Speaker, I find by talking with Members that gentlemen who have discussed this proposition so far have failed to make clear the point in controversy to some Members who have not studied it in detail. The provision as it passed the House reads as follows:

> For establishment and maintenance of camps for training Organized Reserves, including transportation, operation of motor cars, water and disposal of sewage, preparation of camp sites, and incidental expenses, $350,000.

Now, that is the provision as it passed the House and as it will stand if the Senate amendment is not agreed to, thereby providing $350,000 for training. The Senate added the words "divisional and regimental headquarters." So that the provision would read:

> For divisional and regimental headquarters and the establishment and maintenance of camps for training of the Organized Reserve, including transportation, operation of motor cars, water and disposal of sewage, preparation of camp sites, and incidental expenses, $494,400.

So the controversy here is over the words "divisional and regimental headquarters," and the question is whether we want to provide for these permanent divisional and regimental headquarters. The training is provided for, whether the Senate amendment is agreed to or not; so that the question that is before the House now is not the question of the training, or whether or not the training of the reserves is to be effective, but is solely the question of whether we are to provide for the maintenance of permanent headquarters throughout the country.

I do not believe that it is necessary. I do not believe that the House should agree to it. If it is necessary, it should be approached in an orderly way, brought in by the committee having jurisdiction, and every phase of it considered.

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

Mr. FIELDS. Yes.

Mr. STAFFORD. The gentleman is aware, and the House is aware, that this proposal means very shortly the establishment of 491 offices throughout the country, to which a Regular Army officer is to be assigned, 491.

Mr. FIELDS. Four hundred and ninety-one permanent headquarters throughout the country. I do not believe that the military exigencies are such as to warrant the establishment of a system of that kind. I do not believe that it is necessary. I do not believe that the condition of the Treasury warrants it, and I think the Senate amendment should be disagreed to.

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

Mr. FIELDS. Yes; I yield to the gentleman.

Mr. McKENZIE. I am sure that my colleague from Kentucky does not mean to concede the statement of the gentleman from Wisconsin [Mr. STAFFORD] that there would be a Regular Army officer detailed to every one of these four hundred and some odd headquarters? You do not mean to concede that, do you?

Mr. FIELDS. I do not know that I caught that part of his statement, but I do say that it would result in the establishment of 491 permanent headquarters to be maintained at Federal expense, and I am opposed to it.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield further?

Mr. FIELDS. Yes.

Mr. STAFFORD. At the present time there are 350 Regular Army officers assigned to these divisional headquarters.

Mr. SNYDER. Without pay.

Mr. STAFFORD. They are Regular Army officers. That is the testimony produced before the conference committee.

Mr. FIELDS. Of course, they all get pay, and if we need more regular officers to maintain those headquarters they would be assigned.

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

Mr. FIELDS. Will the gentleman from Kansas give me some more time?

Mr. ANTHONY. I yield to the gentleman two minutes more.

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

Mr. FIELDS. Yes.

Mr. McKENZIE. The gentleman undoubtedly understands that the law as written in the House provided for the establishment of camps, and it is not necessary, as I am informed, to expend over $50,000 for that purpose. Therefore, the other money would be returned to the Treasury, and, as a matter of fact, if you are going to cut this Senate amendment out, this appropriation could be reduced to about $50,000.

Mr. FIELDS. My friend, the acting chairman of the Committee on Military Affairs, knows that when Congress provides a certain amount for the maintenance of permanent regimental headquarters throughout the country that amount will be expended for the maintenance of such permanent regimental headquarters.

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

Mr. FIELDS. Yes.

Mr. LINTHICUM. As I understand the gentleman, whether this amendment is adopted or not, it does not affect the amount of the appropriation in the bill?

Mr. FIELDS. It does not affect the amount for training. It does affect the amount of $144,400 for the maintenance of permanent divisional and regimental headquarters. That is the question at issue here.

Mr. LINTHICUM. It increases it by $104,000.

Mr. FIELDS. If the amendment prevails, it will increase the amount appropriated $144,400.

Mr. VAILE. The gentleman is talking about amendment 22.

Mr. LINTHICUM. And the Government expended, legally or otherwise, $106,000 for that purpose in the last year.

Mr. FIELDS. The maintenance of these divisional and regimental headquarters is not necessary, and amendment 21 makes amendment 22 necessary.

Mr. VAILE. The maintenance of these divisional and regimental headquarters does not increase the appropriation one penny, does it?

Mr. FIELDS. I have never seen anything maintained in connection with the Military Establishment that did not cost the taxpayers of this country money. [Applause.]

Mr. VAILE. It is not in this bill.

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

Mr. ANTHONY. Mr. Speaker, before asking for a vote on the pending amendment, I think the House ought to understand that the attitude of the conferees is entirely friendly to the idea of affording the reserve officers every reasonable dollar they need for an adequate amount of training.

It is an entirely new undertaking. For the first time last year we gave the officers of the reserve any field training at all. In this bill we are providing that three times as many reserve officers shall be trained this calendar year as were trained in the last calendar year. The only point of difference now between the House and the Senate and pending before you is a thing which of itself is really insignificant and not of such magnitude that it deserves the time that has been given to it in the discussion here.

Mr. STAFFORD. Will the gentleman yield to allow me to confirm the statement I made as to whether or not it was planned to have an Army officer at each one of these regimental and division headquarters?

Mr. ANTHONY. It is planned to have 350 Regular Army officers detailed to these different reserve headquarters and probably more during the next fiscal year, all of whom will be under the full pay of their rank and grade.

Mr. STAFFORD. Will the gentleman yield to allow me to read from the hearings? My statement was challenged by the gentleman from New York [Mr. SNYDER]. I said my statement was confirmed by the record of the hearings. I now wish to read the testimony of Colonel Dickinson, who is sitting in the gallery, who testified as to this matter—

> Now, it is planned by the War Department ultimately to detail one officer of the Regular Army with each organized reserve regiment and a certain number at each reserve division headquarters.

Mr. SNYDER. What I had in mind was what exists to-day.

Mr. STAFFORD. Three hundred and fifty of them exist to-day, according to the statement given us in the hearing.

Mr. SNYDER. Not at each headquarters by any means.

Mr. ANTHONY. Several gentlemen have grown eloquent on the proposition now before us; but, my friends, there is a practical proposition involved. If we permit this amendment to be made and this new language to be placed on the statute books, giving authority for the rental of reserve offices in all the cities of the country, if we give them wide-open authority to hire all the clerks they want for these headquarters, it is liable to grow into an item of expense that will stagger this House. There is practically no limit to the number of organizations that may be proposed in this paper reserve that is being created. If you organize all the man power in this country into paper regiments and appoint reserve officers as colonels of those regiments, and rent headquarters in every town and city for every one of those regiments that exist only on paper, and give them clerical forces, it will not be only $181,000 that the War Department will be asking you for, but it will be two or three million dollars in a few years.

Now, with regard to the Organized Reserves, we have 70,000 officers in the reserve. They are men who, most of them, were trained in the World War; men having the ability and the training and the military knowledge to take and exercise high command if again this country is confronted with the emergency of war. We propose to afford them adequate field training from year to year, and to increase the amount as the Regular Army is able to take care of the training. But if we permit this paper organization of an enlisted reserve corps, if we permit the creation of regiments which exist in name only, with not an enlisted man in any of them but just the officers assigned to duty, and to these imaginary regiments grant headquarters and the rent of buildings in cities, giving them clerical forces and officers, it will be one of the most ridiculous grants of authority to any department of the Government that I have ever known of during my 15 years of service here.

The able gentleman from Illinois [Mr. McKENZIE], if his committee should be asked by the War Department to grant that authority would certainly properly restrict it. He would never dream of giving wide-open authority to the War Department to spend hundreds of thousands of dollars for clerks, to go the limit, as he proposes to do here to-day. I ask the gentleman to surround any amendment which he proposes here with the same business precautions that he himself would use in his own committee instead of coming here and asking us to throw the door wide open to useless waste and extravagance. [Applause.]

Mr. McKENZIE. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman.

Mr. McKENZIE. I wish to say to the gentleman from Kansas that it was my understanding, and I think it was the understanding of the gentleman from Kansas, that the national defense act as amended in 1920 gave this authority to the War Department.

Mr. ANTHONY. It did not give the authority to the War Department, and I challenge the gentleman to point out a single word of law which authorized the War Department to spend a dollar for that purpose last year. Yet the War Department went ahead and expended that money.

Mr. McKENZIE. From the fact that it is a Federal force and a part of the Regular Military Establishment, it is natural to assume that they had the right to spend money to keep this thing up.

Mr. ANTHONY. I call attention to the fact that under the item of barracks and quarters we authorized an expenditure for the enlisted reserve, which, unfortunately, does not exist, but nowhere is there authority for expenditure for the commissioned personnel.

Mr. McKENZIE. Let me say to the gentleman, if he will permit me——

Mr. ANTHONY. I permit the gentleman——

Mr. McKENZIE. I think the gentleman will concede that I have always stood for economy since I have been in this House. I stood for a good Military Establishment, and I want to say to the gentleman that if he is afraid of any part that I may play in the Committee on Military Affairs in the years to come, I will see that this matter is safeguarded; but for the present it is safeguarded by the Appropriations Committee, which has limited the appropriations to $350,000. [Applause.]

Mr. ANTHONY. I want to remind the gentleman that that appropriation is for a necessary purpose, to provide the money for the organization of these training camps where we want to train 11,000 or 12,000 of these men; and if the $350,000 is dissipated for other purposes, for the hire of clerks and the rent of offices in cities, it will interfere with the training of these reserve officers in the summer camps.

Mr. MONDELL. Will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Wyoming.

Mr. MONDELL. Does it not occur to the gentleman that it is rather illogical for the legislative committee having jurisdiction of these matters now in the closing days of the Congress to ask the Committee on Appropriations, of whose acts they have been quite jealous in the past, to do something which they themselves have not attempted to do, something that will involve great expenditure, and that involves an entirely new policy?

Mr. ANTHONY. I will say that I am not only surprised but astonished at their attitude. [Laughter.]

Mr. McKENZIE. I want to say in answer to the gentleman from Wyoming that the Committee on Military Affairs now has 30 matters on the calendar, and it has been impossible to get consideration.

Mr. TEMPLE. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. TEMPLE. We are now discussing amendment 21, which authorizes the expenditure of money for divisional headquarters. Is it true that when the Senate inserted that amendment it also provided for an increase up to $490,000? Did they not provide that in amendment 22 and then recede from that amendment?

Mr. ANTHONY. And left it at $350,000.

Mr. TEMPLE. So this amendment will not increase the amount?

Mr. ANTHONY. Let me say that the only danger is that it will be increased by the War Department without any authority; that they will make expenditures from other items in the bill.

Mr. TEMPLE. But agreeing to this amendment will not increase the appropriation?

Mr. ANTHONY. It will increase the amount expended for the purpose if the War Department continues to violate the law.

Mr. TEMPLE. But this will not increase the appropriation?

Mr. ANTHONY. No. Gentlemen of the House, there are ample facilities in every large city. Armories belonging to the National Guard, existing military posts, existing headquarters in all of the nine corps areas where ample office room can be given the Regular Army officers on duty with the reserve corps. There are a number of places where they can have ample room and light and heat in buildings owned by the Government or by the State, where they can have their meetings in the winter between training periods, and I hope the House will not put its approval on this absolutely unnecessary waste of $181,000. [Applause.]

Mr. Speaker, I move the previous question. I understand the question is on the motion of the gentleman from Illinois to recede.

The SPEAKER pro tempore (Mr. CRAMTON). There are two motions—one by the gentleman from Kansas to further insist and one by the gentleman from Illinois to recede and concur, and that question has been divided. The pending question is on the motion of the gentleman from Illinois to recede.

Mr. STAFFORD. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. If the House votes down the motion to recede, is that tantamount to further insisting?

The SPEAKER pro tempore. It is without further action of the House. The question is on the motion of the gentleman from Kansas for the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois that the House recede.

The question was taken; and on a division (demanded by Mr. McKENZIE) there were 82 ayes and 85 nays.

Mr. McKENZIE. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 164, nays 121, not voting 142, as follows:

YEAS—164.

Andrew, Mass.	Fitzgerald	Lea, Calif.	Ransley
Bacharach	Foster	Leatherwood	Reece
Barbour	Freeman	Lee, Ga.	Rhodes
Beedy	Frothingham	Lehlbach	Ricketts
Bell	Fuller	Linebergér	Riordan
Benham	Gahn	Linthicum	Roach
Bland, Ind.	Gallivan	Longworth	Robertson
Bland, Va.	Garrett, Tex.	McArthur	Rogers
Briggs	Gensman	McCormick	Sanders, Ind.
Burdick	Gifford	McFadden	Scott, Tenn.
Cantrill	Glynn	McKenzie	Shaw
Carew	Graham, Ill.	McLaughlin, Mich.	Shelton
Chalmers	Green, Iowa	McLaughlin, Pa.	Siegel
Chindblom	Greene, Mass.	McPherson	Smithwick
Clague	Greene, Vt.	MacGregor	Snyder
Clarke, N. Y.	Griffin	MacLafferty	Speaks
Cole, Iowa	Hadley	Maloney	Sweet
Cole, Ohio	Hardy, Colo.	Mapes	Swing
Cooper, Ohio	Haugen	Mead	Temple
Coughlin	Hawes	Merritt	Ten Eyck
Crago	Henry	Michener	Thompson
Cullen	Hickey	Miller	Tilson
Curry	Hicks	Montague	Tinkham
Dale	Hill	Moores, Ind.	Treadway
Dallinger	Hooker	Morgan	Tyson
Darrow	Hudspeth	Mott	Underhill
Dempsey	Hull	Nelson, Me.	Upshaw
Denison	James	Nelson, A. P.	Vaile
Dowell	Jeffers, Ala.	Newton, Minn.	Vestal
Drewry	Johnson, Wash.	Newton, Mo.	Ward, N. Y.
Dunbar	Kearns	Nolan	Watson
Dunn	Kelly, Pa.	Norton	Weaver
Dupré	Kendall	O'Connor	Webster
Elliott	Ketcham	Paige	White, Me.
Ellis	Kiess	Parker, N. J.	Winslow
Fairchild	Kissel	Parker, N. Y.	Woodruff
Faust	Kline, N. Y.	Patterson, N. J.	Woods, Va.
Favrot	Kunz	Purnell	Wright
Fenn	Larson, Minn.	Radcliffe	Wurzbach
Fish	Lawrence	Rainey, Ill.	Wyant
Fisher	Lazaro	Raker	Zihlman

NAYS—121.

Abernethy	Davis, Tenn.	Kraus	Sanders, Tex.
Ackerman	Deal	Kreider	Sandlin
Almon	Dickinson	Langley	Shreve
Andrews, Nebr.	Dominick	Lanham	Sinclair
Anthony	Doughton	Lankford	Sinnott
Appleby	Driver	Larsen, Ga.	Sisson
Aswell	Evans	Logan	Slemp
Bankhead	Fess	London	Sproul
Beck	Fields	Lowrey	Stafford
Begg	Focht	Luce	Steagall
Bird	Frear	McDuffie	Stevenson
Black	French	McLaughlin, Nebr.	Strong, Kans.
Blanton	Fulmer	Madden	Strong, Pa.
Boies	Garrett, Tenn.	Magee	Summers, Wash.
Bowling	Gernerd	Mondell	Sumners, Tex.
Box	Gilbert	Moore, Ill.	Swank
Brand	Goodykoontz	Moore, Va.	Tillman
Buchanan	Griest	Nelson, J. M.	Tincher
Burtness	Hardy, Tex.	Ogden	Towner
Byrnes, S. C.	Hawley	Oldfield	Turner
Byrns, Tenn.	Hersey	Oliver	Vinson
Campbell, Kans.	Hoch	Parks, Ark.	Voigt
Campbell, Pa.	Huddleston	Pou	Wason
Cannon	Humphrey, Nebr.	Quin	White, Kans.
Christopherson	Humphreys, Miss.	Rainey, Ala.	Williamson
Clark, Fla.	Jacoway	Rankin	Wilson
Collier	Johnson, S. Dak.	Reed, W. Va.	Wingo
Collins	Kelley, Mich.	Riddick	Wood, Ind.
Cooper, Wis.	Kincheloe	Robsion	
Cramton	Kline, Pa.	Rouse	
Crisp	Kopp	Sabath	

NOT VOTING—142.

Anderson	Brown, Tenn.	Codd	Free
Ansorge	Browne, Wis.	Colton	Funk
Arentz	Bulwinkle	Connally, Tex.	Garner
Atkeson	Burke	Connolly, Pa.	Goldsborough
Barkley	Burton	Copley	Gorman
Bixler	Butler	Crowther	Gould
Blakeney	Cable	Davis, Minn.	Graham, Pa.
Bond	Carter	Drane	Hammer
Bowers	Chandler, N. Y.	Dyer	Hayden
Brennan	Chandler, Okla.	Echols	Hays
Britten	Classon	Edmonds	Herrick
Brooks, Ill.	Clouse	Fairfield	Himes
Brooks, Pa.	Cockran	Fordney	Hogan

Huck	Little	Pringey	Sullivan
Hukriede	Luhring	Ramseyer	Tague
Husted	Lyon	Rayburn	Taylor, Ark.
Hutchinson	McClintic	Reber	Taylor, Colo.
Ireland	McSwain	Reed, N. Y.	Taylor, N. J.
Jefferis, Nebr.	Mansfield	Rodenberg	Taylor, Tenn.
Johnson, Ky.	Martin	Rose	Thomas
Johnson, Miss.	Michaelson	Rosenbloom	Thorpe
Jones, Pa.	Mills	Rossdale	Timberlake
Jones, Tex.	Moore, Ohio	Rucker	Tucker
Kahn	Morin	Ryan	Volk
Keller	Mudd	Sanders, N. Y.	Volstead
Kennedy	Murphy	Schall	Walters
Kindred	O'Brien	Scott, Mich.	Ward, N. C.
King	Olpp	Sears	Wheeler
Kirkpatrick	Overstreet	Smith, Idaho	Williams, Ill.
Kitchin	Park, Ga.	Smith, Mich.	Williams, Tex.
Kleczka	Patterson, Mo.	Snell	Wise
Knight	Paul	Stedman	Woodyard
Knutson	Perkins	Steenerson	Yates
Lampert	Perlman	Stephens	Young
Layton	Petersen	Stiness	
Lee, N. Y.	Porter	Stoll	

So the motion to recede was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. Brennan (for) with Mr. Carter (against).

Additional general pairs:

Mr. Williams of Illinois with Mr. Johnson of Kentucky.

Mr. Butler with Mr. Martin.

Mr. Browne of Wisconsin with Mr. McClintic.

Mr. Lampert with Mr. Stedman.

Mr. Porter with Mr. Williams of Texas.

Mr. Snell with Mr. Rayburn.

Mr. Burton with Mr. Connally of Texas.

Mr. Crowther with Mr. Bulwinkle.

Mr. Free with Mr. Mansfield.

Mr. Reed of New York with Mr. Jones of Texas.

Mr. Rosenblum with Mr. Wise.

Mr. Davis of Minnesota with Mr. Hammer.

Mr. Edmonds with Mr. Rucker.

Mr. Young with Mr. Taylor of Arkansas.

Mr. Cable with Mr. Tucker.

Mr. Michaelson with Mr. Sears.

Mr. Britten with Mr. Cockran.

Mr. Fordney with Mr. Hayden.

Mr. Keller with Mr. Lyon.

Mr. COCKRAN. Mr. Speaker, I desire to vote.

The SPEAKER pro tempore (Mr. CRAMTON). Was the gentleman present and listening when his name was called?

Mr. COCKRAN. I could not say that I was listening, but I was here. I was listening as far as I could. I certainly was in the Hall.

The SPEAKER pro tempore. If the gentleman states that he was present and listening he is entitled to vote; otherwise not.

Mr. COCKRAN. I am sure I was here part of the time, and I think I was listening most of the time. I would not undertake to say that I was here all of the time.

The SPEAKER pro tempore. The question is whether the gentleman was present and listening.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois to concur.

Mr. ANTHONY. Mr. Speaker, I send to the desk the following motion to concur with an amendment.

The SPEAKER pro tempore. The gentleman from Kansas offers a motion to concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. ANTHONY moves to concur with an amendment as follows: After the word "headquarters" in said amendment insert "*Provided*, That not exceeding $60,000 of the funds appropriated in this act shall be used for the maintenance of divisional and regimental headquarters of the Organized Reserves, nor shall any of such funds be used for the establishment or maintenance of any additional divisional and regimental headquarters of the Organized Reserves unless specifically authorized by law."

Mr. McKENZIE. Mr. Speaker, I make the point of order that the motion that I made to recede and concur is a preferential motion and the vote should come now upon the motion to concur.

The SPEAKER pro tempore. The point of order is overruled. The motion to recede and concur is preferential; but having been divided, a motion to concur with an amendment takes precedence over a motion to concur.

Mr. PARKER of New Jersey. But, Mr. Speaker, I make the point of order that the previous question having been ordered after the motion had been made, no amendment is now in order.

The SPEAKER pro tempore. The Chair would be glad to hear from the gentleman from Kansas as to that point of order.

Mr. ANTHONY. Mr. Speaker, I think that the Speaker has stated the parliamentary situation correctly. The motion having been divided, and the motion to recede having been adopted, therefore I think a motion to concur with an amendment is now in order.

The SPEAKER pro tempore. The point of order made by the gentleman from New Jersey is that the previous question having been ordered the gentleman from Kansas can not now offer a motion to concur with an amendment.

Mr. ANTHONY. But the previous question was ordered upon the motion to recede.

Mr. DOWELL. But the gentleman did not present his amendment at all, and now it is too late.

Mr. ANTHONY. We had to dispose of the motion to recede first.

Mr. PARKER of New Jersey. On the point I made I desire to submit that the previous question was ordered upon the motion to recede and concur, and then it was divided.

Mr. BLANTON. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore. There is one point of order pending now.

Mr. BLANTON. I would like to be heard upon the point of order. I think the reporter's notes will show that the motion the gentleman from Kansas made was made first to recede and concur with an amendment, and thereupon the gentleman from Illinois [Mr. McKENZIE] made a preferential motion to recede and concur. Then the question was divided, and the previous question was ordered. I submit that that is the situation.

The SPEAKER pro tempore. The understanding of the Chair is that the motion made by the gentleman from Kansas was to further insist.

Mr. ANTHONY. Mr. Speaker, that is correct.

The SPEAKER pro tempore. And that thereafter the motion to recede and concur was made by the gentleman from Illinois. It is the impression of the Chair that if the motion made by the gentleman from Kansas for the previous question was made upon the whole question, to recede and concur, the gentleman's motion to concur with an amendment is not now in order.

Mr. ANTHONY. Mr. Speaker, I call attention to the fact that the question was divided, whereupon I moved the previous question on the motion to recede.

Mr. STAFFORD. Mr. Speaker, this is rather a peculiar situation. A motion to recede and concur with an amendment could not be entertained until the House has receded; a motion to recede and concur taking precedence while the amendment is in disagreement. To give the motion to recede and concur with an amendment a status at all, it is first necessary to have a division of the question. The House having agreed to recede it puts the question back into the position it occupied originally, where a motion to recede and concur with an amendment is preferential.

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

Mr. STAFFORD. Yes.

Mr. McKENZIE. If the motion to recede had failed, then the motion of the gentleman from Kansas would have been agreed to. In other words, it would have been equivalent to further insist upon the disagreement.

Mr. STAFFORD. The motion to recede being voted down is tantamount to a further insistence on disagreement.

Mr. McKENZIE. Absolutely. The gentleman contends that having been defeated in that, he has an opportunity now to amend.

Mr. STAFFORD. Until the House voted up recession there was no opportunity for any Member to offer a preferential motion to recede and concur with an amendment.

Mr. DOWELL. But the previous question having been ordered the opportunity for amendment is lost, and no amendment is in order after the previous question was ordered.

The SPEAKER pro tempore. The Chair will ask the gentleman from Kansas the nature of his motion for the previous question?

Mr. ANTHONY. As I recollect I moved the previous question on the motion of the gentleman from Illinois to recede. The motion to recede and concur was divided, and if the Chair will permit me, I desire to read now from Cannon's Procedure in the House of Representatives:

However, the motion to recede and concur is divisible and the House having receded, a motion to amend takes precedence over the motion to concur.

Mr. PARKER of New Jersey. Mr. Speaker, my recollection is that the motion was to recede and concur, and debate having taken place while people were still seeking the floor, the gentleman from Kansas moved the previous question and it was carried with some noes, and thereupon a division was made of the question, and——

Mr. ANTHONY. The gentleman is wrong.

Mr. HUSTED. Pending the arrival of the stenographer's minutes and the actual determination of the facts, I desire to submit the proposition that, even if it be found that the previous question was ordered on the motion to recede and concur, the previous question does no operate upon the motion to recede or upon the motion to concur. These two motions, when united, are, of course, identical with the original motion, but neither motion considered separately is the same thing as the original motion, and it is utterly illogical to rule that the previous question operates upon something which is entirely different from the motion to which it was actually offered and to which it was solely intended to apply. If the motions to recede and to concur taken separately are the same thing as the motion to recede and concur there would be no sense in permitting the division of a question. Division is allowed for the very reason that different situations are thus presented and the demand for division always comes from an enemy of the original question who seeks advantage from its division. After the motion to recede and concur has been divided the original question is superseded by its separate divisions and the previous question, which was ordered upon the original motion, is eliminated from parliamentary consideration with the original motion to which it was inseparably attached.

Mr. ANTHONY. If the gentleman will yield, after the motion to recede and concur is divided, as was done on this question, what is the motion before the House?

Mr. HUSTED. It practically eliminates the previous question, because the previous question was not ordered on either the motion to recede or to concur. It was ordered on the gentleman's motion to recede and concur.

Mr. ANTHONY. Not after the motion was divided.

Mr. PARKER of New Jersey. If the gentleman will allow a question, I can not understand the suggestion of the gentleman. Does the gentleman say where there has been a motion for the previous question on a certain motion and that motion is divided that that gets rid of the order for the previous question?

Mr. HUSTED. I think so exactly, because it is not on that motion at all. It was ordered on the motion to recede and concur, and where the motion is divided it is just exactly as if no motion was made.

Mr. MONDELL. If the gentleman will allow me, of course we do not know exactly until we receive the notes of the reporter, but my recollection is that the motion of the previous question was made after the question was divided. It could only apply then to the question squarely before the House.

Mr. HUSTED. Of course.

Mr. MONDELL. I think that is correct.

The SPEAKER pro tempore. The understanding of the Chair of the situation is this: The gentleman from Kansas moved to further insist; the gentleman from Illinois moved to recede and concur, on which a division was demanded, and a division was ordered. The motion pending was the motion of the gentleman from Illinois to recede, upon which, after debate, the gentleman from Kansas moved the previous question, as was stated by the gentleman from Kansas. The Chair has been endeavoring to get the stenographic notes to confirm his recollection as to the form of that motion, but there has been a delay in securing them. The Journal clerk has it that the motion was merely for the previous question, which the Chair would hold had reference only to the question pending immediately at the time, a motion to recede, and the Chair overrules the point of order. The gentleman from Kansas has offered a motion to recede and concur with an amendment, which the Clerk has reported, and which is now pending.

Mr. MONDELL. Mr. Speaker, may we have that again reported?

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

The amendment was again reported.

The SPEAKER pro tempore. If the gentleman from Kansas will permit, the Chair has now the stenographic notes and will read them for the information of the House, confirming the recollection of the Chair:

Mr. ANTHONY. I move the previous question. I understand the question is on the motion of the gentleman from Illinois to recede.

The SPEAKER pro tempore. There are two motions, one by the gentleman from Kansas to further insist and one by the gentleman from Illinois to recede and concur. That question has been divided, and the question is on the motion of the gentleman from Illinois to recede.

Mr. ANTHONY. Mr. Speaker, it must be apparent to the House there is some necessity of limiting the amount of money which should be expended for rental of offices from this item of $350,000, which is intended to pay the expenses of organization of the camps for the field training; $60,000 was the amount discussed by the conferees as being about the proper amount which should be expended out of this item for such purpose. Furthermore, due to the fact that Congress has never previously given its sanction for such an expenditure as this and the necessity of action by Congress at the next session of giving some specific authority for this expenditure, the limitation provides that that should be done.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. NEWTON of Minnesota. It says not exceeding $60,000 of the funds appropriated shall be used for the maintenance of the headquarters, and so forth. Then there is a further limitation, nor shall any of such funds be used for the establishment or maintenance of headquarters.

Mr. ANTHONY. Why, the committee thought we should wait until we received authority of Congress before further increasing the number of these headquarters.

Mr. NEWTON of Minnesota. Then, after July 1, when this new appropriation act takes effect, it means from July 1 on until the next Congress takes action they are going to close down every one of these headquarters unless they happen to be in a military post.

Mr. ANTHONY. No.

Mr. NEWTON of Minnesota. Why, certainly.

Mr. ANTHONY. Some of you gentlemen are a little too enthusiastic. The language of the amendment I offered provides that $60,000 shall be used for that purpose. That is, of funds appropriated for the next fiscal year, beginning on July 1, and for maintaining existing headquarters during the next fiscal year.

Mr. NEWTON of Minnesota. But it does not read that way. That second limitation applies to the whole $350,000.

Mr. ANTHONY. The word "additional" means that no additional headquarters shall be established until Congress next winter gives specific legislative authority for it.

Mr. NEWTON of Minnesota. I have no objection to it if that is just what it means. But I did not read it that way.

Mr. ANTHONY. I think the gentleman ought to construe it that way.

Mr. NEWTON of Minnesota. I want to construe it as the gentleman would have me construe it. I would like to have the opinion of the gentleman from Illinois [Mr. McKENZIE] on that.

Mr. HULL. If that is the construction, you cut that appropriation down to $60,000. You stated awhile ago otherwise.

Mr. ANTHONY. I said that the whole item was $350,000. We did not want to dissipate all of that for officers' headquarters and the hire of clerks. It should be used to organize these camps. That is the essential part.

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

Mr. ANTHONY. Yes.

Mr. TILSON. The gentleman says it will require $60,000 only to run these headquarters through the period?

Mr. ANTHONY. Sixty thousand dollars would be a reasonable amount.

Mr. TILSON. Would the gentleman then be willing to cut out the second proviso if we accept the first one, that not exceeding $60,000 shall be used for this purpose? Will he be willing to cut out the first one, beginning with the words "for running establishment"?

Mr. ANTHONY. I would be willing to have the same number until Congress changed it.

Mr. TILSON. If we accept that, that practically fixes that. Why tie it up?

Mr. ANTHONY. If the gentleman wants to open it wide that would be a different thing.

Mr. TILSON. Is the gentleman willing to accept the amendment?

Mr. ANTHONY. I am not.

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

Mr. ANTHONY. Yes.

Mr. FIELDS. Mr. Speaker, I recall that a moment ago, when gentlemen were supporting the amendment of the gentleman from Illinois (Mr. McKENZIE) they urged that this would result in no charge against the Treasury; but it seems that they have suddenly changed their minds, that they have suddenly reached the conclusion that it will require a good deal of money to carry this on.

Mr. ANTHONY. I think this is a reasonable limitation.

Mr. FIELDS. I know; but they said that a while ago, when they were discussing it.

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

Mr. ANTHONY. Yes.

Mr. McKENZIE. I would like to ask the gentleman from Kansas if it is not a fact, if this amendment is adopted without striking out the last proviso, that it absolutely cripples the reserve?

Mr. ANTHONY. No; it does not.

Mr. McKENZIE. I sympathize with the purpose of the gentleman from Kansas and what he is trying to get at, but if this amendment is adopted as it is now proposed it will absolutely cripple the reserve. And that is not the worst of it, in my judgment. I call it to the attention of the gentleman from Kansas that it is an absolute reflection on the men in the reserves of this country. [Applause.]

Mr. ANTHONY. The gentleman is entirely mistaken.

Mr. TILSON. Mr. Speaker, will the gentleman permit an interruption?

Mr. ANTHONY. No; I can not yield. I move the previous question on the motion.

The SPEAKER pro tempore. The gentleman from Kansas moves the previous question on his motion.

Mr. ANTHONY. I move the previous question on the motion to recede and concur with an amendment.

The SPEAKER pro tempore. The gentleman from Kansas moves the previous question on the motion to recede and concur with an amendment. The question is on that motion for the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The previous question is ordered on the motion of the gentleman from Kansas.

The question was taken, and the Speaker pro tempore announced that the "noes" appeared to have it.

Mr. ANTHONY. A division, Mr. Speaker.

The SPEAKER pro tempore. A division is demanded.

The House divided; and there were—ayes 82, noes 107.

So the amendment was rejected.

Mr. ANTHONY. Mr. Speaker, I offer an amendment.

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

The Clerk read as follows:

Mr. ANTHONY moves to concur with an amendment as follows: After the word "headquarters," in said amendment, insert "*Provided*, That not exceeding $60,000 of the funds appropriated in this act shall be used for the maintenance of divisional and regimental headquarters of the Organized Reserves."

Mr. CONNALLY of Texas. Mr. Speaker, I make the point of order on the motion to concur with an amendment.

The SPEAKER. The gentleman will state his point of order. The Chair is informed that the gentleman moved the previous question on his motion to concur with an amendment. That was disposed of. This is another amendment.

Mr. ANTHONY. Mr. Speaker, I move the previous question.

Mr. HILL. Mr. Speaker, I ask that the amendment be again reported.

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

The amendment was again read.

The SPEAKER. The gentleman from Kansas moves the previous question on his amendment.

The previous question was ordered.

The SPEAKER. The question is on the motion to concur with an amendment.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were—ayes 112, noes 79.

Accordingly the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment numbered 30: On page 18 of the bill, in line 12, after the word "officers," strike out the following words: "*Provided*, That no part of the funds herein appropriated shall be utilized for the recruiting or enlistment of boys under the age of 21 years without the written consent of the parents or guardians, if any, of such boys, or unless the applicant furnishes a birth certificate or the affidavit of two disinterested witnesses showing such applicant for enlistment to be 21 years of age."

Mr. ANTHONY. Mr. Speaker, this refers to the amendment, which was adopted by the House, which requires the consent of the parent or guardian of any man enlisted in the United States Army under 21 years of age. When considered in conference it was the opinion of the conferees on the part of the House that we should agree to the amendment of the Senate which struck this out of the bill, because of information which was given us by the War Department. However, we have brought it back to the House for consideration, in pursuance of the promise made to do so.

Briefly, the situation is this: Thirty-seven per cent of the recruits taken into the United States Army are under the age of 21. If you prevent the enlistment of boys between the ages of 18 and 21 you strike seriously at the present strength of the Army. You deprive it of the men who compose the most active element of the enlisted force of the establishment. Regardless of the fact that if you deprive the Army of the right to enlist boys under 21 years of age you increase the cost of enlistment at least double, if not more, I think it would be a serious mistake from a military standpoint to deprive the Army of the services of young men between the ages of 18 and 21; because history has shown, ever since we have any record of military establishments, that boys or young men of that age make the best soldiers and the best fighting material.

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

Mr. ANTHONY. I yield to the gentleman from Kentucky.

Mr. FIELDS. How can it double the cost of enlistment when the gentleman says only 37 per cent of the enlistments are boys under 21 years of age?

Mr. ANTHONY. The War Department made the statement to the Senate conferees that it would not only double but in their opinion treble the cost of enlistments.

Mr. FIELDS. It seems to me that statement is without any foundation to support it.

Mr. ANTHONY. Because in the case of every boy enlisted under 21 years of age, in order to get the papers made out for the consent of his parents or guardians, it would require so many trips on the part of the recruiting officer and it would so delay and hamper enlistments that it would increase every one of the costs entering into it.

Mr. FIELDS. Will the gentleman yield for a further question?

Mr. ANTHONY. I yield to the gentleman from Kentucky.

Mr. FIELDS. Does not the gentleman believe that, in view of the figure to which the Army has been reduced, they can get along without this 37 per cent?

Mr. ANTHONY. I will remind the gentleman that the Army is now much below the maximum which Congress authorizes. There are but 115,000 men in the Army, although we have authorized 125,000. If you should cut out these boys under 21, it would bring the Army down below 100,000 unless redoubled efforts were made to recruit to make up the loss of these younger men, and I do not believe it would be wise to so greatly increase the expense and cost of recruiting the Army at this time.

Mr. CONNALLY of Texas. Will the gentleman yield me some time?

Mr. ANTHONY. Any reasonable amount of time, and I am ready to yield it now.

Mr. NEWTON of Minnesota. Before the gentleman does that will he yield for a question?

Mr. ANTHONY. I yield to the gentleman.

Mr. NEWTON of Minnesota. The language of the bill would mean that the Comptroller General would have the right to pass upon the question whether the money was used in accordance with the provision of the law. It would make recruiting practically impossible.

Mr. ANTHONY. I think it would seriously cripple the War Department in its recruiting service.

Mr. GREENE of Vermont. Will the gentleman yield to me three minutes?

Mr. ANTHONY. After I have yielded to the gentleman from Texas [Mr. CONNALLY]. I yield 10 minutes to the gentleman from Texas.

Mr. SISSON. Before the gentleman from Texas begins, may I ask the gentleman from Kansas if I may have a little time?

Mr. ANTHONY. The gentleman may have all the time he desires.

Mr. CONNALLY of Texas. Mr. Speaker and gentlemen of the House, Senate amendment No. 30, as it appears in the bill, strikes out an amendment which my colleague [Mr. JONES] and myself offered and which the House itself placed on the Army appropriation bill in Committee of the Whole and afterwards adopted in the House. The House conferees evidently, from the language of the gentleman from Kansas [Mr. ANTHONY], had very little regard for the fact that the House put the amendment on the bill by an affirmative vote, because the gentleman says that when the conferees went into conference the House conferees thought they ought to recede from the disagreement of the House to the amendment and agree with the Senate.

Under the existing law the Army has the privilege to enlist men from 18 to 21 years of age without the consent of their parents. The effect of the amendment is to require that in

cases of that kind—of boys from 18 to 21 years of age—the recruiting officer shall not enlist them unless he has the consent of their parents or proof by affidavit that they are 21 years of age.

I am sure that gentlemen in this House have had the same experience that I have had in the matter of enlistments by recruiting officers in the cases of youths without the consent of their parents and absolutely in the face of the desire of their parents that they be not enlisted. Only yesterday I received a letter from a woman saying that a recruiting officer had enlisted her boy; that she had refused to sign a statement of willingness for him to enlist; that they had taken him away against her wishes; that he was then in the Army; that she had a sick husband unable to work and was dependent upon one 15-year-old boy to provide a livelihood for the family.

Now, gentlemen, in the cases of boys between the ages of 18 and 21 who desire to enlist in the Army and who can secure the consent of their parents, it will be an easy matter for the recruiting officers to secure that consent. Secretary of War Weeks writes a letter to the committee in which he says that it would be impracticable and would absolutely hurt the recruiting service, because the recruiting officers would not want to board the applicants until they could confer with their parents and get their consent. Why such a statement? It is not necessary for them to remain at the recruiting station. The officer can simply tell the young man to go back home and procure a written statement from his parents that they are willing to let him enlist and then return, and that when he returns he may enlist in the Army. But, gentlemen of this House, the Army enlists these boys because it is easier to enlist them than it is in the case of men. It appeals to the imagination of these young men with flaming posters advertising "If you will only join the Army you will get to travel in distant parts of the world. You will have educational advantages," and just at the very time of a young man's life when he ought to be either in school or learning a trade or assisting in the support of his family, the recruiting officers, with seductive promises and with allurements and attractive statements as to what the military service affords, appeal to him and transport him to some Army camp.

Within 30 days his dream is over and he wants to go home. They advertise that he gets travel. Yes; he gets travel from the kitchen detail to quarters. He gets travel on the kitchen police and on the fatigue detail, and in about 30 days from the time he enlists, within 30 days from the time his signature is affixed to the enlistment paper, he is writing the old man and his mother, "For God's sake get me out of the Army; they deceived me." I believe the responsibility is on Congress. No other agency of the Government can lay its hand on a boy under 18 years of age and take him away from his parents' control without their consent—no other agency except the Army and the Navy and the Marine Corps. I think it is much more important that a boy at that formative time of his life should have an opportunity to get an education, an opportunity to learn a trade, than to be in an Army camp learning habits of idleness, and perhaps learning things that may be a detriment to his character in the future. Life in the Army in time of peace contributes very little of improvement to character or to habits that is of permanent benefit in his after life.

Mr. KINCHELOE. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. KINCHELOE. Provided he is satisfied with his enlistment, does the gentleman think that the Government has a moral right to take a boy under 21 without the consent of his parents?

Mr. CONNALLY of Texas. Absolutely not. Now, I want to quote from the letter of the Secretary of War. Here is what the Secretary says:

Present enlistments are divided, approximately, 32½ per cent reenlistments, 30 per cent new enlistments of men over 21 years of age, and 37½ per cent of new enlistments under 21 years of age.

If the Army when it had 225,000 men some years ago was able to enlist 225,000 men, including minors and grown-ups, it looks like it ought to be able at present to enlist an Army of 115,000 men, including grown-ups and such minors as have their parents' consent, without dragging boys away from home without their parents' consent. [Applause.]

But the Secretary says:

It would be difficult to secure evidence, as a great many communities did not keep birth certificates 21 years ago, and the securing of affidavits would be difficult.

Right now the War Department requires a birth certificate when an attempt is made to get a boy out, and yet he says they are not available when they go in.

What does he further say?

Unless these men are cared for while awaiting evidence they will be lost to the service.

Too bad, too bad. Unless boys 18 years of age are enlisted without the parents' consent they will be lost to the service. Too bad. This Army machine must go on, enlistments must come, even if they have to rob the home and the school of the boys in spite of the protest of the mother and father that want to keep the boys at home.

The SPEAKER. The time of the gentleman has expired.

Mr. ANTHONY. I yield to the gentleman two minutes more.

Mr. CONNALLY of Texas. What else does the Secretary of War say?

Many young men between 18 and 21 years of age enlist for patriotic reasons and to travel, and the pay offered is of no special moment, but to men over 21 years of age the pay offered does affect their decision to join the Army materially and the offer of $21 per month does not impress them greatly, and they are much more difficult to secure than the men from 18 to 21 years of age.

That is why they want to enlist minors—because the Secretary says that they are easier to enlist. Recruiting officers can persuade them more easily, they can excite their enthusiasm and imagination more easily.

Mr. STEAGALL. Will the gentleman yield?

Mr. CONNALLY of Texas. Yes.

Mr. STEAGALL. Is not the gentleman afraid to talk about the Secretary of War in that way, in view of his recent condemnation of the Members of the House?

Mr. CONNALLY of Texas. Well, the Constitution protects me, and I am very brave on the floor of the House—some days. [Laughter.] The Secretary of War states the reason that he wants the law to remain as it is—because it is easier to enlist a boy under 21 years of age without the consent of his parents. Why? He does not know as much as a man over 21; he has not had much experience; he has not as much judgment; he is more susceptible to the blandishments of the recruiting sergeant, and therefore they want the law to remain as it is.

Mr. Speaker and gentlemen, that system is a monster, whether it be a naval or military system, that in time of peace has to subsist off the youth and helpless mothers of the land. [Applause.]

Mr. ANTHONY. How much time does the gentleman from Mississippi want?

Mr. SISSON. I do not want any now.

Mr. ANTHONY. I yield five minutes to the gentleman from Vermont [Mr. GREENE].

Mr. GREENE of Vermont. Mr. Speaker, one who has listened to what has been said this afternoon would think that all at once there had been projected into our life something like the method in old England in the days of the early Georges when the press-gang crew rushed out on the unsuspecting youth by the riverside and the wayside, seized and took them away to sea to be gone from home years and years, serving in the British Navy.

Nothing of that kind takes place in this country to-day, nor has it ever been tolerated. As a matter of fact, one would think that suddenly we had had a revelation of a horrible conspiracy on the part of the Regular Army of the United States, with the War Department behind it, against the unprotected youth of the land.

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

Mr. GREENE of Vermont. Not at present.

It is a strange thing that a boy who is 18 years old is thought to be old enough to learn a trade which he is to follow all the days of his life, because nobody objects to his being an apprentice to learn a trade. But if he says he wants to go into the Army, which is another trade, then we find that he is too young and that somebody is taking advantage of his inexperience.

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

Mr. GREENE of Vermont. I can not yield. I do not want to be discourteous, but I have not the time.

The peace-time service of men in the Army is that of an occupation—a trade. My good friend from Texas [Mr. CONNALLY], with whom I generally agree on these broader principles, seems to have run a little shy on this one. He says that the peace-time life of an enlisted man in the Army does not contribute to the development of his character and standing, and he rather sought by words of irony and inference to indicate that it is a life of shiftlessness and idleness, with a tendency toward the disruption of morale; whereas the contrary, by every proof around about us, is the fact. The testimony can be given abundantly by the best type of men in

the military service in their degree—those fine old white-haired Regular Army noncommissioned officers, who make up the backbone of our Military Establishment, some of whom have been enlisted in the service for 30 or 40 years. Those men did not lose any character or any morale. Those men did not lose the fiber of their being. They are splendid types of manhood, of good citizenship, and of organized patriotism.

Mr. MILLER. And thousands of those men were officers in the Army during the war.

Mr. GREENE of Vermont. Certainly. We seem to arrive at this thing this afternoon as though it were a sudden moral discovery. We had exactly this same kind of talk four or five years back, when the proposition was made to raise the terms of the selective service act so as to include men between the ages of 18 and 45 years.

At that time we went all around this same hippodrome in the same kind of chariot of rhetoric, and we got off at the very same place where we got on.

Why is that the case? Because ever since the Declaration of Independence it has been in large measure an unwritten part of the fundamental law that the ages of 18 to 45 are the military ages in this land of ours, and everybody for generations has accepted it as a fact. Not only that, but some of the State constitutions have actually put it into writing. Eighteen to forty-five is the military age in this country. Do you want an age different in peace time from what you have in war time? Peace time is the time when you train people, we hope, to prevent war; but at any rate they are trained for service in war if war comes.

Here we are, worried to death about a triviality. We let a boy 18 years of age go out into the world and of his own volition take up any trade and learn it, and no one suggests that he is showing any callowness or inexperience. But when he turns to this other, this military trade, then we suddenly find that his innocence is being conspired against by the War Department.

It seems to me we ought to get back to common sense.

Mr. ANTHONY. Mr. Speaker, I yield 20 minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, I yield two minutes to the gentleman from Kentucky [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, the House has passed on this proposition; has adopted the amendment by an overwhelming majority, with all the facts before it that it has before it now. When the House adopted the amendment, it knew that the War Department would be opposed to it. Therefore, the letter of the Secretary of War has not given the House any information that it did not have at the time it adopted the amendment. The question is now, Will the House without any additional information repudiate its former action? I do not believe it will. It has no reason to do it, because, as I said, it had all of the information when it adopted this amendment by an overwhelming majority that it has at this time.

Mr. SISSON. Mr. Speaker, I yield two minutes to the gentleman from Texas [Mr. SUMNERS].

Mr. SUMNERS of Texas. Mr. Speaker, it seems to me there is but one question involved here. Whether or not boys from 18 to 21 years of age shall go into the Army is not involved at all. The House did not exclude from the Army boys between 18 and 21 years of age. It is the consensus of opinion, based upon the test and the knowledge of life, and it is written in the laws of practically all of the States that until a boy reaches the age of 21 years in the important decisions of life he must have the counsel, advice, and direction of his parents before a binding contract be entered into. A boy can not make a binding contract in any State that I know of who is under 21 years of age, and why? Because the boy is immature in his judgment. His parents are his guardian. Why? Because it is known that such guardianship is the best for him and the best for society. It is a monstrous thing that the Army and the Navy shall put out these placards which appeal to the boy who wants to run away from home—and most boys do at some time—and induce the 18-year-old boy who is inclined to roam to run away. That is the sort of boy who needs parental control. He needs the influence of the home. But that is not all. The Army and the Navy make this binding contract with the boy about 18 years old, and his parents can not regain his custody. It amounts to a levy of the Government upon the infant personnel of the family. The boy's contract is no contract at all. It is a farce to hide the wrong of the Government, to hide its invasion of the home in time of peace. If the boy wants to go and it is the judgment of his parents that he go, I have nothing to say. But it is monstrous to say that in peace times this Nation may go into the homes of the country in defiance of the spirit of law and the judgment of mothers and fathers and take 18-year-old boys and put them into military service away from parental control and influence. To say that the boy consents is begging the question. Nowhere else does his consent bind. He is recognized everywhere as not possessing the capacity to contract. To take him, to oust his parents of control prior to his arrival at the age of discretion, at that period of life when the experience of mankind has taught us that the boy is not fit to use his own judgment, is conscription levied upon the personnel of the family. No government has that right in time of peace, and the House should not yield.

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

Mr. SISSON. Mr. Speaker, I yield three minutes to the gentleman from Texas [Mr. BOX].

Mr. BOX. Mr. Speaker and gentlemen of the House, for the Government of the United States in peace times to take immature boys for its standing Army from their homes, consciously and purposely, without the consent of their parents, in disregard of the parents' will and in disregard of the welfare of the boy, is an improper, not to say a dishonorable, thing. I think it would be preferable to conscript mature men for the Army rather than induce boys to go away from their homes and schools against the will of their parents. I hope the Government will not do anything so thoroughly discreditable.

I yield back the remainder of my time.

Mr. SISSON. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, here is the situation: In every State in this Union in peace time the parents of a boy under 21 years of age are entitled to his services and his earnings during minority. That is undenied and undeniable. These parents in every State in this Union probably have appealed to some Member of Congress to protect them in their rights to the custody of their minor children. Hearing such appeals, this House by a decisive vote adopted an amendment providing that the Army shall not in peace times take a minor boy without the consent of his mother and father. Now, what happens? That was in accordance with the laws of every State in this Union, and what happens? The bill goes to the Senate and Secretary Weeks writes a little letter over there and says that it is easier for him to enlist boys of 18 years of age, and on his letter, in disregard to the House's action, in disregard to the law of every State of this Union, the Senate knocked out that amendment. Now, what are we going to do about it? Just sit quiet and let Secretary Weeks dictate to this Government, dictate to every State in this Union, violate the laws of every State in this Union by taking in peace time their minor boys? I do not believe this House will do it.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BLANTON. Oh, the gentleman from Vermont [Mr. GREENE], who is soon to leave us, and I am sorry; he said that in the recent war we took 18-year-old boys. So we did. It was under a War Department order that we did it then. It was not by my vote. What was the situation then? We had in this country subject to draft at that time 18,000,000 able-bodied men over the age of 21 years.

Instead of exhausting those 18,000,000 grown men first we, under whip and lash of the War Department, under General Crowder's orders, passed an act taking 670,000 18-year-old boys away from their homes; but, thank God, Congress put them in school first. Thank God, Congress said, "We will put these boys in school, in training, and we shall not take them until a certain time." And the war closed and the armistice came before we had to take them out of school. That was the situation, I will state to the gentleman from Vermont. How much longer are we going to listen to the War Department against the rights of the people back home? How much longer are we going to allow the Secretary of War to dictate to the Congress as against the interest of the people in the States back home? For one I am not going to listen to them. They may have an open sesame to the ear of our distinguished friend from Vermont, but they are not going to pass by my vote on that proposition here in this House. I think we ought to insist on this amendment. I think we ought to go back and tell the Senate conferees and House conferees that we care more for the laws of the 48 States and the wishes of the fathers and mothers back home than we do for the wishes of Secretary Weeks and the War Department. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ANTHONY. Will the gentleman from Mississippi use some time?

Mr. SISSON. I have eight minutes left, I think.

Mr. ANTHONY. I wish the gentleman would yield some time.

Mr. SISSON. I yield two minutes to the gentleman from New York [Mr. LONDON].

Mr. LONDON. Mr. Speaker and gentlemen, I want to address myself to just one point made by the gentleman from Vermont [Mr. GREENE]. He made reference to the historical tradition of this country that men between 18 and 45 years are subject to military service. He mistook service in the militia for Army service, and there is a world of difference between the militia and the Regular Army. A boy who joins the militia associates with his neighbors. He is not torn away from his home or separated from his community or community influence. The life of the Regular Army is a peculiar life of its own, and there are few parents who are willing to part with their boys at the age of 18 and to remove them from the atmosphere of the home to the barracks of the Regular Army. You would not send your own boy at the age of 18 to the Army; you would not send your own boy in times of peace, why should you permit an Army sergeant to entice the young son of some poor devil? It is a vicious thing to do. No country in the world exacts military service from any young man below the age of 20. [Applause.]

Mr. SISSON. Mr. Speaker and gentlemen of the House, this is the only one of the items in conference that I did not agree with the conferees about. I did not agree to this amendment. There is no hardship, in my judgment, no real hardship done the Army in getting recruits, providing the boys who are under 21 and over 18 can get the permission of their parents to enlist in the Army or the Navy. I am unwilling that Congress shall take from any mother or any father their boy without their permission. I am unwilling that any boys might be ruined by entering the Army, although we hope it will not be. That mother or that father who are compelled to give up their boys to the Army can not have the same regard for their country and the same regard for the Army that they would have if the boy had the permission of the mother and the father to enter the service.

Mr. MONDELL. Will the gentleman from Mississippi permit an inquiry?

Mr. SISSON. Yes.

Mr. MONDELL. Does the gentleman think that the parents are compelled to give up their boy, as he puts it, if the boy of his own free will and accord, 18, 19, or 20 years of age, sees fit to go into the Army, may not have been home for years, may not have been under the control of his parents for years—does he give up anything because that boy saw fit to go into the Army?

Mr. SISSON. I have only a short time, of course, but I would be glad to yield for a question.

Mr. MONDELL. Is this so harmful a service under the flag that the boys are ruined by it?

Mr. SISSON. Oh, the gentleman can not take an isolated case and make a whole drove of crows out of it. [Laughter.]

Mr. MONDELL. That is what the other gentlemen are doing.

Mr. SISSON. I am not doing it. You can not take up one case and make it apply to all the boys. You can not make a snow man and knock him down, and then say that because he enlisted it makes the whole system good. On the contrary, the mother and father, when the boy insists, make up their minds to consent to his going; but it is to be regretted that a boy should enlist when he has had a little discipline applied to him or when something is said to him that he does not like, knowing there is one place where the home does not control, but where the arm of the Government is thrown over him to control him, doing away with the home influence.

I have no objection, if the boy's mother and father want him to have military training, to his going into the military service at 14 years or 15 years, if the Army is willing to accept him. I think the responsibility for the boy is on the mother and father until the boy reaches legal age, and I am somewhat surprised that Members of Congress should be willing to change that responsibility, as it were, and let the boy be taken from the parental roof by the Army or Navy. No; let them have the consent of the mother and father. Do not teach the boy, through the great instrumentality of the Government of the United States, to fail to respect parental authority. There is but one of the Ten Commandments with a promise attached to it, and that is the commandment, "Honor thy father and thy mother, that thy days may be long in the land which the Lord thy God giveth thee." I do not want the great Government of the United States, representing over 100,000,000 people, to come here and violate that commandment, and say to the boys, "You need not respect the wishes of your father and your mother; come on, and the United States Government will take you in, the protest of your mother and father to the contrary notwithstanding."

I can not do that. Let us observe the commandment. Let us honor mother and father. Let us honor our mothers and our fathers by honoring these mothers and fathers of the boys of America. Let us do the right thing; and if we do the right thing, though the heavens fall, this Government will prevail just as long as we are doing the right thing. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2703) to allow the printing and publishing of illustrations of foreign postage and revenue stamps from defaced plates, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DILLINGHAM, Mr. CUMMINS, and Mr. SHIELDS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House to bills of the following titles:

S. 3350. An act for the relief of Alice M. Gorman.

S. 3690. An act for the relief of Lowe Hayden Bibby.

S. 3808. An act authorizing the Secretary of the Interior to investigate the feasibility of reclamation projects on the Columbia River and various other irrigation projects.

S. 4187. An act to extend the time for payment of charges due on reclamation projects, and for other purposes.

S. 4358. An act 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.

S. 4411. An act 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.

S. 4468. An act 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.

S. 1829. An act for the relief of Walter Runke.

S. 851. An act 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.

S. 3083. An act authorizing the Baltimore & Ohio Railroad Co. to construct an elevated railroad siding adjacent to its tracks in the city of Washington.

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. 2598. An act for the relief of Franklin Gum; to the Committee on Military Affairs.

S. 2002. An act for the relief of Charles D. Shay; to the Committee on Claims.

S. 930. An act for the relief of Thomas J. Temple; to the Committee on Military Affairs.

S. 3942. An act for the relief of John H. McAtee; to the Committee on Military Affairs.

S. 3849. An act for the relief of Robert J. Kirk; to the Committee on Claims.

S. 3742. An act for the relief of John H. Fesenmeyer, alias John Wills; to the Committee on Military Affairs.

S. 2921. An act to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

S. 4167. An act 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; to the Committee on Reform in the Civil Service.

ENROLLED BILLS SIGNED.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 13128. An act authorizing an appropriation for the construction of a road within the Fort Apache Indian Reservation, Ariz.; and

H. R. 13481. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. J. Res. 279. 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 in New Orleans, La., on April 11, 12, and 13, 1923;

S. 1066. An act 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;

S. 3332. An act 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;

S. 3103. An act to amend section 2294, United States Revised Statutes, relating to homesteads;

S. 3593. An act to authorize an exchange of lands with owners of private land holdings within the Glacier National Park; and

S. 4036. An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RICKETTS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolutions:

H. R. 369. An act for the relief of the owner of Old Dominion Pier A;

H. R. 7583. An act for the relief of Henry Peters;

H. R. 10529. An act for the relief of Harry E. Fiske;

H. R. 13351. An act authorizing the Secretary of the Navy, in his discretion, to deliver to the Daughters of the American Revolution of the State of South Carolina the silver service which was used upon the battleship *South Carolina;*

H. R. 13926. An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes;

H. J. Res. 418. A joint resolution authorizing the use of public parks, reservations, and other public spaces in the District of Columbia, and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes; and

H. J. Res. 440. A joint resolution to satisfy the award rendered against the United States by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway.

DESIGNATION OF SPEAKER PRO TEMPORE.

The SPEAKER. The Chair will designate Mr. HICKS, of New York, to preside this evening.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LAMPERT, indefinitely, on account of deaths in his family.

To Mr. MONTAGUE, for the 22d day of February, 1923, on account of an engagement to perform an important semipublic duty.

To Mr. CROWTHER (at the request of Mr. SNYDER), for an indefinite period, on account of illness.

To Mr. TUCKER, for the day, on account of illness.

EXTENSION OF REMARKS.

Mr. NEWTON of Minnesota. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the conference report on the Army bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

RECESS.

Mr. MONDELL. Mr. Speaker, I move that the House stand in recess until 8 o'clock.

The SPEAKER. The gentleman from Wyoming moves that the House now stand in recess until 8 o'clock. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 5 o'clock and 20 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, with Mr. HICKS in the chair as Speaker pro tempore.

ORDER OF BUSINESS.

Mr. STAFFORD. Mr. Speaker, I move that the House proceed to the consideration of unobjected-to bills on the Private Calendar, beginning where we left off last night.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House proceed to the consideration of unobjected-to bills on the Private Calendar, beginning at the point where we left off last night.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the first bill.

SCHOONER "T. K. BENTLEY."

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent that we refer back to Calendar No. 365, which is H. R. 12315. This is a bill in which I have a particular interest, and is the only one on this calendar that I had before my own committee.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that we take up for consideration H. R. 12315. Is there objection?

Mr. BLANTON. May we have it reported so that we may know what it is?

The SPEAKER pro tempore. 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 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 United States steamship *North Dakota* on January 8, 1922.

Mr. BLANTON. That was a bill that was objected to last night.

Mr. STAFFORD. Will the gentleman withhold his objection? Reserving the right to object, if the gentleman will permit me to refresh his recollection, the gentleman from Texas objected to it and then I called his attention to the fact that if it had been for less than $3,000 the department could have settled it.

Mr. BLANTON. Yes; I remember.

Mr. STAFFORD. And then, further, another Member from Texas objected, and then later attempted to withdraw his objection.

Mr. BLANTON. I remember. In that connection also there was another bill that I objected to under a misapprehension. I have had more time to investigate it to-day, and I want to withdraw my objection. That was the dredging company bill in which the gentleman from North Carolina [Mr. BULWINKLE] was interested.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

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

Mr. BLANTON. Mr. Speaker, under a misapprehension of the facts, I objected to a bill reported by the gentleman from Pennsylvania [Mr. EDMONDS]. I withdraw my objection and ask that he be allowed to take it up now.

Mr. BANKHEAD. A point of order, Mr. Speaker. Of course, that can be done by unanimous consent to return to it, but it can not be done otherwise.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania [Mr. EDMONDS] ask unanimous consent to return to it?

Mr. EDMONDS. I do.

Mr. STAFFORD. Regular order, Mr. Speaker. We will probably reach the bill before the end of the session.

The SPEAKER pro tempore. The gentleman from Wisconsin demands the regular order. The Clerk will report the next bill.

CAMP BENNING, GA.

The next business on the Private Calendar was the bill (S. 2853) for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp Benning, Ga.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I ask that the bill be reported, Mr. Speaker.

The Clerk began the reading of the bill.

Mr. BLANTON. Mr. Speaker, I remember that bill. I object.

Mr. WRIGHT. Will the gentleman reserve his objection?

Mr. BLANTON. If the gentleman desires to make a statement I will reserve my objection.

Mr. STAFFORD. We want to make headway with the calendar. If the gentleman is going to object——

Mr. BLANTON. I am going to object.

The SPEAKER pro tempore. The gentleman from Texas objects. The Clerk will report the next bill.

G. DARE HOPKINS.

The next business on the Private Calendar was the bill S. 3351 for the relief of G. Dare Hopkins.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Will the gentleman make some explanation of the bill before it gets by the objectionable stage?

Mr. EDMONDS. Mr. Speaker, this is another casualty in connection with the accident at the Aberdeen grounds. There were two persons injured. We passed one bill last night for the young lady. We have reduced this amount down to the minimum sum, including damages to the automobile.

Mr. STAFFORD. May we have the assurance of the gentleman that if this bill goes through this amount will be insisted on in conference?

Mr. EDMONDS. You surely may.

Mr. STAFFORD. I withdraw my reservation.

The SPEAKER pro tempore. 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 G. Dare Hopkins the sum of $5,000 for injuries received when his automobile 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 "$5,000" and insert in lieu thereof "$2,500 in full settlement against the Government."

The SPEAKER pro tempore. The question is on the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

DAVID B. LANDIS, DECEASED, ET AL.

The next business on the Private Calendar was the bill (S. 1599) for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased.

The Clerk read the title of the bill.

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

Mr. BLANTON. I ask that the bill be reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of David B. Landis, deceased, late of Lancaster, Pa., the sum of $11,112.22, and to the estate of Jacob F. Sheaffer, deceased, late of Lancaster, Pa., the sum of $34,055, being the amounts found due said estates by the Court of Claims under the act of Congress approved March 3, 1887, commonly called the Tucker Act, for taxes and penalties collected on distilled spirits that had been destroyed by fire.

With the following committee amendment:

Page 1, line 4, after the word "pay," insert "out of any money in the Treasury not otherwise appropriated."

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

ISAIAH STEPHENS.

The next business on the Private Calendar was the bill (S. 937) to reimburse Isaiah Stephens, postmaster of McMechen, Marshall County, W. Va., for money and postage stamps stolen.

The Clerk read the title to the bill.

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

Mr. BLANTON. Reserving the right to object, I would like to ask the gentleman a question. I would like to ask if the requirements that are made mandatory by the Postmaster General in regard to locks and safes were complied with?

Mr. EDMONDS. The man had a fireproof safe, but not a burglar-proof safe. It was a small safe in the post office.

Mr. BLANTON. Why did the Postmaster General turn the claim down?

Mr. EDMONDS. Because under the law he could not pay it. We have paid quite a number of such claims. Here is the proposition: No matter whether the man had a safe that met the requirements of the Post Office Department or not, these people would have gotten through anyhow. We pay such claims. If a man on account of inefficiency or lack of knowledge has not a safe that is anyway right, and left it so that anybody could go in and open it we do not pay the damages. But in this case, as a matter of fact, he had a safe, and these people would have got it anyhow.

Mr. BLANTON. The Postmaster General has prescribed reasonable regulations that there shall be a combination lock and safe, and that whenever the party leaves the office with valuables the combination shall be turned on. In cases where the safe has been blown, if there is no question about it, the Government ought to be held liable. But where the party has been negligent in failing to comply with the reasonable regulations I think we ought to quit paying the claims.

Mr. EDMONDS. Let me read from the report. This may enlighten the gentleman:

The evidence in the case shows that about 1.30 or 2 a. m. on November 12, 1910, burglars effected an entrance to the post office at McMechen, W. Va., by boring holes in the rear door of sufficient size to admit a man's arm reaching through the hole and unlocking the door. They then broke open the safe, which was fireproof but not burglar proof, by drilling holes in the door around the combination lock and damaging the tumblers with a punch and hammer, the safe door being opened without the use of explosives.

No matter what kind of a safe he had had, these men would have got it.

Mr. BLANTON. What was the amount stolen?

Mr. EDMONDS. Two thousand dollars. We have paid similar bills to this.

Mr. BLANTON. There was no question about the integrity of the loss—it could not have been a frame-up?

Mr. EDMONDS. Oh, no; I think this man is entitled to consideration.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Isaiah Stephens, postmaster at McMechen, Marshall County, W. Va., out of any money in the Treasury not otherwise appropriated, the sum of $2,070.58, the same to be in payment of certain money and postage stamps taken from the post office at McMechen, Marshall County, W. Va., November 12, 1910, by unknown persons.

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

FRANCIS L. FLANDERS.

The next business on the Private Calendar was the bill (S. 163) for the relief of Francis L. Flanders.

The Clerk read the title to the bill.

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

Mr. MILLER. Let us have the bill reported.

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 Francis L. Flanders, out of any money in the Treasury not otherwise appropriated, the sum of $2,000, being the amount paid by Francis L. Flanders in satisfaction of the bond in cause No. 226 in the District Court of the United States for the Western District of Missouri, entitled "United States v. John Blaney and Francis L. Flanders," for the reason that said sum of $2,000 was paid by said Francis L. Flanders under order of the district court of the United States above mentioned for the nonappearance of said defendant, who was afterwards apprehended by the officers of the United States through the efforts of Francis L. Flanders and subsequently convicted and sentenced.

The SPEAKER pro tempore. Is there objection?

Mr. MILLER. I object.

Mr. STAFFORD. Will the gentleman withhold his objection?

Mr. MILLER. No. I will not withhold my objection to a bill of that character.

ALICE LOEBER.

The next business on the Private Calendar was the bill (H. R. 12584) for the relief of Alice Loeber.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Let us have the bill reported.

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, the sum of $10,000 to Alice Loeber, of St. Helena, Calif., on account of the death of her daughter, Grova Loeber, who was killed June 29, 1922, in Stanislaus National Forest, Calif., by a falling tree stump or snag, which had been dislodged by blast set off by employees of the Forest Service who were reconstructing the road upon which she was traveling.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, has there been any amendment to reduce the amount?

Mr. CURRY. To $2,500.

Mr. EDMONDS. It will be reduced by amendment to $2,500.

Mr. BLANTON. But the amendment may not be agreed to in the Senate.

Mr. EDMONDS. We will stand by the amendment made by the House or the bill will not pass.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the committee amendment, as follows:

In line 5, strike out the figures "$10,000" and insert in lieu thereof "$2,500."

The committee amendment was agreed to.

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

A. L. GRAMLING.

The next business on the Private Calendar was the bill (S. 3256) for the relief of A. L. Gramling.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 to A. L. Gramling, out of any money in the Treasury not otherwise appropriated, the sum of $218.13 as compensation for expenses incurred by him while employed by the Bureau of Internal Revenue, district of Florida, during the months of July and August, 1921.

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

HILLSBORO DREDGING CO.

The next business on the Private Calendar was the bill (S. 3171) for the relief of the trustee of the estate of Hillsboro Dredging Co., a corporation, bankrupt.

The SPEAKER pro tempore. 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 there be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $4,593.74, for the relief of the trustee of the estate of Hillsboro Dredging Co., a corporation, bankrupt, for extra dredging and blasting in the improvement of the channel from Clearwater Harbor through Boca Ceiga Bay to Tampa Bay, Fla., the same having accrued to the benefit of and having been made necessary by acts of the Government.

Mr. BLANTON. Mr. Speaker, I reserve a point of order on the bill. Why has the committee violated clause 5 of Rule XXI in this bill by making a direct appropriation?

Mr. EDMONDS. Because our committee has the right to do that. It was decided last year, and it has been so decided right along, that our committee has the right to make an appropriation. Every one of these bills is an appropriation. The gentleman will remember the point of order raised in the House, which was decided by the gentleman from Kansas [Mr. CAMPBELL] then occupying chair.

Mr. BLANTON. Then there is left one committee, to wit, the Committee on Claims, and that is the only committee of the House that has not had its power taken away from it?

Mr. EDMONDS. Oh, no; the War Claims Committee and the Public Lands Committee also, I think, have the same right.

The SPEAKER pro tempore. 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.

STEAMSHIP "ESPERANZA."

The next business on the Private Calendar was the bill (S. 419) for the relief of the owners of the steamship *Esperanza*.

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

Mr. BLANTON. Mr. Chairman, let the bill be reported.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the New York and Cuba Mail Steamship Co., owner of the American steamship *Esperanza*, *v.* The United States for damages alleged to have been caused by collision between said vessel and the United States destroyer *Connor* on the 15th day of February, 1918, off Barnegat Light, New Jersey, may be sued for by the owner of the said American steamship *Esperanza* in the United States District Court for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owner of the said American steamship *Esperanza*, or against the owner of the said American steamship *Esperanza* 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 SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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

LONG ISLAND RAILROAD CO.

The next business on the Private Calendar was the bill (S. 420) for the relief of the Long Island Railroad Co.

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 chairman of the committee why this claim can not be passed upon under the general authority of the Navy Department to adjust claims up to the amount of $3,000?

Mr. EDMONDS. I think I can explain to the gentleman.

Mr. STAFFORD. The injury is the result of the action of a naval vessel.

Mr. EDMONDS. The Long Island Railroad Co. made a claim against the department in the sum of $1,825, reported Mr. Coontz, Acting Secretary, but in view of the fact that the amount of its claim was far in excess of the estimate made by the naval authority, responsibility was denied to the extent claimed. He further adds that it is believed, however, that the claimant is entitled to have his claim passed upon by a court of law, and it is therefore respectfully recommended that the bill receive favorable consideration.

Mr. STAFFORD. Is it the policy of the committee that whenever the Navy Department refuses to pay a claim to the extent the claimant thinks is owing that we will have to pass special legislation to have the claims passed on by the court?

Mr. EDMONDS. I think this is the first case that we have had of the kind. We believe that a man is entitled to go to court and have his dispute settled. If there is a dispute between two parties, there must be some place where they can go to have it decided.

Mr. STAFFORD. In some of these cases the Navy Department is firmly of the opinion that their vessel is not at fault, but that the other colliding vessel is at fault. Under the rules of admiralty the Government would be obliged to pay the loss, even though the Navy Department was not at fault, provided that loss was greater, as was sustained by the claimant, than the loss sustained by the Navy Department. Why should we do those things?

Mr. EDMONDS. I do not quite catch what the gentleman is trying to say, but as I understand the matter he is trying to say this——

Mr. STAFFORD. I will either have the reporter read what I said or say it again myself to see whether I am at fault or not. It is pretty early in the evening, and I do not think that I am at fault so early in the evening.

Mr. EDMONDS. The gentleman said that he thought the Navy Department had a right in dispute to say whether the other claimant had a right to go to court. Is that it?

Mr. STAFFORD. Oh, no. As I understand the rule of damages in admiralty cases where both are at fault, the one who suffers the greatest damage is entitled to a claim against the other party.

Mr. EDMONDS. I never heard that rule.

Mr. STAFFORD. I want to say that one of the most eminent lawyers in Philadelphia, and, of course, the gentleman will yield to the opinion of a Philadelphia lawyer, and an admiralty lawyer at that, stated that to me only within a week.

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

Mr. EDMONDS. Yes.

Mr. BLANTON. The situation is that when the gentleman from Pennsylvania [Mr. EDMONDS] and the gentleman from New York [Mr. SNELL] got their general bill through here conferring power and jurisdiction upon the department to settle these claims under $3,000, it was the position of the gentleman that he wanted to get rid of these claims, that he did not want to be bothered with them any more, and yet the very first one that the Secretary of the Navy turns down, they come back to the gentleman's committee and they get action.

Mr. EDMONDS. Oh, no.

Mr. BLANTON. And the gentleman brings in a favorable report on a bill which the Navy could settle at a smaller amount.

Mr. EDMONDS. The gentleman's statement is not correct. The Navy Department did not turn him down.

Mr. BLANTON. They turned him down in so far as the amount of his claim is concerned; they wanted to pay him a less amount.

Mr. EDMONDS. And now they state they think he has a right to go into court.

Mr. BLANTON. And they determine what they themselves should pay.

Mr. EDMONDS. Does the gentleman agree that the Navy Department is infallible and never makes a mistake?

Mr. BLANTON. I think in this one instance probably the Navy Department was correct, because they reached the conclusion that the whole claim was not just.

Mr. EDMONDS. Do you think they were correct in the Moses case?

Mr. BLANTON. I think it should go back to the Navy Department, and I object.

The SPEAKER pro tempore. Objection is heard.

RELIEF OF PERSONS SUFFERING DAMAGE BY CONDEMNATION OF LAND FOR CAMP BENNING, GA.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to return to Calendar No. 377.

The SPEAKER pro tempore. Is there objection? (After a pause.) The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 2853) for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp Benning, Ga.

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

Mr. MILLER. Let us have the bill reported.

The Clerk read as follows:

A bill (S. 2853) for the relief of persons suffering damage by reason of proceedings for the condemnation of land for Camp Benning, Ga.

Mr. MILLER. I would like to have some explanation.

Mr. BLANTON. The gentleman wants the bill reported.

The SPEAKER pro tempore. Does the gentleman desire to have the bill reported?

Mr. MILLER. Yes.

The Clerk read as follows:

Be it enacted, etc., That the sum of $49,901, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated. The Secretary of the Treasury is hereby directed to pay out the same to such persons as the Secretary of War may designate, who were damaged by circumstances arising out of proceeding for the condemnation of certain lands near Camp Benning, Ga., and in such amounts as the Secretary of War may determine, including claims of John T. Davis and the W. C. Bradley Co. for losses suffered by reason of inability of these parties to remove their improvements from lands transferred by deed to the United States, although expressly granted such right of removal by the prior contracts of sale.

The SPEAKER pro tempore. Is there objection?

Mr. MILLER. Reserving the right to object, I would like to have some explanation of this bill, because there are a myriad of these land cases throughout the country. If this is passed, there are a myriad to come.

Mr. WRIGHT. Mr. Speaker, during the war it was found very desirable to establish an Infantry training school, principally in the use of small arms. A territory was selected near Columbus, Ga., in the early fall of 1918, and an emergency officer with others located the site. The original site of the school was just out of the city of Columbus, Ga. Under the blanket condemnation proceedings which were used during the war a proceeding was filed to condemn 115,000 acres of land for this school. Later it was determined that the school could get along with about 98,000 acres of this land, and consequently 17,000 acres were cut out. This was 10 or 12 months after condemnation proceedings had been entered and served. These 17,000 acres subsequently cut out was land on which the original site of the school was fixed. During the time the school functioned there on that 17,000 acres rifle ranges were established over it, and some houses were shot into, and the emergency officer there notified the people in that area to get off their lands; and as a result many moved and left their crops and others were in suspense the following spring, and did not know whether to plant a crop or not, and they suffered a loss. This whole matter was referred to a board of officers at Camp Benning, Ga. They made a finding and report to the War Department, and it was reviewed by the Appraisal Board, Claims Division, of the War Department, and these amounts are the result of the final finding. Of course, the War Department held it had no funds available to pay these claims, although they recognized——

Mr. MILLER. Whose property was destroyed?

Mr. WRIGHT. Quite a number of people.

Mr. MILLER. What kind and character of people?

Mr. WRIGHT. They had crops on the little farms there and they were ordered off, and they went off and left their crops, and in many instances trees were damaged by shot and houses damaged, and it simply put those people in a state of utter consternation. They did not know what to do. I think if my friend will investigate these he will see they are different claims from what he has in mind.

Mr. MILLER. Mr. Speaker, I have a number of claims in mind similar to these. During the war unfortunately officers went out and proceeded to commandeer great tracts of land and proceeded to condemn them. In many instances the officers were unreasonable, in my judgment, in evicting people. In other instances claims are put in for absolutely unreasonable amounts, absolutely unreasonable. Now, whether these claims are of that class or not, I do not know.

Mr. WRIGHT. I will tell the gentleman these are good clean claims.

Mr. MILLER. I am against claims of this character. I am perfectly willing if any proceeding can be outlined by the gentleman where the claimants can have recourse in any way through the Court of Claims, if possible, or in any other way where there can be a report——

Mr. WRIGHT. I do not think that would be possible, and while I do not know the exact number of these claimants, they are principally small farmers, and perhaps there are 50 involved in this finding, and for each one to be relegated to the Court of Claims, of course, would be an unjust matter——

Mr. MILLER. If they are filed for grain or anything else destroyed, of course it is at the maximum value whether there is anything of value or not.

Mr. WRIGHT. These officers, and the appraisal board trimmed it down very closely.

Mr. MILLER. I will not object to these claims, but I want to serve notice that I am going to object to any claims of this character coming after it.

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

The SPEAKER pro tempore. The Clerk will report the next one.

OWNERS OF THE STEAMSHIP "LEXINGTON."

The next business on the Private Calendar was the bill (S. 421) for the relief of the owners of the steamship *Lexington*.

The title of the bill was read.

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

Mr. BLANTON. Let it be reported, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That the claim of Colonial Navigation Co., owner of the American steamship *Lexington*, against the United States for damages alleged to have been caused by collision between said vessel and the United States submarine O–7 on the 6th day of October, 1919, in the East River, New York, near Horns Hook, may be sued for by the owner of the said American steamship *Lexington* in the United States District Court for the Southern District of New York, sitting as a court of admiralty, and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter 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 American steamship *Lexington*, or against the owner of the said American steamship *Lexington* 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 SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I notice in the report of the Acting Secretary of the Navy, the Hon. Theodore Roosevelt, that the claim of the owners of this steamship is $75,000, which includes $42,000 for 28 days' demurrage at $1,500 per day. The Navy Department recognizes that the submarine was at fault by reason of defective steering tiller, but it recognizes that they are obligated to pay only $11,191.68. Now, why should we submit this case to the United States district court sitting as a court of admiralty, where there is piled up a claim of $75,000, when the department excludes demurrage charges, and is willing to pay $11,191?

Mr. EDMONDS. Probably because the claimant will not accept the $11,191. A great number of these admiralty cases that

have arisen out of the war activities should be treated by the House in some kind of a general bill, in which a limitation is put on demurrages, or else demurrages are allowed. I am not an attorney, and I may make mistakes, but I know that in ordinary admiralty practice it is the custom to pay demurrage. If you send these cases to the district courts acting as admiralty courts, you are going to pay demurrage. Demurrage is possibly a proper claim, but there should be some limit to the amount of demurrage. In the courts in the past demurrage has been figured as the going value of the steamer. It is manifestly unfair to take advantage of a situation to collect the going value of the steamer. If we would treat these cases under a general bill, describing what should be the demurrage allowed, all of these bills would not come to the Committee on Claims. But we have no other place to pay them to-day. We have no other way to act upon them.

If we bring them into the House we have got to take them up and bring them in for a certain sum, or we have got to send them to a district court. Wherever the sum is not disputed we have brought in a bill with that sum in it. Where the amount is disputed we send it to the admiralty court. When it is sent to the admiralty court demurrage is paid beyond question.

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

Mr. EDMONDS. Surely.

Mr. STAFFORD. In all the cases reported from the gentleman's committee where the amount of the allowance is fixed, is there any instance where the committee has recommended an allowance for demurrage?

Mr. EDMONDS. I will not say that as to the past, but in the past few years we have cut demurrage out.

Mr. STAFFORD. Speaking of modern times, not ancient?

Mr. EDMONDS. Yes.

Mr. STAFFORD. Is it ever the policy of Congress to allow the claimant interest on the amount of damages incurred by reason of the deprivation of their property?

Mr. EDMONDS. The committee does not allow for that.

Mr. STAFFORD. We have adopted a fixed policy, so far as Congress is concerned, of not allowing demurrage in case of collisions. If this firm wants to receive relief, let them accept the amount fixed by the committee for the guidance of the Navy Department. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

CHARLES R. O'LEARY.

The next business on the Private Calendar was the bill (H. R. 10280) for the relief of Pay Inspector Charles R. O'Leary, United States Navy.

The title of the bill was read.

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

Mr. MILLER. I object.

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

JOHN H. LANG.

The next business on the Private Calendar was the bill (H. R. 10774) for the relief of John H. Lang.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

Mr. BLANTON. I object.

Mr. APPLEBY. Mr. Speaker, I hope that the gentleman from Texas will withhold his objection.

The SPEAKER pro tempore. Does the gentleman from Texas withhold?

Mr. BLANTON. I will withhold.

Mr. APPLEBY. Mr. Speaker, this is the case of a boy who enlisted in the Navy, and served two and one-half years, and was discharged for personal disability. The Navy Department refused to give him a certificate to the effect that he was disabled. We have presented to the Naval Committee a clear case from the doctors who knew the boy before he went into the Navy, and also affidavits as to his condition after he came out. I personally met this man last summer and I am fully satisfied that he is entitled to a pension. It has been done in a number of similar cases, so that he can get a pension. The man can not earn a dollar, on account of the injury received in the service of this country. I have affidavits here from Janeway & Carpenter, the leading wall-paper manufacturers of New Brunswick, as well as a great many reliable people in my district.

All that we ask is that this naval boy be allowed to receive a pension. We went before the Naval Committee and presented this case, and they reported favorably upon it, and it seems to me the bill should not be objected to.

Mr. STAFFORD. Mr. Speaker, as warrant for the objection I raised a moment ago, I wish to call attention to the report of the Navy Department, which shows that the disability of this claimant was either by reason of his own misconduct in the service or that he had this trouble prior to his enlistment. I have read all the affidavits that the gentleman refers to, and they do not controvert the fact that he had neurasthenia prior to his entering into the service or that his disability was due to his own misconduct. I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next one.

CHARLES L. M'CULLEY.

The next business on the Private Calendar was the bill (H. R. 1263) for the relief of Charles L. McCulley.

The Clerk read the title of the bill.

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

Mr. BLANTON. Let it be reported.

The SPEAKER pro tempore. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to place the name of Charles L. McCulley, also known as Charles L. McCullough, late of the United States Navy, on the muster rolls of the Navy Department and grant him an honorable discharge, thereby giving him the right of membership in a soldiers' home.

With the following amendment:

Insert at the end of the bill the following:

Provided, That no back pay, allowances, or other emoluments shall be held to have accrued prior to the passage of this act.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, I should like to ask the gentleman from California [Mr. CURRY] what is the necessity for this action?

Mr. CURRY. The necessity for this action is the refusal——

Mr. BLANTON. Is this the gentleman's bill?

Mr. CURRY. Yes.

Mr. BUTLER. Mr. Speaker, we all considered that this was an act of mercy, and the bill is all right, to permit a poor old man to go to the soldiers' home.

Mr. BLANTON. Is this a case of desertion?

Mr. BUTLER. No.

Mr. KRAUS. I think it is a case of a lost record.

Mr. BLANTON. Why was an honorable discharge refused this man?

Mr. CURRY. He received an honorable discharge from the Navy. He was a young man, and he lost his discharge. He was in the Navy under the name of McCullough, and the Navy Department refused to give him a certificate in lieu of the lost discharge. The only way that he can enter a soldiers' home is by the passage of this bill.

Mr. BLANTON. The point that struck me as being peculiar was that he served under another name.

Mr. CURRY. This is the same man who served in the Navy. I introduced this bill. I did not know the man when I introduced the bill.

At that time he was living in Napa County, in my district, and Colonel Holderman, who was a congressional medal of honor man in the late war, was the commandant at the home. He looked into this matter, and he said the man was entitled to an honorable discharge and asked me to introduce the bill. I received a letter from Gen. Samuel W. Backus, the president of the board of managers of the home and who served brilliantly during the Civil War, and he asked me to introduce the bill. I also received a letter from Capt. Hugh Burke, who was and is a member of the board of managers of the home. He told me that he knew this man when he was in the Navy and that he was entitled to an honorable discharge.

Mr. BLANTON. This was service during the Civil War?

Mr. CURRY. During the Civil War. The man is 83 years old, and he wants to have the right to go to a soldiers' home.

Mr. BLANTON. What explanation does he offer for having served under an alias?

Mr. CURRY. The reason he served under a different name was because he ran away from home and did not want his people to know that he entered the service.

Mr. BLANTON. He was known for a while as McCulley and later as McCullough?

Mr. BUTLER. That was what bothered us, and that was the point on which we required proof, and they finally satisfied us that he was the same man. He is a poor, miserable old sailor, 83 years old, who will be entitled to go to the home if we pass this bill.

Mr. BLANTON. The great trouble with my friend from Pennsylvania [Mr. BUTLER] is that he has such a warm, kind heart for any man 83 or 84 years old who may have served 50 years ago——

Mr. BUTLER. I will say to my friend that when I am 83 I will come to him and he will have the same feeling for me.

Mr. CURRY. I have served in this House 10 years. I have a soldiers' home in my district, in which there are 3,500 members. There are three or four thousand old soldiers in my district besides that. I have refused to introduce at least 50 bills of this kind.

Mr. BLANTON. I shall not object.

Mr. CURRY. I have introduced only five such bills, and each one of those I knew to be all right.

The SPEAKER pro tempore. The question is on 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, and was accordingly read the third time and passed.

W. B. MOSES & SONS ET AL.

Mr. DEAL. Mr. Chairman, I ask unanimous consent to return to Calendar No. 320.

The SPEAKER pro tempore. The gentleman from Virginia asks unanimous consent that we return to Calendar No. 320. Is there objection?

Mr. STAFFORD. Reserving the right to object——

Mr. BLANTON. Is that the Moses bill?

Mr. DEAL. Yes.

Mr. BLANTON. I object.

Mr. DEAL. I ask the gentleman to withhold his objection until I can make a statement.

The SPEAKER pro tempore. Does the gentleman withhold his objection?

Mr. BLANTON. There are four or five of us who will not let this bill pass, but I will reserve my objection if the gentleman wishes to make a statement.

Mr. DEAL. I should like to make a statement.

Mr. BLANTON. I withhold the objection.

Mr. STAFFORD. I withhold my reservation, so that the gentleman may speak for five minutes.

Mr. DEAL. Mr. Chairman, in 1920 the supply officer of the Navy Department asked for bids for certain furniture that was needed or supposed to be needed by the Navy Department. Bids were submitted and the awards were made to the lowest bidder. The supply officer failed, however, to comply literally with the law. I believe he submitted a written order, but neglected to have the merchants sign the order. They, however, supplied the goods. The Government got the goods. The Government has been using these goods for more than three years. The Navy Department, discovering the technicality, refused to pay the bill, but the Assistant Secretary of the Navy has requested the chairman of the Claims Committee to report a bill for the payment of these claims.

The chairman has reported such a bill from the committee with the recommendation that it pass. Now objection has been made to the passage of this bill on the ground that the Navy Department had indulged in an unusual extravagance; that the parties selling the goods had asked too much money for them and had not complied literally with the law in respect to these matters. I submit that this bill ought to be paid. How can we expect merchants to sell to the Federal Government goods at prices such as they sell to you and me if they are to be kept out of their money indefinitely and perhaps absolutely? The gentleman from Texas says that he shall always object to the bill; that they ought to lose the goods because they did not comply with the law by signing the contract——

Mr. BLANTON. Oh, no; that was not my reason. I have a better reason than that.

Mr. DEAL. The Government got the goods and they have not paid for them.

Mr. BLANTON. Let me state my reason. When there is an authorization to a representativ of this Government to buy goods of merchants, it has done so under a law. The merchant, if he has any sense, will look at the law, and he will find out what the purpose of the purchase is. Here is a case where the naval officer went down and bought 10 fine mahogany chiffoniers at $200 apiece; he bought 10 fine chiffonettes at $200 apiece; he bought fine chairs——

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

JOHN L. LIVINGSTON.

The next business on the Private Calendar was the bill H. R. 9376, for the relief of John L. Livingston.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to ask whether a naval reservist who is seeking a place on the retired list by reason of injury received in the service is not entitled to a pension?

Mr. VAILE. I am informed by the chairman of the Committee on Naval Affairs that he is not entitled to a pension. I do not know myself how it is. He was injured 11 days after the passage of the resolution declaring the state of war between the United States and Germany at an end. This man had been wounded in action. He had recovered well enough to fight after that. If the injury from which he is now suffering had been received 11 days earlier, he would be retired under the general provisions of the law at three-quarters pay.

Mr. STAFFORD. I would like to ask some member of the Naval Affairs Committee whether a member of the Naval Reserve injured in actual service is not entitled to a pension?

Mr. BUTLER. I want to say that I misled my friend, and did not intend to do it. I thought it was another case; I thought it was another cadet at Annapolis. It turns out that this is a member of the Reserve Corps injured 11 days after the declaration of peace.

Mr. FIELDS. Has he received compensation from the Veterans' Bureau?

Mr. VAILE. He has not.

Mr. FIELDS. Why has he not?

Mr. VAILE. Because he was not entitled to it, because he was not injured during the period of the war; he was in the service, but the war was over.

Mr. MILLER. He was not injured by his own negligence?

Mr. VAILE. Certainly not. There must be something the matter here.

Mr. PARKER of New Jersey. Is not there a law, passed some time ago, under which members of the Naval Reserve are retired?

Mr. KRAUS. Let me state that Lieutenant Livingston would undoubtedly be entitled to compensation, not to a pension, but under the law he would prefer a larger sum which he would receive as a retired officer. As a matter of fact, if he had been in the regular Navy on the 14th of March he would be entitled to retirement, but on account of the peculiar limitations in the law it does not apply to men in the Naval Reserve, although he was on active duty doing precisely the same thing that an officer of the Navy was doing.

Mr. MILLER. And they want to get this man on the retired list of the Navy?

Mr. KRAUS. That would be the effect of this bill.

Mr. MILLER. We are trying to get something done with reference to the Army as an emergency law but Congress will not grant it to them. Here is a man not injured in battle.

Mr. VAILE. This man had been injured in battle.

Mr. MILLER. How badly?

Mr. VAILE. He is in the hospital and is now suffering from a broken back. I think the gentleman will see that in justice he can hardly refuse to put this man on the retired list. This man was twice decorated for gallantry in action by the Serbian Government, and he was decorated by France because he applied the Liberty motor to the seaplane. He served throughout the hottest part of all of our action in the air abroad. Eleven days after the declaration of peace, after the passage of our resolution, at Guantanamo, Cuba, while he was repairing the propeller of an airplane the motor was started by some one else and his back was broken. He is absolutely crippled for life. If that had happened 11 days before he would be in the same position as his friends who rendered no greater service, and not nearly as great in many cases, who are now getting three-quarters pay, but because he went into the Navy only for the purpose of fighting for his country and not for the purpose of making it a profession for life he is condemned to go through life hopeless and helpless with a broken back, and is remitted to such compensation as he can get through the War Risk Bureau.

Mr. MILLER. It is undoubtedly an appealing case, but the principle involved here——

Mr. VAILE. Does principle require keeping that man a cripple through life on a miserable pittance?

Mr. MILLER. He is not a cripple through life because of any principle that we are applying. We are trying to apply his crippled condition to some principle. There are many men who have been decorated for service, just as much as this man

has, and who have been injured probably just as badly. They are at Walter Reed Hospital, a lot of them. They are getting compensation simply. They would like to be put on the retired list, the same as this man would, but Congress will do nothing for them in that respect. We have men out there with both arms off, with both eyes out, and we can not get Congress to do anything for them, and why should we permit one by one others to come in here and get such relief?

Mr. VAILE. Is that a reason for denying justice?

Mr. MILLER. Yes; it is. I say we should treat them all alike.

Mr. FIELDS. Mr. Speaker, I would vote to give this man a pension, but I would not vote to put him on the retired list. I object.

JOSEPHINE H. BARIN.

The next business on the Private Calendar was the bill (H. R. 514), authorizing the payment of an amount equal to six months' pay to Josephine H. Barin.

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 whether or not at any time we have ever granted six months' pay to beneficiaries of persons who have died while a member of the Naval Reserve Force?

Mr. McARTHUR. The gentleman from Pennsylvania [Mr. BUTLER] can answer that better than I can.

Mr. BUTLER. Yes; while on active duty. Under the general law while on active duty they are entitled to it. There were extraordinary circumstances here which induced the committee to report this bill. The gentleman from Oregon [Mr. McARTHUR] is interested in it and introduced the bill.

Mr. STAFFORD. Let us have some further information about that. We do not want to establish a precedent here that is going to plague us in the future. We would not hestitate a moment to grant this mother six months' pay if circumstances warranted it.

Mr. BUTLER. I want to say to my friend from Wisconsin that I am not as familiar with all of the facts in the private bills as I should be.

Mr. STAFFORD. Oh, I was not directing that remark to the chairman of the committee; I was directing it to the author of the bill.

Mr. BUTLER. Therefore I hesitate to state positively anything that I am not sure about; but I know the general act was broad enough when men were on active duty, although reserve officers, and were destroyed while in active service, to entitle their widows or next of kin to this gratuity. How it is here I am unable to say.

Mr. McARTHUR. Mr. Speaker, this man was a reserve officer; and understanding that the naval appropriation bill which passed on June 4, 1920, only eight days before his death, provided six months' pay for the widow of deceased officers, he permitted his insurance to lapse. It is hardly possible that the details of an act of Congress could be known to an officer as far away as Santiago within eight days. This man permitted his insurance to lapse. He did not know the contents of the law.

Mr. STAFFORD. I suppose there would be some in this House who would even ask us to grant these people the insurance that a man permitted to lapse through inadvertence or design on his part. We have never passed such a bill as that. I want to direct the attention of gentlemen to the law and have some explanation made as to the interpretation of it. The law is to be found on page 2 of the report, and I read it:

That hereafter, immediately upon official notification of the death from wounds or disease, not the result of his own or her own misconduct, of any officer, enlisted man, or nurse on the active list of the regular Navy or regular Marine Corps, or on the retired list when on active duty, the Paymaster General of the Navy shall cause to be paid to the widow, and if there be no widow, to the child or children, and if there be no widow or child, to any other dependent relative of said officer, enlisted man, or nurse previously designated by him or her an amount equal to six months' pay at the rate received by such officer, enlisted man, or nurse at the date of his or her death. The Secretary of the Navy shall establish regulations requiring each officer and enlisted man or nurse having no wife or child to designate the proper dependent relative to whom this amount shall be paid in case of his or her death. Said amount shall be paid from funds appropriated for the "Pay of the Navy" and "Pay of the Marine Corps," respectively.

I wish to submit this question to the authority on naval matters, the distinguished chairman of the committee, whether a member of the Naval Reserve Force is on the retired list on active duty?

Mr. KRAUS. He is not.

Mr. STAFFORD. I do not think that we have ever recognized the principle of granting pay to naval reservists.

Mr. KRAUS. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. STAFFORD. Yes.

Mr. KRAUS. Let me make a brief statement on this subject generally. Prior to October 6, 1917, the law provided that a six months' gratuity pay be paid to the widow or to other dependent relatives of an enlisted man in the Navy. The authorities of the Navy Department, and, I believe, Congress itself did not intend to repeal that law, but the comptroller held that the war risk insurance act, which became effective October 6, 1917, repealed that law by implication. Then, subsequent to that and before March 3, 1921, the date when the resolution was passed declaring war at an end and therefore during the period while legally war was still continued, the Congress reenacted the gratuity law with some modifications, demonstrating thereby that it was not the intention of Congress to repeal the six months' gratuity law, and it is on that theory that the Committee on Naval Affairs in cases in which these facts have been presented to it have recommended favorably the allowance of this gratuity to the widow or next of kin.

Mr. STAFFORD. Let me put this question. Prior to the enactment of the compensation law which the comptroller held negatived the effect of the six months' gratuity, were dependent relatives of members of the Naval Reserve officers entitled to six months' gratuity?

Mr. KRAUS. I think not, but let me state to my friend that I believe he will be unable to find anybody in the Naval Reserve Force prior to that time who had seen active duty. I think Congress unintentionally made the limitation too restrictive in this law, looking upon the situation as if we were not at war, disregarding the fact that hundreds of men, while in the Naval Reserve Force, were in fact on active duty and they should have been protected.

Mr. STAFFORD. When a national guardsman goes to camp for summer training of 15 days and an accident occurs, to carry the logic of the bill out, the dependent parents would be entitled to six months' gratuity?

Mr. KRAUS. No. The Navy has precisely the same situation. My friend from Wisconsin misunderstands the fact that he was on active duty continuously. He was performing active duty in the Navy in training at the temporary training school. The situation is not the same. As a matter of fact this man, although he was not enlisted in the regular Navy, because the authorized enlisted strength was limited to 137,000 and we needed over three times that number, and therefore they enlisted in what is called the Naval Reserve and——

Mr. STAFFORD. How long was he on active duty prior to the accident?

Mr. KRAUS. Three years——

Mr. STAFFORD. Under that statement I guess I will withdraw the reservation of objection.

Mr. BLANTON. Mr. Speaker, reserving the right to object, when the war risk insurance act was passed, it stopped the pay of the six months' gratuity to the wife of an officer.

Mr. KRAUS. Let me say to my friend——

Mr. BLANTON. Just one minute. I want to recite what the facts are. Before the war risk insurance act went into effect this Government paid six months' gratuity to a widow.

Mr. KRAUS. Of an officer or an enlisted man, either one.

Mr. BLANTON. When the war risk insurance act was passed that stopped the pay. Then, June 4, 1920, Congress passed another act reestablishing this pay, and it again put this proviso excepting the Naval Reserve Force; and here is the provision, page 2 of the report:

That nothing in this section or in other existing legislation shall be construed as making the provisions of this section applicable to officers, enlisted men, or nurses of any forces of the Navy of the United States other than of the regular Navy and Marine Corps.

Now, if we are going to change the will of Congress with respect to one reserve officer, why has not the gentleman's committee brought in an act to take out this exception from the act of June 4, 1920, and make it applicable to the wives of all Naval Reserve officers?

Mr. KRAUS. I will say to my friend, for the reason that the number of cases is very small when you compare them with the great number of men in the service.

Mr. BLANTON. This is the third one we have had in the last two years.

Mr. KRAUS. I think there is one more on the calendar.

Mr. BLANTON. This is the third one.

Mr. KRAUS. As a matter of fact, the department has urged this committee to report general legislation. I know it is a good deal of bother for members of the committee, but we feel we had better bring each one of these cases by itself.

Mr. BLANTON. Does the gentleman think that this exception in the act of June 4, 1920, is an unwise one?

Mr. KRAUS. I think it is a bit narrow.

Mr. BLANTON. Why did not the gentleman's committee change it when we had the law up two years after the armistice and passed it?

Mr. KRAUS. I think it was referred to a good committee, but in my judgment the restriction is a bit narrow and it should have been limited to Naval Reserves when not on active duty, because when on active duty a number of these men served through the Great War.

Mr. BLANTON. If the gentleman expects to apply this to all of them, I have no objection in this case; but if he is going to make fish of some and fowl of others, I shall object.

Mr. KRAUS. I will say to my friend from Texas each case of this kind that has come before the committee, and before the special committee of which I happen to be chairman, has been investigated individually, and in each case where we find a valid claim that he would have received a gratuity if the law had continued through this period from October 6, 1917, to June 4, 1920, we recommended an allowance in that case.

Mr. BUTLER. And where we are satisfied as to the disability. That is something.

Mr. BLANTON. If that is going to be the policy of the committee, I shall not object.

Mr. KRAUS. I will only speak for the past two years.

The SPEAKER pro tempore. The objection is withdrawn. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Paymaster General of the Navy shall cause to be paid to Josephine H. Barin, mother of Lieut. Louis T. Barin, late of the United States Naval Reserve Force, who was killed in an airplane accident at San Diego, Calif., while on active duty on the 12th day of June, 1920, an amount equal to six months' pay at the rate received by that officer at the day of his death.

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 SPEAKER pro tempore. The Clerk will report the next bill.

GARNET A. SYLVESTER.

The next business on the Private Calendar was the bill (H. R. 7776) to correct the naval record of Garnet A. Sylvester.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I object.

Mr. KRAUS. Will the gentleman withhold a moment?

Mr. STAFFORD. I will for a couple of minutes. But we are not making rapid headway.

Mr. KRAUS. I am particularly interested in making this statement in the absence of the gentleman from Michigan [Mr. SCOTT], who reported this bill. I ask the membership of the House present here to view this case sympathetically.

Briefly, this man was a sailor during the World War. He was on the steamship *Terry* at Queenstown. He had a leave of absence to go and get his laundry, as the evidence shows, and when he returned to the place where the ship had been tied it was no longer in the same place. He tried to find the ship and made inquiries as to where it was located. He eventually found it, and within 15 hours returned himself. As the result of that accident the young man was tried and was summarily court-martialed. No penalty, by way of imprisonment, was imposed on him, but all his accumulated pay, $170, was taken from him, and a dishonorable discharge was given him.

Cases of that kind appeal to Members of the House, not for military justice, but for human justice.

Mr. STAFFORD. We are not five years removed from the armistice. This is the first case, to my knowledge, where you are attempting to remove the charge of desertion standing against one of the World War soldiers or sailors. Thirty-five years after the Civil War President Roosevelt said there would never be an instance where the charge of desertion would be removed from Civil War veterans. It is too recent for us to remove the charge of desertion from anyone who served in the World War. I might pick out 15 or 20 in my own district, meritorious cases. I do not think it is right to act on this case at this time.

Mr. KRAUS. Now is the time when the evidence is fresh at hand.

Mr. STAFFORD. I object.

Mr. BLANTON. Will the gentleman from Wisconsin withhold his objection for one minute?

Mr. STAFFORD. One minute.

Mr. BLANTON. This was a young boy from the woods in Michigan?

Mr. STAFFORD. Yes; 35 miles removed from a railroad.

Mr. BLANTON. Yes; 35 miles from the railroad. For that kind of a boy I have more sympathy than for a boy who comes from the city. He was ignorant. It is just as the gentleman from Indiana [Mr. KRAUS] stated. His ship moved, and he could not find it, and, like many other country boys, he was scared to death.

Mr. STAFFORD. There are other cases where there are mitigating circumstances.

Mr. BLANTON. This case ought to appeal to the big heart of the gentleman from Wisconsin.

Mr. STAFFORD. I object.

RESIGNATION OF A SPECIAL EMPLOYEE.

The SPEAKER pro tempore. Objection is made. The Chair submits the following letter, which the Clerk will report.

The Clerk read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 20, 1923.

Hon. FREDERICK H. GILLETT,
House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I hereby resign as special employee of the House of Representatives, to take effect as of this date.

Respectfully,

CLARENCE CANNON.

The SPEAKER pro tempore. The Clerk will report the next bill.

JAMES H. GORDON.

The next business on the Private Calendar was the bill (H. R. 4437) for the relief of James H. Gordon.

The title of the bill was read.

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

Mr. BLANTON. I ask that it be reported.

The SPEAKER pro tempore. The Clerk will report it.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws James H. Gordon, alias James H. Gillan, late of the United States Navy, and Company C, Twelfth Regiment New Hampshire Volunteer Infantry, shall be held to have been honorably discharged from the naval service of the United States.

With a committee amendment, as follows:

Add, after line 7, the following: *Provided*, That no back pension, bounty, or allowance shall be held to have accrued, become due or payable; nor shall any checkages or deductions be made against any pension, bounty, or allowance which he may hereafter receive by virtue of this act.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I reserve the right to object. If the gentleman from Wisconsin will permit me, I would like to ask him if he knows of any distinction between this case and the preceding one?

Mr. STAFFORD. Oh, yes. This is a man very old in years, who served in the Civil War.

Mr. BLANTON. And the other man was young in years?

Mr. STAFFORD. Yes; the other man was young in years, and we do not wish to set a precedent at this time.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. 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.

The SPEAKER pro tempore. The Clerk will report the next bill.

BLATTMANN & CO.

The next business on the Private Calendar was the bill (H. R. 13150) for the relief of Blattmann & Co.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

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

Mr. UPSHAW. Mr. Speaker, will the gentleman withhold?

Mr. BLANTON. Yes; I withhold for a moment.

Mr. UPSHAW. Is that the Blattmann case?

Mr. BLANTON. Yes. Does it amount to more than $500?

Mr. UPSHAW. It pertains to the honor of the country.

Mr. BLANTON. It amounts to $145,500. I object.

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

EDWARD F. DUNNE, JR.

The next business on the Private Calendar was the bill (H. R. 9631) for the relief of Edward F. Dunne, jr.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the sum of $1,028.97, or so much thereof as is necessary, is appropriated out of any money in the Treasury of the United States not otherwise appropriated, to enable the Secretary of Labor to reimburse Edward F. Dunne, jr., the principal and costs actually paid by him on the bond which he furnished in 1911 in the case of the Chinaman Toy Dip, after deducting from that sum the additional expense incurred by the United States incident to handling deportation proceedings the second time against said Chinaman and the additional expense of deporting him from Philadelphia instead of Chicago.

With a committee amendment, as follows:

Line 3, strike out "$1,028.97" and insert in lieu thereof "$880.09."

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

Mr. BLANTON. I reserve the right to object, Mr. Speaker.

Mr. DENISON. I make the point of order that that comes too late.

The SPEAKER pro tempore. No objection was made. The question is on 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, and was accordingly read the third time.

Mr. BLANTON. Mr. Speaker, I move to strike out the last word. I did not object at the time the bill was called up because I thought the gentleman from Washington [Mr. MILLER] was present.

Mr. MILLER. The gentleman from Washington is present.

Mr. BLANTON. I notice that the gentleman overlooked a bet on this bill, because it is identical——

Mr. MILLER. I was not aware that I had any bet up on this bill.

Mr. STAFFORD. The gentleman from Washington is not a betting man.

Mr. BLANTON. This is a case where one of these bondsmen made a bond for a Chinaman, and the case was pending, as I understand——

Mr. EDMONDS. The gentleman is wrong about this case. The other case was a criminal case. This is simply a deportation case, and the Chinaman has been sent back to China.

Mr. BLANTON. The matter was pending before Judge Landis.

Mr. EDMONDS. The gentleman from Washington [Mr. MILLER] is satisfied to let this case go through, because one Chinaman has been gotten out of the country.

Mr. BLANTON. I was not sure the gentleman from Washington was present. If he is satisfied, I will let it go through.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

E. J. REYNOLDS.

The next business on the Private Calendar was the bill (H. R. 4920) for the relief of E. J. Reynolds.

The Clerk read the title of the bill.

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

There was no objection.

Mr. EDMONDS. I ask unanimous consent to take from the Speaker's table S. 4345, the corresponding Senate bill, and to consider it in lieu of this bill.

Mr. BLANTON. Is the amount the same in the Senate bill?

Mr. EDMONDS. The amount is the same.

The SPEAKER pro tempore. Is there objection to the substitution of the Senate bill?

There was no objection.

The SPEAKER pro tempore. 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 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 bill was ordered to a third reading, and was accordingly read the third time and passed.

Mr. COOPER of Ohio. I ask unanimous consent that H. R. 4920, the corresponding House bill, be laid on the table.

The SPEAKER pro tempore. Without objection, it will be so ordered.

There was no objection.

THOMAS E. OWEN.

The next business on the Private Calendar was the bill (S. 1502) for the relief of Thomas E. Owen.

The Clerk read the title of the bill.

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

Mr. MILLER. Let the bill be reported, Mr. Speaker.

The SPEAKER pro tempore. 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 not otherwise appropriated, the sum of $286.67 to Thomas E. Owen, receiver of the land office at Clayton, N. Mex., to reimburse him for moneys paid out by him for clerk hire in the said land office.

The SPEAKER pro tempore. Is there objection.

There was no objection.

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

JOHN T. EATON.

The next business on the Private Calendar was the bill (S. 288) for the relief of John T. Eaton.

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 object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects. The Clerk will report the next bill.

ELIZABETH M'KELLER.

The next business on the Private Calendar was the bill (H. R. 11879) for the relief of Elizabeth McKeller.

The Clerk read the title of the bill.

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

Mr. BLANTON. I ask that the bill be reported.

Mr. STAFFORD. I object.

Mr. EDMONDS. Will the gentleman reserve his objection?

Mr. STAFFORD. I reserve the right to object.

Mr. EDMONDS. I should like to call the attention of the House to the fact that this bill is for the relief of a person injured in going through a park connected with a national monument.

Mr. STAFFORD. No; through an Indian reservation.

Mr. EDMONDS. An Indian reservation; the gentleman is correct. There was a very deep ravine that crossed the road. On all the automobile route books the map showed a bridge at this point. These people were driving at dusk. They came up a hill. Their lights were thrown upward. They did not see the gully. There was no attempt at all to protect the car.

On taking the matter up with the department they said that some time before they had placed a fence there, and there was a side road where they could have gone around. Of course, they did not notice that. The question in my mind is whether it is right for us to consider the payment of damages to people using national parks or Indian reservations or not. This case has been rather a puzzle to me, because I did not know what to do with it.

Mr. STAFFORD. I had this further difficulty: I went over the seven pages of fine print in this report containing various affidavits, and there is no affidavit by the claimant or by the claimant's wife, who claims to be injured, as to her condition at the time of the accident or her present condition.

Mr. EDMONDS. Yes; look at the statement of Doctor Church.

Mr. STAFFORD. I say that there is no affidavit by the claimant or by the claimant's wife, who claims to be injured, as to her condition at the time of the accident or her present condition.

Mr. EDMONDS. If they were traveling at the time of the accident, I presume they were in good health.

Mr. STAFFORD. I do not question that.

Mr. EDMONDS. Doctor Church on March 9, 1922, states:

Affiant further says that on the 9th day of March, 1922, the date of this affidavit, the said Mrs. R. L. McKellar is still unable to lift anything with the left arm owing to the said injuries, and that it will be a long time before the injury to the left arm is so cured or healed so that Mrs. McKellar will be able to lift anything or perform any act or labor with the left arm.

Mr. STAFFORD. There is nothing in the report to show how this accident really occurred, not one word, not a line from the claimant to say whether they were at fault or not at fault. It is just merely that there was an accident. I object.

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

FRANKLIN A. SWENSON.

The next business on the Private Calendar was the bill (S. 2262) for the relief of Franklin A. Swenson.

The Clerk read the title of the bill.

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

Mr. STAFFORD. I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects. The Clerk will report the next bill.

THEODORE F. HOWE.

The next business on the Private Calendar was the bill (H. R. 12158) for the relief of Theodore F. Howe.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I ask that the bill be reported.

The Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to credit the accounts of Theodore F. Howe, chief pay clerk, United States Navy, with the sum of $12,879.98 disallowed in his accounts while performing duty on board the U. S. S. *Rochester*, said sum having been lost without fault or negligence on his part.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

Mr. ANDREW of Massachusetts. Will the gentleman withhold it until I have made an explanation?

Mr. BLANTON. I will withhold it.

Mr. ANDREW of Massachusetts. This is the result of a pure technicality. This man served the Government for 24 years in the Paymaster's Department. The law passed July, 1919, gave the Secretary of the Treasury authority to relieve any disbursing officer of any deficiency in the account if it appeared that the officer was in line of his duty at that time and that the loss occurred without fault or negligence on his part. In pursuance of that authority given him by law the Secretary of the Treasury declared that this paymaster should be relieved. They found that there was no negligence on his part and that the officer was in the line of duty when the loss occurred. It appeared, however, that when the loss originally occurred in April, 1920, the paymaster was subjected to a court-martial which rendered the decision that he was technically guilty but at the same time said that he was not morally guilty. This was their decision:

In consideration of the long service of the accused, his spotless record, his excellent reputation for honesty and integrity, the absence of any testimony indicating that he converted these funds to his own use or profited by them in any way, or that he was careless or negligent in handling Government funds, and the probability, as shown by the evidence, that these funds were taken by parties other than the accused, we unanimously recommend Lieut (T.) Theodore F. Howe, United States Navy, to the clemency of the reviewing authority.

Mr. BLANTON. Mr. Speaker, under the reservation of the objection, I want to call attention to a part of the decision of the court-martial. He was found guilty. He was charged with the embezzlement of this $12,000. His sentence was a loss of $50 a month of his pay for a period of 12 months and a loss of 50 numbers in his temporary grade of lieutenant and 50 numbers in his permanent grade of chief pay clerk. It is true that they signed a recommendation for leniency. My distinguished colleague has not read the report of the investigating committee that investigated the escape of Grover Cleveland Bergdoll. It has been pigeonholed for months, and has never yet been called up in this Congress, where Army officers were responsible for his escape and condemned by the committee, and yet under these courts-martial they turn them loose, and not a single punishment has been had in that case. They are sometimes lenient toward each other, sometimes disposed to forgive one another in the Army and in the Navy.

Mr. ANDREW of Massachusetts. I would like to say that this man was continued on the job from that day to this as paymaster, and he has paid out thousands and thousands of dollars.

Mr. BLANTON. His own colleagues found him guilty.

Mr. KRAUS. He was found guilty of embezzlement. He was an officer in charge of a number of men, and under the law all the supplies are chargeable to him, and every dollar of the fund, and commodities of every kind that come to the ship are charged to him.

Mr. BLANTON. I do not think that this is a case that should come up under the five-minute debate.

Mr. KRAUS. This is the only way that a man can ever get relief.

Mr. BLANTON. Oh, Congress will probably be in session the 1st of May. [Laughter.]

Mr. KRAUS. I mean in this way. There will be opportunities if the man lives long enough.

Mr. BLANTON. I expect to be here the 1st of May.

Mr. KRAUS. I think it fortunate for Congress. I will say that, although this man was found technically guilty, it was not found that he took a dollar of the money.

Mr. BLANTON. The money disappeared?

Mr. KRAUS. It did.

Mr. BLANTON. Who took it?

Mr. KRAUS. The men under him—men whom he had no voice in the selection of. This man gave a bond. The facts have been investigated in the department; they know that they can not collect a single dollar on the bond. The company is entirely solvent; but no such embezzlement is covered by the bond, because it was not an embezzlement by this man personally.

Mr. BLANTON. We have had that question up before—when bonds are taken that are of no account.

Mr. KRAUS. You could not get any company to bond all the men under this man.

Mr. ANDREW of Massachusetts. The same company rebonded him immediately afterwards.

Mr. BLANTON. Oh, it was safe to do it.

Mr. KRAUS. The only reason in the world why this man is coming to Congress is because having been found guilty, and this case having been approved, as modified by the precedents——

Mr. BLANTON. Oh, I do not think we ought to take this case up to-night.

Mr. KRAUS. If the gentleman is going to insist upon his objection I shall not take any more time.

Mr. BLANTON. I do not think we ought to pass a case like this under the conditions existing to-night.

Mr. KRAUS. It will be only a matter of accounting.

Mr. BLANTON. If there is any merit in the case the gentleman will have plenty of time in the next Congress. I object.

ROBERT G. HILTON.

The next business on the Private Calendar was the bill (H. R. 13373) to permit the correction of the general account of Robert G. Hilton, former assistant treasurer of the United States.

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

Mr. STAFFORD. Mr. Speaker, under a reservation of objection, I ask unanimous consent that the committee amendment be read in lieu of the bill.

Mr. BLANTON. I want to reserve an objection to it.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent that the committee amendment be read in lieu of the bill. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury and the Comptroller General of the United States be, and they are hereby, authorized and directed to credit in the accounts of the Treasurer of the United States the sum of $32,000, now carried in the accounts of the office of the assistant treasurer of the United States at Baltimore, Md., and representing a balance due the United States from Robert G. Hilton, former assistant treasurer of the United States, when the subtreasury at Baltimore was discontinued January 14, 1921, in the amount of money belonging to the United States while in the custody of said assisant treasurer, the loss of said money having occurred through no fault or negligence on the part of said assistant treasurer; and for this purpose the sum of $32,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

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

Mr. BLANTON. Mr. Speaker, I object.

Mr. ZIHLMAN. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. BLANTON. Yes.

Mr. ZIHLMAN. Mr. Speaker, this bill was prepared by the officials of the Treasury Department, who are reluctant to proceed against the bondsman of the former subtreasurer at Baltimore. At my request, and owing to the fact that this bill was pending, they have three times extended the time within which action should be taken against the bondsmen of Mr. Hilton. It has been shown that there is no negligence upon the part of the subtreasurer.

Mr. BLANTON. Mr. Hilton was the assistant treasurer of the United States in charge of the subtreasury at Baltimore.

Mr. ZIHLMAN. Yes.

Mr. BLANTON. He had in his possession funds of the United States, for which he was held responsible to this Government.

Mr. ZIHLMAN. That is correct.

Mr. BLANTON. While in such custody $32,000 disappeared there.

Mr. ZIHLMAN. No; that is not it exactly.

Mr. BLANTON. Well, there was a shortage?

Mr. ZIHLMAN. Let me explain to the gentleman.

Mr. BLANTON. There was a $32,000 shortage?

Mr. ZIHLMAN. No; let me explain that. The Congress by an act provided that the subtreasury at Baltimore should be closed on January 21, 1921, and the officials of the Treasury Department from Washington went to Baltimore where there was about $23,000,000 in the vaults, and proceeded to take this money out and count it. They picked up in Baltimore, without regard to civil-service regulations, without regard to the reputation of the men, certain laborers to help in transferring this money, coin and paper money, to the United States Treasury, and after they had finished checking out the $23,000,000, chiefly in used and damaged currency, they found a shortage of $32,000. Under the bond of Mr. Hilton he was responsible for every dollar, yet he never handled any of this money. The officials of the United States Treasury here in Washington went to Baltimore and checked the money out. They picked up men on the streets to do it, and when they had finished there was a shortage of $32.000.

Mr. BLANTON. The gentleman, as usual, is very correct, 100 per cent so, but in this instance he is not quite correct. They did not check him out in Washington; they checked him out in Baltimore.

Mr. ZIHLMAN. Yes; with laborers picked up on the street.

Mr. BLANTON. And the money that he had in his possession was counted in Baltimore, and not in Washington.

Mr. ZIHLMAN. That is true.

Mr. BLANTON. If he had had the money there when it was counted in Baltimore, this extra help that the gentleman intimates might have stolen the money between Baltimore and Washington——

Mr. ZIHLMAN. I did not say that.

Mr. BLANTON. That was the intimation.

Mr. ZIHLMAN. No; I said they helped to take the money out of the vaults in the subtreasury.

Mr. BLANTON. He was checked out there and his money counted, and this shortage was discovered.

Mr. ZIHLMAN. There was a shortage after they had taken this $23,000,000 out of the vaults.

Mr. BLANTON. The gentleman knows how a custodian of money is checked out.

Mr. ZIHLMAN. If the gentleman were a subtreasurer of the United States in some town in Texas, and the Treasury people picked up people on the streets of the town, not knowing their reputation, and they found a shortage, the gentleman would be resentful, would he not?

Mr. BLANTON. Does the gentleman from Maryland want to intimate that anybody connected with the Treasury Department of the United States would go to Baltimore and pick up laborers on the street to check out $23,000,000?

Mr. ZIHLMAN. That is what they did.

Mr. BLANTON. If they did that, they ought to be kicked out of the Treasury.

Mr. ZIHLMAN. Yet that is the fact.

Mr. BLANTON. If they did that kind of business with $23,000,000 in the vaults, then they have no business handling the money of the people of this country, and I object.

NEW JERSEY SHIPBUILDING & DREDGING CO.

The next business on the Private Calendar was the bill (S. 3515) for the relief of the New Jersey Shipbuilding & Dredging Co., of Bayonne, N. J.

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

Mr. BLANTON. I object.

Mr. EDMONDS. Mr. Speaker, will the gentleman reserve his objection?

Mr. BLANTON. Does the gentleman think that a matter of $152,000 ought to be settled here in two minutes and a half?

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

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

ELDREDGE & MASON.

The next business on the Private Calendar was the bill (H. R. 10022) for the relief of Eldredge & Mason, of Malone, N. Y.

The Clerk read the title of the bill.

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

Mr. FIELDS. Let the bill be reported.

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 Eldredge & Mason, of Malone, N. Y., the sum of $473.25, erroneously paid into the Treasury of the United States, which was the proceeds of a marshal's sale of an automobile which was seized by the Federal authorities for a violation of the Volstead Act and upon which automobile Eldredge & Mason held a lien.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

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

CHARLES W. MUGLER.

The next business on the Private Calendar was the bill (H. R. 370) for the relief of Charles W. Mugler.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Let the bill be reported under the reservation of objection.

The Clerk read as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Charles W. Mugler, postmaster at Newport News, Va., in the sum of $3,496.85, and to certify the said credit to the Auditor for the Post Office Department, being the amount of shortages in money-order accounts, postal account, war-savings accounts, war-revenue accounts, collect-on-delivery accounts, money orders improperly paid, and registry losses, all arising from the embezzlement by, and negligence of, James W. Cheshire, employee in Hill branch of said office.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, I wish to inquire how long this clerk who defaulted in the Newport News office was in charge of this station while this postmaster who seeks reimbursement was in office?

Mr. BLAND of Virginia. From October 1, 1917, to February 12, 1919, as I recall. The branch office was opened with two other branch offices at military camps—two other offices—October 1, 1917. There was no trouble until the boys commenced to return from the other side, and then they were getting a number of checks cashed, getting considerable funds, buying postal money orders, and this embezzlement was all in a short time.

Mr. STAFFORD. I realize that during the war, particularly at camps where there were temporary post offices, it was almost impossible for the postmaster in whose district the office was located to give special attention to the branches, and I assume that this bill should pass.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

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

SCHOONER "ITASCA."

The next bill on the Private Calendar was the bill (H. R. 7871) for the relief of the owner of the schooner *Itasca* and her master and crew.

The Clerk read the title of the bill.

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

Mr. STAFFORD. Reserving the right to object, I understand the owner of this schooner—it is not a Milwaukee schooner; that is a thing of the past—after this collision, instead of beaching the vessel continued on the voyage toward Newport, as I recall, and the greater part of the loss occurred.

Mr. FROTHINGHAM. They were going to Gloucester, and put back into the harbor of Newport, which would have seemed to be the wise thing to do.

Mr. STAFFORD. From the report of the Secretary of the Navy the only damage suffered by the owner, other than the sinking of the vessel, was of a minor character. This matter can be settled under the general authorization of the law that Congress passed recently, and why should they not get relief through the department?

Mr. FROTHINGHAM. It is not my relief, but the schooner did sink and it is no good.

Mr. STAFFORD. I object.

HERBERT ELLIOTT STEVENS.

The next bill on the Private Calendar was the bill (H. R. 13937) for the relief of Paymaster Herbert Elliott Stevens, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Mr. Speaker, I object.

NEAH BAY DOCK CO.

The next bill on the Private Calendar was the bill (H. R. 9309) for the relief of the Neah Bay Dock Co., a corporation.

The Clerk read the title of the bill.

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 the Treasury be, and he is hereby, authorized and directed to pay, out of the money in the Treasury not otherwise appropriated, to the Neah Bay Dock Co., a corpora-

tion, the sum of $4,507.71 as reimbursement for damages caused to the Neah Bay Wharf, the property of said company, by the U. S. S. *Swallow*, a mine sweeper of the United States Navy.

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

HAROLD L. M'KINLEY.

The next business on the Private Calendar was the bill (H. R. 8733) for the relief of Harold L. McKinley.

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.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Harold L. McKinley, of St. Ansgar, Mitchell County, Iowa, $634.60, in full compensation for his claim for expenses incurred as a result of sickness while serving in the United States Army.

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

STEAMSHIP "BRYNHILD."

The next business on the Private Calendar was the bill (H. R. 5369) to compensate the owners of the steamship *Brynhild* for damages and expenses in repairing the said steamship, and to make an appropriation 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, reserving the right to object, this claim can be settled under the general authority vested in the Navy Department, and therefore I object.

The SPEAKER pro tempore. Objection is heard.

RELIEF OF OWNERS OF BRITISH STEAMSHIP "PORT PHILLIP."

The next business on the Private Calendar was the bill (H. R. 8051) for the relief of the Commonwealth & Dominion Line (Ltd.), owner of the British steamship *Port Phillip*.

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——

Mr. BLANTON. According to my record here it is a different bill.

Mr. STAFFORD. This is a bill which the present occupant of the Chair introduced and I would like to make some inquiry about the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. I wish to reserve the right to object. I would like to inquire why they can not adjust this claim under the general authorization of law.

Mr. HICKS. It happens to be my bill, and not knowing it was coming up to-night, I left all my papers in my office.

Mr. STAFFORD. I ask unanimous consent that at the next meeting when private bills unobjected to shall be considered, that this be taken up first in order.

Mr. BANKHEAD. The gentleman from New York [Mr. HICKS] has made such an amiable and efficient presiding officer here to-night that it seems to me his negligence in this matter of not bringing the papers with him on this case ought to be excused by allowing him to pass the bill. [Applause.]

Mr. STAFFORD. This bill is entirely different in phraseology from that which the Committee on Claims used for referring these bills to courts of admiralty. This bill is from the Committee on War Claims and it carries an appropriation, and there should be some explanation.

Mr. Speaker, I make that request, that this bill be made in order for consideration first on the Private Calendar when that calendar shall be next considered; at the next meeting when private bills which are unobjected to shall be considered.

The SPEAKER pro tempore (Mr. MCARTHUR). Is there objection to the request of the gentleman from Wisconsin that this bill be in order for consideration first on the Private Calendar when that calendar shall be next taken up?

There was no objection.

The SPEAKER pro tempore (Mr. HICKS). The Clerk will report the next bill.

HERBERT E. MEILSTRUP.

The next business on the Private Calendar was the bill (S. 3118) for the relief of Herbert E. Meilstrup.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, the hour is getting late, and yet some special mention should be made of this bill. The amount is very small, only $53.14. It is a claim for reimbursement for property that was appropriated while the soldier was in the hospital. The War Department has made successive findings that the amount is entirely too large, and has recommended that the amount should be $21.90. There is warrant for the position of the War Department, because this claimant asks for reimbursement for a bathing suit of the value of $10. I have bought bathing suits, and perhaps others here have, who have had dips in the Atlantic Ocean on occasions, but I do not think they have ever paid that amount.

Mr. MILLER. How much of a bathing suit?

Mr. STAFFORD. It depends on the size of the wearer. Perhaps the gentleman from Washington, considering his proportions, would have to pay more.

This claimant is persistent. He has been writing and writing, and I am curious to know what Senator has been acting for this claimant as a messenger boy.

Mr. BANKHEAD. Will the gentleman please tell us what this 40 cents is for? [Laughter.]

Mr. STAFFORD. It would be cheaper to pass the bill and get rid of it once for all; so I will withdraw the reservation of objection.

The SPEAKER pro tempore. The objection is withdrawn. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Herbert E. Meilstrup, formerly an enlisted man in the Forty-first Company of Engineers, unassigned, the sum of $53.40, the same being the value of personal property lost in a manner unknown when the said company was discharged from service in the Army, and while the said Herbert E. Meilstrup was confined in General Hospital No. 25, Fort Benjamin Harrison, Ind., suffering from pneumonia, during the month of December, 1918, the said personal property having been reasonable, useful, necessary, and proper for an enlisted man while in quarters, engaged in the public service, in the line of duty, and having been lost without fault or negligence on the part of the owner, and claim for replacement of such property or recoupment of damages having been disallowed by the proper accounting officers of the Treasury, which decision was sustained on review.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. MCCORMICK. Mr. Speaker, I ask for a division on this important bill.

The SPEAKER pro tempore. The gentleman from Montana asks for a division.

The House divided; and there were—ayes 40, noes 0.

So the bill was passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF THE WIDOW OF RUDOLPH H. VON EZDORF.

The next business on the Private Calendar was the bill (S. 528) for the relief of the widow of Rudolph H. von Ezdorf, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. ABERNETHY. Mr. Speaker, will the gentleman withhold his objection?

Mr. BLANTON. I will reserve it.

Mr. ABERNETHY. I suppose the gentleman has examined into this matter carefully?

Mr. BLANTON. For years I have examined it carefully. [Laughter.]

Mr. ABERNETHY. I think the gentleman is mistaken about that.

Mr. BLANTON. Let me give the gentleman a brief history of the case.

Mr. ABERNETHY. If the gentleman does not mind, let me tell him——

Mr. BLANTON. Let me tell the gentleman what I know about the case.

Mr. ABERNETHY. I have the floor; and if the gentleman wants to kill the bill, I would like to explain it first and have decent interment, at least.

Mr. Speaker and gentlemen, this was not my bill originally. This bill comes from my district and came up at a time when my distinguished predecessor was very ill and could not give it that consideration that it possibly otherwise would have had. This is a Senate bill, which is backed by a unanimous report from the Senate committee, and it passed the Senate unanimously; and it comes to this House recommended by the unanimous report of the Committee on Claims, and is recommended

by the Public Health Service and is recommended by the Secretary of the Treasury, Mr. Mellon. It provides for a year's salary for the widow of a man who contracted yellow fever in the service of the United States. That gave him heart disease, from which he finally died. He went all through the South and down through Louisiana and North Carolina, and was engaged in the eradication of malaria; and he stands out as a hero.

Right here I want to call the attention of the House—and this is a serious matter, gentlemen—here is a pamphlet which he prepared while living, published by the United States Public Health Service, which is a monument to him, and his widow has gone out since his death as a trained nurse to take care of herself and her only child, and here we find a spectacle in a deliberative body where, by your rules, one man can absolutely deny a hearing on this bill. I can not understand him.

I can not understand it, and although the gentleman from Texas has been fighting this bill for six years, as he says, I can not understand why he should take it upon himself to deny absolutely the right of the House to pass upon this bill. If that is the case in a deliberative body, as far as I am concerned the gentleman from Texas can turn this bill down, but when he does it he is denying one of the widows that he has talked so much about heretofore her absolute right. This man went down as a hero in the Public Health Service of this country. The committee have made a unanimous report, and General Cumming wrote me a special delivery letter to-day showing that this is a deserving case, and I say I ought to have my day in court. [Applause.]

Mr. BLANTON. Mr. Speaker, under the reservation of objection, I want to say that this man did perform some service in yellow-fever investigation. He contracted yellow fever in 1898, 25 years ago. He did not die then, and he did not die for years afterwards. He continued in the service——

Mr. BANKHEAD. Is the gentleman going to object to this bill?

Mr. BLANTON. I want to answer the gentleman from North Carolina.

Mr. BANKHEAD. If the gentleman is going to object, I demand the regular order.

Mr. BLANTON. In that case I think we ought to have a quorum present. I want to answer the strictures of the gentleman from North Carolina, and I have the right to do it. I demand a quorum.

Mr. McARTHUR. I move a call of the House.

Mr. BLANTON. If the gentleman will not let me make an explanation in answer to the strictures of the gentleman from North Carolina——

Mr. BANKHEAD. If the gentleman feels that he is entitled to answer the gentleman, all right.

Mr. BLANTON. I just want a minute. I withdraw the point. This man took yellow fever in 1898, 25 years ago. He continued in this service, drawing a good big salary. To show you that he was not disabled——

Mr. FIELDS. When did he die?

Mr. BLANTON. In 1916. In 1914, 16 years after he had yellow fever, he was in such fine physical condition that the Public Health Service of this Government sent him down to Vera Cruz to investigate yellow-fever conditions in Mexico. That was 16 years after he had yellow fever.

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

Mr. BLANTON. I yield to the gentleman from North Carolina. I will be more courteous to the gentleman than he was to me.

Mr. ABERNETHY. I am courteous to the gentleman. Suppose the gentleman was to die while a Member of the House, would not his widow get $7,500——

Mr. BLANTON. Not if I have anything to do with it. [Laughter.]

Mr. FIELDS. How does the gentleman think he will have anything to do with it?

Mr. BLANTON. If this man had died in 1898, when he had the yellow fever in fighting an epidemic, I would have approved his bill; but that was 25 years ago; and after that he drew a salary from this Government for years and years; and 16 years afterwards he was sent to Vera Cruz to investigate yellow fever there. I do not think this is the kind of a bill that ought to set a precedent here. Talk about a report from the Committee on Claims! I see the distinguished chairman of that committee sitting there now, and he knows that four years ago he and I in that committee led a fight against this bill and succeeded in killing it in the committee. That is what I know about this bill.

Mr. ABERNETHY. Why is not he fighting it now?

Mr. BLANTON. He is afraid of such strictures as the gentleman gave me awhile ago. I am not afraid of them. I am brave enough to stand up here and do my duty, even when gentlemen cast strictures. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

MRS. VINCENZA DIMONICO.

The next business on the Private Calendar was the bill (H. R. 297) for the relief of Mrs. Vincenza Dimonico.

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.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $30,000 to Mrs. Vincenza Dimonico, of East Boston, Mass., for injuries resulting from the accidental discharge of a machine gun, the property of the War Department, being demonstrated, for recruiting purposes, by a detachment of United States troops at East Boston, Mass., on July 23, 1919.

With the following committee amendments:

Page 1, line 5, strike out "$30 000" and insert "$5,000."
Page 6, strike out "Dimonico" and insert "Diminico."

The SPEAKER pro tempore. The question is on the committee amendments.

The committee amendments were 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.

Mr. STAFFORD. Mr. Speaker, I should like to address the Members just for a minute. It is absolutely impossible for us to complete the calendar to-night. There is good reason to believe that there will be another evening arranged for the consideration of private bills before the adjournment, very likely the fore part of next week.

Mr. BLANTON. By unanimous consent we could stay here until 11.30 instead of 10.30.

Mr. STAFFORD. There is a limit to human endurance. I intend to move to adjourn.

Mr. BLANTON. This being the last opportunity for the Private Calendar and there being deserving bills on this calendar, I ask unanimous consent that we sit until 11 o'clock.

Mr. STAFFORD. I wish to say that, as I understand it, this is not going to be the last opportunity for the consideration of private bills.

Mr. BLANTON. The Rules Committee have a bunch of rules as long as my arm.

Mr. STAFFORD. Very true, but in conference with the leader of the House, he tells me that he plans to arrange for another night meeting, when we will be able to go through with the calendar.

The SPEAKER pro tempore. Does the gentleman from Texas press his request for unanimous consent?

Mr. BLANTON. This being about the last chance to get private bills considered, and there being meritorious bills on the calendar, I ask unanimous consent that we sit until 11 o'clock.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the session continue until 11 o'clock.

Mr. STAFFORD. I object, Mr. Speaker.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

By unanimous consent the title of the bill was amended by striking out the word "Dimonico" and inserting the word "Diminico."

Mr. STAFFORD. Mr. Speaker, I move that the House do now adjourn. We can clean up the calendar next time.

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

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent that the House sit until 10.30 o'clock; that is a compromise.

Mr. BLANTON. That was the original order.

Mr. STAFFORD. Mr. Speaker, I withdraw my motion to adjourn.

RELIEF OF CERTAIN EX-SERVICE MEN.

The next business on the Private Calendar was the bill (H. R. 10041) for the relief of certain ex-service men.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. FIELDS. Let the bill be reported.

The Clerk read as follows:

Be it enacted, etc., That in the first opening of lands to settlement, after the date of the approval hereof, within the North Platte Federal irrigation project, Nebraska-Wyoming, the following ex-service men, William D. Nicholas, Howard Evans, Clarence L. Larsen, T. T. Turner, and Jenner H. Mead, who incurred loss through being erroneously advised that they had been successful in the land drawing of September 9, 1921, on said project, shall each have a preference right for not less than 30 days prior to said opening within which to select a farm unit: *Provided*, That this act shall not be considered as entitling any person named to make another homestead entry who shall have received the benefits of the homestead laws since having been advised that he was unsuccessful in the aforesaid land drawing of September 9, 1921.

The SPEAKER pro tempore. Is there objection?

Mr. FIELDS. Reserving the right to object, I think there should be some explanation of this bill.

Mr. SINNOTT. The bill is for the relief of five ex-service men who were notified that they had been successful in drawing upon this project. Perhaps the majority of the House are acquainted with the first name in the bill, William D. Nicholas, who in the late administration was employed in the Sergeant at Arms' office. He was notified when in Washington, and at an expense of $250 he went to Wyoming, and after being there two or three days he was informed by the officer in charge of the drawing that they had made a mistake, and that he was not successful, and that he had no piece of land.

Mr. FIELDS. And the other four were in the same class?

Mr. SINNOTT. The other four were in a similar class.

Mr. FIELDS. Mr. Speaker, I withdraw my reservation of objection.

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

CONVEYANCE OF CERTAIN LAND TO THE ROBERT E. KELLEY POST, SOUTH DAKOTA.

The next business on the Private Calendar was the bill (H. R. 6577) authorizing the conveyance of certain land in the State of South Dakota to the Robert E. Kelley Post No. 79, American Legion, South Dakota.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. STAFFORD. Reserving the right to object, have we heretofore adopted the policy of deeding land gratuitously to private individuals?

Mr. CHRISTOPHERSON. I can not say as to that, but the facts in this case are these: Many years ago the Government had a warehouse at Flandreau, S. Dak., and they had acquired the property near the river between the city of Flandreau and the school. They had no use for it and the warehouse has since been removed. Some years ago the Government gave the city one-half of the lot for park purposes. The Government has no use for this, and the Robert Kelley Post of service men organized under the American Legion regulations desire the lot for the erection of a building. The Interior Department recommends the grant and the committee has amended the bill so as to safeguard it by reservations.

Mr. STAFFORD. Well, take this instance—it might occur. The Government owns a public building and outgrows its size—a very valuable lot in the city. The policy of the Government has been heretofore to sell the lots to the highest bidders. Shall we now turn around and give it to a private association?

Mr. CHRISTOPHERSON. I think where they have a lot of that kind that is of little value, where it has lain idle for many years, no better use could be made of it than to give it to a soldiers' organization that will put a building on it and use it in the community. I can not see that the Government can make a better use of it.

Mr. STAFFORD. It never has been done in all the history of the Government.

Mr. CHRISTOPHERSON. Why would not this be a good time to start it?

Mr. STAFFORD. Because of the plague that would come upon Congress from people asking us to give away Government property.

Mr. CHRISTOPHERSON. I would not consider that any danger, because Congress can deal with each specific case. Here is a case where they have already given half of it to the city for park purposes, and why not give the other part to this post?

Mr. STAFFORD. The Secretary of War has made a suggestion that so far as public land under his control is concerned he will give a lease so that at any time the Government needs it it can take control of it. I do not think that even the Loyal Legion or the American Legion or the Grand Army post should ask the Government to give away property, and therefore I object.

Mr. McARTHUR. How large is this city?

Mr. CHRISTOPHERSON. About 1,500 population.

The SPEAKER pro tempore. Objection is heard.

RICHARD ANDREWS.

The next business on the Private Calendar was the bill (H. R. 8871) for the relief of Richard Andrews.

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

Mr. STAFFORD. Mr. Speaker, reserving the right to object, let there be some explanation of the bill.

Mr. SIEGEL. Mr. Speaker, this is a case where a drunken chauffeur in the employ of the United States, driving a mail truck at over 29 miles an hour, ran into a man who was getting off a street car The chauffeur was arrested, held for the grand jury, pleaded guilty. The thumb and forefinger of Mr. Andrews's left hand has been amputated, and the remaining fingers on the hand are stiff. He has lost the use of his left hand. The man is unable to do any work of any kind. The entire hand is useless. He used to earn $25 a week. At the present time he is compelled to live with his wife and children in three rooms.

Mr. STAFFORD. Mr. Speaker, this will relieve at least one poor unfortunate case in the gentleman's district, or, at least, in the city of New York, and I withdraw my reservation of objection.

Mr. BLANTON. Mr. Speaker, I reserve the right to object. It has never been the policy of the Government until lately, and that is when we are relieving injuries that occurred during the war caused by members of the Army and Navy, to make the Government liable for the torts of its employees.

Mr. SIEGEL. I want to say to the gentleman that had this accident occurred when the mail truck drivers were in private employment, a judgment of at least ten to twenty thousand dollars would have been rendered.

Mr. BLANTON. The gentleman is a lawyer. He knows that the Government is not responsible for torts committed by its employees, and never has been.

Mr. SIEGEL. This case is recommended, as the gentleman will find on page 2 of the report, by the Postmaster General personally, and it was recommended by everyone who has investigated the case.

Mr. BLANTON. But the gentleman knows that we have hundreds of just such cases that run back over the last 25 years.

Mr. SIEGEL. Not in cases where we put a drunken driver in charge of a big juggernaut, and where it appears the man had never driven a machine until 30 days previous.

Mr. BLANTON. Does Doctor Work recommend that this be paid?

Mr. SIEGEL. Certainly.

Mr. BLANTON. The committee has reduced it to $2,500.

Mr. SIEGEL. Yes.

Mr. BLANTON. I have no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Richard Andrews, the sum of $5,000 in full compensation for injuries sustained by the said Richard Andrews due to a large auto truck owned and operated by the Post Office Department running him down while boarding a street car at Third Avenue, New York City, passing over his hand, causing the amputation of the thumb and forefinger, fracture of the wrist, and laceration of back of hand, injuring the arm, rendering the arm and hand useless and preventing him from earning his livelihood as a cement worker at which he earned $8 per day, and causing him to expend from the 15th of March, 1920, to the 5th of June, 1920, in the hospital and as an outside patient for five weeks, for doctors, nurse bills, medicine, etc., and rendering his injury permanent.

With the following committee amendment:

Page 1, strike out all after the word "of" in line 5 and insert the following: "$2,500, in full settlement against the Government, in compensation for injuries sustained March 15, 1920, in the city of New York, when struck by a United States mail truck."

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

The amendment was agreed to.

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

CONVEYANCE OF CERTAIN LANDS IN FLANDREAU, S. DAK.

Mr. CHRISTOPHERSON. Mr. Speaker, I ask unanimous consent to return to the bill H. R. 6577, No. 420 on the calendar.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, is that the case that the gentleman from Wisconsin [Mr. STAFFORD] objected to?

The SPEAKER pro tempore. It is.

Mr. STAFFORD. The gentleman has suggested an amendment to have this lot transferred at the appraised value.

Mr. BLANTON. Reserving the right to object, as far as the Government has ever gone yet, and I think they should go that far, is to permit various Legions to construct chapter houses on Government property. They have never transferred the fee of the Government property.

Mr. STAFFORD. But this amendment provides that it shall be transferred at its appraised value.

Mr. BLANTON. Oh, I have no objection to that.

The SPEAKER pro tempore. Is there objection to returning to the bill?

There was no objection.

The SPEAKER pro tempore. 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 be, and is hereby, authorized and directed to issue patent to the Robert F. Kelley Post, No. 79, American Legion, South Dakota, for the following described land: North half of lot 14 of the southest quarter of section 21, township 107, range 47 west, Moody County, S. Dak., which tract of land is to be used as a site for a memorial building.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and is hereby, authorized and directed to transfer by deed, to be duly executed by him, to the Robert E. Kelley Post, No. 79, American Legion, South Dakota, the following-described land: The north half of lot 14 of the southeast quarter of section 21, township 107 north, range 48 west of the fifth principal meridian, in Moody County, S. Dak., more particularly described as beginning at a point 181½ feet north of a point 896 feet east of the southwest corner of said section, thence north 181½ feet, thence east 120 feet, thence south 181½ feet, thence west 120 feet to the place of beginning, which said tract of land is to be used as a site for a memorial building. Said deed shall contain a clause reserving to the United States all oil, gas, coal, or other minerals in the land, and shall also provide that if said tract shall cease to be used at any time for the purposes for which it is granted it shall revert to the United States."

Mr. CHRISTOPHERSON. Mr. Speaker, I offer an amendment to the committee amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CHRISTOPHERSON: Page 2, line 15, after the word "beginning" strike out the remainder of the paragraph down to and including line 21 and insert in lieu thereof the following: "On payment of the appraised value of said lot."

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

The amendment to the amendment was agreed to.

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 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.

FRANK G. EMMES.

The next bill on the Private Calendar was the bill (H. R. 1227) for the relief of Frank G. Emmes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MILLER. Reserving the right to object, let us have the bill reported.

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 Frank G. Emmes the sum of $887, in full settlement for damages suffered by reason of being shot by a machine gun accidentally discharged on one of the naval boats of the Government, at that time used as a patrol boat in the harbor of Waukegan, Ill.

The committee amendment was read as follows:

Strike out, page 1, line 6, "$5,000," and insert in lieu thereof "$887."

Mr. MILLER. Reserving the right to object, in what capacity was this man employed?

Mr. CHINDBLOM. Mr. Speaker, under the gentleman's reservation, I want to say to the House that it is fair it should be stated now, before the stage for objection is passed, that I am going to offer an amendment increasing this amount. The matter got through the Committee on Claims, I think, rather inadvertently, there being no allowance whatever for the permanent injury which this man sustained. The $887 covers only his actual monetary loss and expenses. I propose to offer an amendment. We passed a bill a moment ago in which we gave a lady $5,000 for a permanent injury; another one in which a man got $2,500. I talked the matter over with the chairman of the committee and with our good and diligent friend, the gentleman from Wisconsin [Mr. STAFFORD], who has done such very valuable service in the consideration of these bills, and I think we all agree that this amount ought to be increased.

Mr. MILLER. What is the character of the injury?

Mr. CHINDBLOM. He was shot in the abdomen by a machine gun on a patrol boat lying in the harbor of Waukegan, Ill., during the war. The shot was not only accidentally fired, as stated in some place in the report, but the board of investigation of the Army admitted that the soldier who was responsible for this accident was unskilled in the use of the machine gun and he did not know that he was maneuvering it in such way that it would fire the shot.

Mr. MILLER. Where was this man at the time?

Mr. CHINDBLOM. On the dock, working in a private capacity. He was an engineer on a gasoline boat and had gone to the wharf for the purpose of securing oil to bring over to the boat which he was running. He was a citizen, an innocent bystander, who, of course, could in no way be held accountable for the accident or even as having contributed to the accident.

Mr. MILLER. I withdraw the reservation of the right to object.

Mr. BOX. Reserving the right to object, and it is not my purpose to object, I think the claim is meritorious; but I want to understand the nature of the injuries, if it can be stated, that the man sustained.

Mr. CHINDBLOM. This man was shot through the abdomen and was in the hospital for many months.

Mr. BOX. What is his present condition?

Mr. CHINDBLOM. From an affidavit, which is in the report, out of 41 months he was able to work off and on approximately 15 months' time.

Mr. BOX. What is he doing now?

Mr. CHINDBLOM. He is up in Wisconsin doing what little service he can.

Mr. BOX. I withdraw the reservation.

Mr. UPSHAW. How much does the gentleman contemplate increasing the amount?

Mr. CHINDBLOM. I was going to propose an addition of $2,500 for the permanent injury.

Mr. UPSHAW. By all means; I wish it might be more.

The SPEAKER pro tempore. Is there objection? [After a pause]. The Chair hears none.

Mr. CHINDBLOM. Mr. Speaker, I offer the following amendment: Instead of "$887" insert "$3,387."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, strike out the figures in the committee amendment "$887" and insert in lieu thereof "$3,387."

Mr. EDMONDS. Mr. Speaker, I would like to say for the committee that I believe the committee would accept this amendment, because we did not notice in the consideration of this bill that this man was permanently injured. There is no question about it. He was shot in the abdomen, leaving him a weak side, and he can only walk a short distance and can not perform ordinary work.

Mr. MILLER. What was his occupation?

Mr. EDMONDS. He was an engineer.

The amendment was agreed to.

The committee amendment as amended was agreed to.

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

The SPEAKER pro tempore. Gentlemen, the speaker has frequently asked me to preside over the deliberations of this House and has often appointed me Chairman of the Committee of the Whole House on the state of the Union. Both honors I have valued highly.

As my term of service with you is drawing to a close I would feel remiss were I not to acknowledge the debt of gratitude I owe and express the appreciation I feel for the many acts of kindness and generous consideration shown me while occupying the chair.

It has been a high privilege to have been a Member of this body, and the associations formed here, consecrated by fidelity to the Nation and cemented by ties of comradeship and good will, will ever remain happy memories beyond the reach of the fading years. [Applause.]

Mr. SEARS. Mr. Speaker, it is a very unpleasant task that the gentleman from Wisconsin [Mr. STAFFORD] is performing, but it is one that is very valuable to this country. I realize that. Perhaps it makes some of us sore, but we get over it. I realize that he has worked hard and faithfully. I happen to know personally of the industry and the energy he puts forth on these bills. It is exceedingly doubtful whether we shall have another chance to consider these bills. Therefore I would suggest that perhaps it might be well for us to meet in the mornings one hour earlier rather than have night sessions. Certainly each Member who has a bill on the Private Calendar should be given an opportunity to have same considered.

But, aside from that, I want simply to say, in connection with reference to the Acting Speaker [Mr. HICKS] and what he has said, that my first task in Congress was sitting on a contested-election case in which the gentleman from New York was in-

volved. I went into that case very thoroughly, and I never had any cause to regret my action on that occasion. [Applause.]

Mr. UPSHAW. Mr. Speaker, before we adjourn I ask unanimous consent to say this word concerning the committee: When I entered the House to-night I heard some music very unusual to my ears, in a plea coming from the gentleman from Texas [Mr. BLANTON], that something be reconsidered that he had objected to in haste, and I said, "Glory be." Then I thought to myself, "We appreciate the unwearied vigilance of the gentleman, but I wonder how he would feel if he had a worthy case pending; I wonder how the gentleman from Wisconsin [Mr. STAFFORD] would feel if he had a case of real pathos pending." And all at once I heard the unheard-of thing, the gentleman from Wisconsin who watchfully objects to so many claims actually asked somebody to withhold his objection.

Mr. SANDLIN. Mr. Speaker, what is this, anyhow? Is it a revival? [Laughter.]

Mr. UPSHAW. Just another word "for the good of the order" before we go. I thought it would be a fine thing for us to sleep on to-night if we would remember to be grateful perhaps to these "objecting" gentlemen for their vigilance. But I ask them to remember—the gentleman from Wisconsin and the gentleman from Texas—that we have only a few fleeting hours left; the golden sands are running out; and for the honor and comfort of the Committee on Claims, whose chairman has sat up until midnight many a time, trying to do his duty to every claim, let us not have so many objections. It is not quite fair to this able and faithful chairman and his busy comrades on the Claims Committee to turn down so many claims without a hearing. Many of these claims are sacred and worthy.

I think the chairman of this committee and all his comrades have been legislative heroes, trying to pass on these difficult bills. I would be willing to stay here until midnight every night until Congress adjourns in order to clear the calendar of these private claims when so many of them not only involve domestic relief and human happiness on the part of those who have suffered, but actually stand guard at the door of the Nation's honor. Let us give the Claims Committee a square deal.

ADJOURNMENT.

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

Mr. BLANTON. Let us stay a little later. There will never be another chance to pass any of these bills.

The SPEAKER pro tempore. The gentleman from Wisconsin moves that the House do now adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 21, 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:

1015. A communication from the President of the United States, transmitting a communication from the Secretary of War submitting an estimate of appropriation in the sum of $4,803 to pay claims for damages by collisions, river and harbor work, which have been adjusted and settled by the Chief of Engineers, United States Army (H. Doc. No. 596); 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. MOORES of Indiana: Joint Select Committee on Disposition of Useless Executive Papers. H. Rept. No. 1659. A report on the disposition of useless papers in the office of the Comptroller General of the United States Treasury Department. Ordered to be printed.

Mr. RAKER: Committee on the Public Lands. 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; without amendment (Rept. No. 1660). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Missouri: Committee on Rivers and Harbors. H. R. 13246. A bill for the examination and survey of the Intracoastal Canal from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex.; with amendments (Rept. No. 1661). Referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. S. 4503. An act granting the consent of Congress to Bethlehem Steel Co. to construct a bridge across Humphreys Creek at or near the city of Sparrows Point, Md.; without amendment (Rept. No. 1662). Referred to the House Calendar.

Mr. HUDDLESTON: Committee on Interstate and Foreign Commerce. H. R. 14304. A bill declaring Bear Creek, in Humphreys, Leflore, and Sunflower Counties, Miss., to be a non-navigable stream; without amendment (Rept. No. 1663). Referred to the House Calendar.

Mr. FOCHT: Committee on the District of Columbia. H. R. 14184. A bill to authorize the closing of a part of Thirty-fourth Place NW. and to change the permanent system of highways plan of the District of Columbia, and for other purposes; without amendment (Rept. No. 1664). Referred to the House Calendar.

Mr. DEMPSEY: Committee on Rivers and Harbors. H. J. Res. 415. A joint resolution for the relief of St. Helens, Oreg., by improving the channel between the harbor of St. Helens and the Columbia River; with amendments (Rept. No. 1666). Referred to the Committee of the Whole House on the state of the Union.

Mr. SINCLAIR: Committee on Agriculture. H. R. 12966. A bill to provide for the purchase and sale of farm products; with amendments (Rept. No. 1667). Referred to the Committee of the Whole House on the state of the Union.

Mr. VOLSTEAD: Committee on the Judiciary. H. J. Res. 455. A joint resolution to amend the China trade act; with an amendment (Rept. No. 1668). Referred to the House Calendar.

Mr. VOLSTEAD: Committee on the Judiciary. 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; without amendment (Rept. No. 1669). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. J. Res. 456. A joint resolution 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; without amendment (Rept. No. 1670). Referred to the House Calendar.

Mr. HAUGEN: Committee on Agriculture. H. R. 13352. A bill to authorize the Secretary of Agriculture to purchase, store, and sell wheat, and to secure and maintain to the producer a reasonable price for wheat and to the consumer a reasonable price for bread, and to stabilize wheat values; with amendments (Rept. No. 1671). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 7735. A bill to create the American stabilizing commission and to provide for stabilizing the prices of certain farm products; with amendments (Rept. No. 1672). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. KNUTSON: Committee on Pensions. H. R. 14358. A bill for the relief of John R. Kissinger; with amendments (Rept. No. 1658). Referred to the Committee of the Whole House.

Mr. FOCHT: Committee on the District of Columbia. H. R. 13617. A bill to dissolve the Colored Union Benevolent Association, and for other purposes; without amendment (Rept. No. 1665). 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. HADLEY: A bill (H. R. 14394) to consolidate certain lands within the Snoqualmie National Forest; to the Committee on the Public Lands.

By Mr. KNIGHT: A bill (H. R. 14395) to amend section 100 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended; to the Committee on the Judiciary.

By Mr. PORTER: A bill (H. R. 14396) to amend an act entitled "An act to provide for the registration of with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense,

sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914, and for other purposes; to the Committee on Ways and Means.

By Mr. FOSTER: A joint resolution (H. J. Res. 458) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. STEENERSON: A joint resolution (H. J. Res. 459) authorizing and requesting the Secretary of State to enter into negotiations with the Dominion of Canada with reference to the straightening and deepening of the channel of the Roseau River north of the international boundary line; to the Committee on Foreign Affairs.

By the SPEAKER (by request): Memorial of the Legislature of the State of Utah, asking for relief to settlers of United States reclamation projects; to the Committee on Irrigation of Arid Lands.

By Mr. VAILE: Memorial of the Legislature of the State of Colorado, expressing the view that the Interstate Commerce Commission should show the value of each interstate carrier in the several States; to the Committee on Interstate and Foreign Commerce.

By the SPEAKER (by request): Memorial of the Legislature of the State of Montana, 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 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. FOCHT: A bill (H. R. 14397) granting a pension to Mary L. Peck; to the Committee on Invalid Pensions.

By Mr. HICKS: A bill (H. R. 14398) authorizing the Secretary of War to donate to the village of Bayport, in the State of New York, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. WASON: A bill (H. R. 14399) granting a pension to Mary Cain; 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:

7357. By Mr. ANSORGE: Petition of the Merchants' Association of New York, N. Y., recommending legislation authorizing the Secretary of State to negotiate with foreign governments in order to bring about reciprocal modifications of existing passport regulations and fees; to the Committee on Foreign Affairs.

7358. Also, petition of Woman's Republican Club (Inc.), New York, urging Congress to pass the ship subsidy bill; to the Committee on the Merchant Marine and Fisheries.

7359. Also, petition of Woman's Republican Club (Inc.), New York, urging the United States Government to limit the import of raw drug material and that the amount used be determined after consultation with the Department of Health of the United States Government; to the Committee on Interstate and Foreign Commerce.

7360. By Mr. CULLEN: Petition of New York League of Unitarian Women, favoring Senate Joint Resolution 232, proposing a constitutional amendment granting Congress the right to regulate child labor; to the Committee on the Judiciary.

7361. By Mr. FULLER: Petition of the Rockford (Ill.) Business and Professional Woman's Club, favoring the McCormick child labor amendment to the Federal Constitution; to the Committee on the Judiciary.

7362. By Mr. GRIEST: Petition from Lancaster County (Pa.) Farm Loan Association, protesting against legislation proposed by House bill 13125 and Senate bill 4130; to the Committee on Banking and Currency.

7363. By Mr. KELLER: Petition of the Exchange Club of St. Paul, Minn., with reference to the immigration problem; to the Committee on Immigration and Naturalization.

7364. By Mr. KELLY of Pennsylvania: Petition of Chamber of Commerce of Pittsburgh, Pa., calling for flood-control legislation; to the Committee on Flood Control.

7365. Also, petition of Monongahela Council, Order of Independent Americans, of Braddock, Pa., urging restriction of immigration; to the Committee on Immigration and Naturalization.

7366. By Mr. KISSEL: Petition of Miss Sara Dean, the Fairmont Hotel, San Francisco, Calif., favoring an allied commission being sent over to Germany to ascertain the economic and military conditions of that country; to the Committee on Foreign Affairs.

7367. Also, petition of Henry J. Gielow (Inc.), New York City, N. Y., favoring an amendment to the law which permits yachts purchased abroad to be admitted without paying ad valorem duty; to the Committee on the Merchant Marine and Fisheries.

7368. Also, petition of New York League of Unitarian Women, requesting the passage of Senate Joint Resolution 232; to the Committee on the Judiciary.

7369. By Mr. MEAD: Petition of 384 citizens of forty-second congressional district of New York, favoring legislation extending aid to the people of the German and Austrian Republics; to the Committee on Foreign Affairs.

7370. By Mr. THOMPSON: Petition of 76 residents of Putnam County, Ohio, urging the passage of House Joint Resolution 412, for the relief of famine-stricken sufferers in Austria and Germany; to the Committee on Foreign Affairs.

SENATE.

WEDNESDAY, *February 21, 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. HARRISON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The roll will be called.

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

Ball	Fletcher	McCormick	Reed, Mo.
Bayard	Frelinghuysen	McKellar	Reed, Pa.
Borah	George	McKinley	Robinson
Brandegee	Gerry	McNary	Sheppard
Brookhart	Glass	Moses	Smoot
Broussard	Gooding	Nelson	Spencer
Capper	Hale	New	Sterling
Colt	Harrison	Norbeck	Sutherland
Couzens	Heflin	Norris	Swanson
Culberson	Hitchcock	Oddie	Townsend
Cummins	Johnson	Overman	Trammell
Curtis	Jones, Wash.	Page	Walsh, Mass.
Dial	Kellogg	Phipps	Warren
Dillingham	Keyes	Pittman	Watson
Edge	Ladd	Poindexter	Weller
Ernst	La Follette	Pomerene	Williams
Fernald	Lodge	Ransdell	Willis

The VICE PRESIDENT. Sixty-eight Senators have answered to their names. A quorum is present. The Senator from Missouri [Mr. REED] is entitled to the floor.

Mr. MOSES. Mr. President, will the Senator from Missouri yield to me for a moment?

Mr. REED of Missouri. I was warned on yesterday by the Senator in charge of the bill that I could not yield without losing the floor. I am willing to make any kind of a reasonable concession.

Mr. JONES of Washington. I will say to the Senator from Missouri that I am going to make any reasonable concession. I shall not object to the Senator yielding where it will not take any particular time in discussion.

Mr. HITCHCOCK. Mr. President, we are not disposed to yield to anything.

Mr. JONES of Washington. I am simply standing on my rights under the rule and I am trying to treat everyone fairly.

Mr. HITCHCOCK. That is exactly what we are going to do.

Mr. MOSES. Do I understand that the Senator from Missouri declines to yield to me?

Mr. REED of Missouri. I want to extend every courtesy to my brother Senators, but, of course, I do not want to have advantage taken of that to take me off the floor. I had promised the Senator from Utah [Mr. SMOOT] to yield to him, if I could do so, to make some report.

Mr. SMOOT. Not to submit a report, I will say to the Senator, but——

Mr. McKELLAR. I object to that being done.

Mr. SMOOT. It was simply with reference to a bill which had been wrongly referred.

Mr. McKELLAR. I will relieve the Senator from Missouri by insisting on the objection.