SENATE.

SATURDAY, *February 24, 1923.*

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

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

Our Father, again are we the recipients of Thy mercies and permitted to enjoy the brightness of a morning freighted with opportunity. And we do ask that Thy grace may be supplied unto us, giving strength for every duty, wisdom in the midst of deliberation. So guide our thoughts and purposes that we may prove acceptable unto Thee. Through Jesus Christ. Amen.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, February 19, 1923, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CALL OF THE ROLL.

Mr. CURTIS and Mr. McKELLAR suggested 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:

Ball	Frelinghuysen	McKinley	Shortridge
Bayard	George	McLean	Smith
Borah	Gooding	McNary	Smoot
Brandegee	Hale	Moses	Spencer
Brookhart	Harreld	Myers	Stanfield
Broussard	Harris	Nelson	Stanley
Bursum	Harrison	New	Sterling
Calder	Heflin	Norris	Sutherland
Cameron	Jones, N. Mex.	Oddie	Swanson
Capper	Jones, Wash.	Overman	Townsend
Caraway	Kellogg	Page	Trammell
Colt	Kendrick	Pepper	Wadsworth
Couzens	Keyes	Phipps	Walsh, Mass.
Culberson	King	Pittman	Walsh, Mont.
Cummins	Ladd	Poindexter	Warren
Curtis	La Follette	Pomerene	Watson
Dial	Lenroot	Ransdell	Weller
Dillingham	Lodge	Reed, Pa.	Willis
Edge	McCormick	Robinson	
Fernald	McCumber	Sheppard	
Fletcher	McKellar	Shields	

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

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, lists of papers and documents on file in certain field offices of the division of customs and Federal reserve banks, and in the Washington offices of the Public Health Service, Supervising Architect, Bureau of Engraving and Printing, Comptroller of the Currency, and the Treasurer of the United States, which was referred to a Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Vice President appointed Mr. McLEAN and Mr. FLETCHER members of the committee on the part of the Senate, and ordered that the Secretary notify the House of Representatives thereof.

NEAH BAY DOCK CO.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 9309) for the relief of the Neah Bay Dock Co., a corporation, was read twice by its title.

Mr. JONES of Washington. A Senate bill identical with this is on the calendar and I do not think its consideration will take any time. If any time is to be taken on it, I will let it go to the calendar. It is a claim bill for the destruction of a dock that the Navy Department, so the report says, admits was entirely their fault. Every dollar is shown to have actually been expended on repairs. It is to pay the amount of damages, and there is no question as to the amount.

Mr. ROBINSON. I have no objection to its present consideration.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Neah Bay Dock Co., a corporation, 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 reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THURSTON W. TRUE.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2984) for the relief of Thurston W. True, which was, on page 1, line 5, to strike out "$1,000" and insert "$794."

Mr. SMITH. I move that the Senate disagree to the amendment of the House and request a conference with the House, and that the Chair appoint the conferees on behalf of the Senate.

The motion was agreed to, and the Vice President appointed Mr. CAPPER, Mr. SPENCER, and Mr. ROBINSON conferees on the part of the Senate.

ESTATE OF DAVID B. LANDIS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1599) for the relief of the estate of David B. Landis, deceased, which was, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated."

Mr. PEPPER. I move that the Senate concur in the House amendment. The amendment merely adds the formal words which inadvertently were omitted from the bill when it was introduced in this body.

The motion was agreed to.

MARTIN CLETNER.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2632) to correct the military record of Martin Cletner, which was, to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Martin Cletner, who served under the name of Martin Cubbler as a member of Captain Wrigley's independent company, Pennsylvania Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on or about the 24th day of November, 1862: *Provided*, That no pay, pension, bounty, or other allowance shall accrue prior to the passage of this act.

And to amend the title so as to read: "An act for the relief of Martin Cletner."

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

Mr. KING. I would like to inquire what the difference is between the House amendment and the Senate bill.

Mr. SHORTRIDGE. Answering the Senator's question, I think there is very little material difference, but it makes it very certain that the party in interest is not to receive any benefits by way of back pay or pension. The bill passed the Senate in the form found in the original bill, but the House amendment makes it more definite.

The motion was agreed to.

G. DARE HOPKINS.

The VICE PRESIDENT laid before the Senate the amendment of the House to the bill (S. 3351) for the relief of G. Dare Hopkins, which was, on page 1, line 6, to strike out "$5,000" and insert "$2,500 in full settlement against the Government."

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

Mr. ROBINSON. Mr. President, there is so much confusion in the Chamber that it is impossible to hear on this side what is going on. What is the pending question and what was the request submitted or motion made by the Senator from Kansas?

The VICE PRESIDENT. The Senator from Kansas moved to concur in the House amendment.

Mr. ROBINSON. Very well, I have no objection.

The motion was agreed to.

ROBERT EDGAR ZEIGLER.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 107) for the relief of Robert Edgar Zeigler, which were, on page 1, line 4, after the word "pay," to insert "out of any money in the Treasury not otherwise appropriated," and on page 1, line 5, to strike out "$725" and insert "$585."

Mr. TOWNSEND. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

ANTON ROSPOTNIK.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3594) for the relief of Anton Rospotnik and the exchange of certain lands owned by the Northern Pacific Railway Co., which was, on page 1, line 12, after the word "State," to insert "and of approximately the same value."

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

Mr. ROBINSON. Will the Senator explain what is the purpose and effect of the amendment in which he moves that the Senate concur?

Mr. MYERS. It is a bill involving a case of this kind: A man made a homestead entry in Montana. He was permitted through misinformation of the local land office officials to file on a piece of land which belonged to the Northern Pacific Railway Co., and which had been leased for years. He went on the land and improved it, and he was never informed of its real ownership. He spent five years on the land and at the end of that time when he went to make final proof he was suddenly and very surprisingly informed that the land did not belong to the United States. The bill simply authorizes the Secretary of the Interior in his discretion to negotiate an exchange for other lands.

Mr. ROBINSON. The House amendment does that?

Mr. MYERS. No; the bill authorizes it.

Mr. ROBINSON. What is the House amendment?

Mr. MYERS. I will come to that in a moment. The bill authorizes the Secretary of the Interior to negotiate with the Northern Pacific Railway Co. to exchange for like land situated in Montana and let the railway company take the lieu land and give up this land and let the man take a patent to it.

The bill passed the Senate in that form and went to the House. The House has added an amendment to provide that any land selected by the railroad company in lieu of this land shall be of approximately the same value. That is the House amendment. I move——

Mr. ROBINSON. Very well.

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

The motion was agreed to.

UNANIMOUS-CONSENT AGREEMENT.

Mr. CURTIS. Mr. President, I ask unanimous consent at this time to submit the unanimous-consent agreement which I will read:

It is agreed by unanimous consent that at not later than 5 o'clock p. m., to-day, the Senate will adjourn until 11 o'clock a. m. Monday, February 26, 1923, and that immediately after the conclusion of the routine morning business on Monday the Senate will proceed to the consideration of the calendar under Rule VIII and continue such consideration until 1 o'clock p. m.; and that, if not sooner disposed of, the motion to proceed to the consideration of the shipping bill (H. R. 12817) be considered as pending at the hour of 1 o'clock p. m. on Monday, February 26, 1923 (February 24, 1923).

Mr. ROBINSON. Mr. President, that proposal is satisfactory to this side of the Chamber.

The VICE PRESIDENT. Is there objection to entering into the unanimous-consent agreement?

Mr. BRANDEGEE. Mr. President——

Mr. CURTIS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wish to ask the Senator from Kansas whether under the agreement the call of the calendar is to be under Rule VIII, so that a bill may be taken up upon motion in spite of an objection to its consideration, or whether the calendar will be taken up simply for the consideration of unobjected bills?

Mr. CURTIS. The calendar would be taken up under Rule VIII so that a bill might be taken up by motion. It was agreed——

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

Mr. CURTIS. I will ask the Senator to wait until I make this statement. It was agreed that this morning be devoted to the consideration of unobjected bills, and it seems to me that if we adhere to the regular business we can this morning finish the calendar of unobjected bills.

Mr. McKELLAR. I do not know that I caught the exact import of the statement which was made in reference to the shipping bill.

Mr. CURTIS. The statement was that if the shipping bill shall not have been sooner disposed of, the question as to its disposition shall be considered as pending at 1 o'clock on Monday.

Mr. ROBINSON. That is, the motion to proceed to its consideration shall be determined.

Mr. CURTIS. Yes.

Mr. McKELLAR. Suppose it should be disposed of to-day?

Mr. CURTIS. That would settle it.

Mr. McKELLAR. If it were disposed of to-day, then that language would have no effect.

Mr. NORRIS. Mr. President, I wish to make a suggestion to the Senator from Kansas. The agreement as read provides that on Monday we shall consider the calendar under Rule VIII. That means if any Senator objects to the consideration of a bill, and then it is taken up by motion, the limitation of debate does not apply. In the interest of disposing of the calendar and getting some bills through that possibly might be objected to by one Senator, I wish to suggest that we include in the unanimous-consent agreement a further agreement that, on Monday if a bill is taken up by motion during the call of the calendar, under Rule VIII, the five-minute rule as to debate shall apply. That would prevent consuming the entire morning hour on one bill under unlimited debate.

Mr. CURTIS. So far as I am concerned that would be satisfactory to me.

Mr. JONES of Washington. But is not that the rule?

Mr. NORRIS. No.

Mr. ROBINSON. Mr. President, that would be impossible, because under such an arrangement the Senate might proceed with the consideration of the shipping bill, apply a limitation of five minutes to debate, and vote on the shipping bill; and certainly no one, in view of the course that measure has taken in the Senate, would agree to that.

Mr. NORRIS. No one would want to do that.

Mr. ROBINSON. I object to the suggestion of the Senator from Nebraska.

Mr. CURTIS. I ask unanimous consent that my request for unanimous consent be now put.

The VICE PRESIDENT. Is there objection to the unanimous-consent agreement proposed by the Senator from Kansas? The Chair hears none, and the agreement is entered into.

LANDS IN CANON CITY, COLO.—CONFERENCE REPORT.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. I call for the regular order.

Mr. SMOOT. I submit the conference report which I send to the desk, and I ask for its immediate consideration.

The VICE PRESIDENT. The conference report submitted by the Senator from Utah will be read.

The reading clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7053) to grant certain lands to the city of Canon City, Colo., for a public park, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

REED SMOOT,
I. L. LENROOT,
Managers on the part of the Senate.
N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that the Senate proceed to the consideration of the conference report. Is there objection?

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

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

LANDS IN ESCAMBIA COUNTY, FLA.—CONFERENCE REPORT.

Mr. SMOOT. I submit a further conference report which I send to the desk and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The conference report will be read.

The reading clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7967) granting certain lands to Escambia County, Fla., for a public park, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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

REED SMOOT,
I. L. LENROOT,
H. L. MYERS,
Managers on the part of the Senate.
N. J. SINNOTT,
ADDISON T. SMITH,
CARL HAYDEN,
Managers on the part of the House.

The VICE PRESIDENT. Is there objection to the request of the Senator from Utah for the immediate consideration of the conference report?

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

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

SENATOR FROM VERMONT.

Mr. DILLINGHAM presented the credentials of FRANK L. GREENE, chosen a Senator from the State of Vermont, for the term beginning March 4, 1923, which were read and ordered to be placed on file, as follows:

STATE OF VERMONT.

To the President of the Senate of the United States:

This is to certify that on the 7th day of November, 1922, FRANK L. GREENE was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1923.

Witness his excellency our governor, Redfield Proctor, and our seal hereto affixed at Montpelier, this 19th day of February in the year of our Lord 1923.

[SEAL.] REDFIELD PROCTOR, *Governor.*

By the Governor:

HARRY A. BLACK, *Secretary of State.*

PETITIONS AND MEMORIALS.

Mr. JONES of New Mexico. Mr. President, on yesterday afternoon at the time of adjournment I was endeavoring to present petitions from certain citizens in New Mexico. I desire now to call attention to those petitions in order that they may be properly referred. The petitions come in connection with a letter addressed to me; and the petitions themselves, it seems to me, call for action by the Committee on Interstate Commerce. In connection with the petitions is a printed statement regarding the recent machinists' strike. I ask that this statement which is printed here be also printed in the RECORD, but first that there be printed in the RECORD a letter addressed to me by Mr. W. T. Patterson, of Albuquerque, N. Mex.

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

The letter referred to is as follows:

INTERNATIONAL ASSOCIATION OF MACHINISTS,
OFFICE OF THE SECRETARY-TREASURER,
Albuquerque, N. Mex., February 17, 1923.

Hon. A. A. JONES,
Washington, D. C.

MY DEAR SENATOR: The inclosed petitions are, I believe, self-explanatory. They ask that our Representatives in Washington undertake, through legislative action or otherwise, to compel the railway executives upon roads where strike conditions still exist to arrange an adjustment of the controversy in line with President Harding's proposal of July 31. A copy of this proposal and other information upon the subject will be found in the pamphlet which we are also inclosing.

You will, no doubt, remember that when President Harding made the proposal in question he stated that whichever side rejected his plan would be held as responsible for further continuance of the deplorable situation upon the railroads which has resulted from the strike. Our representatives agreed to accept the President's plan, and the railroads rejected it, which has resulted in a condition that has been nothing short of a lockout of the railroad mechanics since August 1. Since that time about 150 of the railroads have broken away from their association and arranged a settlement with their former employees in line with Mr. Harding's suggestion; but the Santa Fe, the Southern Pacific, and about 50 other roads are still stubbornly holding out while the public suffers for lack of service. Thousands of their former employees are being brought down to starvation conditions, and millions and millions of dollars of unwarranted expense is being piled up by the railroads, which will sooner or later be an additional burden upon the public.

This is a very serious situation, and we hope that you and Senator BURSUM, in conjunction with the other Representatives, who are receiving similar petitions from their constituents, will actively get in behind this matter and take such action as will speedily bring this long-drawn-out controversy to a close.

Thanking you in advance for the earnest consideration which we feel you will give the proposition, I remain,

Very respectfully, W. S. PATTERSON.

Mr. JONES of New Mexico. Without reading, I ask that one of the petitions may be printed in the RECORD. I may state that the petitions come from different communities in the State of New Mexico. Altogether I should judge that there are a thousand names signed to them. I will not ask that each petition be printed in the RECORD, but simply that one of them be printed, for the petitions, coming from different communities, are in the same type. They come from Albuquerque, N. Mex., Gallup, N. Mex., Belen, N. Mex., and other communities.

The petitions relate to the strike of last August of the machinists of the country who were working for the railroads. I do not pretend to make a statement regarding the merits of the transaction, but the statement of facts which is presented in the petitions seems to warrant investigation by the Committee on Interstate Commerce. After the printing in the RECORD I ask that the statement of facts and these various petitions be referred to the Committee on Interstate Commerce.

The VICE PRESIDENT. Without objection, the petition and statement referred to by the Senator from New Mexico will be printed in the RECORD. The Chair hears none.

The matter referred to is as follows:

RATON, N. MEX., *January 30, 1923.*

Hon. A. A. JONES,
Senator from New Mexico, Washington, D. C.
Hon. H. O. BURSUM,
Senator from New Mexico, Washington, D. C.

DEAR SIRS: We, the undersigned citizens of Raton, N. Mex., and vicinity, having read President Harding's plan of settlement as submitted to Messrs. B. M. Jewell and T. Dewit Cuyler on July 31, 1922, having also read copies of correspondence which has passed between the representatives of the shopmen and the officials of the Santa Fe Railway Co., believe that everything has been done on the part of the representatives of the shopmen that could have been done to bring about a just and reasonable settlement of the controversy now existing between the railroads and their employees who went on strike July 1, 1922.

Knowing conditions as they now exist on the Santa Fe Railway and other railroads in this vicinity, we are now convinced that after a seven months' trial the Santa Fe Railway and the other railroads can not efficiently operate their transportation facilities with the class of employees they now have employed in the shops.

We therefore respectfully request that you use your good offices to compel the Santa Fe Railway and other railroads in this vicinity to accept the plan of settlement as proposed by President Harding on July 31, 1922.

—

FACTS THE PUBLIC SHOULD KNOW ABOUT THE RAILROAD SHOPMEN'S STRIKE.

On July 1, 1922, about 400,000 railroad shop employees walked out on strike, not, as was generally supposed, for the purpose of securing higher rates of pay, but because of the fact that 92 railroads had violated 104 decisions of the United States Railroad Labor Board and a number of railroads had refused to put into effect the rates of pay established by the decisions of the board, and in order to evade the decisions of the board had leased their shops, discharging all their employees, with instructions that if they wished employment they must apply to the contractor who had leased their shops. This resulted in wages being reduced in the contract shops far below the rates established by the United States Railroad Labor Board, and in many instances so low that men could not buy the necessities of life with the wages received. The leasing out of shops continued to spread until it had reached practically every section of the country, and until the shopmen themselves decided something must be done to compel the railroad companies to abide by the decisions of the Railroad Labor Board and pay the rates of wages established by its decisions; hence the strike, their only weapon of defense.

The President of the United States recognized the validity of the stand taken by the striking shopmen when, on July 31, he sent the following terms of settlement to Mr. B. M. Jewell, president of the railway employees' department of the American Federation of Labor and head of the striking shopmen's organization, and to Mr. T. DeWitt Cuyler, chairman Association of Railway Executives.

President Harding's terms of settlement of the railroad shop strike, dated Washington, D. C., July 31, 1922:

THE WHITE HOUSE, *July 31, 1922.*

Col. T. DEWITT CUYLER,
Chairman Association of Railway Executives,
Care Waldorf-Astoria Hotel, New York City, N. Y.

MY DEAR MR. CUYLER: I am writing to convey to you the terms of agreement, as I understand them, upon which the railway managers and the United Shop Craft Workers are to agree preliminary to calling off the existing strike.

First. Railway managers and workmen are to agree to recognize the validity of all decisions of the Railroad Labor Board and to faithfully carry out such decisions as contemplated by the law.

Second. The carriers will withdraw all lawsuits growing out of the strike, and Railroad Labor Board decisions which have been involved in the strike may be taken in the exercise of recognized rights by either party to the Railroad Labor Board for rehearing.

Third. All employees now on strike to be returned to work and to their former positions with seniority and other rights unimpaired. The representatives of the carriers and the representatives of the organizations especially agree that there will be no discrimination by either party against the employees who did or did not strike.

In view of the things said in our personal interview, it is hardly necessary for me to emphasize my belief in the wisdom of the railway managers accepting this compromise in order to bring the strike to an end. I have made a very full appraisal of all the embarrassments involved in making the seniority restoration. It has seemed to me that the proposition that the order of things on the day the strike began be restored, and that both employers and workers agree against discrimination toward either those who struck or did not strike, will leave to the managers only the difficult problem of dealing with the new men employed. It would be futile for me to attempt to point the way of most easily solving that difficulty. I have only attempted to appraise the situation from the larger viewpoint. It seems to me that such a settlement brings, first of all, the restoration to normal operations in transportation for which the country is calling. In the second place, it establishes definitely the full recognition of the Railroad Labor Board by all parties concerned. I have not specifically stated it in the terms of settlement, but, of course, the abandonment of the contract system, in accordance with the decision of the board, is to be expected on the part of all railroads. It is wholly unthinkable that the Railroad Labor Board can be made a useful agency of the Government in maintaining industrial peace in the railway service unless employees and workers are both prompt and unquestioning in their acceptance of its decisions. I think it is more desirable than I know how to express to have established the unchallenged authority of the Railroad Labor Board, because we must do those things which are necessary to bring about the recognition of suitable authority to decide and end such disputes as menace the continuity of transportation.

You are at liberty to present the situation as I have outlined it to you, and I hope you will convey to the members my deep conviction that this dispute must be brought to an early termination. I need hardly add that I have reason to believe these terms will be accepted by the workers. If there is good reason why the managers can not accept, they will be obligated to open direct negotiations or assume full responsibility for the situation.

With very best regards, I am, very truly yours,

WARREN G. HARDING.

In the first paragraph of the terms you will please note that the President lays particular stress upon both the railroad management and employees agreeing to the validity of the decisions of the Railroad Labor Board and to faithfully carry out such decisions.

On August 1, 1922, Mr. Jewell and the international officers representing the organizations of railroad shopmen on strike accepted President Harding's plan of settlement. The Association of Railroad Executives refused to accept the President's plan of settlement, which has since August 1, 1922, changed the strike from a strike of railroad shop employees to a strike of the Association of Railroad Executives, or, in other words, into a "lockout" by a number of railroads whose officials refuse to meet the representatives of the men locked out on any terms.

I now speak in particular of the Atchison, Topeka & Santa Fe Railway, whose officials have to date absolutely refused to meet the representatives of the locked out men, and for your information we are quoting complete file of correspondence which has passed between representatives of the "locked out men" and Mr. A. G. Wells, vice president of this railway.

We wish to call your attention to letter to Mr. Wells of November 8, wherein it was pointed out to him the then existing conditions on the Santa Fe Railway, and to his reply to same, dated November 10, in which he made no denial of the facts submitted; and since November 8 conditions have continuously grown worse; passenger and freight train wrecks are frequent, causing great damage to property as well as endangering the safety of passengers and crews. These wrecks are, no doubt, caused by improper repairs made to, and improper inspection of, the equipment by inexperienced men now in the employ of the railway company.

Having in mind the interest of the public, and the losses sustained by farmers, business men, and others through the lack of transportation, as well as the losses sustained by the "locked-out shopmen," we feel that the public is entitled to be advised as to why these conditions exist.

In President Harding's letter to Mr. Cuyler he said: "If there is good reason why the managers can not accept, they will be obligated to open direct negotiations or assume full responsibility for the situation."

The managers have not accepted the President's plan of settlement, and have refused to open direct negotiations, therefore they must assume the responsibility for the deplorable conditions now existing. Regardless of the statements made by the railroad management that they are operating normally, transportation of both passengers and freight is continuously getting worse, and it seems to me that after seven months' trial on the part of the railroad management, in which they have failed to even make a semblance of efficiency in the operation of transportation, that the public would be convinced that the railroads can not properly or efficiently operate their transportation facilities with the class of employees they now have employed in their shops, and will demand of the railroad companies that President Harding's plan of settlement be recognized.

SYSTEM FEDERATION NO. 97,
By T. L. PERSONETT, *President.*

—

(Copy.)

CHICAGO, ILL., *October 2, 1922.*

Mr. A. G. WELLS,
Vice President and General Manager of Operation, Atchison, Topeka & Santa Fe Railway System, Railway Exchange Building, Chicago, Ill.

DEAR SIR: In order to bring to an end the existing strike of employees on the Santa Fe Railway system and relieve the shippers and general public from the adverse effects thereof, Mr. Personett and the writer are in Chicago authorized to arrange a conference between the Santa Fe management and the executive committee of the striking employees for the purpose of effecting a settlement of the matters in controversy.

Awaiting an early reply, I am, yours very truly,

(Signed) A. H. NORRIS,
Chairman Executive Committee.

Address, GRACE HOTEL, *Chicago, Ill.*

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(Copy.)

THE ATCHISON, TOPEKA & SANTA FE RAILWAY CO.,
Chicago, Ill., October 3, 1922.

Mr. A. H. NORRIS,
Care of Grace Hotel, Chicago, Ill.

DEAR SIR: In acknowledgment of yours of October 2, beg to advise that the subject referred to in your letter was discussed by me in my office Saturday morning, September 16, 1922, with Mr. Jewell, at his request, and definitely disposed of.

The strike has long since been settled in so far as this company is concerned; therefore nothing could be gained by a conference with you and Mr. Personett for the purpose you suggest.

Yours truly,

(Signed) A. G. WELLS.

—

(Copy.)

ALBUQUERQUE, N. MEX., *October 15, 1922.*

Mr. A. G. WELLS,
Vice President A. T. & S. F. R. R. System, Chicago, Ill.

DEAR SIR: Your letter of the 3d instant, addressed to Mr. Norris, declining to confer with him and Mr. Personett upon the strike situation as it exists on your railway system is before the executive board of the Santa Fe System Federation of Shop Crafts.

We are sorry you have assumed such an uncompromising attitude, not only on account of the adverse effect the controversy is having upon the earnings of your railroad but because of the great inconvenience and annoyance being caused the traveling and shipping public, who have heretofore enjoyed good service from the Santa Fe, of which we, as your employees, were just as proud as the management.

You say that in so far as the company is concerned the strike has long since been settled. This may be true, but the fact remains that 90 per cent of your passenger trains are and have been for some time running late, frequently many hours off of schedule; that shippers from one end of the line to the other are bitterly complaining as to their failure to receive freight, days and often several weeks over due; and that they are constantly sending complaints, not only to your office but to Washington as well, relative to their inability to secure cars for loading.

Were it not for a hopeless policy now being pursued by a number of different railroads, having for its purpose the discrimination of these organizations, we feel that we could get together with you and that these deplorable conditions would be speedily overcome. We do not, however, charge you, Mr. Wells, with the originating of this unfriendly and un-American policy, because we have generally found you fair in the treatment of your employees in the past, but we believe that some force beyond you is responsible for this condition.

Under the circumstances there is nothing else for us to do but to continue to make the strike as effective as is legally possible, and we are hereby giving you notice of our intention to do so; but nevertheless we want to assure you that we are ready and willing at any time to sit down to a conference table with you in an earnest endeavor to amicably adjust these difficulties, and in the meantime, as we presume you know, many of our members are finding employment upon the numerous other railroads throughout the country who are signing agreements and arranging just and reasonable settlements with their employees.

Assuring you of our warmest personal regards, we remain,

EXECUTIVE BOARD SYSTEM FEDERATION NO. 97,
By A. H. NORRIS, *Chairman.*

[NOTE.—No reply was received to this letter from Mr. Wells.]

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(Copy.)

KANSAS CITY, KANS., *November 8, 1922.*

Mr. A. G. WELLS,
Vice President A. T. & S. F. R. R., Railway Exchange Building, Chicago, Ill.

DEAR SIR: I have before me a clipping from a Chicago newspaper in which it is claimed there are now 18,972 men employed in the shops on the Santa Fe Railroad, that the conditions of motive power are normal, and on October 25 only 4.69 per cent of all freight cars on the Santa Fe Lines were in bad-order condition, including home and foreign cars. This statement may be true; however, there are 3,500 loaded cars and about 5,000 empty cars in Argentine yards which for some reason or other can not be moved; the train yards at Emporia, Newton, Arkansas City, Dodge City, Trinidad, Raton, Las Vegas, and other points are so congested that trains are held on the main line sometimes for hours until room can be made in the train yards. On a recent date there were 36 engines reported at Cleburne shops, 36 at Newton shops, and 27 at Topeka shops for heavy repairs standing dead, with like proportions at smaller points, while engine failures are reported daily from all divisions.

I also have a report that a farmer from Baldwin, Kans., received a car to ship hogs in, but before the car could be used was compelled to lay a floor at the expense of $14.40 for lumber. I also have reports of requests for grain cars which can not be supplied, while thousands of cars are standing idle on the sidetracks. This would indicate to me that condition of equipment and conditions in the shops are far from being normal, and that the officers of the Santa Fe Railroad have been ill advised as to the true conditions.

Heretofore, when abnormal conditions arose, the representatives of the shop crafts were called into conference with the railroad officials and made to understand that the interest of the public must be taken into consideration in bringing about normal conditions. The shop crafts submitted to and accepted a reduction in wages of 8 cents per hour; they gave up overtime on Sundays and holidays and many other things for the benefit of the public. However, now, when the public expects and is entitled to service from the railroad company and when that service can be properly rendered only when the shop crafts are restored to service, the shops crafts are denied the right of conference with the officials in the interest of the public.

On October 2 Mr. Norris, chairman of the system federation executive board, wrote you asking that conference be granted the executive committee of striking employees. This request was refused, and the striking employees denied the privilege of showing to the officials of the company and the public whether or not they would be fair or unfair in negotiating a settlement of the strike.

In all former dealing between the representatives of the shop crafts and the officers of the Santa Fe Railway Co. I do not believe it can be said that the representatives of the shop crafts have been unfair in their dealings; neither can it be said by the shop crafts' representatives that the officers of the railroad have been unfair in their dealings. Having this in mind, it appears to me that if conference was granted to the representatives of the men on strike at least no harm would be done, while a great deal of good might be accomplished.

May I, therefore, request that you reconsider your reply to Mr. Norris's letter of October 2 and agree to meet with representatives of the striking shopmen in an attempt to reach a friendly understanding.

I would be pleased to hear from you in regard to this request, or would be pleased to meet with you personally at your convenience to talk this matter over with you if you so desire.

Thanking you in advance to give this matter due consideration, I am

Yours truly,

(Signed) T. L. PERSONETT,
President System Federation.

—

(Copy.)

Subject: Desire of shop crafts to settle the strike.

NOVEMBER 10, 1922. File 123099.

Mr. T. L. PERSONETT,
Peoples' National Bank Building, Kansas City, Kans.:

I am in receipt this morning of yours of the 8th instant, asking me to reconsider the character of reply rendered to Mr. Norris to his letter of October 2, and agree to meet with representatives of the striking shopmen in an attempt to reach an understanding. This I respectfully decline to do, but in turn would offer you the advice that you suggest to the men on strike that as many of them as possible apply for and obtain positions with the company. This is rather an empty offer because there is room for very few men, but the suggestion is dictated by a whole-souled desire to afford relief to as many of the misguided men who are on strike as possible.

I am fully advised of the conditions which exist on the Santa Fe Railway. For your information, will state that in September last past this company loaded on its own rails and received from connection more cars of freight than in any previous month in its history, and this satisfactory record was further increased in the month of October by over 21,000 cars. There is some delay to the movement of this abnormal business, but it is not attributable to the lack of the services of the men on strike, and indeed we have so few bad-order

cars that we are giving serious consideration to the need of reducing the force in the car department.

Mr. Jewell called on me, seeking that which you now ask, on the morning of September 16. I told Mr. Jewell then and now repeat to you that there is no hope for the erstwhile shop crafts' organization to arrive at any settlement of the strike with this company. Aside from other considerations, there is no need for a settlement; our forces are practically full and such men as are needed are being supplied daily, and I am happy to say a large number of the men who went on strike have returned to work.

Yours truly,

(Signed) A. G. WELLS.

(Copy.)

CHICAGO, ILL., *January 5, 1923.*

Mr. A. G. WELLS,
Vice President Santa Re Railway System, Chicago, Ill.

DEAR SIR: We have on several previous occasions written you relative to a conference for the purpose of discussing a settlement of the shopmen's strike. In your replies you have made the statement that "in so far as the Santa Fe Railway Co. is concerned, the strike is over," which in part is true, as the strike was turned into a lockout when the Railroad Executives Association refused to accept President Harding's plan of settlement last August.

However, we find at all points that officials and agents of the company are doing everything within their power to induce merchants and others to refuse credit to the men on strike unless they agree to return to work for the Santa Fe. Further, that some of the men on strike have been offered $500 and over to return to work as individuals, and, in addition, $50 apiece for each striker they can induce to return with them.

Last, but not least, we find that systematic efforts have been and are being made to prevent the strikers from securing employment at other work, and upon numerous occasions when they did secure work they would be laid off within a few days and told that certain influences had been brought to bear which prevented their employment because of their being striking railway employees.

Now, Mr. Wells, it would seem to us that if, as you say, "the strike is over," why all this activity on the part of the company to induce or compel the strikers to return to service? Surely, you would not deny them their "constitutional rights" to work for whomsoever they please.

The conditions now existing on the railroad are bringing peril and disaster to the public, the railway company, and the striking shopmen, and we believe now is the time for us to get together and iron out all differences and start the New Year right.

Therefore we are again requesting a date for a conference and would thank you for an early reply.

Yours very truly,

(Signed) T. L. PERSONETT,
President System Federation No. 97.
A. H. NORRIS,
Chairman Executive Board System Federation No. 97.

(Copy.)

JANUARY 6, 1923, File 123099.

Mr. A. H. NORRIS and Mr. T. L. PERSONETT,
836 Wilson Avenue, Apt. 3, Chicago, Ill.

DEAR SIRS: I have yours of yesterday's date, again asking for a conference for the purpose of discussing a settlement of what you are pleased to still characterize as the shopmen's strike, and can only say there is nothing to add in reply to your request to what was set forth in my letter of November 10 to Mr. Personett, a copy of which for your ready reference is inclosed.

The statement in your letter that officials and agents of the Santa Fe company are doing everything within their power to induce merchants and others to refuse credit to men on strike unless they agree to return to work for the Santa Fe I can not believe, and your further statement that some of the men on strike have been offered $500 and over to return to work as individuals and, in addition, $50 apiece for each striker they can induce to return with them also lacks the element of truth, as does your statement that efforts have been and are being made to prevent strikers from securing employment at other work.

Yours truly,

(Signed) A. G. WELLS.

HOW MUCH WILL YOUR DOLLAR PURCHASE?—A SIMPLE PROBLEM IN ARITHMETIC CONCERNING RAILROAD SHOPMEN'S WAGES AND THE LABOR BOARD.

(By M. W. Martin.)

Question. If your daily wage is 70.3 cents per hour and you work 8 hours per day, how much per day will you be paid?

Answer. 70.3 cents times 8 = $5.624.

Question. If you worked 300 days a year (and this is fixing the number of days about the average), how much money has the employer paid you?

Answer. 300 days times $5.624 = $1,687.20, my income for one year.

Question. If the real, actual purchasing power of the dollar, based on the cost of living retail prices, is 65 cents, then how much purchasing value will you have out of your yearly income?

Answer. $1,687.20 times 65 cents = $1,687.20
65

843600
1012320

$1,096.6800

Question. If $1,096.68 represents the real purchasing value of your money, earned in one year, and the family must live 365 days each year, how much money per day will your family have to live on?

Answer. As much as 365 will go into $1,096.68, which equals 3.0\frac{1}{2}$ per day.

Question. Is this the standard of wage fixed by a board representing the United States Government?

Answer. It is, by the United States Railroad Labor Board, for skilled mechanics on railroads.

Question. How about the track workers, or laborers, whose wage rate this board fixed at 23 cents per hour; have you worked that out?

Answer. I have.

Question. Will you let us have it?

Answer. Here it is.

This class of labor will hardly average in one year 275 days (deducting holidays, Sundays, and bad weather days). At 8 hours per day, equals 2,200 hours they work in one year. The United States Railroad Labor Board reduced their wages to 23 cents per hour.

2,200 hours at
.23 cents per hour

6600
4400

$506.00 = amount per year they will receive.

The purchasing power of the dollar, based on cost of living, retail prices, is 65 cents. The real purchasing power of
$506.00 is times
.65

253000
303600

$328.9000

Thus, these workers will have an annual income, of real purchasing power, of $328.90.

To find out how much per day this sum will provide to "keep" (?) a family divide 365 into it.

Answer. 90$\frac{1}{10}$ cents per day.

Think of it, here in the United States of America, practically 90 cents per day.

Russia, China, and heathen countries are a credit compared with this.

Do you condemn these workers for being stirred to unmeasured wrath? or are you with them to defeat this un-Americanism?

THE COMPANY UNION.

In order to deceive the public into believing that they are willing to continue the policy of collective bargaining with their shop employees, the railroads have caused to be formed, under the direction and guidance of railway officials, so-called associations or unions upon each particular railroad, adopting the "check-off" system for payment of dues—something to which they would never agree with the bona fide organizations. Further, upon most roads, the employee upon entering the service is required to first cancel any affiliation he may have with a bona fide labor organization, and is compelled to join the "company union," thereby bringing into existence a closed-shop condition, something which the regular organization has never attempted to enforce upon railroads and a proposition which would be bitterly opposed by the carriers; all of which goes to prove that the company fostered unions are in fact not unions at all, but, on the other hand, purely company-controlled counterfeits.

Recently the officers of the bona fide organizations on strike upon the Missouri Pacific Railroad made a careful analysis of this situation and published the same, in reply to a pamphlet gotten out by the Missouri Pacific Co., on the same subject. This analysis applies equally as well to the Santa Fe Railway, and other railroads upon which the lockout exists, and for your information we are therefore publishing in full this document, which follows:

The Missouri Pacific Railroad Co. recently caused to be distributed a pamphlet which is reproduced in full in the right-hand column below. The left-hand column is the answer of the men, who have never permitted the railroad company to dominate or determine the form of organization they desired, and if the transportation act of 1920 guarantees anything to railroad employees, it guarantees them the right to establish and maintain organizations without interference, coercion, or intimidation by railroad officials.

Why you should be a member of a bona fide trade-union, organized and dominated by the workers.	Why you should be a member of the association.
1. The bona fide trade-union is an institution born out of necessity by and for the workers for the express purpose of insuring its members against the injustices and tyrannies of the employer and his stool pigeons. It came into existence, not with the sanction of the employers, but despite the autocratic, black-listing practices so generally in vogue until curbed and practically eliminated by the trade-union movement.	1. The association gives assurance to the present working force that the Missouri Pacific Railroad officials have fulfilled the promise to stand by their loyal men by privileging them to form an organization for future negotiation.
2. No institution in this or any other country is more democratic than the trade-unions; they guarantee every member rights and privileges not obtainable by individual effort or company dominated associations, and membership does not cease when you are discharged, laid off, or quit of your own accord. The trade-union represents Americanism of the highest type; it is the defender of the weak, the women, the children, and the home.	2. It provides the individual employees with an adequate means of expression of any grievance.
3. The bona fide trade-union compelled recognition, negotiated agreements, and thereby established all the rules of procedure that are recognized to-day whereby the worker was protected from the arbitrary exercise of authority and humiliating abuses heaped upon the defenseless, unorganized workers. We have some very vivid recollections of the "full and fair consideration by the officials of the Missouri Pacific prior to the time we had an organization that was national in its scope.	3. It assures the workers that any just grievance will receive full and fair consideration by the officials up to and including the general manager, and, failing to agree, the case shall then be handled in accordance with the transportation act, 1920.
4. The Missouri Pacific Co. employs the best legal talent money can buy; it picks its officials from all corners of the globe; it maintains national and international associations; it has representatives in all the principal cities	4. These benefits accrue to the worker without outside influence or domination being felt in the conduct of the affairs of the association or in the settlement of any grievances.

and towns, but it wants to deny the workers these same privileges, and naturally so, because they know that they can not dominate, coerce, or intimidate the national, international, and other officers, including general chairman on salary, and they know also that any organization that must depend upon their sweet will for its very existence will never be of any real benefit to its members.

5. Every officer of the national and international railroad labor organizations comes from the ranks of the workers; they are elected by the workers; their salaries and duties are established and controlled by the rank and file and their continuation as representatives of the workers depends on their ability to get results for the men they represent. These officers are not dependent upon the whim of the employer; they are employed and paid by the workers to represent the interests of the workers, and the best evidence of their success is the policy of the railroad officials to establish company unions whose officers are dominated by the railroad to the detriment of the workers.

6. Representatives of the men whose bread and butter depend on the compensation they receive from the railroad are not desirable representatives of the men and never can be. Do you believe that a railroad company would employ a lawyer who was employed by a trade-union to represent said carrier in negotiating a contract for the benefit of the employees? The Missouri Pacific Railroad Co. is not so foolish, but it thinks its employees are. Hence the company association.

The Interstate Commerce Commission, in its wage statistics report for October, 1922, for 179 class 1 carriers, shows 191,804 salaried officials, agents, walking delegates, organizers, etc., including 19,604 policemen and watchmen. We find an aggregate total of 211,408 people whose duties consist of managing the business of the railroads, fooling the public, and trying to infringe upon, dictate, and dominate the personal liberty and rights of the workers, disrupt the bona fide trade-union, and convince the American people that in so doing they are honestly, efficiently, and economically managing the railroads.

7. The funds of a bona fide trade-union belong to the members whether they continue in the service of the Missouri Pacific Railroad or not. Members do not lose their insurance and other monetary benefits simply because they are discharged by the employer or quit and seek employment elsewhere. The bona fide trade-union has succeeded in returning to its members many times the total amount of money paid in. In 1900 the Missouri Pacific paid a first-class machinist or boiler maker 28 to 30 cents per hour, according to location. Today union wage is a minimum of 70 cents. Less than 10 per cent of all the dues and assessments paid by members goes to pay the salaries and expenses of the officers of a bona fide trade-union.

Approximately 90 cents of every dollar paid into a bona fide trade-union is returned to the members in the form of insurance, sick benefits, out of work and strike benefits.

It is perfectly natural for the Missouri Pacific and other railroads to tell the employees that it is "expensive and useless" for them to spend a small portion of their earnings in an effort to elect members to office, whether in or out of their respective organizations; but what about the millions of dollars these same interests donate to secure the election of men to public office in order that the employer may profit thereby? The November, 1922, election, which moved many corporation and railway tools from public

5. All the representatives and officials of the association are workers themselves; their interests and the interests of the workers are identical.

6. The officials and representatives serve without salary or recompense of any kind, and the only cost to the workers is an amount merely sufficient to cover actual and necessary expense incurred by the representatives when engaged away from home at a meeting of the general board and in the interests of the workers.

The American Federation of Labor provides jobs for about 35,000 to 36,000 salaried officials, agents, walking delegates, organizers, etc., whose principal business is to keep matters stirred up so as to provide reasons for holding their jobs—and the worker pays for it.

7. The funds of the association belong to the worker; none of the money collected goes toward the support of labor leaders who would do nothing in return for it. None of it is used to pay for expensive and useless political campaigns within the organization. None of it is wasted or otherwise uselessly spent in any way outside.

(The annual income of the American Federation of Labor is from $40,000,000 to $55,000,000.)

If the 35,000 salaried agents and employees of the American Federation of Labor receive as little as $500 per year compensation, the bulk of the money collected would have been spent in this way, leaving little or nothing to provide benefits for the rank and file of membership.

The members of the United Mine Workers' organization alone pay out of their annual wage $17,500, none of which was returned as strike benefits to them during the five months' strike just ended.

office, was most disconcerting. In fact, it is alarming to the special interests and, of course, it would never do for the workers to elect men and women who would represent the interests of the American people instead of the corporation.

There are between four and five million workers in the unions affiliated with the American Federation of Labor. The miners' union, the largest craft union, with some 400,000 members, pays its president about $10,000 per year. The carpenters' union, with some 350,000 members, pays its president about $7,500. The machinists' union, with some 300,000 members, pays its president about $7,500 per year. Samuel Gompers, president of the American Federation of Labor, receives a salary of $10,000 per year. These salaries are the highest paid of all the unions affiliated with the American Federation of Labor.

B. F. Bush, president of the Missouri Pacific Railroad Co., is paid a salary of $50,000 per year for managing a property employing approximately 40,000 people.

Hale Holden, president of the Chicago, Burlington & Quincy, receives $75,000 per annum.

C. H. Markham, president of the Illinois Central, receives $75,000 per annum.

William Sproule, president of the Southern Pacific, receives $75,000 per year.

E. Pennington, president of the Minneapolis, St. Paul & Sault Ste. Marie, receives $75,000 per year.

Six other presidents of railroads receive from $60,000 to $75,000 per year.

Eleven others receive from $50,000 to $60,000 per year.

Julius Kruttschnitt as chairman of the Southern Pacific receives $100,000 per year.

A. H. Smith, president of the New York Central system, receives $92,580 per year.

In all, eight railroad officials receive $75,000 or more per year.

Five railway executives receive from $40,000 to $50,000 per year and 14 receive from $30,000 to $40,000 per year.

According to the October, 1922, Interstate Commerce Commission report, the 179 class 1 carriers paid $47,190,071 to 211,408 officials, agents, walking delegates, etc., and for 12 months the salaries are approximately $565,080,852. This sum represents in part the supervising cost of an industry employing approximately 1,750,000 people, whereas the business of the American Federation of Labor, involving approximately 5,000,000 workers, is handled at a cost approximately one-thirtieth of that sum, based on the number of people involved.

The statement that the miners' union returned no portion of its funds in the form of strike benefits during the recent strike is a fair example of the clumsy methods employed by these highly salaried incompetents occupying executive positions in the railroad industry. Aside from their fancy salaries, their policies have cost the American people untold millions as a result of strikes and lockouts and other blunders, every one of which was due to exaggerated ego and a willful disregard for their responsibilities to the people who pay the present exorbitant freight and passenger rates.

8–9. The laws of the bona fide trade union are made by the will of the majority of the members. They establish the rate of dues and provide for the manner in which the funds are to be spent.

Approximately 400,000 members of the Federated Shop Crafts went on strike against an unwarranted reduction in their wages and changes in working rules, and although many of them are still on strike, they have not starved, and that is just what the railroads are proposing with their company unions. Keep the funds so low that the members will not be able to resist the introduction of low

8. Article 5, section 1, of the by-laws of the Mechanical Department Association provides:

"That funds may be used only as directed by the association as a body, such action to be taken by a majority vote of the members at any meeting and such disposition to be made with the approval of the president and majority of the members of the general board."

9. Thus, the members have a voice in the spending of their own money, a thing that no labor organization member has or has ever had except in connection with such union funds as might be the property of an individual local. In a

wages and unwarranted working conditions, and they hope to recoup the losses resulting from the present strike by making members of these company unions pay for it.

10. Certainly the company union members will not become involved in a strike; they stand alone; they have no funds and their organization is dominated by company tools. The poor fools who become members of these company organizations surrender their manhood and dare not offend the boss, because in their hearts they know that the only organization that can protect their interests is the organization of the Federated Shop Crafts, or other bona fide trades union.

11–12. A lot of meaningless platitudes. The bona fide trade union is the property of the members, and the steady improvement in the conditions of employment of workers in the organized industries is the only answer necessary.

The history of the trade-union movement does not chronicle a single instance to justify the claim that any association of workers organized, dominated, and controlled by the employer proved beneficial to the worker. Shoddy goods can be sold cheap, but the buyer gets little for his money. So it is with the member of the company union.

The so-called "hard-boiled" executives know that sooner or later they will be forced to do business with the bona fide organizations. The lavish expenditure of the people's money in the foolhardy attempt to smash the organizations comprising the Federated Shop Crafts is only additional proof that the railroads are not now, never have been, and never will be, conducted in the interests of the people of this country so long as the railroad executives are in a position to pass the burden of their mismanagement onto the public.

labor union the bulk of the money collected from members goes to the national body and the individual member has nothing more to do with it.

(In the carmen's organization of the B. R. of T. the monthly dues are $1.75, of which only 40 cents is retained in the local treasury.)

10. The association insures the worker against being involved in a strike or other time and money wasting controversy, at the instance of labor leaders, who sometimes use a strike to advance their own personal interests.

11. The association is in fact a workers' organization purely; the conduct of its affairs is left entirely to the members. In this connection it must be remembered that any voluntary organization, whether political, social, fraternal, or other, is of value to its members in exact proportion to the extent by which the individual members are permitted a voice in its activities and to help guide it intelligently and constructively.

12. It provides every benefit that may justly be claimed by the federated labor bodies and contains none of the many disadvantages and abuses that such bodies contain.

A member of any voluntary association in order to obtain the greatest good from it must maintain his interest in it; he must put himself into its affairs and see to it that the purposes and objectives are closely adhered to if the greatest benefits are to be obtained.

If you have carefully read the above you will know that the present lockout of shop employees upon this railway is one of the most inhuman and unjustified programs ever mapped out by organized capital. We, as legitimate trade unionists, are first of all liberty-loving American citizens, interested in the peace, good welfare, and prosperity of our great Nation. Our policies are safe, sane, and conservative, and our organizations are doing more than any other one force to restrain the ultraradical, destructive forces now abroad in the land; but when predatory capital is permitted to inflict upon us such inhuman and unheard-of treatment as we are at present enduring, we believe that you will agree with us that if these quasi-public institutions are permitted to continue their present imperialistic and autocratic methods it can not but result in bitterness and encouragement to the development of a radicalism which will be dangerous to the well being of all.

Please, therefore, help us by protesting to your representatives in Washington and doing whatever may lie within your power to cause these railroads to desist from further prosecution of such an un-American policy.

SYSTEM FEDERATION OF SHOP CRAFTS, A., T. & S. F. RY.
By EXECUTIVE BOARD.

Mr. GOODING. I present resolutions from the Idaho Mining Association, which I ask may be printed in the RECORD, and appropriately referred.

There being no objection, the resolutions were ordered to be printed in the RECORD, and referred as follows:

To the Committee on Mines and Mining:

Resolution adopted by the tenth annual convention, Idaho Mining Association, Boise, Idaho, February 13–14, 1923, relating to the Nicholson resolution providing for a joint commission to be known as "The Joint Commission of Gold and Silver Inquiry."

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

Whereas the Committee on Mines and Mining in the Senate, after consideration of the gold and silver situation, has recommended for passage a resolution by Senator NICHOLSON of Colorado, which provides for a joint commission to be known as "The Joint Commission of Gold and Silver Inquiry," which is to report to Congress on the methods and means of stimulating the production of gold and the stabilization and wider use of silver: Therefore be it

Resolved, That the Idaho Mining Association, in its tenth annual convention, assembled at Boise, Idaho, on the 13th and 14th days of February, 1923, respectfully petitions that the Congress of the United States give sympathetic consideration to the purposes outlined in the aforesaid Nicholson resolution, and especially that it enact such legislation as may be necessary in the premises; be it further

Resolved, That a copy of this resolution be forwarded to the Members of Congress representing Idaho, and to the chairman of the Senate Committee on Mines and Mining.

I hereby certify that the above and foregoing is a true copy of resolution adopted by the Idaho Mining Association at its tenth annual convention, Boise, Idaho, February 13–14, 1923.

RAYNUL MACBETH
Secretary Idaho Mining Association.

To the Committee on Banking and Currency:

Resolutions adopted by the tenth annual convention, Idaho Mining Association, Boise, Idaho, February 13–14, 1923, relating to the Denison blue-sky law.

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

Whereas the Committee on Banking and Currency in the Senate has under consideration the Denison blue-sky law; and

Whereas this legislation will be detrimental to the mining industry and all western development: Now, therefore, be it

Resolved, That the Idaho Mining Association, in its tenth annual convention assembled, at Boise, Idaho, on the 13th and 14th days of February, 1923, hereby protests against the enactment of the Denison blue-sky law, believing that it will be destructive of the initiative that built up the great mining industry of the West, and will be a restriction placed upon legitimate promotion, prevent interstate transactions, and forbid to the honest promotions the use of the United States mail; and be it further

Resolved, That a copy of this resolution be forwarded to the Members of Congress representing Idaho and to the chairman of the Senate Committee on Banking and Currency.

I hereby certify that the above and foregoing is a true copy of resolutions adopted by the Idaho Mining Association at its tenth annual convention, Boise, Idaho, February 13–14, 1923.

RAYNUL MACBETH,
Secretary Idaho Mining Association.

Mr. BORAH presented resolutions adopted by the Tenth Annual Convention of the Idaho Mining Association at Boise, Idaho, protesting against the enactment of the Denison blue sky law, etc., which were referred to the Committee on Banking and Currency.

He also presented resolutions adopted by the Tenth Annual Convention of the Idaho Mining Association at Boise, Idaho, praying that Congress give sympathetic consideration to the resolution submitted by Senator NICHOLSON, of Colorado, providing for a joint commission to be known as the "joint commission of gold and silver inquiry," which were referred to the Committee on Mines and Mining.

[Note: These resolutions are identical with those previously presented by Mr. GOODING, which are printed.]

Mr. BORAH presented the following joint memorial of the Legislature of Idaho, which was referred to the Committee on Banking and Currency:

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

I, F. A. Jeter, secretary of state of the State of Idaho and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of Senate Joint Memorial No. 3 with the original thereof adopted by the Senate and House of Representatives of the Seventeenth Legislative Assembly of the State of Idaho and filed in the office of the secretary of state of the State of Idaho February 15, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Idaho. Done at the capitol at Boise, Idaho, this 17th day of February, A. D. 1923.

[SEAL.]

F. A. JETER,
Secretary of State.

LEGISLATURE OF THE STATE OF IDAHO,
IN THE SENATE,
Seventeenth Session.

Senate Joint Memorial No. 3, by committee on mines and mining.

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

We, your memorialists, the Governor and Legislature of the State of Idaho, respectfully represent that—

Whereas the production of silver is an important industry of the United States and affords employment directly to many thousands of persons and indirectly to thousands of others; and

Whereas, on account of its association with other metals, especially lead and zinc, in ores, an inadequate price for silver increases the cost of production of lead and zinc, and thereby adds to the cost of materials essential to many construction activities; and

Whereas it is also desirable to maintain silver-mining operations in the United States so as to meet the coinage requirements of various countries in which commerce and industry are in process of rehabilitation and can not be fully reestablished without additional supplies of metallic money; and

Whereas the prospective early completion of silver repurchases under the provision of the Pittman Act is liable to disrupt the silver-mining industry of the United States and in part suspend silver production unless measures be taken to preserve the industry:

Now, therefore, the Governor and Legislature of the State of Idaho respectfully petition that the Congress of the United States give sympathetic consideration to the situation of the silver-mining industry, and especially that it enact such legislation as may be necessary in the premises; be it further

Resolved, That the secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America and send copies to the Senators and Representatives in Congress from this State.

This senate joint memorial passed the senate on the 2d day of February, 1923.

H. C. BALDRIDGE,
President of the Senate.

This senate joint memorial passed the house of representatives on the 10th day of February, 1923.

M. A. KIGER,
Speaker of the House of Representatives.

I hereby certify that the within Senate Joint Memorial No. 3 originated in the senate during the seventeenth session of the Legislature of the State of Idaho.

A. M. BOYLEN,
Secretary of the Senate.

Mr. BORAH presented the following joint memorial of the Legislature of Idaho, which was referred to the Committee on Agriculture and Forestry:

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

I, F. A. Jeter, secretary of state of the State of Idaho and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of House Joint Memorial No. 3 with the original thereof adopted by the Senate and House of Representatives of the Seventeenth Legislative Assembly of the State of Idaho and filed in the office of the secretary of state of the State of Idaho February 10, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Idaho. Done at the capitol at Boise, Idaho, this 17th day of February, A. D. 1923.

[SEAL.] F. A. JETER, *Secretary of State.*

IN THE HOUSE OF REPRESENTATIVES.

House Joint Memorial No. 3, by Hagan and Anderson.

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

Your memorialist, the Legislature of the State of Idaho, respectfully represents that—

Whereas the production of wheat in the United States is one of the greatest assets and necessities of the United States; and

Whereas the farmers of the country can not now produce wheat at a profit, and unless the price of wheat is advanced and made stable the production of wheat in the United States will be further greatly reduced, to the detriment, damage, and injury of the whole people; and

Whereas this condition has existed for the past two years, and unless remedied will exist in the future; and

Whereas heretofore, by an act of the Congress of the United States, whenever an emergency existed requiring stimulation of the production of wheat, and it was essential that the producers of wheat in the United States have certain guaranteed prices, the President was authorized from time to time, seasonably, and as far in advance of seeding time as practicable, to determine and fix a reasonable guaranteed price for wheat, in order to assure producers a reasonable profit; and

Whereas pursuant to said act of Congress the President of the United States did make proclamations fixing the guaranteed price for wheat raised in the United States; and

Whereas by reason of said price being so fixed the producers were enabled to receive a reasonable profit on the wheat produced, which inured to the great benefit of all the people and to the prosperity of the whole United States; and

Whereas the great emergency existing to-day makes it imperative that some action be immediately taken to save from utter ruin the great wheat producers of the country: Now, therefore, be it

Resolved, That the Legislature of the State of Idaho earnestly recommend, urge upon, and request that the Congress of the United States immediately consider and enact proper laws giving the President of the United States, or some other appropriate officer or body, the power from time to time for a period of five years to fix a guaranteed minimum price for wheat produced in the United States of $1.50 per bushel at shipping points, so that the farmers of the United States may again successfully grow and market this important produce; be it further

Resolved, That the Senators and Representatives in Congress from the State of Idaho be requested to support said measure and work earnestly for its passage; and be it further

Resolved, That the secretary of state of the State of Idaho is hereby instructed to forward this memorial to the Senate and House of Representatives of the United States of America and to the legislatures of all wheat-growing States now in session, and that copies be sent to the President of the United States and the Senators and Representatives in Congress from this State.

This memorial passed the house on the 27th day of January, 1923.
M. A. KIGER,
Speaker of the House of Representatives.

This memorial passed the senate on the 1st day of February, 1923.
H. C. BALDRIDGE,
President of the Senate.

I hereby certify that the within House Joint Memorial No. 3 originated in the house of representatives during the seventeenth session of the Legislature of the State of Idaho.

DAVE BURRELL,
Chief Clerk of the House of Representatives.

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

House joint memorial No. 4 to the Congress of the United States praying for an appropriation to provide for the construction of public roads leading into and through national forests, Indian reservations, and other public land areas.

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

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

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

	Acres.		Acres.
Arizona	48, 692, 722	Minnesota	1, 855, 518
California	38, 173, 917	Montana	30, 829, 638
Colorao	24, 562, 927	Nevada	58, 453, 899
Idaho	27, 366, 215	New Mexico	30, 418, 359
Oregon	27, 384, 757	Washington	15, 357, 519
South Dakota	4, 386, 100	Wyoming	34, 343, 307
Utah	39, 207, 579		
Total			382, 032, 487

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

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

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

Whereas under the provisions of Senate bill No. 1072 there was enacted a law, November, 1921, providing for an appropriation of $75,000,000, $15,000,000 of which was to be applied on roads in national forests and leading into national forests; and

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

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

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

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

Approved February 13, 1923.
JOS. M. DIXON, *Governor.*

Filed February 13, 1923, at 11.10 o'clock a. m.
C. T. STEWART, *Secretary of State.*

UNITED STATES OF AMERICA,
State of Montana, ss:

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

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

[SEAL.] C. R. STEWART,
Secretary of State.
By CLIFFORD L. WALKER,
Deputy.

Mr. ODDIE presented the following joint memorial of the Legislature of Nevada, which was referred to the Committee on the Judiciary.

Senate joint resolution memorializing Congress to adopt and submit to the several States of the Union an amendment to the Constitution of the United States authorizing Congress to regulate the employment of child labor in the industries of the United States.

Whereas the United States Census Bureau in its occupational canvas of the people of the United States for the year 1920 reports the employment of 1,060,858 children between the age of 10 and 15, inclusive, 413,549 of whom are employed in occupations other than agriculture; and

Whereas Congress has attempted to regulate the employment of children in mines and factories under the commerce clause of the Constitution by prohibiting transportation of child-produced commodities (U. S. Stats., ch. 432, 64th Cong., 1st sess.), which statute the United States Supreme Court in Harmer *v.* Dagenhart (247 U. S. 251) has declared to be beyond the scope of the said commerce clause of the Constitution and therefore void; and

Whereas Congress hereupon included in the revenue act (U. S. Stat. L. 40, pp. 1057–1138; ch. 18 Comp. St., par. 6336, 6337, 6338a) of the Sixty-fifth Congress a provision authorizing the collection of a 10 per cent tax upon net income of industries producing commodities into the production of which entered the labor of a child, which statute when reviewed by the United States Supreme Court in Baily *v.* Drexel Furniture Co. (66 U. S. —) found in advance opinions of the court for June 15, 1922, page 523, was declared unconstitutional, thereby denying the right of Congress to regulate the employment of children under the right of Congress to levy a tax for revenue purposes; and

Whereas it appearing that Congress is without constitutional authority to universally regulate the employment of child labor in the industries of the United States, although Congress has after careful study of the beneficial results of such regulation attempted so to do; and

Whereas the people of the State of Nevada, through their legislature have adopted laws similar to those proposed by Congress for the protection of child life and have in addition approved the policy of compelling children to attend school for the first 12 grades, and do not approve of the employment of children in mines under the age of 16 years; and

Whereas there is now pending before Congress a resolution to submit to the several States an amendment to the Constitution of the United States authorizing Congress to regulate and prohibit child labor: Therefore be it

Resolved by the senate (the assembly concurring), That the Senate and House of Representatives of the United States be hereby requested to immediately pass such resolution to submit to the States for their approval the amendment to the Constitution of the United States prohibiting child labor; and be it further

Resolved, That the Senators and Representative from Nevada be requested to present this resolution and to energetically and actively support the resolution submitting such amendment.

MAURICE J. SULLIVAN,
President of the Senate.
GEORGE B. RUSSELL,
Secretary of the Senate.
JAMES M. LOCKHART,
Speaker of the Assembly.
J. H. CANSTUNG,
Chief Clerk of the Assembly.

CARSON CITY, NEV., *February 20, 1923.*

I hereby certify that the above senate joint resolution was adopted by the Legislature of the State of Nevada in senate and assembly convened.

GEORGE B. RUSSELL,
Secretary of the Senate.

Mr. LA FOLLETTE presented the following joint resolution of the Legislature of Wisconsin, which was referred to the Committee on Agriculture and Forestry:

Joint resolution memorializing Congress to enact legislation relating to forest products.

Whereas it is recognized that the timber supplies of this State and of the Nation are rapidly being depleted; and

Whereas it is further recognized that wood and forest products are needed on every farm and in every home and in every industry every hour of the day; and

Whereas it is a fact that thousands of men find their means of livelihood in the woods or in wood-using establishments and millions of dollars are invested in the forest industry; and

Whereas the practices of the past have resulted in millions of acres of cut-over lands in this State and in the Nation that should be producing forest products to supply the above-mentioned needs, but which, because of lack of organized effort, are not producing such supplies; and

Whereas it is recognized that this problem can only be solved by concerted effort of the Nation, State, and their citizens and that the essence of the problem is to cut merchantable timber in a way that will leave the lands cut over in a productive condition, so far as forest supplies are concerned; and

Whereas it is further recognized that, because of the interstate nature of the shipments of forest products and the far-flung operations of the forest industry, its activities being in every timbered State of the Union and the operators of one State being in competition with the operators of the other timbered States, that the problem is primarily a national problem and that any burdens placed on the forest industry should not be limited to the confines of any specific State but should be of national character; and

Whereas it is of great public importance that sufficient supplies of forest products for the needs and comforts of the population be insured for the future and that such supplies can only be insured by the establishment of a comprehensive forestry program: Therefore be it

Resolved, That this legislature memorialize Congress to enact such legislation as may be necessary to provide a vigorous and complete forestry policy for the Nation, which, among other items, shall provide for the regulation, in a fair and uniform manner, of timber cutting on privately owned lands and also provide for the rigid protection of forest-producing lands from fire so that all nonfarming land wherever located in this or any other State in the Union may be in a productive condition for forest growth.

Resolved further, That copies of this resolution, properly engrossed and authenticated, be transmitted to each of the Senators and Representatives in Congress from Wisconsin, and to the presiding officers of both Houses of Congress.

GEO. C. FORNINGS,
President of the Senate.
L. W. SCHOENFELD,
Chief Clerk of the Senate.
J. L. DAHL,
Speaker of the Assembly.
C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. LODGE presented resolutions of the city council of Boston, Mass., favoring the prompt passage of the so-called ship subsidy bill, which were ordered to lie on the table.

Mr. SHEPPARD presented the petition of Jane Douglas Chapter, Daughters of the American Revolution, of Dallas, Tex., and Texas State regent and State secretary, Daughters of the American Revolution, praying for the erection of a national archives building, which was referred to the Committee on Public Buildings and Grounds.

Mr. PEPPER presented a memorial of the Philadelphia (Pa.) Board of Trade, protesting against the passage of legislation to limit the immigration of aliens to the United States, which was referred to the Committee on Immigration.

Mr. REED of Pennsylvania presented a resolution adopted by the Synod of Pennsylvania of the Presbyterian Church in the United States of America, at Greensburgh, Pa., praying an amendment to the Constitution prohibiting polygamy, which was referred to the Committee on the Judiciary.

Mr. KENDRICK presented a petition of sundry railway postal clerks of Cheyenne, Wyo., praying for the passage of the bill (H. R. 13136) 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, which was referred to the Committee on Civil Service.

He also presented a petition of sundry railway postal clerks of Cheyenne, Wyo., praying for the passage of the bill (H. R. 13609) to amend an act entitled "An act to reclassify postmasters and employees of the Postal Service and adjust their salaries and compensation on an equitable basis," approved June 5, 1920, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. CUMMINS, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 14309) to amend section 206 of the transportation act, 1920, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 4528) for the relief of the Kansas City, Mexico & Orient Railroad of Texas, Oklahoma, and Kansas, reported it with an amendment and submitted a report (No. 1170) thereon.

Mr. DILLINGHAM, from the Committee on Immigration, to which was referred the joint resolution (S. J. Res. 82) providing for immigration to relieve the emergency caused by an acute shortage of labor in the Territory of Hawaii, reported it with an amendment.

Mr. NORRIS, from the Committee on Agriculture and Forestry, to which was referred the bill (H. R. 10819) relating to the Department of Agriculture, reported it without amendment and submitted a report (No. 1171) thereon.

He also, from the same committee, to which was referred the bill (H. R. 10677) for the relief of Quincy R. Craft, reported it without amendment.

Mr. BALL, from the Committee on the District of Columbia, to which was referred the bill (S. 3487) to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE., reported it without amendment and submitted a report (No. 1172) thereon.

He also, from the same committee, to which was referred the bill (S. 4413) to provide for a tax on motor-vehicle fuels sold within the District of Columbia, and for other purposes, reported it with an amendment and submitted a report (No. 1173) thereon.

Mr. GOODING, from the Committe on the District of Columbia, to which was referred the bill (S. 3222) for the extension of Rittenhouse Street in the District of Columbia, reported it without amendment.

Mr. REED of Pennsyvania, from the Committee on Military Affairs, to which was referred the bill (S. 4500) authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army, reported it without amendment and submitted a report (No. 1174) thereon.

Mr. LENROOT, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 3855) to ascertain and settle land claims of persons not Indian within Pueblo Indian land, land grants, and reservations in the State of New Mexico, reported it with an amendment and submitted a report (No. 1175) thereon.

Mr. HARRELD, from the Committee on Claims, to which was referred the bill (H. R. 8533) for the relief of Joe T. White, reported it without amendment and submitted a report (No. 1176) thereon.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 4608) for the payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and Tucker Acts, and under the provisions of section No. 151 of the Judicial Code, reported it with an amendment.

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

S. 4307. An act for the relief of John I. Conroy (Rept. No. 1177); and

H. R. 7921. An act granting six months' pay to Alice P. Dewey (Rept. No. 1178).

Mr. JONES of New Mexico, from the Committee on Finance, to which was referred the joint resolution (S. J. Res. 280) for the relief of the city of Astoria, Oreg., reported it with an amendment and submitted a report (No. 1179) thereon.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 422) permitting the entry free of duty of certain domestic animals which have crossed the boundary line into foreign countries, reported it with amendments and submitted a report (No. 1180) thereon.

Mr. SHIELDS, from the Committee on the Judiciary, to which was referred the bill (H. R. 14324) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as heretofore amended, reported it without amendment and submitted a report (No. 1181) thereon.

Mr. BAYARD, from the Committee on Claims, to which was referred the bill (S. 4255) for the relief of George T. Tobin & Son, reported it with an amendment and submitted a report (No. 1182) thereon.

Mr. BURSUM, from the Committee on Military Affairs, to which was referred the bill (S. 2295) for the relief of James Allen, alias George Moran, reported it without amendment and submitted a report (No. 1183) thereon.

He also, from the same committee, to which was referred the bill (H. R. 1482) for the relief of James T. Farrill, reported it without amendment.

He also, from the Committee on Public Lands and Surveys, to which was referred the joint resolution (S. J. Res. 278) providing for continuation of register and receiver of the land office at Guthrie, Okla., at salaries in effect prior to act of January 24, 1923, reported it with an amendment.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 4607) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, reported it without amendment and submitted a report (No. 1184) thereon.

Mr. LODGE, from the Committee on Foreign Relations, to which was referred the bill (H. R. 14087) 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, reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 4537) for the relief of George Turner, reported it with amendments and submitted a report (No. 1186) thereon.

He also, from the same committee, to which was referred the bill (H. R. 14317) granting permission to Capt. Norman Randolph, United States Army, to accept the decoration of the Spanish Order of Military Merit of Alfonso XIII, reported it without amendment.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (H. R. 13032) to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American Legion, Bessemer, Mich., reported it without amendment.

He also, from the same committee, to which was referred the bill (S. 4420) to amend section 2 of the act approved February 15, 1893, entitled "An act granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service," reported it with an amendment and submitted a report (No. 1187) thereon.

Mr. WATSON, from the Committee on Finance, to which was referred the bill (S. 1176) for the relief of Canadian Car & Foundry Co. (Ltd.), reported it without amendment and submitted a report (No. 1188) thereon.

Mr. WALSH of Montana, from the Committee on the Judiciary, to which was referred the bill (S. 4437) to amend section 284 of the Judicial Code of the United States, reported it without amendment and submitted a report (No. 1189) thereon.

He also, from the same committee, to which was referred the bill (S. 4438) to amend section 1025 of the Revised Statutes of the United States, reported it with amendments and submitted a report (No. 1190) thereon.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 11637) authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands, reported it without amendment and submitted a report (No. 1211) thereon.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (H. R. 14082) to authorize the Valley Transfer Railway Co., a corporation, to construct and operate a line of railway in and upon the Fort Snelling Military Reservation, in the State of Minnesota, reported it without amendment.

He also, from the same committee, to which was referred the bill (H. R. 14077) to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to National Guard and reserve officers and warrant officers, and for other purposes, reported it with amendments and submitted a report (No. 1191) thereon.

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

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 (Rept. No. 1192);

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 (Rept. No. 1193); and

H. J. Res. 256. Joint resolution proposing payment to certain employees of the United States (Rept. No. 1194).

Mr. SMOOT, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 14144) to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States, moved that that committee be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

Mr. NELSON subsequently, from the Committee on the Judiciary, to which was referred the bill (H. R. 14144) to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act, approved March 18, 1918, being chapter 20, volume 40, General Statutes of the United States, reported it with an amendment and submitted a report (No. 1195) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 13430) to amend section 370 of the Revised Statutes of the United States, reported it with an amendment and submitted a report (No. 1196) thereon.

Mr. CAPPER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 297. An act for the relief of Mrs. Vincenza Diminico (Rept. No. 1197);

H. R. 7027. An act for the relief of Herbert E. Shenton (Rept. No. 1198);

H. R. 8871. An act for the relief of Richard Andrews (Rept. No. 1204);

H. R. 9631. An act for the relief of Edward F. Dunne, jr. (Rept. No. 1203);

H. R. 10022. An act for the relief of Eldredge & Mason, of Malone, N. Y. (Rept. No. 1199);

H. R. 10847. An act for the relief of Jacob Dietch (Rept. No. 1200);

H. R. 10848. An act for the relief of Estella W. Dougherty (Rept. No. 1201); and

H. R. 13205. An act for the relief of the American Trust Co. (Rept. No. 1202).

Mr. CAPPER, also from the Committee on Claims, to which was referred the bill (H. R. 11528) to allow credits in the accounts of certain disbursing officers of the Army of the United States, reported it with an amendment and submitted a report (No. 1205) thereon.

He also, from the same committee, to which was referred the bill (H. R. 11397) to authorize appropriations for the relief of certain officers of the Army of the United States, and for other purposes, reported it with amendments and submitted a report (No. 1206) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 4153) granting an honorable discharge to Ustacio B. Davison, reported it with amendments and submitted a report (No. 1207) thereon.

Mr. NORBECK, from the Committee on Public Lands and Surveys, to which was referred 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, reported it with an amendment and submitted a report (No. 1209) thereon.

Mr. CALDER, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment:

S. 4580. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.;

S. 4581. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Brule County and Lyman County, S. Dak.; and

S. 4582. An act 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.

ROSE CITY COTTON OIL MILL.

Mr. ROBINSON, from the Committee on Claims, to which was referred the bill (S. 4479) for the relief of Rose City Cotton Oil Mill and others, reported the following resolution (S. Res. 448):

Resolved, That the bill S. 4479, entitled "A bill for the relief of Rose City Cotton Oil Mill and others," now pending in the Senate, together with all accompanying papers, be, and the same is hereby,

referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

PURCHASE OF EMBASSY BUILDING AT PARIS, FRANCE.

Mr. LODGE. From the Committee on Foreign Relations, I report back favorably without amendment the bill (S. 4594) to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed $300,000, for the use of the diplomatic and consular establishments of the United States.

I wish to say a word of explanation with reference to the bill, and then I shall ask unanimous consent for its present consideration. The facts are explained in the report of the House committee. The Senate is aware that there is a general law authorizing the expenditure annually of not to exceed $500,000 for the purchase or erection of embassy, legation, or consular buildings in foreign countries. Two years ago we passed a law appropriating $150,000 for the purchase of an embassy in Paris. That money is still in the Treasury unexpended, it having been found impossible to acquire any suitable building capable of providing accommodations for the embassy and its offices and also the consular offices at that price. For $300,000, however, a suitable building can be purchased, which will provide quarters for the embassy and the consular officers also. We are paying rent for all the buildings occupied by our diplomatic and consular officers. Of course, an embassy building occupied by the ambassador of the United States is exempt from taxation. It is very important, if this purchase is to be made at all, that the Secretary should have authority to make it now.

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

Mr. LODGE. Yes.

Mr. ROBINSON. Has the building or have the buildings which it is contemplated shall be purchased been selected?

Mr. LODGE. The building has been selected.

Mr. ROBINSON. Is it the building that is now occupied by the ambassador and his staff?

Mr. LODGE. No; I do not so understand; it is a different building, and I think is known as the Condé House.

Mr. ROBINSON. I happen to know of that property, and I have no objection to the consideration of the bill.

Mr. LODGE. It will take care of all the offices of our diplomatic and consular service in Paris, and it is very important to have it done. Half the money is already in the Treasury.

Mr. ROBINSON. I have no objection to the consideration of the bill.

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

Mr. POMERENE. Mr. President, can the Senator advise us as to the amount we are paying for present accommodations in France?

Mr. LODGE. It is set forth in the House report, which I send to the desk to accompany the bill, that for the embassy building the Department of State now pays an annual rental of 86,500 francs. The franc has fallen off since the figures were prepared. That does not include the rent paid by the military attaché, who has offices in the same building, but separate from the embassy, for which a rental of about 1,500 francs is paid. For the passport office a rental of 56,000 francs, or $4,480, is paid, and for the office of the consul general there is paid a rental of 18,000 francs.

Mr. POMERENE. Can the Senator state the total amount in American money?

Mr. LODGE. I am afraid that is a very difficult question to answer, because the rate of exchange of the franc has been constantly fluctuating.

Mr. POMERENE. Approximately, what would be the amount in American money?

Mr. KING. Say with the franc at par?

Mr. LODGE. The estimate in dollars that I have stated as to one item was made according to the rate of exchange when the hearings were held, which was February 12.

Mr. JONES of Washington. Mr. President, if this debate is going to continue indefinitely, I shall have to object, because it was understood that we would take up the calendar this morning.

Mr. LODGE. I understand that. I made the request for the consideration of the bill, because it is very important that it be acted upon as quickly as possible. The matter has been thoroughly considered by the committee.

Mr. POMERENE. I shall not object, but I want to make just one observation. When the late William G. Sharp was ambassador he urged upon the Congress the necessity of buying an embassy at Paris. At that time it could have been bought for a very reasonable rate, but the Congress did not see fit to make the purchase. I am not finding any fault with them; but we could have saved a large amount of money if it had been bought then, and I am satisfied that we ought now to make the purchase on one condition only, namely, that the price is a reasonable one under all the circumstances, and I am quite willing to trust those who have the matter in charge.

Mr. LODGE. It is reported by the Secretary of State to be a reasonable price and the lowest at which we could get a suitable embassy.

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

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

Be it enacted, etc., That the Secretary of State be, and he is hereby, empowered, at a cost not to exceed $300,000 for both site and building or buildings, to acquire in Paris a site, together with the building or buildings thereon, for the use of the diplomatic and consular establishments of the United States, and the appropriation of the sum of $150,000 is hereby authorized in addition to a like sum heretofore appropriated for this purpose.

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

Mr. LODGE. I ask that the House report accompanying a similar House bill may be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The report referred to is as follows:

[House Report No. 1587. Sixty-seventh Congress, fourth session.]

AUTHORIZING PURCHASE OF PROPERTY IN PARIS FOR DIPLOMATIC AND CONSULAR ESTABLISHMENTS OF THE UNITED STATES.

FEBRUARY 12, 1923.

Mr. FAIRCHILD, from the Committee on Foreign Affairs, submitted the following report to accompany H. R. 14287:

The Committee on Foreign Affairs, having had under consideration H. R. 14287, to authorize the Secretary of State to acquire in Paris a site, with an erected building thereon, at a cost not to exceed $300,000 for the use of the diplomatic and consular establishments of the United States, reports the same back, and recommends that the bill do pass.

The present bill is a reintroduction of H. R. 13999 in the final form as adopted by the committee.

The purpose of this bill is to empower the Secretary of State to purchase in Paris, at a sum not to exceed $300,000, a specially desirable property which has been offered to the United States ambassador to be used as the American Embassy. It is an advantageous offer, to secure which speedy authorization is essential. Such authorization is urgently recommended by the Secretary of State in a communication to the chairman of the Committee on Foreign Affairs, as follows:

LETTER FROM SECRETARY HUGHES TO MR. PORTER.

FEBRUARY 10, 1923.

MY DEAR MR. PORTER: In conformity with the desire you have expressed to know my views regarding the desirability of purchasing in Paris a property which has been offered to the United States ambassador to be used as the American Embassy, it gives me pleasure to inform you that from reports received from Ambassador Herrick an unusual opportunity is offered to acquire a very desirable property at a comparatively small price. It is my understanding that the members of the Committee on Foreign Affairs have been shown photographs and ground plans of this property, which is very conveniently located in the seventh arrondissement, or ward, of the city of Paris. In this same ward are situated 10 out of 15 ministries of the French Government, among which is the ministry for foreign affairs, only a few minutes' walk from the property. There are in the same ward four embassies and three legations of other countries, as well as the Chamber of Deputies, the war college, and the offices of the military governor of Paris and of Marshal Foch. Within a short distance and in a neighboring ward are the senate and school of fine arts. It will therefore be seen that for the purpose of the embassy the property is particularly well located.

As to its accessibility for Americans and others who have occasion to call at the embassy, it can be easily reached by means of the various rapid-transit systems of Paris, as a subway station is shortly to be opened within 100 yards of the property, while a street-car and bus line run down the Boulevard des Invalides, on which the property faces, and another bus line on a cross street three doors away. The property is about an acre and a third in area, and extends through from one street to the large Boulevard des Invalides.

It is important to emphasize that the property is particularly well suited for the ambassador's residence and for offices of the foreign service, as the type of the house is of the style of a large private dwelling, with a suitable building for offices on the street and an intervening courtyard between the two. Beyond the residence is situated a garden which gives on to the boulevard. In this connection it can be added that the ordinary modern house does not afford the facilities for installation of offices which the property now offered to the Government admits of in an admirable manner.

The property would seem to be well situated also as regards its protection from future encroachment of undesirable buildings, as the ministry of colonies is one block south on the Boulevard des Invalides, while the block to the north toward the River Seine is entirely occupied by the buildings of a large school and Government-owned garden and the building of the Rodin Museum. Opposite the entire garden frontage of the property on the Boulevard des Invalides is a

square on which is situated a large church. The southern half of the block adjacent to this property is occupied by the buildings and garden of a convent, and there are three private houses with gardens on the northern half. The Chinese Legation is diagonally across the street from the property.

Experience has shown that in order to obtain property suitable for embassy purposes in the large capitals of Europe the sum of $150,000, heretofore authorized by Congress, is insufficient. I earnestly hope that with the present possibility of acquiring exceptionally valuable land on which are erected buildings well adapted to embassy purposes and conveniently located Congress will authorize the sum stated in the bill which Mr. FAIRCHILD has introduced for this purpose.

I am, my dear Mr. Porter, very sincerely yours,

CHARLES E. HUGHES.

Congress has heretofore, by act approved February 17, 1911 (36 Stat. L. p. 917), authorized the Secretary of State to acquire in foreign countries sites and buildings for use of the diplomatic and consular establishments of the United States, but limited to a cost not to exceed $150,000 at any one place. This general authorization makes no distinction as between important capitals with their larger populations and property values and smaller capitals with their smaller populations and values. In none of the larger capitals has it been possible to purchase suitable properties within the present statutory limitations. A previous appropriation by Congress in 1921 of $150,000 for the purchase of property in Paris has proven wholly inadequate. Real estate in Paris is of a value corresponding to that in New York.

The property, to purchase which the additional authorization by Congress is required, is known as the Hotel Condé. Photographs and ground plans have been submitted to the committee. There has been also submitted at the hearings before the committee a statement from the American ambassador at Paris descriptive of the building, its history, value, and desirable location, and containing a comparative statement of the value of the embassies in Paris of other countries, as follows:

DESCRIPTIVE STATEMENT OF PROPERTY.

"The Hotel de Condé, in the rue Monsieur, near the tomb of Napoleon, was built shortly before the French Revolution for Mademoiselle de Condé, aunt of the Duke d' Enghien, and was designed by Brogniart, one of the famous architects of the time. Major l'Enfant, who planned the city of Washington, was one of Brogniart's pupils.

"The Hotel de Condé runs between two streets and contains a fine garden. The residence is situated at the back of a large court, on both sides of which as well as on the side of the street entrance are spacious annexes, serving in former days as a chapel, coach houses, and quarters for the retinue of the princess, all of which would be most suitable for offices of the embassy staff, as well as for those of the military and naval attachés.

"The house itself contains art treasures of the epoch of great value, among which are bas-reliefs by Clodion and panels by Boucher. An added sentimental interest for Americans is the fact that this house was for many years during the last century the residence of the distinguished French statesman, the Comte de Chambrun, a descendant of Lafayette, and uncle of the recent chargé d'affaires at Washington.

"Nearly all large countries, as well as small ones, own their chancery and embassy here, the cost in each case exceeding the appropriation made by our Government. Real estate here is of a value corresponding to that in New York and the value of the embassies of other countries installed here is about as follows:

"The British Embassy and its chancery, furnished, is worth two and a half to three million dollars at least; probably more. This mansion was the residence of Pauline Bonaparte, Princess Borghese, sister of Napoleon. The property passed by purchase from her possession in 1814, with its costly furniture and ornaments, to the British Government for the use of the embassy, the Duke of Wellington negotiating the sale. The price agreed upon was £32,000, but two months after the Battle of Waterloo he sent in a bill to his Government for £2,500, "for repairs to the house, made by my directions when I was ambassador at Paris."

"The German Embassy, which is worth about a million dollars, was, during the first Empire, the Paris residence of Prince Eugene de Beauharnais, Viceroy of Italy and stepson of Napoleon I.

"The Austrian Embassy, now in the hands of the French Government, is worth approximately two to three million dollars.

"The Spanish Embassy, which is worth about $1,000,000, was the home of the Prince de Wagram, who was killed in the late war, the last male descendant of Napoleon's marshal, Berthier.

"The Italian Embassy was purchased as a bargain in 1912 or 1913, when I was ambassador here, and I believe it cost about $750,000. It is worth considerably more now.

"Poland has recently purchased a fine building.

"Belgium has very valuable legation quarters, the figures of which I have not before me.

"Holland this last year purchased a building for something like half a million dollars.

"The need of an embassy in Paris has been recognized ever since we became a Nation. Albert Gallatin said 106 years ago: 'The prospect seems good that the United States will purchase a building for its embassy within a year.' For 106 years every succeeding envoy has been hoping that this prospect might come true. This embassy, as you know, is the most important in Europe, and it is vitally necessary to have adequate quarters for our growing staff. It is from this embassy that cables for all Europe are distributed."

Mr. Bliss, Third Assistant Secretary of State, appeared before the committee and testified as follows:

EXTRACTS FROM THE TESTIMONY OF MR. BLISS.

I have been all over the property. Some years ago, in 1913, at the time I was in the embassy, I visited it when it was offered for sale. Whenever there was a good property that came into the market I always examined it to see if it was a possible embassy and made a report to the Department of State. At that time I do not recall what the price of it was, but I think, roughly speaking, it was six or seven million francs, and at that time the franc was at par, which would mean over a million dollars.

Q. What is your opinion as to this price of $300,000?

Mr. BLISS. It is a great bargain; there is no doubt of that.

Mr. Herrick has been in definite negotiations with the owner of the house, who is an elderly woman and who wants to have it preserved, as the chairman just stated, because of its architectural and historical interest.

* * * * * * *

Mr. BLISS. After the meeting of the committee to consider the bill of Mr. FAIRCHILD, in which a subcommittee was appointed, consisting of the chairman of the committee and Mr. FAIRCHILD, a telegram was sent to Mr. Herrick, embodying the views of the committee regarding the matter, directing him to obtain an option on the property. That was covered very fully in the text of the message which was drawn up by the subcommittee. Mr. Herrick replied to that in a day or two.

Q. Is it your understanding from the communications between the State Department and Ambassador Herrick that he is confident that if this bill passes he will be able to secure this property?

Mr. BLISS. I understand from the statement in his telegram that it is very definite that he will have no difficulty in obtaining an option on the purchase of the property by the end of this month.

Q. He feels sure that he will, now that he has acquainted the owner or the owner's attorney with the fact that the United States is the purchaser?

Mr. BLISS. From what Mr. Herrick says in his telegram, I think he has some unwritten understanding with the lawyer of the owner.

* * * * * * *

Q. Can you tell the committee what is the amount of money that is being paid by the United States at the present time in the form of rental for the embassy?

Mr. BLISS. For the embassy the Department of State now pays an annual rental of 86,500 francs. That amounted when I was before the committee the other day—I have not computed that at the rate of exchange at the present time—the other day the rate was 6.920; the franc has gone off a little since then. That does not include the rent paid by the military attaché, I think, for his office. He has offices in the same building, but they are separate and I should say the rent was about 1,500 francs, roughly estimated.

Q. Does that include the amount paid for the accommodation of the passport office?

Mr. BLISS. The passport offices are 56,000 francs, or $4,480, and the consulate general, since you are asking that question, I will add, pays a rental of 18,000 francs. That is the rental made some time before the war for a period of years, so that it is a very advantageous rate.

Q. It would be very much greater at the present time?

Mr. BLISS. It would be greater now, and he would have to pay a much higher rate than ever to renew the lease of the present consul general's office.

Q. The building area of the Condé property would be sufficient to house all of these offices?

Mr. BLISS. It might be necessary to have separate offices for accessibility more to commercial interests that appeal to the consul general, but part of the consulate general could undoubtedly be housed there.

Q. The question was directed to the area of the building.

Mr. BLISS. There is ample space to increase the building to accommodate all the offices we ever could need.

Q. In the present building there is ample space to accommodate all of these offices?

Mr. BLISS. Yes, sir.

* * * * * * *

Mr. BLISS. Property owned by foreign governments for embassy purposes is free from taxation in France, exempted from tax.

Q. The rental figures you gave—do they include rental for the ambassadors' homes?

Mr. BLISS. No. The ambassador's home is paid by him personally.

* * * * * * *

Q. This bill will provide a home for the ambassador?

Mr. BLISS. Yes.

* * * * * * *

Q. My understanding of the telegrams that have passed officially between the State Department and Ambassador Herrick is that Ambassador Herrick feels assured and the State Department feels assured that if this bill passes Mr. Herrick will be able to secure this property within the $300,000 to be assigned?

Mr. BLISS. That is our understanding.

GEORGE T. TOBIN & SON.

Mr. BAYARD. From the Committee on Claims I report favorably without amendment the bill (S. 4235) for the relief of George T. Tobin & Son, and I submit a report (No. 1182) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. KING. I object.

The VICE PRESIDENT. There is objection, and the bill will go to the calendar.

REGULATION OF IMMIGRATION.

Mr. DILLINGHAM. Mr. President, from the Committee on Immigration I report favorably with an amendment the joint resolution (S. J. Res. 82) providing for immigration to relieve an emergency caused by the shortage of labor in the Territory of Hawaii. I ask permission to file a written report at a subsequent time on the joint resolution.

The VICE PRESIDENT. Without objection, the request of the Senator from Vermont for permission to file a report on the joint resolution later will be granted.

BEAR CREEK, MISS.

Mr. FLETCHER. From the Committee on Commerce I report back favorably with an amendment the bill (S. 4548) declaring Bear Creek in Humphreys, Leflore, and Sunflower Counties, Miss., to be a nonnavigable stream, and I submit a report (No. 1212) thereon. I call the attention of the Senator from Mississippi [Mr. HARRISON] to the report.

Mr. HARRISON. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. For the information of the Senate the Secretary will read the bill.

The bill was read, as follows:

Be it enacted, etc., That Bear Creek in Humphreys, Leflore, and Sunflower Counties, in the State of Mississippi, be, and the same is hereby, declared to be a nonnavigable stream within the meaning of

the Constitution and laws of the United States, and jurisdiction over said creek is hereby declared to be vested in the State of Mississippi.

SEC. 2. That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

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

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

The amendment of the Committee on Commerce was, at the end of line 6, after the words "United States," to strike out the remainder of the section, as follows:

and jurisdiction over said creek is hereby declared to be vested in the State of Mississippi.

The amendment was agreed to.

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

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

DRAIN AT MIAMI BEACH, FLA.

Mr. FLETCHER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13272) granting a license to the city of Miami Beach, Fla., to construct a drain for sewage across certain Government lands, and I submit a report (No. 1208) thereon. I ask unanimous consent for the immediate consideration of the bill.

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

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

Be it enacted, etc., That the city of Miami Beach, Fla., a municipal corporation organized and existing under the laws of the State of Florida, be, and it is hereby, granted a license and permit to lay, construct, and maintain a drain for sewage from its sewage disposal plant across the lands of the United States Government known as the Government Reservation and situated on the north side of the Government cut from Biscayne Bay to the Atlantic Ocean immediately south of the city of Miami Beach, at such location and in accordance with such plans as may be approved by the Chief of Engineers, United States Army, and by the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

INTRACOASTAL CANAL, LOUISIANA AND TEXAS.

Mr. RANSDELL. From the Committee on Commerce I report back favorably, with amendments, Senate bill 4211, to authorize a preliminary survey of the intracoastal canal in Louisiana and Texas, and ask for its immediate consideration. I will state that this bill passed the Senate in the river and harbor bill last September. It will not require any debate. It failed in conference.

Mr. KING. Let it go to the calendar.

Mr. RANSDELL. I hope the Senator will not insist on that. It is a very important measure. The project has been surveyed several times, and some additional work is needed, and we are very anxious to get it passed at this session. It will save the Government a great deal of expense and delay.

Mr. KING. Is it a project that the Government has entered upon?

Mr. RANSDELL. Yes, sir; the Government has already entered upon it.

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

Mr. KING. Let it be read, Mr. President.

The VICE PRESIDENT. The Secretary will read the bill.

The Assistant Secretary read the bill (S. 4211) for the examination and survey of the intracoastal canal from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex., and, there being no objection, the Senate proceeded to its consideration.

The bill had been reported from the Committee on Commerce with an amendment, on page 1, line 5, before the word "from," to strike out "canal" and insert "waterway," so as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of the intracoastal waterway from the Mississippi River at or near New Orleans, La., to Corpus Christi, Tex.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill authorizing preliminary examination and survey to be made of the intracoastal waterway in Louisiana and Texas."

RIO GRANDE RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with amendments Senate bill 3874, granting the consent of Congress for a temporary toll bridge and a permanent bridge across the Rio Grande River, and I ask unanimous consent for its immediate consideration.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 3, after the words "to the," to strike out "San Felipe Bridge Co., of Del Rio, Tex.," and insert "Citizens Bridge Co., a corporation, its successors and assigns"; on line 5, before the word "bridge," to strike out "temporary toll"; and on line 6, after the word "thereto," to strike out "and a permanent bridge and approaches thereto," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Citizens Bridge Co., a corporation, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Rio Grande River, at or near the city of Del Rio, State of Texas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill granting the consent of Congress for a bridge across the Rio Grande River."

NORTH AMERICAN DREDGING CO. AND OTHERS.

Mr. BAYARD. From the Committee on Claims I report back favorably a Senate resolution and ask to have it read.

The VICE PRESIDENT. The resolution will be read.

The ASSISTANT SECRETARY. From the Committee on Claims the Senator from Delaware reports an original Senate resolution (S. Res. 447), in the following words:

Resolved, That the claims of the North American Dredging Co. (S. 3931) and the Wales Island Packing Co. (S. 2888), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

Mr. BAYARD. I ask unanimous consent for the present consideration of the resolution.

Mr. OVERMAN. Mr. President, I shall object to that. There is one claim included in the resolution that ought not to be there. It has been rejected by the Government a dozen times, and I shall object.

Mr. BAYARD. I will answer the Senator by saying that those two claims have been before the Committee on Claims at this session, and we have not found the facts. This resolution merely refers them to the Court of Claims.

Mr. OVERMAN. But the Wales Island Packing Co. claim has been before the Court of Claims a dozen times, to my certain knowledge, and has been turned down every time, and there is a document here showing that the matter has been settled. Therefore it ought not to go to the Court of Claims.

Mr. MCNARY. I call for the regular order.

Mr. BAYARD. I will state to the Senator that as far as the record is concerned in the Committee on Claims, there is no evidence that it has been reported upon by the court.

Mr. OVERMAN. It has been reported upon by the Court of Claims a number of times.

Mr. MCNARY. I call for the regular order.

The VICE PRESIDENT. The regular order has been called for. The resolution will go to the calendar.

WILLIAM SCHUYLER WOODRUFF.

Mr. REED of Pennsylvania. From the Committee on Military Affairs I report back favorably Senate bill 4500, authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. PEPPER. Mr. President, the nature of the bill which has just been reported is such as to justify me in asking unanimous consent for its immediate consideration. It is a measure of justice to an Army officer, and will give rise, I think, to no debate. I beg to ask for its immediate consideration by unanimous consent.

Mr. SMOOT. Let the bill be read.

The VICE PRESIDENT. The Secretary will read the bill.

Mr. LENROOT. Mr. President, I do not want to object, but we shall not get to the calendar at all if these permissions are to be granted; and this morning was set aside for the calendar. I must insist that we have some chance to get at the calendar.

The VICE PRESIDENT. Is there objection?

Mr. LENROOT. I object.

The VICE PRESIDENT. Objection is made. The bill will be placed on the calendar.

VALLEY TRANSFER RAILWAY CO.

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably a bill to which I invite the attention of the junior Senator from Minnesota [Mr. KELLOGG].

The VICE PRESIDENT. The Secretary will state the title of the bill.

The ASSISTANT SECRETARY. From the Committee on Military Affairs the Senator from New York reports back favorably the bill (H. R. 14082) to authorize the Valley Transfer Railway Co., a corporation, to construct and operate a line of railway in and upon the Fort Snelling Military Reservation in the State of Minnesota.

Mr. KELLOGG. Mr. President, that is a local bill. It simply authorizes the Secretary of War to consent to the laying of a track, about 300 yards long, parallel with a track which is already on the reservation. I ask to have it considered by unanimous consent.

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

Mr. LENROOT. Mr. President, I made the announcement that I should object to the consideration of the bill of the Senator from Pennsylvania. It would not be fair for me to act differently in this case. I shall have no objection to its being called up by unanimous consent later on, but we ought to get at the calendar, as we agreed to do.

The VICE PRESIDENT. The Chair understands that there is objection. The bill will be placed on the calendar.

PEEDEE RIVER BRIDGE, SOUTH CAROLINA.

Mr. DIAL. Mr. President, I should like to call the attention of the Senator to the fact that we were to have a morning hour for reports, not simply a call of the calendar. I have a report that I want to get in as soon as I can get recognition.

The VICE PRESIDENT. The Chair recognizes the Senator from South Carolina.

Mr. DIAL. On behalf of the Senator from New York [Mr. CALDER] I report back favorably from the Committee on Commerce a bridge bill in which my colleague and I are interested, and ask for its immediate consideration.

The VICE PRESIDENT. The Secretary will state the title of the bill.

The ASSISTANT SECRETARY. A bill (S. 4536) to authorize the building of a bridge across the Peedee River in South Carolina.

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

Mr. LENROOT. Mr. President, I understand that these bridge bills go through as a matter of unanimous consent, but I shall have to insist that we get to the calendar. I shall not object later.

The VICE PRESIDENT. There is objection. The bill will be placed on the calendar.

Mr. DIAL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. DIAL. There was an agreement that we were to have a morning hour to make regular reports. I want to say that Senators will not expedite business by not letting us pass a bridge bill when there is no objection to it. It will take only a moment, and I ask the Senator from Wisconsin to withdraw his objection. If we do not get it passed to-day, possibly we can not get it passed by the House, and it will delay the construction of the bridge for 12 months. It is a very important matter. It will take only a moment, and I ask unanimous consent for its immediate consideration.

Mr. BRANDEGEE. Mr. President, objection was made. If I may direct the attention of the Chair to the language of the unanimous-consent agreement, the calendar was to be taken up for unobjected measures after morning business; but while morning business includes the presentation of reports, and so forth, it does not include their consideration, except by unanimous consent.

The VICE PRESIDENT. It does not.

MAJ. RUSSELL B. PUTNAM.

Mr. PAGE. From the Committee on Naval Affairs I report back favorably House bill 11738, for the relief of Maj. Russell B. Putnam.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. BROUSSARD. Mr. President, a companion bill to that has been introduced in the Senate and is now on the calendar as Order of Business 1139, and is about to be reached. This is a House bill. It has already passed the House. The two bills are identical. The bill was introduced in the House by Representative BUTLER, of Pennsylvania. There has been a favorable report upon the bill which I introduced, and I ask unanimous consent for the immediate consideration of this bill.

The VICE PRESIDENT. Is there objection?

Mr. LENROOT. Mr. President, we will reach that bill very shortly, and the Senator can then make his request. I object.

CONFIRMATION OF MRS. ALEXANDER S. CLAY.

Mr. HARRIS. Mr. President, as in open executive session, I ask unanimous consent, which I know every Senator will be glad to grant, to have laid before the Senate and confirmed the nomination of the widow of the late Senator Clay as postmaster at Marietta, Ga. He was one of the most useful Members who ever served from Georgia in this body, and had the respect and confidence of Members on both sides of the Chamber. His devotion to duty and his hard work shortened his life. The first few years of his service in the Senate I was his private secretary and in a position to know of his splendid, unselfish work. After Senator Clay's death his widow was appointed postmaster, and President Harding, on the recommendation of the Postmaster General, has most generously just reappointed her. She made an excellent record, and recently stood at the head of the civil-service examinations. I ask unanimous consent that her nomination be confirmed.

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

Mr. LODGE. Mr. President, I am entirely in favor of that nomination, and think it should be confirmed, but I do not think we ought to undertake to do executive business at this time, in view of the unanimous-consent agreement.

The VICE PRESIDENT. There is objection.

TO LIMIT OR PROHIBIT CHILD LABOR.

Mr. SHORTRIDGE. From the Committee on the Judiciary I report on Senate Joint Resolutions 200, 224, 232, 256, and 262, proposing an amendment to the Constitution of the United States conferring or delegating power to the Congress to legislate in respect of child labor. The committee reports a joint resolution in favor of submitting such an amendment to the legislatures of the several States.

Mr. ROBINSON. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. ROBINSON. What is the regular order of business?

The VICE PRESIDENT. Reports of committees, which are now being made.

Mr. ROBINSON. I call for the regular order.

The VICE PRESIDENT. The regular order is proceeding.

Mr. ROBINSON. I make the point of order that the regular order is not in progress. The Senator from California seems to be making some sort of a confidential speech.

Mr. SHORTRIDGE. Oh, no; the Senator from California is not making any confidential speech.

The VICE PRESIDENT. The regular order has been called for. The joint resolution reported by the Senator from California will be read twice by its title and placed on the calendar.

The joint resolution (S. J. Res. 285) proposing an amendment to the Constitution of the United States was read twice by its title and placed on the calendar.

Mr. SHORTRIDGE. While I am on my feet I will ask unanimous consent that the report be printed in the RECORD in 8-point type.

Mr. ROBINSON. Mr. President, I have no objection to the request.

The VICE PRESIDENT. Without objection, it is so ordered.

The report is as follows:

(S. Rept. No. 1185.)

Mr. SHORTRIDGE, from the Committee on the Judiciary, submitted the following report to accompany S. J. Res. —:

The Committee on the Judiciary, to whom was referred Senate Joint Resolutions 200, 224, 232, 256, and 262, proposing an amendment to the Constitution of the United States conferring on the Congress power to legislate in respect of child labor, reports in favor of submitting to the legislatures of the several States such an amendment.

Your committee considered these several joint resolutions, which, in the order of their introduction, are as follows:

[S. J. Res. 200, introduced by Senator JOHNSON, Sixty-seventh Congress, second session.]

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States is hereby proposed, under and by virtue of which Article X shall read as hereinafter set forth, which, when ratified by the legislatures of three-fourths of the several States, shall be valid as part of the Constitution, to wit:

"ARTICLE X.

"STATE RIGHTS.

"SECTION 1. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people: *Provided, however*, That the Congress shall have power to regulate or prohibit throughout the United States the employment of children under 18 years of age."

—

[S. J. Res. 224, introduced by Senator TOWNSEND, Sixty-seventh Congress, second session.]

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —.

"The Congress shall have power to regulate the employment and the hours of labor and conditions of employment of persons under 18 years of age."

—

[S. J. Res. 232, introduced by Senator MCCORMICK, Sixty-seventh Congress, second session.]

Joint resolution proposing an amendment to the Constitution of the United States relative to child labor.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE —.

"The Congress shall have power to limit or prohibit the labor of persons under 18 years of age, and power is also reserved to the several States to limit or prohibit such labor in any way which does not lessen any limitation of such labor or the extent of any prohibition thereof by Congress. The power vested in the Congress by this article shall be additional to and not a limitation on the powers elsewhere vested in the Congress by the Constitution with respect to such labor."

—

[S. J. Res. 256, introduced by Senator LODGE, Sixty-seventh Congress, fourth session.]

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —.

"The Congress shall have power to prohibit or to regulate the hours of labor in mines, quarries, mills, canneries, workshops, factories, or manufacturing establishments of persons under 18 years of age and of women."

—

[S. J. Res. 262, introduced by Senator WALSH of Montana, Sixty-seventh Congress, fourth session.]

Joint resolution proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE —.

"The power of the Congress to regulate commerce among the several States shall be held to embrace the power to prohibit the transportation in interstate commerce of commodities being the products of any employer of child labor."

—

The committee thinks it will be helpful to all parties interested if we here carry into the record the first so-called child labor act of Congress, approved September 1, 1916.

[Public—No. 249—64th Congress.]

[H. R. 8234.]

An act to prevent interstate commerce in the products of child labor, and for other purposes.

"*Be it enacted, etc.*, That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which within 30 days prior to the time of the removal of such product therefrom children under the age of 16 years have been employed or permitted to work, or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the United States, in which within 30 days prior to the removal of such product therefrom children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 years and 16 years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of 7 o'clock p. m., or before the hour of 6 o'clock a. m.: *Provided*, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any article or commodity under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such article or commodity before the beginning of said prosecution.

"SEC. 2. That the Attorney General, the Secretary of Commerce, and the Secretary of Labor shall constitute a board to make and publish from time to time uniform rules and regulations for carrying out the provisions of this act.

"SEC. 3. That for the purpose of securing proper enforcement of this act the Secretary of Labor, or any person duly authorized by him, shall have authority to enter and inspect at any time mines, quarries, mills, canneries, workshops, factories, manufacturing establishments, and other places in which goods are produced or held for interstate commerce; and the Secretary of Labor shall have authority to employ such assistance for the purposes of this act as may from time to time be authorized by appropriation or other law.

"SEC. 4. That it shall be the duty of each district attorney to whom the Secretary of Labor shall report any violation of this act, or to whom any State factory or mining or quarry inspector, commissioner of labor, State medical inspector, or school-attendance officer, or any other person shall present satisfactory evidence of any such violation to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay for the enforcement of the penalties in such cases herein provided: *Provided*, That nothing in this act shall be construed to apply to bona fide boys' and girls' canning clubs recognized by the Agricultural Department of the several States and of the United States.

"SEC. 5. That any person who violates any of the provisions of section 1 of this act, or who refuses or obstructs entry or inspection authorized by section 3 of this act, shall for each offense prior to the first conviction of such person under the provisions of this act be punished by a fine of not more than $200, and shall for each offense subsequent to such conviction be punished by a fine of not more than $1,000, nor less than $100, or by imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That no dealer shall be prosecuted under the provisions of this act for a shipment, delivery for shipment, or transportation who establishes a guaranty issued by the person by whom the goods shipped or delivered for shipment or transportation were manufactured or produced, resident in the United States, to the effect that such goods were produced or manufactured in a mine or quarry in which within 30 days prior to their removal therefrom no children under the age of 16 years were employed or permitted to work, or in a mill, cannery, workshop, factory, or manufacturing establishment, in

which within 30 days prior to the removal of such goods therefrom no children under the age of 14 years were employed or permitted to work, nor children between the ages of 14 years and 16 years employed or permitted to work more than eight hours in any day or more than six days in any week or after the hour of 7 o'clock postmeridian or before the hour of 6 o'clock antemeridian; and in such event, if the guaranty contains any false statement of a material fact, the guarantor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violation of the provisions of this act. Said guaranty, to afford the protection above provided, shall contain the name and address of the person giving the same: *And provided further*, That no producer, manufacturer, or dealer shall be prosecuted under this act for the shipment, delivery for shipment, or transportation of a product of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment, if the only employment therein, within 30 days prior to the removal of such product therefrom, of a child under the age of 16 years has been that of a child as to whom the producer or manufacturer has in good faith procured, at the time of employing such child, and has since in good faith relied upon and kept on file a certificate, issued in such form, under such conditions, and by such persons as may be prescribed by the board, showing the child to be of such an age that the shipment, delivery for shipment, or transportation was not prohibited by this act. Any person who knowingly makes a false statement or presents false evidence in or in relation to any such certificate or application therefor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violations of this act. In any State designated by the board, an employment certificate or other similar paper as to the age of the child, issued under the laws of that State and not inconsistent with the provisions of this act, shall have the same force and effect as a certificate herein provided for.

"SEC. 6. That the word 'person' as used in this act shall be construed to include any individual or corporation or the members of any partnership or other unincorporated association. The term 'ship or deliver for shipment in interstate or foreign commerce' as used in this act means to transport or to ship or deliver for shipment from any State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia or to any foreign country; and in the case of a dealer means only to transport or to ship or deliver for shipment from the State, Territory, or district of manufacture or production.

"SEC. 7. That this act shall take effect from and after one year from the date of its passage.

"Approved, September 1, 1916."

The foregoing act was held to be unconstitutional in the case of Hammer *v.* Dagenhart.

Hammer, United States Attorney for the Western District of North Carolina, *v.* Dagenhart et al. Appeal from the District Court of the United States for the Western District of North Carolina. No. 704. Argued April 15, 16, 1918. Decided June 3, 1918.

"The act of September 1, 1916 (ch. 432, 39 Stat. 675), prohibits transportation in interstate commerce of goods made at a factory in which, within 30 days prior to their removal therefrom, children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 and 16 years have been employed or permitted to work more than eight hours in any day or more than six days in any week, or after the hour of 7 p. m. or before the hourt of 6 a. m. Held, unconstitutional as exceeding the commerce power of Congress and invading the powers reserved to the States.

"The power to regulate interstate commerce is the power to prescribe the rule by which the commerce is to be governed; in other words, to control the means by which it is carried on.

"The court has never sustained a right to exclude save in cases where the character of the particular thing excluded was such as to bring them peculiarly within the governmental authority of the State or Nation and render their exclusion, in effect, but a regulation of interstate transportation necessary to prevent the accomplishment through that means of the evils inherent in them.

"The manufacture of goods is not commerce, nor do the facts that they are intended for and are afterwards shipped in interstate commerce make their production a part of that commerce subject to the control of Congress.

"The power to regulate interstate commerce was not intended as a means of enabling Congress to equalize the economic conditions in the States for the prevention of unfair competition among them by forbidding the interstate transportation of goods made under conditions which Congress deems productive of unfairness.

"It was not intended as an authority to Congress to control the States in the exercise of their police power over local trade and manufacture always existing and expressly reserved to them by the tenth amendment.

"Affirmed."

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"Mr. Justice Day delivered the opinion of the court.

"A bill was filed in the United States District Court for the Western District of North Carolina by a father in his own behalf and as next friend of his two minor sons, one under the age of 14 years and the other between the ages of 14 and 16 years, employees in a cotton mill at Charlotte, N. C., to enjoin the enforcement of the act of Congress intended to prevent interstate commerce in the products of child labor. (Act of September 1, 1916, ch. 432, 39 Stat. 675.)

"The district court held the act unconstitutional and entered a decree enjoining its enforcement. This appeal brings the case here. The first section of the act is in the margin. (That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which within 30 days prior to the time of the removal of such product therefrom children under the age of 16 years have been employed or permitted to work, or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the United States, in which within 30 days prior to the removal of such product therefrom children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 years and 16 years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of 7 o'clock postmeridian, or before the hour of 6 o'clock antemeridian.)

"Other sections of the act contain provisions for its enforcement and prescribe penalties for its violation.

"The attack upon the act rests upon three propositions: First. It is not a regulation of interstate and foreign commerce. Second. It contravenes the tenth amendment to the Constitution. Third. It conflicts with the fifth amendment to the Constitution.

"The controlling question for decision is: Is it within the authority of Congress in regulating commerce among the States to prohibit the transportation in interstate commerce of manufactured goods the product of a factory in which, within 30 days prior to their removal therefrom, children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 and 16 years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of 7 o'clock p. m. or before the hour of 6 o'clock a. m.?

"The power essential to the passage of this act, the Government contends, is found in the commerce clause of the Constitution, which authorizes Congress to regulate commerce with foreign nations and among the States.

"In Gibbons *v.* Ogden (9 Wheat. 1) Chief Justice Marshall, speaking for this court and defining the extent and nature of the commerce power, said: 'It is the power to regulate—that is, to prescribe the rule by which commerce is to be governed.' In other words, the power is one to control the means by which commerce is carried on, which is directly the contrary of the assumed right to forbid commerce from moving and thus destroy it as to particular commodities. But it is insisted that adjudged cases in this court establish the doctrine that the power to regulate given to Congress incidentally includes the authority to prohibit the movement of ordinary commodities, and therefore that the subject is not open for discussion. The cases demonstrate the contrary. They rest upon the character of the particular subjects dealt with, and the fact that the scope of governmental authority, State or National, possessed over them is such that the authority to prohibit is as to them but the exertion of power to regulate.

"The first of these cases is Champion *v.* Ames (188 U. S. 321), the so-called Lottery case, in which it was held that Congress might pass a law having the effect to keep the channels of commerce free from use in the transportation of tickets used in the promotion of lottery schemes. In Hipolite Egg Co. *v.* United States (220 U. S. 45) this court sustained the power of Congress to pass the pure food and drug act, which prohibited the introduction into the States by means of interstate commerce of impure foods and drugs. In Hoke *v.* United States (227 U. S. 308) this court sustained the constitutionality of the so-called white slave traffic act, whereby the transportation of a woman in interstate commerce for the purpose of prostitution was forbidden. In that case we said, having reference to the authority

of Congress, under the regulatory power, to protect the channels of interstate commerce:

"'If the facility of interstate transportation can be taken away from the demoralization of lotteries, the debasement of obscene literature, the contagion of diseased cattle or persons, the impurity of food and drugs, the like facility can be taken away from the systematic enticement to and the enslavement in prostitution and debauchery of women and, more insistently, of girls.'

"In Caminetti *v.* United States (242 U. S. 470) we held that Congress might prohibit the transportation of women in interstate commerce for the purposes of debauchery and kindred purposes. In Clark Distilling Co. *v.* Western Maryland Railway Co. (242 U. S. 311) the power of Congress over the transportation of intoxicating liquors was sustained. In the course of the opinion it was said:

"'The power conferred is to regulate, and the very terms of the grant would seem to repel the contention that only prohibition of movement in interstate commerce was embraced. And the cogency of this is manifest, since if the doctrine were applied to those manifold and important subjects of interstate commerce as to which Congress from the beginning has regulated, not prohibited, the existence of government under the Constitution would be no longer possible.'

"And, concluding the discussion which sustained the authority of the Government to prohibit the transportation of liquor in interstate commerce, the court said:

"'* * * the exceptional nature of the subject here regulated is the basis upon which the exceptional power exerted must rest and affords no ground for any fear that such power may be constitutionally extended to things which it may not, consistently with the guaranties of the Constitution, embrace.'

"In each of these instances, the use of interstate transportation was necessary to the accomplishment of harmful results. In other words, although the power over interstate transportation was to regulate, that could only be accomplished by prohibiting the use of the facilities of interstate commerce to effect the evil intended.

"This element is wanting in the present case. The thing intended to be accomplished by this statute is the denial of the facilities of interstate commerce to those manufacturers in the States who employ children within the prohibited ages. The act in its effect does not regulate transportation among the States, but aims to standardize the ages at which children may be employed in mining and manufacturing within the States. The goods shipped are of themselves harmless. The act permits them to be freely shipped after 30 days from the time of their removal from the factory. When offered for shipment, and before transportation begins, the labor of their production is over, and the mere fact that they were intended for interstate commerce transportation does not make their products subject to Federal control under the commerce power.

"Commerce 'consists of intercourse and traffic * * * and includes the transportation of persons and property, as well as the purchase, sale, and exchange of commodities.' The making of goods and the mining of coal are not commerce, nor does the fact that these things are to be afterwards shipped or used in interstate commerce make their production a part thereof. (Delaware, Lackawanna & Western R. R. Co. *v.* Yukonis, 238 U. S. 439.)

"Over interstate transportation, or its incidents, the regulatory power of Congress is ample, but the production of articles intended for interstate commerce is a matter of local regulation.

"'When the commerce begins is determined, not by the character of the commodity, nor by the intention of the owner to transfer it to another State for sale, nor by his preparation of it for transportation, but by its actual delivery to a common carrier for transportation, or the actual commencement of its transfer to another State.' (Mr. Justice Jackson in In re Green, 52 Fed. Rep. 113.) This principle has been recognized often in this court. (Coe *v.* Errol, 116 U. S. 517; Bacon *v.* Illinois, 227 U. S. 504, and cases cited.) If it were otherwise, all manufacture intended for interstate shipment would be brought under Federal control to the practical exclusion of the authority of the States, a result certainly not contemplated by the framers of the Constitution when they vested in Congress the authority to regulate commerce among the States. (Kidd *v.* Pearson, 128 U. S. 1, 21.)

"It is further contended that the authority of Congress may be exerted to control interstate commerce in the shipment of child-made goods because of the effect of the circulation of such goods in other States where the evil of this class of labor has been recognized by local legislation and the right to thus employ child labor has been more rigorously restrained than in the State of production. In other words, that the unfair competition, thus engendered, may be controlled by closing the channels of interstate commerce to manufacturers in those States where the local laws do not meet what Congress deems to be the more just standard of other States.

"There is no power vested in Congress to require the States to exercise their police power so as to prevent possible unfair competition. Many causes may cooperate to give one State, by reason of local laws or conditions, an economic advantage over others. The commerce clause was not intended to give to Congress a general authority to equalize such conditions. In some of the States laws have been passed fixing minimum wages for women, in others the local law regulates the hours of labor of women in various employments. Business done in such States may be at an economic disadvantage when compared with States which have no such regulations; surely, this fact does not give Congress the power to deny transportation in interstate commerce to those who carry on business where the hours of labor and the rate of compensation for women have not been fixed by a standard in use in other States and approved by Congress.

"The grant of power to Congress over the subject of interstate commerce was to enable it to regulate such commerce, and not to give it authority to control the States in their exercise of the police power over local trade and manufacture.

"The grant of authority over a purely Federal matter was not intended to destroy the local power always existing and carefully reserved to the States in the tenth amendment to the Constitution.

"Police regulations relating to the internal trade and affairs of the States have been uniformly recognized as within such control. 'This,' said this court in United States *v.* Dewitt, 9 Wall. 41, 45, 'has been so frequently declared by this court, results so obviously from the terms of the Constitution, and has been so fully explained and supported on former occasions, that we think it unnecessary to enter again upon the discussion.' See Keller *v.* United States, 213 U. S. 138, 144, 145, 146. Cooley's Constitutional Limitations, 7th ed., p. 11.

"In the judgment which established the broad power of Congress over interstate commerce, Chief Justice Marshall said (9 Wheat. 203): 'They (inspection laws) act upon the subject before it becomes an article of foreign commerce, or of commerce among the States, and prepare it for that purpose. They form a portion of that immense mass of legislation, which embraces everything within the territory of a State, not surrendered to the General Government; all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, etc., are component parts of this mass.'

"And in Dartmouth College *v.* Woodward, 4 Wheat. 518, 629, the same great judge said:

"'That the framers of the Constitution did not intend to restrain the States in the regulation of their civil institutions, adopted for internal government, and that the instrument they have given us is not to be so construed may be admitted.'

"That there should be limitations upon the right to employ children in mines and factories in the interest of their own and the public welfare all will admit. That such employment is generally deemed to require regulation is shown by the fact that the brief of counsel states that every State in the Union has a law upon the subject limiting the right to thus employ children. In North Carolina, the State wherein is located the factory in which the employment was had in the present case, no child under 12 years of age is permitted to work.

"It may be desirable that such laws be uniform, but our Federal Government is one of enumerated powers. 'This principle,' declared Chief Justice Marshall, in McCulloch *v.* Maryland, 4 Wheat. 316, 'is universally admitted.'

"A statute must be judged by its natural and reasonable effect. Collins *v.* New Hampshire, 171 U. S. 30, 33, 34. The control by Congress over interstate commerce can not authorize the exercise of authority not entrusted to it by the Constitution. Pipe Line cases, 234 U. S. 548, 560. The maintenance of the authority of the States over matters purely local is as essential to the preservation of our institutions as is the conservation of the supremacy of the Federal power in all matters entrusted to the Nation by the Federal Constitution.

"In interpreting the Constitution it must never be forgotten that the Nation is made up of States to which are entrusted the powers of local government. And to them and to the people the powers not expressly delegated to the National Government are reserved. (Lane County *v.* Oregon, 7 Wall. 71, 76.) The power of the States to regulate their purely internal affairs by

such laws as seem wise to the local authority is inherent and has never been surrendered to the General Government. (New York *v.* Miln, 11 Pet. 102, 139; Slaughter House cases, 16 Wall. 36, 63; Kidd *v.* Pearson, supra.) To sustain this statute would not be in our judgment a recognition of the lawful exertion of congressional authority over interstate commerce, but would sanction an invasion by the Federal power of the control of a matter purely local in its character and over which no authority has been delegated to Congress in conferring the power to regulate commerce among the States.

"We have neither authority nor disposition to question the motives of Congress in enacting this legislation. The purposes intended must be attained consistently with constitutional limitations and not by an invasion of the powers of the States. This court has no more important function than that which devolves upon it the obligation to preserve inviolate the constitutional limitations upon the exercise of authority, Federal and State, to the end that each may continue to discharge harmoniously with the other the duties entrusted to it by the Constitution.

"In our view the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States, a purely State authority. Thus the act in a twofold sense is repugnant to the Constitution. It not only transcends the authority delegated to Congress over commerce, but also exerts a power as to a purely local matter to which the Federal authority does not extend. The far-reaching result of upholding the act can not be more plainly indicated than by pointing out that if Congress can thus regulate matters intrusted to local authority by prohibition of the movement of commodities in interstate commerce, all freedom of commerce will be at an end and the power of the States over local matters may be eliminated, and thus our system of government be practically destroyed.

"For these reasons we hold that this law exceeds the constitutional authority of Congress. It follows that the decree of the district court must be

"Affirmed."

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"Mr. Justice Holmes, dissenting.

"The single question in this case is whether Congress has power to prohibit the shipment in interstate or foreign commerce of any product of a cotton-mill situation in the United States in which within 30 days before the removal of the product children under 14 have been employed, or children between 14 and 16 have been employed more than eight hours in a day or more than six days in any week, or between 7 in the evening and 6 in the morning. The objection urged against the power is that the States have exclusive control over their methods of production and that Congress can not meddle with them, and taking the proposition in the sense of direct intermeddling I agree to it and suppose that no one denies it. But if an act is within the powers specifically conferred upon Congress it seems to me that it is not made any less constitutional because of the indirect effects that it may have, however obvious it may be that it will have those effects, and that we are not at liberty upon such grounds to hold it void.

"The first step in my argument is to make plain what no one is likely to dispute—that the statute in question is within the power expressly given to Congress if considered only as to its immediate effects and that if invalid it is so only upon some collateral ground. The statute confines itself to prohibiting the carriage of certain goods in interstate or foreign commerce. Congress is given power to regulate such commerce in unqualified terms. It would not be argued to-day that the power to regulate does not include the power to prohibit. Regulation means the prohibition of something, and when interstate commerce is the matter to be regulated I can not doubt that the regulation may prohibit any part of such commerce that Congress sees fit to forbid. At all events it is established by the Lottery case and others that have followed it that a law is not beyond the regulative power of Congress merely because it prohibits certain transportation out and out. Champion *v.* Ames (188 U. S. 321, 355, 359, et seq.) So I repeat that this statute in its immediate operation is clearly within the Congress's constitutional power.

"The question, then, is narrowed to whether the exercise of its otherwise constitutional power by Congress can be pronounced unconstitutional because of its possible reaction upon the conduct of the States in a matter upon which I have admitted that they are free from direct control. I should have thought that that matter had been disposed of so fully as to leave no room for doubt. I should have thought that the most conspicuous decisions of this court had made it clear that the power to regulate commerce and other constitutional powers could not be cut down or qualified by the fact that it might interfere with the carrying out of the domestic policy of any State.

"The manufacture of oleomargarine is as much a matter of State regulation as the manufacture of cotton cloth. Congress levied a tax upon the compound when colored so as to resemble butter that was so great as obviously to prohibit the manufacture and sale. In a very elaborate discussion the present Chief Justice excluded any inquiry into the purpose of an act which apart from that purpose was within the power of Congress. McCray *v.* United States (195 U. S. 27). As to foreign commerce see Weber *v.* Freed (239 U. S. 325, 329); Brolan *v.* United States (236 U. S. 216, 217); Buttfield *v.* Stranahan (192 U. S. 470). Fifty years ago a tax on State banks, the obvious purpose and actual effect of which was to drive them, or at least their circulation, out of existence, was sustained, although the result was one that Congress had no constitutional power to require. The court made short work of the argument as to the purpose of the act. 'The judicial can not prescribe to the legislative department of the Government limitations upon the exercise of its acknowledged powers.' (Venzie Bank *v.* Fenno, 8 Wall. 533.) So it well might have been argued that the corporation tax was intended under the guise of a revenue measure to secure a control not otherwise belonging to Congress, but the tax was sustained, and the objection so far as noticed was disposed of by citing McCray *v.* United States. (Flint *v.* Stone Tracy Co., 220 U. S. 107.) And to come to cases upon interstate commerce, notwithstanding United States *v.* E. C. Knight Co. (156 U. S. 1), the Sherman Act has been made an instrument for breaking up of combinations in restraint of trade and monopolies, using the power to regulate commerce as a foothold, but not preceding because that commerce was the end actually in mind. The objection that the control of the States over production was interfered with was urged again and again but always in vain. Standard Oil Co. *v.* United States (221 U. S. 1, 68, 69). United States *v.* American Tobacco Co. (221 U. S. 106, 184). Hoke *v.* United States (227 U. S. 308, 321, 322). See finally and especially Seven Cases of Eckman's Alterative *v.* United States (239 U. S. 510, 514, 515).

"The pure food and drug act which was sustained in Hipolite Egg Co. *v.* United States (220 U. S. 45), with the intimation that 'no trade can be carried on between the States to which it—the power of Congress to regulate commerce—does not extend,' 57, applies not merely to articles that the changing opinions of the time condemn as intrinsically harmful but to others innocent in themselves, simply on the ground that the order for them was induced by a preliminary fraud. Weeks *v.* United States (245 U. S. 618). It does not matter whether the supposed evil precedes or follows the transportation. It is enough that in the opinion of Congress the transportation encourages the evil. I may add that in the cases on the so-called white slave act it was established that the means adopted by Congress as convenient to the exercise of its power might have the character of police regulations. Hoke *v.* United States (227 U. S. 308, 323), Caminetti *v.* United States (242 U. S. 470, 492). In Clark Distilling Co. *v.* Western Maryland Railway Co. (242 U. S. 322, 328), Leisy *v.* Hardin (135 U. S. 100, 108) is quoted with seeming approval to the effect that 'a subject matter which has been confided exclusively to Congress by the Constitution is not within the jurisdiction of the police power of the State, unless placed there by congressional action.' I see no reason for that proposition not applying here.

"The notion that prohibition is any less prohibition when applied to things now thought evil I do not understand. But if there is any matter upon which civilized countries have agreed—far more unanimously than they have with regard to intoxicants and some other matters over which this country is now emotionally aroused—it is the evil of premature and excessive child labor. I should have thought that if we were to introduce our own moral conceptions where, in my opinion, they do not belong, this was preeminently a case for upholding the exercise of all its powers by the United States.

"But I had thought that the propriety of the exercise of a power admitted to exist in some cases was for the consideration of Congress alone and that this court always had disavowed the right to intrude its judgment upon questions of policy and morals. It is not for this court to pronounce when prohibition is necessary to regulation, if it ever may be necessary; to say that it is permissible as against strong drink, but not as against the product of ruined lives.

"The act does not meddle with anything belonging to the States. They may regulate their internal affairs and their

domestic commerce as they like. But when they seek to send their products across the State line they are no longer within their rights. If there were no Constitution and no Congress, their power to cross the line would depend upon their neighbors. Under the Constitution such commerce belongs not to the States but to Congress to regulate. It may carry out its views of public policy, whatever indirect effect they may have upon the activities of the States. Instead of being encountered by a prohibitive tariff at her boundaries, the State encounters the public policy of the United States which it is for Congress to express. The public policy of the United States is shaped with a view to the benefit of the Nation as a whole. If, as has been the case within the memory of men still living, a State should take a different view of the propriety of sustaining a lottery from that which generally prevails, I can not believe that the fact would require a different decision from that reached in Champion v. Ames. Yet in that case it would be said with quite as much force as in this that Congress was attempting to intermeddle with the State's domestic affairs. The national welfare as understood by Congress may require a different attitude within its sphere from that of some self-seeking State. It seems to me entirely constitutional for Congress to enforce its understanding by all the means at its command.

"Mr. Justice McKenna, Mr. Justice Brandeis, and Mr. Justice Clarke concur in this opinion."

The act of September 1, 1916, having been declared unconstitutional, the Congress passed another so-called child labor law, approved February 24, 1919, which act reads as follows:

[Public—No. 254—65th Cong.]

[H. R. 12863.]

An act to provide revenue, and for other purposes.

"*Be it enacted, etc.*—

TITLE XII.—TAX ON EMPLOYMENT OF CHILD LABOR.

"SEC. 1200. That every person (other than a bona fide boys or girls' canning club recognized by the Agricultural Department of a State and of the United States) operating (a) any mine or quarry situated in the United States in which children under the age of 16 years have been employed or permitted to work during any portion of the taxable year; or (b) any mill, cannery, workshop, factory, or manufacturing establishment situated in the United States in which children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 and 16 have been employed or permitted to work more than eight hours in any day or more than six days in any week, or after the hour of 7 o'clock p. m., or before the hour of 6 o'clock a. m., during any portion of the taxable year, shall pay for each taxable year, in addition to all other taxes imposed by law, an excise tax equivalent to 10 per cent of the entire net profits received or accrued for such year from the sale or disposition of the product of such mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment.

"SEC. 1201. That in computing net profits under the provisions of this title, for the purpose of the tax there shall be allowed as deductions from the gross amount received or accrued for the taxable year from the sale or disposition of such products manufactured within the United States the following items:

"(a) The cost of raw materials entering into the production;

"(b) Running expenses, including rentals, cost of repairs, and maintenance, heat, power, insurance, management, and a reasonable allowance for salaries or other compensations for personal services actually rendered, and for depreciation;

"(c) Interest paid within the taxable year on debts or loans contracted to meet the needs of the business, and the proceeds of which have been actually used to meet such needs;

"(d) Taxes of all kinds paid during the taxable year with respect to the business or property relating to the production; and

"(e) Losses actually sustained within the taxable year in connection with the business of producing such products, including losses from fire, flood, storm, or other casualties, and not compensated for by insurance or otherwise.

"SEC. 1202. That if any such person during any taxable year or part thereof, whether under any agreement, arrangement, or understanding, or otherwise, sells or disposes of any product of such mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment at less than the fair market price obtainable therefor either (a) in such manner as directly or indirectly to benefit such person or any person directly or indirectly interested in the business of such person; or (b) with intent to cause such benefit; the gross amount received or accrued for such year or part thereof from the sale or disposition of such product shall be taken to be the amount which would have been received or accrued from the sale or disposition of such product if sold at the fair market price.

"SEC. 1203. (a) That no person subject to the provisions of this title shall be liable for the tax herein imposed if the only employment or permission to work which but for this section would subject him to the tax, has been of a child as to whom such person has in good faith procured at the time of employing such child or permitting him to work, and has since in good faith relied upon and kept on file a certificate, issued in such form, under such conditions and by such persons as may be prescribed by a board consisting of the Secretary, the commissioner, and the Secretary of Labor, showing the child to be of such age as not to subject such person to the tax imposed by this title. Any person who knowingly makes a false statement or presents false evidence in or in relation to any such certificate or application therefor shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the court.

"In any State designated by such board an employment certificate or other similar paper as to the age of the child, issued under the laws of that State, and not inconsistent with the provisions of this title, shall have the same force and effect as a certificate herein provided for.

"(b) The tax imposed by this title shall not be imposed in the case of any person who proves to the satisfaction of the Secretary that the only employment or permission to work, which but for this section would subject him to the tax, has been of a child employed or permitted to work under a mistake of fact as to the age of such child, and without intention to evade the law.

"SEC. 1204. That on or before the first day of the third month following the close of each taxable year, a true and accurate return under oath shall be made by each person subject to the provisions of this title to the collector for the district in which such person has his principal office or place of business, in such form as the commissioner, with the approval of the Secretary, shall prescribe, setting forth specifically the gross amount of income received or accrued during such year from the sale or disposition of the product of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment in which children have been employed subjecting him to the tax imposed by this title, and from the total thereof deducting the aggregate items of allowance authorized by this title, and such other particulars as to the gross receipts and items of allowance as the commissioner, with the approval of the Secretary, may require.

"SEC. 1205. That all such returns shall be transmitted forthwith by the collector to the commissioner, who shall, as soon as practicable, assess the tax found due and notify the person making such return of the amount of tax for which such person is liable, and such person shall pay the tax to the collector on or before 30 days from the date of such notice.

"SEC. 1206. That for the purposes of this act the commissioner, or any other person duly authorized by him, shall have authority to enter and inspect at any time any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment. The Secretary of Labor, or any person duly authorized by him, shall, for the purpose of complying with a request of the commissioner to make such an inspection, have like authority, and shall make report to the commissioner of inspections made under such authority in such form as may be prescribed by the commissioner with the approval of the Secretary of the Treasury.

"Any person who refuses or obstructs entry or inspection authorized by this section shall be punished by a fine of not more than $1,000, or by imprisonment for not more than one year, or both such fine and imprisonment.

"SEC. 1207. That as used in this title the term 'taxable year' shall have the same meaning as provided for the purposes of income tax in section 200. The first taxable year for the purposes of this title shall be the period between 60 days after the passage of this act and December 31, 1919, both inclusive, or such portion of such period as is included within the fiscal year (as defined in section 200) of the taxpayer.

"Approved 6.55 p. m., February 24, 1919."

This latter act met the same fate as its predecessor—it was declared unconstitutional in the case of Bailey v. Drexel Furniture Co.

"J. W. Bailey and J. W. Bailey, collector of internal revenue for the district of North Carolina, plaintiff in error, v. Drexel Furniture Co. Internal revenue—Power of Congress—Child labor law—Reserved rights of States.

"The child labor tax law of February 24, 1919, imposing a tax of 10 per cent of the net profits of the year upon an employer who knowingly has employed, during any portion of the taxable year, a child within the age limits therein prescribed, is not a valid exercise by Congress of its powers of taxation under United States Constitution, article 1, section 8, but is an unconstitutional regulation by the use of the so-called tax as a penalty of the employment of child labor in the States, which, under United States Constitution, tenth amendment, is exclusively a State function. (For other cases, see Internal Revenue, I. b; States, IV in Digest Sup. Ct. 1908.)

(No. 657.)

Argued March 7 and 8, 1922. Decided May 15, 1922.

"In error to the District Court of the United States for the Western District of North Carolina to review a judgment against a collector of internal revenue for the recovery back of a tax imposed under the child labor tax act. Affirmed.

"See same case below, 276 Fed. 452.

"The facts are stated in the opinion.

"Solicitor General Beck and special assistant to the Attorney General Reeder for plaintiff in error.

"Messrs. William P. Bynum, Junius Parker, William M. Hendren, Clement Manly, and John N. Wilson for defendant in error.

"Mr. Chief Justice Taft delivered the opinion of the court:

"This case presents the question of the constitutional validity of the child labor tax law. The plaintiff below, the Drexel Furniture Co., is engaged in the manufacture of furniture in the western district of North Carolina. On September 20, 1921, it received a notice from Bailey, United States collector of internal revenue for the district, that it had been assessed $6,312.79 for having, during the taxable year 1919, employed and permitted to work in its factory a boy under 14 years of age, thus incurring the tax of 10 per cent on its net profits for that year. The company paid the tax under protest, and after rejection of its claim for a refund brought this suit. On demurrer to an amended complaint, judgment was entered for the company against the collector for the full amount with interest. The writ of error is prosecuted by the collector direct from the district court under section 238 of the Judicial Code.

"The child labor tax law is Title No. 12 of an act entitled "An act to provide revenue, and for other purposes," approved February 24, 1919 (40 Stat. L. 1057, 11138, ch. 18, Comp. Stat. sec. 6336¼a). The heading of the title is "Tax on employment of child labor." It begins with section 1200 and includes eight sections. Section 1200 is as follows:

"'SEC. 1200. That every person (other than a bona fide boys or girls' canning club recognized by the Agricultural Department of a State and of the United States) operating (a) any mine or quarry situated in the United States in which children under the age of 16 years have been employed or permitted to work during any portion of the taxable year; or (b) any mill, cannery, workshop, factory, or manufacturing establishment situated in the United States in which children under the age of 14 years have been employed or permitted to work, or children between the ages of 14 and 16 have been employed or permitted to work more than eight hours in any day or more than six days in any week, or after the hour of 7 o'clock postmeridian, or before the hour of 6 o'clock antemeridian, during any portion of the taxable year, shall pay for each taxable year, in addition to all other taxes imposed by law, an excise tax equivalent to 10 per cent of the entire net profits received or accrued for such year from the sale or disposition of the product of such mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment.'

"Section 1203 relieves from liability to the tax anyone who employs a child, believing him to be of proper age, relying on a certificate to this effect issued by persons prescribed by a board consisting of the Secretary of the Treasury, the Commissioner of Internal Revenue, and the Secretary of Labor, or issued by State authorities. The section also provides in paragraph (b) that 'the tax imposed by this title shall not be imposed in the case of any person who proves to the satisfaction of the Secretary that the only employment or permission to work, which but for this section would subject him to the tax, has been of a child employed or permitted to work under a mistake of fact as to the age of such child and without intention to evade the tax.'"

"Section 1206 gives authority to the Commissioner of Internal Revenue or any other person authorized by him 'to enter and inspect at any time any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment.' The Secretary of Labor or any person whom he authorizes is given like authority in order to comply with a request of the commissioner to make such inspection and report the same. Any person who refuses entry or obstructs inspection is made subject to fine or imprisonment, or both.

"The law is attacked on the ground that it is a regulation of the employment of child labor in the States—an exclusive State function under the Federal Constitution and within the reservations of the tenth amendment. It is defended on the ground that it is a mere excise tax levied by the Congress of the United States under its broad power of taxation conferred by section 8, Article I, of the Federal Constitution. We must construe the law and interpret the intent and meaning of Congress from the language of the act. The words are to be given their ordinary meaning unless the context shows that they are differently used. Does this law impose a tax with only that incidental restraint and regulation which a tax must inevitably involve? Or does it regulate by the use of the so-called tax as a penalty? If a tax, it is clearly an excise. If it were an excise on a commodity or other thing of value, we might not be permitted, under previous decisions of this court, to infer, solely from its heavy burden, that the act intends a prohibition instead of a tax. But this act is more. It provides a heavy exaction for a departure from a detailed and specified course of conduct in business.

"That course of business is that employers shall employ in mines and quarries children of an age greater than 16 years; in mills and factories, children of an age greater than 14 years; and shall prevent children of less than 16 years; in mills and factories, children of an age greater than 14 years; and shall prevent children of less than 16 years in mills and factories from working more than eight hours a day or six days in a week. If an employer departs from this prescribed course of business, he is to pay to the Government one-tenth of his entire net income in the business for a full year. The amount is not to be proportioned in any degree to the extent or frequency of the departures, but is to be paid by the employer in full measure whether he employs 500 children for a year or employs only one for a day. Moreover, if he does not know the child is within the named age limit, he is to pay; that is to say, it is only where he knowingly departs from the prescribed course that payment is to be exacted. Scienters are associated with penalties, not with taxes. The employer's factory is to be subject to inspection at any time, not only by the taxing officers of the Treasury, the department normally charged with the collection of taxes, but also by the Secretary of Labor and his subordinates, whose normal function is the advancement and protection of the welfare of the workers. In the light of these features of the act, a court must be blind not to see that the so-called tax is imposed to stop the employment of children within the age limits prescribed. Its prohibitory and regulatory effect and purpose are palpable. All others can see and understand this. How can we properly shut our minds to it?

"It is the high duty and function of this court in cases regularly brought to its bar to decline to recognize or enforce seeming laws of Congress dealing with subjects not intrusted to Congress, but left or committed by the supreme law of the land to the control of the States. We can not avoid the duty, even though it requires us to refuse to give effect to legislation designed to promote the highest good. The good sought in unconstitutional legislation is an insidious feature, because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant or the harm which will come from breaking down recognized standards. In the maintenance of local self-government, on the one hand, and the national power, on the other, our country has been able to endure and prosper for near a century and a half.

"Out of a proper respect for the acts of a coordinate branch of the Government, this court has gone far to sustain taxing acts as such, even though there has been ground for suspecting, from the weight of the tax, it was intended to destroy its subject. But in the act before us the presumption of validity can not prevail, because the proof of the contrary is found on the very face of its provisions. Grant the validity of this law and all that Congress would need to do hereafter in seeking to take over to its control any one of the great number of subjects of public interest, jurisdiction of which the States have never parted with, and which are reserved to them by the nineteenth amendment, would be to enact a detailed measure of complete regulation of the subject and enforce it by a so-called tax upon departures from it. To give such magic to the word 'tax' would be to break down all constitutional limitation of the powers of Congress and completely wipe out the sovereignty of the States.

"The difference between a tax and a penalty is sometimes difficult to define, and yet the consequences of the distinction in the required method of their collection often are important.

Where the sovereign enacting the law has power to impose both tax and penalty, the difference between revenue production and mere regulation may be immaterial; but not so when one sovereign can impose a tax only and the power of regulation rests in another. Taxes are occasionally imposed in the discretion of the legislature on proper subjects with the primary motive of obtaining revenue from them and with the incidental motive of discouraging them by making their continuance onerous. They do not lose their character as taxes because of the incidental motive. But there comes a time in the extension of the penalizing features of the so-called tax when it loses its character as such and becomes a mere penalty, with the characteristics of regulation and punishment. Such is the case in the law before us. Although Congress does not invalidate the contract of employment or expressly declare that the employment within the mentioned ages is illegal, it does exhibit its intent practically to achieve the latter result by adopting the criteria of wrongdoing and imposing its principal consequence on those who transgress its standard.

"The case before us can not be distinguished from that of Hammer *v.* Dagenhart (247 U. S. 251, 62 L. ed. 1101, 3 A. L. R. 649, 38 Sup. Ct. Rep. 529, Ann. Cas. 1918E, 624). Congress there enacted a law to prohibit transportation in interstate commerce of goods made at a factory in which there was employment of children within the same ages and for the same number of hours a day and days in a week as are penalized by the act in this case. This court held the law in that case to be void. It said:

"'In our view, the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States—purely State authority.'

"In the case at the bar Congress, in the name of a tax which on the face of the act is a penalty, seeks to do the same thing, and the effort must be equally futile.

"The analogy of the Dagenhart case is clear. The congressional power over interstate commerce is, within its proper scope, just as complete and unlimited as the congressional power to tax, and the legislative motive in its exercise is just as free from judicial suspicion and inquiry. Yet when Congress threatened to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a State, in order to coerce them into compliance with Congress's regulation of State concerns, the court said this was not, in fact, regulation of interstate commerce but rather that of State concerns and was invalid. So here the so-called tax is a penalty to coerce people of a State to act as Congress wishes them to act in respect of a matter completely the business of the State government under the Federal Constitution. This case requires, as did the Dagenhart case, the application of the principle announced by Chief Justice Marshall in McCulloch *v.* Maryland (4 Wheat. 316, 423, 4 L. ed. 579, 605) in a much-quoted passage:

"'Should Congress in the execution of its powers adopt measures which are prohibited by the Constitution, or should Congress under the pretext of executing its powers pass laws for the accomplishment of objects not intrusted to the Government, it would become the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land.'

"But it is pressed upon us that this court has gone so far in sustaining taxing measures the effect and tendency of which was to accomplish purposes not directly within congressional power that we are bound by authority to maintain this law.

"The first of these is Veazie Bank *v.* Fenno (8 Wall. 533, 19 L. ed. 482). In that case the validity of a law which increased a tax on the circulating notes of persons and State banks from 1 per cent to 10 per cent was in question. The main question was whether this was a direct tax, to be apportioned among the several States 'according to their respective numbers.' This was answered in the negative. The second objection was stated by the court:

"'It is insisted, however, that the tax in the case before us is excessive, and so excessive as to indicate a purpose on the part of Congress to destroy the franchise of the bank, and is, therefore, beyond the constitutional power of Congress.'

"To this the court answered:

"'The first answer to this is that the judicial can not prescribe to the legislative departments of the Government limitations upon the exercise of its acknowledged powers. The power to tax may be exercised oppressively upon persons, but the responsibility of the legislature is not to the courts but to the people by whom its members are elected. So if a particular tax bears heavily upon a corporation or a class of corporations, it can not for that reason only be pronounced contrary to the Constitution.'

"It will be observed that the sole objection to the tax here was its excessive character. Nothing else appeared on the face of the act. It was an increase of a tax admittedly legal to a higher rate, and that was all. There were no elaborate specifications on the face of the act, as here, indicating the purpose to regulate matters of State concern and jurisdiction through an exaction so applied as to give it the qualities of a penalty for violation of law rather than a tax.

"It should be noted, too, that the court, speaking of the extent of the taxing power, used these cautionary words (p. 541):

"'There are, indeed, certain virtual limitations arising from the principles of the Constitution itself. It would undoubtedly be an abuse of the power if so exercised as to impair the separate existence and independent self-government of the States, or if exercised for ends inconsistent with the limited grants of power in the Constitution.'

"But more than this, what was charged to be the object of the excessive tax was within the congressional authority, as appears from the second answer which the court gave to the objection. After having pointed out the legitimate means taken by Congress to secure a national medium or currency, the court said (p. 549):

"'Having thus, in the exercise of undisputed constitutional powers, undertaken to provide a currency for the whole country, it can not be questioned that Congress may, constitutionally, secure the benefit of it to the people by appropriate legislation. To this end Congress has denied the quality of legal tender to foreign coins, and has provided by law against the imposition of counterfeit and base coin on the community. To the same end Congress may restrain, by suitable enactments, the circulation as money of any notes not issued under its own authority. Without this power, indeed, its attempts to secure a sound and uniform currency for the country must be futile.'

"The next case is that of McCray *v.* United States (195 U. S. 27, 49 L. ed. 78, 24 Sup. Ct. Rep. 769, 1 Ann. Cas. 561). That, like the Veazie bank case, was the increase of an excise tax upon a subject properly taxable, in which the taxpayers claimed that the tax had become invalid because the increase was excessive. It was a tax on oleomargarine, a substitute for butter. The tax on the white oleomargarine was one-quarter of a cent a pound and on the yellow oleomargarine was first 2 cents, and was then by the act in question increased to 10 cents per pound. This court held that the discretion of Congress in the exercise of its constitutional powers to levy excise taxes could not be controlled or limited by the courts because the latter might deem the incidence of the tax oppressive or even destructive. It was the same principle as that applied in the Veazie bank case. This was that Congress, in selecting its subjects for taxation, might impose the burden where and as it would, and that a motive disclosed in its selection to discourage sale or manufacture of an article by a higher tax than on some other did not invalidate the tax. In neither of these cases did the law objected to show on its face, as does the law before us, the detailed specifications of a regulation of a State concern and business with a heavy exaction to promote the efficacy of such regulation.

"The third case is that of Flint *v.* Stone Tracy Co. (220 U. S. 107, 55 L. ed. 389, 31 Sup. Ct. Rep. 342, Ann. Cas. 1912B, 1312). It involves the validity of an excise tax levied on the doing of business by all corporations, joint-stock companies, associations organized for profit having a capital stock represented by shares, and insurance companies, and measured the excise by the net income of the corporations. There was not in that case the slightest doubt that the tax was a tax and a tax for revenue; but it was attacked on the ground that such a tax could be made excessive and thus used by Congress to destroy the existence of State corporations. To this this court gave the same answer as in the Veazie bank and McCray cases. It is not so strong as authority for the Government's contention as they are.

"The fourth case is United States *v.* Doremus (249 U. S. 86, 63, L. ed. 493, 39 Sup. Ct. Rep. 214). That involved the validity of the narcotic drug act (December 17, 1914, 38 Stat. L. 785, chap. 1, Comp. Stat. Sec. 6287g, 4 Fed. Stat. Anno. 2d ed. p. 177), which imposed a special tax on the manufacture, importation, and sale or gift of opium or coco leaves or their compounds or derivatives. It required every person subject to the special tax to register with the collector of internal revenue his name and place of business and forbade him to sell except upon the written order of the person to whom the sale was made, on a form prescribed by the Commissioner of Internal Revenue. The vendor was required to keep the order for two years, and the purchaser to keep a duplicate for the same time, and all were to be subject to official inspection. Similar requirements

were made as to sales upon prescriptions of a physician and as to the dispensing of such drugs directly to a patient by a physician. The validity of a special tax in the nature of an excise tax on the manufacture, importation, and sale of such drugs was, of course, unquestioned. The provisions for subjecting the sale and distribution of the drugs to official supervision and inspection were held to have a reasonable relation to the enforcement of the tax and were therefore held valid.

"The court said that the act could not be declared invalid just because another motive than taxation not shown on the face of the act might have contributed to its passage. This case does not militate against the conclusion we have reached in respect to the law now before us. The court there made manifest its view that the provisions of the so-called taxing act must be naturally and reasonably adapted to the collection of the tax and not solely to the achievement of some other purpose plainly within State power.

"For the reasons given we must hold the child labor tax law invalid, and the judgment of the district court is affirmed.

"Mr. Justice Clarke dissents."

Inasmuch as the Congress has twice considered it necessary and wise to enact a law for the protection of the child life of our Nation it would seem to be the mature and deliberate judgment of the people that such a law would be beneficial. We must assume that the Congress considered that it had the power to enact such laws and thought it for the welfare of the Nation to exercise that power. But inasmuch as the Supreme Court of the United States, in Hammer *v.* Dagenhart (supra) and Bailey *v.* Drexel Furniture Co. (supra), decided that the Congress under the existing Constitution did not have that power, it is proposed to confer or delegate that power by way of a proposed amendment.

First. It can not be questioned but that it is a paramount duty of Government to guard and protect the welfare of its children to the end that they may have the utmost opportunity possible to attain the maximum development of their moral, intellectual, and physical beings. This is manifestly the due of all children since they are brought into the world without their volition, entirely helpless and dependent. But this is not alone simple justice to childhood. It is also of the greatest importance to every State that its citizens should attain the highest development above indicated. And it may be observed that while under our dual system of government the power and duty to make adequate provision by law for the accomplishment of those most desirable ends now vested in the several States, nevertheless it is as important to the National Government as it is to the government of every State that its citizenry be afforded every opportunity for legitimate development, and that such development should neither be stunted nor destroyed by a neglect to pass adequate laws for the protection of childhood.

Herein there lies the justification for the Government of the United States in asking of the States that upon it be conferred power concurrent with their own to legislate upon this matter so vital to both. If the States shall have passed appropriate laws, it is safe to say that any legislation of Congress will march side by side with such laws. If a State has been unmindful of its duty, then such congressional legislation will work no injury but rather a positive benefit to the State itself as well as to the National Government.

Hence your committee reports in favor of the submission to the legislatures of the several States of some form of constitutional amendment conferring power upon the Congress to legislate upon the subject.

Second. What form shall that proposed amendment bear? Unquestionably it should take the form of a grant of power, and unquestionably the limitations of that power should be precisely defined. Beyond peradventure it should contemplate the future as well as the present. Indisputably it should be a power concurrent with that of the States, since its purpose is not to deprive the States of any of their powers but only to confer like powers on the National Government.

Still further, it will not be questioned but that that power should be given to control, regulate, or even to prohibit the use of such labor in all cases where the character of the labor is dangerous in itself or may become dangerous through the inexperience or heedlessness of childhood; where in itself or in its surroundings it is detrimental to the physical or moral welfare of childhood, or where it is in character too onerous for the growing bodies of youth. Equally manifest is it that in all occupations where child labor is permitted, legislative authority should have a determinative voice as to the terms, times, conditions, and environment of its use—such as day and night work, reasonable hours, dangerous machinery, hygienic conditions, and the like.

These are the fundamental considerations which have controlled the action of this committee. It has given painstaking consideration to the varying phraseology of the five concurrent resolutions set forth herein above and to be found in part 1 of hearings; it has made extended research into the legal and popular meanings of words whose use has been recommended, and it has decided to submit the following as the form of the proposed constitutional amendment, which it approves:

"The Congress shall have power concurrent with that of the several States to limit or prohibit labor of persons under the age of 18 years."

A few words may be pertinent here to explain the reasons which influenced the committee in the adoption of the particular form of verbiage in which the resolution is cast.

The use of the words "power," "concurrent," speaks for itself. The amendment is not designed to deprive the States of any of their police powers but only to have them confer on the National Government the right to exercise similar powers. That in so doing they will not deprive themselves of any of their own powers may be taken as conclusively adjudicated by the Supreme Court of the United States in the case of United States *v.* Lansa, decided December 11, 1922.

It seemed wise to adopt the word "labor" in lieu of the word "employment." The former word expresses precisely the matter of the proposed amendment. It is the use of the labor rather than the matter of its employment which is of direct concern, and to state it thus avoids all possibility of the shufflings and evasions which might follow the adoption of the latter word.

An age limit is declared. It unquestionably would have been simpler to have provided for the regulation and prohibition of the labor of children and to have stopped there. But your committee became convinced that in asking for this it might fail utterly. A marked difference of opinion was developed at the hearings before the subcommittee, it being argued on the one hand that after 18 years of age, girls and boys had passed the period of dependency and were physically and mentally capable of fending for themselves, so that the power to protect them which was sought by the amendment could safely be limited to the indicated age; while, on the other hand, it was argued that many cases and classes merited protection after the age fixed, and that as the State's police power embraced the protection of its children during the period of their nonage and up to the instant of their majorities it was reasonable to ask that identical police power be conferred on the National Government.

Reason is found in both points of view. But your committee finally concluded to insert the 18-year limitation; because such limitation would certainly embrace the vast majority of cases calling for protection and remedial legislation, while the exceptional cases calling for legislation after that age might arise in one State and not in another, and therefore might safely be left to the wisdom of each State. And, finally, in contemplation of the opposition which almost certainly would arise should the word "child" be used, and having in mind the common-law definition of the word "child" and the many decisions of courts as to the legal meaning of that word, it was thought expedient to ask for that which would accomplish the greatest good while being subject to the least opposition. In order to remove all doubt as to the power to be delegated, it was thought wise to use the word "persons."

The several Senate joint resolutions were referred to a subcommittee consisting of Senators SHORTRIDGE, COLT, and WALSH of Montana, who accompanied their conclusions and recommendations by printed copies of the hearings held by them, which "Hearings before a subcommittee of the Committee on the Judiciary, United States Senate, parts 1, 2, and 3," are hereby referred to and made a part of this report.

Wherefore your committee reports in favor of submitting to the legislatures of the several States the following proposed amendment to the Constitution of the United States:

JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ARTICLE —.

"The Congress shall have power, concurrent with that of the several States, to limit or prohibit the labor of persons under the age of 18 years."

CHANGE OF REFERENCE.

Mr. SMOOT. Mr. President, House bill 14144, to limit and fix the time within which suits may be brought or rights asserted in court arising out of the provisions of subdivision 3 of section 302 of the soldiers and sailors' civil relief act, was referred to the Public Lands Committee. I ask that the Public Lands Committee be discharged from the further consideration of the bill and that it be referred to the Committee on the Judiciary, where it belongs.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah.

The motion was agreed to.

MICHIGAN BOULEVARD BUILDING CO.—CONFERENCE REPORT.

Mr. CAPPER. I submit the conference report on House bill 5918, and move its adoption.

The VICE PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5918) for the relief of the Michigan Boulevard Building Co., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments.

ARTHUR CAPPER,
F. R. GOODING,
PARK TRAMMELL,
Managers on the part of the Senate.

G. W. EDMONDS,
JAMES P. GLYNN,
H. B. STEAGALL,
Managers on the part of the House.

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

The report was agreed to.

MONTREAL RIVER LIGHTHOUSE RESERVATION, MICH.

Mr. JONES of Washington. Mr. President, from the Committee on Commerce I report back favorably House bill 13032, to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American Legion, Bessemer, Mich.

Mr. TOWNSEND. Mr. President, I realize that the Senator from Wisconsin must be consistent. I am sorry that he interposed his objection after so many unanimous-consent requests had been granted. This bill is one that I am sure will have no opposition from anybody in the Senate, and I should like to ask unanimous consent for its consideration, but I realize that it can not be done.

Mr. LENROOT. Mr. President, I will say to the Senator that after we once get upon the calendar he may renew his request, so far as I am concerned.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

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

By Mr. LODGE:

A bill (S. 4609) to authorize the President, in certain cases, to reduce fees for the visé of passports; to the Committee on Foreign Relations.

By Mr. BROOKHART:

A bill (S. 4610) to amend the interstate commerce act and the transportation act, 1920, as amended; to the Committee on Interstate Commerce.

By Mr. STERLING:

A bill (S. 4611) granting an increase of pension to Charles W. Halls; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 4612) to authorize the Secretary of the Interior to construct highways in the Klamath Indian Reservation in Oregon; to the Committee on Indian Affairs.

By Mr. CALDER:

A bill (S. 4613) for the relief of the Polish American Navigation Corporation; to the Committee on Commerce.

By Mr. CUMMINS:

A bill (S. 4614) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. SHORTRIDGE:

A bill (S. 4615) making eligible for retirement under certain conditions officers of the United States Army, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the war; to the Committee on Military Affairs.

By Mr. PITTMAN:

A bill (S. 4616) to establish a fish-hatching and fish-cultural station on the Humboldt River, in the State of Nevada; to the Committee on Commerce.

By Mr. PEPPER:

A bill (S. 4617) for the purchase of a site and the erection of a public building at Allentown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. KENDRICK:

A bill (S. 4618) granting a pension to Thomas Fife; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 4619) granting the consent of Congress to the reconstruction, maintenance, and operation of an existing bridge across the Red River between Grand Forks, N. Dak., and East Grand Forks, Minn.; and

A bill (S. 4620) granting the consent of Congress to the reconstruction, maintenance, and operation of an existing bridge across the Red River between Moorhead, Minn., and Fargo, N. Dak.; to the Committee on Commerce.

By Mr. MOSES:

A bill (S. 4621) granting a pension to Nicholas Suosso (with accompanying papers); to the Committee on Pensions.

By Mr. HALE:

A bill (S. 4622) to remit the duty on a carillon of bells to be imported for St. Ann's Church, Kennebunkport, Me. (with accompanying papers); to the Committee on Finance.

By Mr. PAGE:

A bill (S. 4623) to reimburse certain persons for loss of private funds in the form of Liberty bonds of the fourth issue and Victory notes while they were general court-martial prisoners, confined in the naval prison, Portsmouth, N. H.; to the Committee on Claims;

A bill (S. 4624) to authorize the Secretary of the Navy to make reimbursement to the Naval Academy dairy for losses sustained by fire; and

A bill (S. 4625) to authorize the Secretary of the Navy to permit the sale of exterior articles of the uniform to honorably discharged enlisted men; to the Committee on Naval Affairs.

By Mr. McKELLAR:

A bill (S. 4627) fixing the rank of the officer of the United States Army in charge of the Inland and Coastwise Waterways Service; to the Committee on Military Affairs.

AMENDMENT OF CIVIL-SERVICE EMPLOYEES RETIREMENT ACT.

Mr. JONES of Washington. I have been requested to introduce a bill amending the civil-service employees retirement act. I have not had an opportunity to examine the bill carefully, but those who have asked for its introduction represent very responsible organizations. So I am introducing the bill by request in order that they may have an opportunity to have hearings on it or to have it considered.

The bill (S. 4626) for the retirement of employees in the civil service was read twice by its title and referred to the Committee on Civil Service.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. FERNALD submitted an amendment proposing to pay $2,500 to Elizabeth McKeller as full compensation for injuries sustained while traveling within the Navajo Indian Reservation, State of New Mexico, September 7, 1921, intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and order to be printed.

Mr. PHIPPS submitted two amendments proposing to pay $1,000 each to Thomas A. Hodgson and C. Brooks Fry for expert personal services in connection with the investigation of the fiscal relations between the District of Columbia and the United States, etc., intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which were referred to the Committee on Appropriations and ordered to be printed.

Mr. REED of Pennsylvania submitted an amendment proposing to pay $13,511.13 to the Government of the Republic of France as full indemnity for loss and damage to property suffered by Madame Crignier, a citizen of France, by reason of the search for the body of Admiral John Paul Jones, undertaken in 1899 by Gen. Horace Porter, at that time American ambassador to France, and completed by the finding of the body in 1905, etc., intended to be proposed by him to House bill 14408, the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—CLARK G. RUSSELL.

On motion of Mr. TOWNSEND, it was—

Ordered, That permission be granted to withdraw from the files of the Senate all the papers in the case of Clark G. Russell, Senate bill 386, Sixty-fourth Congress, first session, no adverse report having been made thereon.

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

Mr. HARRIS submitted the following resolution (S. Res. 449), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That a committee of five Members of the Senate be appointed by the President of the Senate, one member from each of the following committees of the Senate: Banking and Currency, Agriculture and Forestry, and Commerce. That said committee be, and hereby is, authorized during sessions and recesses of the Sixty-seventh or Sixty-eighth Congress to inquire into the effect of the present limited membership of State banks and trust companies in the Federal reserve system upon financial conditions in the agricultural sections of the United States the reasons which actuate such banks and trust companies in failing to become members of the Federal reserve system; what administrative measures have been taken and are being taken to increase such membership; and whether or not any change should be made in existing law, or in the rules and regulations of the Federal Reserve Board, or in its methods of administration, to bring about in the agricultural sections a larger membership of such banks or trust companies in the Federal reserve system.

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

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

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the joint resolution (S. J. Res. 79) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 5,000 tons of sugar imported from the Argentine Republic, having been presented to the President for his approval, and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, had become a law without his approval. (Joint resolution received by the President January 31, 1923. Ten days expired February 12, 1923.)

The message also announced that the President had approved and signed the following bills and joint resolution:

On February 23, 1923:

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

On February 24, 1923:

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

S. J. Res. 279. A joint resolution authorizing the Secretary of War to loan 3,000 wooden folding chairs for the use of the United Confederate Veterans at their reunion to be held in New Orleans, La., on April 11, 12, and 13, 1923.

FOREIGN RELATIONS OF THE UNITED STATES FOR 1915.

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

To the Senate and House of Representatives:

I transmit herewith a report from the Secretary of State, submitting documents pertaining to the Foreign Relations of the United States for 1915, and "Foreign Relations of the United States, the History of the World War as Shown by the Records of the Department of State," with a view to their publication under the existing appropriations for printing and binding in the Department of State. Subsequent volumes of these documents will be sent to the Government Printing Office from time to time.

WARREN G. HARDING.

(Inclosures: Report from the Secretary of State, transmitting Foreign Relations of the United States for 1915, and "Foreign Relations of the United States, the History of the World War as Shown by the Records of the Department of State.")

THE WHITE HOUSE, *February 24, 1923.*

WILLIAM COLLIE NABORS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1405) for the relief of William Collie Nabors, which was, on page 1, line 6, to strike out "$5,000" and insert "$3,000, in full settlement against the Government."

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

The motion was agreed to.

PROPOSED UNANIMOUS-CONSENT AGREEMENT.

Mr. CURTIS. Mr. President, I would like to submit a further unanimous-consent agreement, so that we may know just what we are to do to-day and possibly enable us to conclude the calendar. It gives more time for the calendar to-day and I think the Senate will agree to it:

It is further agreed that the Senate shall continue the consideration of unobjected bills on the calendar until the hour of 4 o'clock p. m. to-day, unless sooner disposed of, and that at the conclusion of the calling of the calendar for unobjected bills the Senate shall proceed to the consideration of executive business, and at the conclusion of executive business the Senate shall adjourn as previously agreed.

It is further agreed that upon Monday, February 26, at 1 o'clock p. m., the Senate shall vote on the motion of the Senator from Washington [Mr. JONES] to proceed to the consideration of the bill H. R. 12817, and if that motion prevails, a motion to recommit the bill to the Committee on Commerce shall be in order, to the exclusion of any other business.

Mr. ROBINSON. Mr. President, I express the hope that the unanimous-consent order suggested by the Senator from Kansas may be agreed to. Its effect will be to permit the Senate to dispose of a large number of legislative matters which require attention. At the same time it enables those who are opposed to the shipping bill to secure at an early date a vote upon the motion to recommit, if they so desire. I hope the request will be granted.

Mr. PITTMAN. Mr. President, I listened to the reading of the proposed agreement, but I do not know that I followed it entirely. I understand that the object of it is that the Senate shall have a test vote on Monday.

Mr. CURTIS. That is right.

Mr. PITTMAN. And that those who are opposed to the shipping bill will have an opportunity to vote to send it back to the committee, but if the bill may be up——

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

Mr. PITTMAN. Certainly.

Mr. ROBINSON. Senators will have the opportunity first to vote against proceeding to the consideration of the shipping bill. In the event that motion prevails, which is the pending motion of the Senator from Washington, and the Senate decides to take up the shipping bill, a motion to recommit will be immediately in order to the exclusion of all other business.

Mr. PITTMAN. It is intended to secure a test vote on the bill at this time?

Mr. CURTIS. That is what it is.

Mr. KING. Mr. President, may I ask the Senator from Kansas and the Senator from Arkansas whether it is their understanding, in their interpretation of the unanimous-consent agreement, that upon the motion to recommit debate is to be restricted or limited in any way?

Mr. ROBINSON. There is no limitation upon debate on the motion to recommit. Debate remains unlimited.

Mr. CURTIS. But we hope there will be a vote on Monday. However, of course, we can not guarantee that.

Mr. KING. May I inquire of the Senator from Kansas whether it is the purpose of any of the proponents of the legislation to seek to table the motion to recommit so as to cut off debate?

Mr. CURTIS. Not on my part. I drew the agreement. I have not consulted other Senators. The Senator from Washington [Mr. JONES] has charge of the bill and he can speak for himself.

Mr. JONES of Washington. Mr. President, I wish it would be put in the agreement that the motion to recommit should be voted upon without debate, because I am ready to vote now. I am ready to vote now on the motion to take it up, as far as that is concerned. I want to say frankly that if the motion to take up the shipping bill should prevail, I myself would then be perfectly willing to vote upon the motion of the Senator from North Dakota [Mr. LADD] to take up the filled milk bill, because I recognize when a matter is ended. I would dislike to see the motion to recommit discussed for hours after everybody knows what the result is going to be.

I am not going to object to the proposed unanimous-consent agreement, but I express the hope the Senator from Kansas expressed, that whatever motion is made with reference to the

shipping bill after the first motion is disposed of, assuming that the motion to take it up is agreed to, may be disposed of quite promptly on Monday.

Mr. HARRISON. Mr. President, may I ask the Senator from Washington a question? Is it the purpose now of those who have been standing behind the ship subsidy bill to still vote to take up the bill, or are they going to change front on Monday and all join in voting for a motion to recommit the bill?

Mr. JONES of Washington. I do not want to see the bill recommitted. The Committee on Commerce have acted on the bill, and I do not see any use in sending it back to the committee. I hope those who favor the bill will vote to take it up, and in that way make a record vote on it; and then immediately that another bill may be taken up to displace it. I myself will vote to do that.

I am going to vote to take up the shipping bill because I am in favor of the shipping bill. If I were against it, I would vote against that motion. Then if it is taken up, I would be glad to vote to take up any of the other measures that are pressing. I do not want to have it recommitted, because I think that would be useless and nothing could be accomplished by it. The bill can be killed by taking up another bill.

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

The VICE PRESIDENT. The Senator from Kansas has the floor.

Mr. CURTIS. I yield to the Senator from Mississippi.

Mr. HARRISON. I had a question which I desired to put to the Senator from Washington.

Mr. JONES of Washington. I thought I had answered it.

Mr. HARRISON. The reason why I asked the question of the Senator from Washington was that throughout the debate he has worn a very loud red necktie, showing fight, and to-day I notice that his tie is pure white, showing surrender. [Laughter.]

Mr. JONES of Washington. Certainly; I recognize when I am beaten!

Mr. FLETCHER. In reply to the suggestion that sending the bill back to the committee would not amount to anything, because, as the Senator from Washington said, the committee had considered the bill, and he considers it useless that the Commerce Committee should further consider it, I suggest to the Senator that there may be a possibility of some arrangement or conclusion reached by the committee, for instance, like incorporating discriminating duties——

Mr. JONES of Washington. Oh, not at this session. The Senator knows that.

Mr. FLETCHER. Not at this session, but we could still have the matter go along.

Mr. JONES of Washington. We shall have to introduce a new bill in the next Congress.

Mr. FLETCHER. It would dispose of it.

Mr. POMERENE. I would like to ask the Senator from Washington a question, if I may?

Mr. CURTIS. I yield to the Senator from Ohio.

Mr. POMERENE. The Senator has just stated that he does not want to have the bill recommitted because the Committee on Commerce has already expressed itself on the subject.

Mr. JONES of Washington. And because of the nearness of the close of the session, of course.

Mr. POMERENE. I have heard the Senator say on several occasions during the last three or four weeks that he personally very much prefers a scheme of preferential customs rates as well as tonnage rates, to the subsidy plan. Under those circumstances, would not the Senator from Washington consent to have the bill recommitted with instructions to report it back with some scheme of the kind indicated, which would meet the approval of his own judgment?

Mr. JONES of Washington. That would be useless now because of the nearness of the end of the session. This ends the bill; there is no question about it. It is useless to send it back to the committee.

Mr. BORAH. Mr. President——

Mr. CURTIS. I believe I still have the floor, and I yield to the Senator from Idaho.

Mr. BORAH. I was simply going to inquire, in view of the statement of the chairman of the committee who has charge of the bill, why it is necessary to delay the matter? We have some bills on the calendar which ought to be considered. There is no occasion to wait until Monday to consider some of the other bills, if this matter is now at an end, as the Senator from Washington has very well said. If somebody wants to make a record, let us make it now. The record is pretty well made, I think, but if it is not quite complete we can make it now. It is understood that the shipping bill can not pass at this session. There is no use to take up further time on it to-day. There are some very important measures on the calendar which ought to be passed, and there is no use to consume the time on the shipping bill. I do not understand why we can not dispose of it and have it at an end to-day.

Mr. McKELLAR. Mr. President, I agree entirely with the Senator from Idaho. I think it ought to be ended and ended to-day. I see no reason in the world why we should delay.

Mr. ROBINSON. In view of the statement of Senators on this side of the Chamber and Senators on the other side of the Chamber on the subject, I respectfully ask that a motion to recommit the bill be now in order and that the Senate proceed to the consideration of that motion and to vote upon the same without further debate.

Mr. JONES of Washington. I object to that, but I am perfectly willing to agree to vote now on the motion to take up the bill.

Mr. ROBINSON. Very well. I suggest to the Senator from Kansas that he submit his request for unanimous consent, and if it is objected to, of course the Senate will take its own course.

Mr. HEFLIN. Before I agree to the unanimous-consent request, I want to know if it will in any way bind any Senator not to make a motion to recommit, whether the bill is taken up or not. It provides that if the bill is taken up, a motion to recommit shall be in order, but if it is not taken up some Senator may then want to make a motion to recommit it and have a test vote upon it.

Mr. CURTIS. I am afraid the Senator did not hear the reading of the request. It provides that the motion to proceed to the consideration of the bill shall be taken up at 1 o'clock and voted upon without further debate.

Mr. HEFLIN. But if that motion shall be defeated then some of us may want to move to recommit the bill anyhow, whether it is up or not.

Mr. CURTIS. If the motion to take it up is defeated, that settles the bill as far as that is concerned.

Mr. HEFLIN. Oh, no, it does not settle it. It leaves the measure in this Chamber and some of us may want to have it recommitted and may want to put all Senators on record upon the question. The Senator from Washington is so sick of it that he does not even want it to go back to his committee.

Mr. JONES of Washington. Oh, the Senator should not say that.

Mr. HEFLIN. If the Committee on Commerce will not take it, I suggest that it be referred to the Committee on Agriculture. We would take it and put it to sleep.

Mr. ROBINSON. Mr. President, I suggest to the Senator from Alabama that a motion to proceed to the consideration of the bill tests the sense of the Senate on the bill just as effectively as a motion to recommit. If the Senate refuses to proceed to the consideration of the bill, according to the effect usually given to parliamentary practice of that nature, it expresses the sense of the Senate upon the subject just as effectively, and even more so under some circumstances, than a motion to recommit it, for a motion to recommit carries with it the expression of thought that the bill requires modification in respect not therefore recognized by the committee. So I think the Senator from Alabama should make no objection to the proposed unanimous-consent agreement.

Mr. LENROOT. I would like to get the construction of the Senator from Kansas of the agreement. Is it not true that under the agreement, if the bill is taken up, the Senator from North Dakota [Mr. LADD] would not be permitted to make his motion to take up the filled milk bill until the motion to recommit the shipping bill has been disposed of?

Mr. CURTIS. Yes; until the motion to recommit has been disposed of.

Mr. LENROOT. I object to the request in that form.

Mr. ROBINSON. Then there will be no further unanimous consent given in the Senate to-day.

Mr. BRANDEGEE. Mr. President, I wish to suggest to the Senator from Arkansas and the Senator from Alabama that the motion to recommit, as I understand it, would not be in order until the bill was before the Senate. A Senator can not move to recommit a bill that is reposing in quiet upon the calendar. It must be before the Senate before a motion to recommit it can be made, which meets the point of the Senator from Alabama, I think.

Mr. ROBINSON. I presume everyone understood that.

Mr. BRANDEGEE. The Senator from Alabama stated that he wanted the agreement so that, whether the bill was before the Senate or not, a motion to recommit could be entered.

Mr. ROBINSON. Certainly the Senate would have to vote on the motion to proceed to the consideration of a bill before a motion could be made to recommit it.

Mr. JONES of New Mexico. Mr. President, I ask for the regular order.

Mr. HEFLIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state the parliamentary inquiry.

Mr. HEFLIN. The bill has been reported to the Senate. It is out of the committee. It is not up, however, for consideration, but it is still in the Senate and not in the committee. Suppose some Senator wants to get it out of the Senate and back before the committee?

Mr. BRANDEGEE. He would have to move to proceed to its consideration, get it before the Senate, and then move to recommit it.

Mr. HEFLIN. The Senator believes unless the Senate took it up we could not move to recommit it?

Mr. BRANDEGEE. No; we can not move to recommit a bill that is still on the calendar, that the Senate is not considering, because it is not before the Senate for consideration at all. It has to be taken up first.

Mr. McNARY. Mr. President, I demand the regular order.

Mr. HEFLIN. Then it is lost somewhere between the committee and the Senate.

Mr. BRANDEGEE. No; it is on the calendar. Many are lost there.

The VICE PRESIDENT. Is the Chair to understand that there is objection to the unanimous-consent agreement?

Mr. LENROOT. I object unless the last clause, "to the exclusion of any other business," is eliminated.

The VICE PRESIDENT. The regular order is demanded. The regular order is the introduction of bills and joint resolutions.

AMENDMENT OF WAR RISK INSURANCE ACT—CONFERENCE REPORT.

Mr. McCUMBER. Mr. President, yesterday I presented a conference report on House bill 10003. I notice it was not handed down this morning, and I ask that it may be disposed of.

The VICE PRESIDENT. The conference report is on the table. The Chair had no power to hand it down.

Mr. McCUMBER. I ask for its present consideration.

The VICE PRESIDENT. The Chair lays before the Senate the following conference report.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 10003) to further amend and modify the war risk insurance act, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the bill (H. R. 10003) to further amend and modify the war risk insurance act, and agree to the same with an amendment as follows: In lieu of the matter inserted by the amendment of the Senate insert the following:

"SEC. 23. (1) That, except as provided in subdivision (2) of this section, when by the terms of the war risk insurance act and any amendments thereto, any payment is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent or under other legal disability adjudged by a court of competent jurisdiction, such payment shall be made to the person who is constituted guardian, curator, or conservator by the laws of the State or residence of claimant, or is otherwise legally vested with responsibility or care of the claimant or his estate: *Provided*, That prior to receipt of notice by the United States Veterans' Bureau that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct: *Provided further*, That for the purpose of payments of benefits under article 3 of the war risk insurance act, as amended, where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State or residence of the claimant, the director shall determine the person who is otherwise legally vested with responsibility or care of the claimant or his estate.

"(2) If any person entitled to receive payments under this act shall be an inmate of any asylum or hospital for the insane maintained by the United States, or by any of the several States or Territories of the United States, or any political subdivision thereof, and no guardian, curator, or conservator of the property of such person shall have been appointed by competent legal authority, the director, if satisfied after due investigation that any such person is mentally incompetent, may order that all moneys payable to him or her under this act shall be held in the Treasury of the United States to the credit of such person. All funds so held shall be disbursed under the order of the director and subject to his discretion either to the chief executive officer of the asylum or hospital in which such person is an inmate, to be used by such officer for the maintenance and comfort of such inmate, subject to the duty to account to the United States Veterans' Bureau and to repay any surplus at any time remaining in his hands in accordance with regulations to be prescribed by the director; or to the wife (or dependent husband if the inmate is a woman), minor children, and dependent parents of such inmate, in such amounts as the director shall find necessary for their support and maintenance in the order named; or, if at any time such inmate shall be found to be mentally competent, or shall die, or a guardian, curator, or conservator of his or her estate be appointed, any balance remaining to the credit of such inmate shall be paid to such inmate, if mentally competent, and otherwise to his or her guardian, curator, conservator, or personal representatives."

And the Senate agree to the same.

P. J. McCUMBER,
REED SMOOT,
JOHN SHARP WILLIAMS,
Managers on the part of the Senate.

BURTON E. SWEET,
W. J. GRAHAM,
SAM RAYBURN,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

STANDARDS FOR ANTHRACITE COAL.

The VICE PRESIDENT. Morning business is closed. Under the unanimous-consent agreement, the calendar under Rule VIII is now in order. The consideration of the calendar will begin at Order of Business 1057, being Senate bill 4447, the title of which will be stated.

The ASSISTANT SECRETARY. A bill (S. 4447) to establish standards for anthracite coal shipped in interstate or foreign commerce.

Mr. KING. Let that bill go over.

Mr. ROBINSON. Let the bill go over, Mr. President.

Mr. POINDEXTER. Mr. President, that bill ought to be referred to the Committee on Mines and Mining. It provides that the Department of Commerce shall carry on certain work which has already been provided for by an appropriation, and which is to be conducted by the Department of the Interior. Its enactment would lead to a duplication of work. It calls for a set of standards for coal which are already being considered and studied by the Bureau of Mines. The bill has never been considered by the Bureau of Mines. It provides for no method for its enforcement in case it should be passed. It provides for no inspection of the standards which it proposes to set up. The bill is loosely drawn and is contradictory in its terms. I move that the bill be referred to the Committee on Mines and Mining.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

Mr. WALSH of Massachusetts. Mr. President, I have understood that the Bureau of Mines dealt only with questions of safety and with other correlated principles; that the question of fixing standards of quality of materials mined was not usually a function of that bureau. It seems to me that the Department of Commerce ought to consider the question of the standardization of coal. That department is the one which passes upon questions relating to the purity of food. It seems to me many of the same principles are involved in impure coal as in adulterated food.

Mr. POINDEXTER. Mr. President——

Mr. WALSH of Massachusetts. Pardon me. I desire to say that there is now pending in the Legislatures of Pennsylvania, of Wisconsin, of Massachusetts, and of other State legislatures bills seeking to establish by regulations standards of quality and size and condition of anthracite coal. If the National Government does not undertake to standardize anthracite coal, we shall have a different law in nearly every State in the Union. It seems to me, in view of the great agitation upon this subject at the present time, that we ought to get some action at this session of Congress. Otherwise we shall have different standards as to the quality of coal in every section of the country. The bill was deliberately drafted, without any method being provided for its enforcement or inspection of the standards that it requires the Government to establish, be-

cause it would be impossible to get such a measure through the Congress. Such provisions would raise the cry of expense and the opposition to the establishment of another bureau with another corps of Government employees. This simple form was chosen so as to lead the way for enforcement by the various States. The National Government can do much to end this abuse of selling fuelless coal for real coal by merely promulgating certain standards of quality. The enforcement will be taken care of by local authorities if the Government leads the way by first fixing an official and uniform standard.

Mr. President, some department of the National Government ought to lead the way and provide for the elimination of noncombustible materials in coal, so that our people may not be subjected to the impositions and frauds which have been practiced on them during the present winter. Ample evidence is at hand that the anthracite coal on the market to-day is full of slate, slag, and other substances that will not burn. I am not so much concerned about which bureau or department undertakes this work as I am desirous of obtaining action, so that we may not have a different standard in each State in the Union. After studying the matter and consulting with many officials, it seemed to me that the Department of Commerce is the department to determine the standards. Of course, the Department of Commerce can call upon the Bureau of Mines for such information as may be necessary in order to determine what quantity of noncombustible material shall be permitted in anthracite coal shipped in interstate commerce. I hope the Senator will not take the method he has indicated of preventing some action upon this bill at this time. If the bill is sent to the Committee on Mines and Mining, it will be impossible to get action this session.

Mr. POINDEXTER. Mr. President, the appropriation of $136,000, the ordinary annual appropriation, has already been made for the study of the very facts which this bill would call upon the Department of Commerce to study. It would simply provide for a duplication of work that is being carried on now, and no nearer approach would be made to the object the Senator has in mind than is being made now by the work which is being performed by the Bureau of Mines.

The VICE PRESIDENT. The Senator's time has expired.

Mr. POINDEXTER. I move that the bill be referred to the Committee on Mines and Mining.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington.

Mr. WALSH of Massachusetts. Of course, I know one Senator can object to the bill's passage at this time, but would the Senator be willing to substitute the Department of the Interior for the Department of Commerce in the bill, and allow it to be considered?

Mr. POINDEXTER. The bill would need considerable amendment. I call the attention of the Senator from Massachusetts to one absurdity in the bill. It proposes to set up certain standards for coal. Then it proceeds to prohibit the transportation of coal of those standards in interstate commerce.

Mr. WALSH of Massachusetts. The Senator refers to a misprinted bill. He is speaking of a copy of the bill that contains a typographical error. There are two copies of the bill in circulation, one of which contains the word "not"——

Mr. McNARY. I ask for the regular order.

Mr. WALSH of Massachusetts. Which is the proper form of the text while the other print does not contain the word "not." I have before me two of the prints, one having the word "not" and the other eliminating the word "not." Of course, it gives an entirely different sense to the bill. However, the official copy of the bill contains the word "not," and contains no ambiguity or absurdity.

Mr. McNARY. Mr. President, I rise to a parliamentary inquiry.

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

Mr. McNARY. Has this bill been recommitted by action of the Senate.

The VICE PRESIDENT. It has not. The question is on the motion to refer the bill to the Committee on Mines and Mining.

Mr. McNARY. I was under the impression that action had been taken by the Senate.

The VICE PRESIDENT. It has not.

Mr. McNARY. I ask for the regular order.

The VICE PRESIDENT. The regular order is proceeding.

Mr. POINDEXTER. I ask that the motion made by me may be submitted.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington that the bill be referred to the Committee on Mines and Mining.

The motion was agreed to.

Mr. WALSH of Massachusetts subsequently said: I ask unanimous consent to annex to my remarks on Senate bill 4447 two editorials which have been recently printed in the newspapers upon the subject of the bill.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[Editorial from the Boston Post, January 29, 1923.]

NONSENSE.

The statement of the chairman of the Pennsylvania fuel commission that anthracite adulterated with slate and stone is sold only by unscrupulous, "fly-by-night" operators is, in our opinion, precious nonsense.

Every householder knows, and has known for several years, that practically all of the coal he has bought, from whatever dealer, has been, in considerable part, unburnable by reason of the outrageous amount of slate and stone it contained. To say that all local retailers have been supplied by "fly-by-nights" over in Pennsylvania is too foolish for consideration. So far as we have been able to discover, the operators all do it, the chief reason being that they will not stand the extra expense of having the coal picked over.

For a country that has rigid and well-enforced laws against food adulteration, we are singularly lax in the way of permitting the adulteration of coal.

[Editorial from the Boston American, January 30, 1923.]

WRETCHED COAL SITUATION—FUEL AT EXORBITANT RATES SAID TO CONTAIN MORE THAN 30 PER CENT ROCK.

Those responsible for our wretched coal situation are not content with their failure to give us coal when we need it, although nature has been so bountiful in supplying it to us. They are not even content with charging us exorbitant prices for the little they give us, but they insist upon adding insult to injury, and then more injury, by giving us, so it is alleged, more than 30 per cent of rock and iron and slag, blackened only by the powder of coal and charging for it the present extortionate prices charged for the best coal.

If it is true that more than 30 per cent of the "coal" we are now receiving is "fireproof," then our coal is costing us about $26 or $27 per ton. It is costing us even more than this price, for we have to watch it. It clogs up our furnace grates. It destroys our furnace grates, and it involves labor—great physical exertion—to keep the grate clean, not only to save the grates but to produce a draft.

It is apparent that the coal operators are putting upon the railroad cars the old dumps, which were not coal but which were blackened stone and iron ore. It is a deliberate, willful, inexcusable swindle. Every day our courts are sending poor men away for petty stealing or for some other petty offense, tearing them away from their families and sending them to hard labor in prison, disgracing their little children and their wives, their mothers and fathers, and yet we do nothing with these coal thieves who are stealing from us scores of millions of dollars. This is American justice for you!

But some day the gentlemen who own the good things in life and who are never satisfied until they have taken away even the little that others have will wake up to find that the patience of the American people has been exhausted; that they have grown angry. Then it will be too late, and then the deluge will have come, and they will find themselves as the slave owners found themselves, as the Russian oppressors found themselves, and as the French oppressors in 1783 found themselves—helpless before the wrath of a people who have no time, no opportunity, and no disposition to discriminate.

The tragedy will be for the honest possessor as well as for the dishonest, and that is the pity of it. But the honest possessor will not be without fault. Although he will not be actually responsible, yet he will be passively responsible; for if every man who honestly possesses the good things of life would remember the danger of permitting the active, aggressive, exploiter to have his way with the great masses of the people, things would be different and safe.

NATIONAL PARK AT YORKTOWN, VA.

The bill (S. 4464) in reference to a national military park at Yorktown, Va., was announced as next in order.

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

Mr. SUTHERLAND. Mr. President, I ask the Senator from Utah to withhold his objection to that measure. If it should be enacted it would not involve any expense whatever to the Government of the United States; it is a perfectly harmless measure and merely provides for an inquiry into certain conditions in order that the historic site of Yorktown may be properly preserved.

Mr. SWANSON. A bill with the same object in view has passed the House and I suggest that the Senator move to substitute the House bill for the Senate bill.

Mr. SUTHERLAND. A similar bill has passed the House and I desire to substitute the House bill for the Senate bill.

Mr. SWANSON. There will be no expense attached to the measure. It merely directs the Army engineers to make a report.

Mr. SUTHERLAND. There is no appropriation called for by the bill.

Mr. KING. Mr. President, I was disposed to object to every bill until we reach some conclusion with respect to the ship subsidy bill. That is the most important thing before us. It is like the sword of Damocles hanging over our heads. Let us get that out of the way and then we may dispose of these bills.

Mr. SWANSON. I hope the Senator will not, for the reason indicated by him, interpose objection to the consideration of bills on the calendar. Under the unanimous-consent agreement made yesterday, at which time I think the Senator from Utah was present, and to which, as I remember, he agreed, the calen-

dar was to be taken up and considered until 1 o'clock. We ought not now to fail to carry out that unanimous-consent agreement.

Mr. LODGE. To object to every bill on the calendar is a breach of the unanimous consent.

Mr. SWANSON. I hope the Senator will permit the unanimous-consent agreement to be carried out.

Mr. LODGE. An objection to every bill is not in accordance with the unanimous-consent agreement.

Mr. SWANSON. Technically the Senator from Utah or any other Senator may have the right to object to every bill on the calendar, but such action is not carrying out the spirit and intent of the unanimous-consent agreement, which was that unobjected bills on the calendar should be considered until 1 o'clock.

Mr. SUTHERLAND. Mr. President——

Mr. KING. I will be glad to hear the distinguished Senator from West Virginia further.

Mr. SUTHERLAND. The entire purpose and scope of the bill are set forth in its provisions. It directs the Secretary of War to investigate the feasibility of establishing a national military park in and about Yorktown, in the State of Virginia, for the purpose of commemorating the campaign and siege of Yorktown, and to prepare plans for such park, the commission to be appointed to serve without expense to the Government. It is merely proposed to prepare plans and submit a report to Congress at a later day. If the bill is not objected to, I desire, by direction of the Committee on Military Affairs, to ask that House bill 13326 be substituted for the Senate bill. The Committee on Military Affairs of both the House and the Senate have made a favorable report on the bill.

The VICE PRESIDENT. The Senator from West Virginia asks that there be substituted for the Senate bill the House bill covering the same subject. The House bill will be stated by title.

The ASSISTANT SECRETARY. A bill (H. R. 13326) in reference to a national military park at Yorktown, Va.

The VICE PRESIDENT. Is there objection to substituting the House bill for the Senate bill? The Chair hears none. Is there objection to the present consideration of the House bill?

Mr. KING. Reserving the right to object, I should like to hear the report read.

The VICE PRESIDENT. Shall the report be read? The Chair hears no objection, and the Secretary will read the report.

The Assistant Secretary read the report submitted by Mr. SUTHERLAND on the 5th instant, as follows:

[Report to accompany S. 4464.]

The Committee on Military Affairs, to which was referred the bill (S. 4464) in reference to a national military park at Yorktown, Va., having considered the same, report favorably thereon with the recommendation that the bill do pass with amendments.

House Report No. 1499 on a similar bill in the House is attached hereto and made a part of this report.

[House Report No. 1499, Sixty-seventh Congress, fourth session.]

This bill directs the Secretary of War to investigate the feasibility of establishing a national military park in and about Yorktown, in the State of Virginia, for the purpose of commemorating the campaign and siege of Yorktown in the fall of 1781, etc.

He is authorized to appoint a commission of not to exceed three persons to assist him, who shall serve without compensation or expense to the Government.

The committee recommends that the bill be amended by striking out the direction to the Secretary of War to appoint members of certain designated societies to two places on this commission, as follows:

Page 1, line 14, after the word "persons," strike out all following on remainder of page and all on page 2, line 1. Page 2, line 2, strike out the first two words in the line and insert the word "who," so that the sentence as amended shall read:

"To aid and assist him in this undertaking, the Secretary of War is authorized to appoint a commission of not to exceed three persons, who shall serve without compensation or expense to the Government."

Mr. SUTHERLAND. I hope the Senator will not object to the bill.

Mr. KING. In my own time I should like to ask the Senator if ultimately there will not evolve upon the Federal Government considerable expense for the maintenance of this park?

Mr. SUTHERLAND. Of course, that will depend entirely upon the action of Congress. This bill merely directs the Secretary of War to inquire into the feasibility of the project and to prepare plans, which will be reported to Congress for whatever action it may see fit to take. Congress may or may not adopt those plans; it may or may not establish the park. Of course, if a military park should be established at Yorktown, there might possibly be some expense attached, or it might be arranged that that expense should be borne by various patriotic societies. Nobody knows what plans will be developed.

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

Mr. KING. Mr. President, it may be considered, but I want to hold the floor for a moment.

The VICE PRESIDENT. The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13326) in reference to a national military park at Yorktown, Va., which was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, directed to investigate the feasibility of establishing a national military park in and about Yorktown, in the State of Virginia, for the purpose of commemorating the campaign and siege of Yorktown in the fall of 1781 and the preservation of said battle field for historical purposes, and to prepare plans of such park and an estimate of the cost of establishing and acquiring the same and obtain such other information as may enable Congress to act upon the matter after being fully advised. To aid and assist him in this undertaking, the Secretary of War is authorized to appoint a commission of not to exceed three persons, who shall serve without compensation or expense to the Government.

SEC. 2. That the expense of the investigation herein directed to be made shall be paid from the appropriation "Contingencies of the Army."

Mr. KING. Mr. President, of course we are all familiar with the historic ground to which this bill refers. I have no doubt that the patriotic sentiments of the American people would incline them to favor the adoption of a project that would set this ground apart as a military reservation or as a military park. I call the Senator's attention, however, to the fact that we are creating a large number of military reservations and a large number of parks; the Federal Government is acquiring a large area of territory in various States, all of which, of course, will necessitate greater or lesser appropriations for their maintenance. I do not know the amount of money now appropriated annually by the Government for reservations and parks and various other grounds and territory title to which is in the Federal Government. It seems to me we ought to scrutinize with great care these proposals because of the ultimate expense which will be involved which will have to be met from the Treasury of the United States. I should like to ask the Senator the number of acres that are within this contemplated military park.

Mr. SUTHERLAND. The number of acres is not set forth. Of course the number of acres and all other details in regard to the measure would be matters which would come within the scope of the investigation which is authorized to be made under this bill. I will say to the Senator that I agree with him thoroughly that these matters ought to be scrutinized; but the fact that we are entering upon just such projects as this shows that we are beginning to take, as we should take, some care of these historic objects as a means of teaching patriotism to our children and of preserving for posterity these old historic battle fields and grounds.

Mr. KING. I call the attention of the Senator to the fact that the Kingdom of Heaven is within us, and not without; and patriotism is within, and not often developed by mere external objects. However, I shall have no objection to the consideration of the bill.

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

The VICE PRESIDENT. Without objection, Senate bill 4464, dealing with the same subject matter, will be indefinitely postponed.

COLLECTOR OF CUSTOMS, DISTRICT OF NORTH CAROLINA.

The bill (H. R. 10816) to fix the annual salary of the collector of customs for the district of North Carolina was announced as next in order.

Mr. KING. Mr. President——

Mr. McCUMBER. Mr. President, before the Senator proceeds to discuss this bill, let me say that the North Carolina customs collection district is now seventh in importance in the United States. There are only six that have a greater amount of business, and the salaries of the collectors in those six run from $7,000 up to $10,000. There are 14 districts next following in their order whose business is less than that in the North Carolina district, and in those the salaries run from $5,000 up to $6,000; while in this district, where the salary was fixed half a hundred years ago, it is still running on at $2,500, although it is the seventh in importance. This bill is to place the salary of the collector of customs on a par with the 15 districts having a less amount of business, and the lowest of the lot is $5,000.

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

Mr. McCUMBER. Yes.

Mr. KING. Why did not the Senator and his committee, instead of trying to bring this salary up to the par—using the Senator's expression—introduce a measure to bring some of the others down, using this as a datum line? It seems to me that

we are always concerned in bringing up, but we are very seldom concerned in bringing down.

Mr. McCUMBER. There were two very good reasons. The first, I will say, is that we consider that $5,000 is a very reasonable salary for the collector of customs of that district. Secondly, the purpose of the committee is to put through a bill, and not merely to have one introduced, or to report one that will not pass through. The highest salary, that in New York, which is $10,000, is undoubtedly not excessive; and this proposed salary of $5,000, which is the lowest of these nearly 30 districts, it seems to me, is very reasonable.

Mr. KING. Reserving the right to object——

Mr. OVERMAN. Mr. President, I gave the Senator from Utah a copy of the very able report of the Committee on Ways and Means stating the facts in regard to this case. After reading it I am satisfied that the Senator, who is a just man, will withdraw his objection. The only objection he has made at all is that we have not decreased some of the other salaries. That is not the question here. It is a question of doing justice to this man, an officer whose salary has not been changed in 50 years, whose salary was then the lowest of any collector in the country. His district is now seventh in importance in the United States, and yet he is receiving the same salary that was paid 50 years ago, when men are getting salaries of $5,000 who do not do half the business or collect one-tenth the revenue that he does. That is the report of the committee.

The Secretary of the Treasury was before our Committee on Appropriations during this session, and I asked him about this particular officer. Because the Budget had not estimated for it, the increase was subject to a point of order, and we could not put it on the appropriation bill; but the Secretary of the Treasury, when he was before us, recommended that this office be given justice and his salary increased. The North Carolina district to-day is the seventh in the United States in the amount of revenue collected, and they have put on this man ten times as much business as heretofore.

Mr. FRELINGHUYSEN. Mr. President, is it not true that the collector, Mr. McGaskill, is a very efficient man and conducts his office splendidly?

Mr. OVERMAN. He does, and $2,500 is no salary for him. He is a very prominent man, and a leading Republican in my State. That is not the question, however. It is a question of justice, a question of giving this officer a sufficient salary in comparison with other officers doing a corresponding amount of business, whereas he is doing twice as much business as officers who are getting twice as much money. That is not fair; that is not just; and I am satisfied that the Senator, being a just man, will withdraw his objection.

Mr. KING. Mr. President, I shall not object to the consideration of the bill, but the arguments made by the able Senator from North Dakota and by my distinguished friend from North Carolina do not persuade me that this bill ought to pass at the present time. It has become a common practice——

Mr. McNARY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McNARY. Under the rule, can a Senator speak more than once upon a given proposition?

The VICE PRESIDENT. In accordance with the rule, a Senator can speak only once, and for five minutes only.

Mr. KING. Mr. President, I have not spoken. I reserved the right to object.

Mr. McNARY. I understood the Senator from Utah to speak a while ago on this bill.

Mr. KING. Mr. President, I have not spoken. I asked the Senator from North Dakota a question.

Mr. McCUMBER. The Senator is correct. It was in my time that he was speaking.

The VICE PRESIDENT. That is the case.

Mr. KING. I hope the interruption of the able Senator from Oregon will not be taken out of my time.

Mr. McNARY. No, indeed.

Mr. KING. Mr. President, I was about to observe that it has become quite the custom to deal with the salaries of officials of the Government in a piecemeal manner. Reference will be made to the fact that some other official doing similar work in some other part of the country is receiving a very large salary; it is claimed that it therefore follows that there must be an increase in the salary of the officer under consideration in a given bill; and in that way, in a sort of a step-ladder fashion, they fix the salaries and the compensation of officials of the Government. It is manifest that that method will result in injustice. Some will get too much; others will receive an entirely inadequate compensation.

Mr. President, I venture the assertion that notwithstanding the apparently small salary which this officer is getting, there has been no difficulty in filling the office. When the Democrats were in power I have not any doubt in the world that there were a large number of applicants for the position; and I feel confident that when the Republicans came into power the Republican national committeeman and the Republican distributor of patronage in North Carolina received applications from a large number of distinguished Republicans who wanted the job.

Mr. OVERMAN. Mr. President, may I interrupt the Senator?

Mr. KING. I yield.

Mr. OVERMAN. During the Democratic administration this bill was passed by a Democratic Senate, but it lost out somehow in the House.

Mr. KING. Mr. President, that does not lend any sanctity to it. Democratic Congresses oftentimes pass just as bad legislation as Republican Congresses; and I would have opposed the bill in the way that I am doing now by calling attention to this measure if it had come to my attention from a Democratic administration.

Mr. President, we do not have any difficulty in filling Federal positions, no matter what the salary is. There will be scores of applicants for nearly every position; and I ask my learned friend now if it is not a fact that in North Carolina there were a large number of Republicans who sought this office when the Harding administration came into power?

Mr. OVERMAN. Mr. President, I know that the Democrats appointed a man who had other business. If it had not been for that, he could not have served for a salary like this. He had a score of clerks to transact his private business and was induced to take this position.

Mr. KING. Oh, Mr. President, of course they always say "reluctantly I was induced" or "at the request of numerous friends I have consented to become a candidate for the office."

Mr. OVERMAN. Unless this salary is raised, I do not know whether Mr. McGaskill will hold on or not. The salary ought to be increased, whether the office is held by a Democrat or by a Republican.

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

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

Be it enacted, etc., That the salary of the collector of customs for the district of North Carolina is hereby fixed at $5,000 per annum.

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

MARION B. PATTERSON.

The bill (S. 1104) for the relief of Marion B. Patterson was announced as next in order, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Marion B. Patterson, of Shelby County, Tenn., the sum of $20,963, in full compensation for claims on account of the losses or reduction on salary and allowances sustained by her late husband, Brig. Gen. R. F. Patterson, from January 1, 1898, to May 28, 1906, during which time he was United States consul general at Calcutta, India, through the method of settlement adopted by the United States Government in connection with the fluctuation in the value of the Indian rupee.

Mr. KING. Mr. President, reserving the right to object, I am not able to perceive the justice of that measure.

Mr. HALE. Mr. President, I hope the Senator will not object to the passage of this bill. The Senator is a very just man, and I know that he wants to see justice done.

Mr. KING. I want the Senator, then, to make an explanation of the bill, since he is appealing to my sense of justice.

Mr. McKELLAR. I think, after what the Senator has said, the Senator from Utah ought to withdraw his objection.

Mr. KING. No, Mr. President; not at this time.

Mr. HALE. Mr. President, this bill has been introduced several times in Congress. It has received favorable reports from the committees in both branches of Congress at various times, but it has never come to its final passage.

The bill is for the relief of the widow of Gen. Robert F. Patterson, who served as consul general at Calcutta, India, from May, 1897, to July, 1906. The salary of the office was paid out of the fees that were collected by the office. At that time the commercial fluctuating value of the rupee in India amounted to 32 cents on an average, whereas the bullion value of the coin in the United States amounted to only 20 cents.

When General Patterson first took office the custom was to collect the fees on the basis of bullion value—that is, 20 cents value for the rupee—and to deduct his salary in the same way from the fees collected by the office. After he had been in office a matter of six months an order was put out by the department requiring him to collect the fees on the basis of the commercial fluctuating value of 32 cents, and to take his salary on the same basis. He did so, and protested to the State De-

partment every year. He was in office eight years, and during that time the loss to him through this method of paying his salary amounted to something over $20,000. As I say, this matter has been acted on and favorably reported on by both branches of Congress.

Mr. KING. By the State Department, too?

Mr. HALE. The Senator from Massachusetts [Mr. LODGE] made an exhaustive report on the matter. The junior Senator from Delaware [Mr. BAYARD] has made this report, and has gone into the matter very thoroughly; and I am sure he can give the Senator the information he desires.

Mr. KING. May I ask one question of the Senator? Will this be a precedent that will be invoked to compel payment to various other officers of the Government who have taken their salaries in the same way, perhaps?

Mr. HALE. I do not know that there have been any such cases.

Mr. McKELLAR. It could not be invoked, if the Senator will permit me, because there is no other condition exactly like it.

Mr. HALE. I do not know of any other.

Mr. KING. I withdraw the objection for the purpose of permitting the consideration of the bill.

Mr. BAYARD. Mr. President, this was a special order made by the Treasury Department after General Patterson took his office, and was made retroactive, and he had no choice about it. When he took office no such order had been entered, and he took the current rate of exchange.

Mr. McKELLAR. Mr. President, this bill has been before the Congress time and time again, and it does seem to me that the just thing to do is to pass it. I hope no Senator will object to it, but that it may be passed.

Mr. LODGE. Mr. President, I just want to say that this bill, I think, has been before the Foreign Relations Committee. I know I have gone into it very thoroughly, and I believe it is an entirely just claim.

Mr. McKELLAR. I am glad to hear the Senator say so, and I agree with him very fully. I think it is an entirely just claim and ought to be passed.

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

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

DE KIMPKE CONSTRUCTION CO.

The bill (S. 3894) for the relief of the De Kimpke Construction Co., of West Hoboken, N. J., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the De Kimpke Construction Co., of West Hoboken, N. J., the sum of $5,655.69 in full settlement of damages suffered by reason of the withdrawal by the Navy Department in November, 1918, of the award of contract to said company for the construction of an oxidation absorption building at the naval proving ground, Indianhead, Md.

Mr. WALSH of Montana. Mr. President, I desire the attention of the Senator from Delaware [Mr. BAYARD]. I desire to inquire of the Senator from Delaware why this claim was not disposed of as other claims of the same character for cancellation of contracts made by the War or Navy Department?

Mr. BAYARD. Mr. President, I will state to the Senator that in that case the Dent bill, I think, made provision so that Army contracts could be taken care of. This was a Navy contract, and therefore they could not take advantage of that bill. In the De Kimpke case the contract was made with the Navy Department and was canceled on November 6, 1918. In the meantime the De Kimpke Co. had arranged for the subletting of certain parts of the contract, including, I think, some steel construction. Upon the cancellation of the contract they were sued by one of their subcontractors, and a verdict of some eleven hundred dollars, I think, returned at their expense. This claim merely represents actual disbursements made by them and costs suffered by them because of the suit growing out of this contract. The payment has been recommended by the Secretary of the Navy.

Mr. WALSH of Montana. Did not the general bill provide for the adjudication of claims arising from contracts canceled by the Navy Department?

Mr. BAYARD. No, sir; only by the War Department.

Mr. KING. Mr. President, I inquire of the Senator if there was not a bill passed giving the Navy Department authority to pass upon claims and setting up a naval board for that purpose?

Mr. BAYARD. I will say to the Senator that the report on this bill includes a letter from the Assistant Secretary of the Navy setting forth why it was that they could not pay the claim because of lack of authorization under the law; and therefore they recommend favorable action upon it.

Mr. WALSH of Montana. It is a surprise to me that the Navy Department, considering the vast number of claims which they canceled, have not been authorized to adjudicate those claims.

Mr. BAYARD. Nevertheless, that seems to be the case.

The VICE PRESIDENT. If there be no amendment to be proposed, the bill will be reported to the Senate.

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

NEAH BAY DOCK CO.

The bill (S. 2787) for the relief of the Neah Bay Dock Co., a corporation, was announced as next in order.

Mr. CURTIS. I ask that that bill be indefinitely postponed. A similar bill has already passed.

The motion was agreed to.

OWNERS OF STEAMSHIP "KIN-DAVE."

The bill (S. 3843) for the relief of the owners of the steamship *Kin-Dave* was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,500 to the owners of the steamship *Kin-Dave*, as compensation for and in full satisfaction of all claims of such owners for any damages to said steamship *Kin-Dave* sustained as a result of a collision between said steamship and the United States steamship *Colonel Clayton* on November 3, 1920, in the Milwaukee River, Wis.

Mr. KING. Mr. President, I would like to inquire whether the bill carries a direct appropriation or whether it is the reference of a claim to the Court of Claims?

The VICE PRESIDENT. It is a direct appropriation.

Mr. KING. I would like to inquire, before the bill is voted on, whether the claim has been to the Court of Claims and the facts found?

Mr. LENROOT. It has not been before the Court of Claims. It involves a collision where the facts were all admitted and $10,000 in damages claimed. The case was considered by the Secretary of War and by the Judge Advocate's office, and a compromise reached at $3,500, but by reason of the $500 prohibition the amount could not be paid. Without any question, and the department so states, a larger amount would be allowed if it went to the Court of Claims.

Mr. KING. Will not the Senator consent to lay it aside in order that I may have an opportunity to look it up?

Mr. LENROOT. Very well.

The VICE PRESIDENT. The bill will be passed over. The hour of 1 o'clock having arrived——

CONFIRMATION OF MRS. ALEXANDER S. CLAY.

Mr. HARRIS. Mr. President, in open executive session I ask unanimous consent that the Vice President lay before the Senate the nomination of Mrs. Alexander S. Clay to be postmaster at Marietta, Ga., and that the nomination be confirmed. I do not believe there will be any objection to it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Chair, as in open executive session, lays before the Senate a message from the President, which will be read.

The Assistant Secretary read as follows:

I nominate Mrs. Alexander S. Clay to be postmaster at Marietta, Ga., in place of Mrs. A. S. Clay, commission expired November 21, 1922.

WARREN G. HARDING.

THE WHITE HOUSE, *February 23, 1923.*

Mr. HARRIS. I ask unanimous consent that the nomination be confirmed.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senate advises and consents to the nomination. The nomination is confirmed, and the President will be notified. The Senate resumes its legislative session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 14200. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14222. An act to amend the trading with the enemy act; and

H. R. 14288. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

THE MERCHANT MARINE.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the question now is on the motion of the Senator from Washington [Mr. JONES] to proceed to the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

Mr. ROBINSON. Mr. President, I move to lay on the table the motion of the Senator from Washington, and on that motion I demand the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. EDGE (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I am unable at this time to obtain a transfer. If permitted to vote, I would vote "nay."

Mr. CURTIS (when Mr. ELKINS's name was called). I wish to announce that the Senator from West Virginia [Mr. ELKINS] is paired with the Senator from North Carolina [Mr. SIMMONS].

Mr. CURTIS (when Mr. FRANCE's name was called). I wish to announce that the Senator from Maryland [Mr. FRANCE] is paired on this measure with the Senator from Missouri [Mr. REED].

Mr. KENDRICK (when his name was called). I have a general pair with the Senator from Illinois [Mr. MCCORMICK], who is unavoidably absent attending the funeral of the late Mrs. John A. Logan. In his absence I transfer my pair to the Senator from Rhode Island [Mr. GERRY] and vote. I vote "yea."

Mr. LODGE (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. UNDERWOOD]. The junior Senator from Florida [Mr. TRAMMELL] has a pair with the Senator from Rhode Island [Mr. COLT]. I suggest to the Senator from Florida [Mr. TRAMMELL] to allow the Senator from Alabama to stand paired with the Senator from Rhode Island, which would permit the Senator from Florida and myself to vote.

Mr. TRAMMELL. That is satisfactory to me.

Mr. LODGE. Announcing that pair, I vote "nay."

Mr. PHIPPS (when Mr. NICHOLSON's name was called). I desire to announce that my colleague [Mr. NICHOLSON] is absent on account of illness. I ask that this notice may stand for the day.

Mr. OVERMAN (when Mr. SIMMONS's name was called). I desire to announce that my colleague [Mr. SIMMONS] is absent on account of sickness. He has a pair on this question with the Senator from West Virginia [Mr. ELKINS]. If my colleague were present, he would vote "yea."

The roll call was concluded.

Mr. ROBINSON. I wish to announce the following pairs:

The Senator from Rhode Island [Mr. GERRY], who, if present, on this question would vote "yea," is paired with the Senator from Illinois [Mr. MCCORMICK].

The Senator from Oklahoma [Mr. OWEN], who, if present, on this question would vote "yea," is paired with the Senator from New Jersey [Mr. EDGE].

The Senator from Missouri [Mr. REED], who, if present, on this question would vote "yea," is paired with the Senator from Maryland [Mr. FRANCE].

The Senator from Alabama [Mr. UNDERWOOD], who, if present, on this question would vote "yea," is paired with the Senator from Rhode Island [Mr. COLT].

The result was announced—yeas 38, nays 46, as follows:

YEAS—38.

Ashurst	George	La Follette	Smith
Bayard	Glass	McKellar	Stanfield
Borah	Harris	McNary	Stanley
Brookhart	Harrison	Myers	Swanson
Capper	Heflin	Norris	Trammell
Caraway	Hitchcock	Overman	Walsh, Mass.
Couzens	Jones, N. Mex.	Pittman	Walsh, Mont.
Culberson	Kendrick	Robinson	Williams
Dial	King	Sheppard	
Fletcher	Ladd	Shields	

NAYS—46.

Ball	Gooding	Moses	Smoot
Brandegee	Hale	Nelson	Spencer
Broussard	Harreld	New	Sterling
Bursum	Johnson	Oddie	Sutherland
Calder	Jones, Wash.	Page	Townsend
Cameron	Kellogg	Pepper	Wadsworth
Cummins	Keyes	Phipps	Warren
Curtis	Lenroot	Poindexter	Watson
Dillingham	Lodge	Pomerene	Weller
Ernst	McCumber	Ransdell	Willis
Fernald	McKinley	Reed, Pa.	
Frelinghuysen	McLean	Shortridge	

NOT VOTING—12.

Colt	France	Nicholson	Reed, Mo.
Edge	Gerry	Norbeck	Simmons
Elkins	McCormick	Owen	Underwood

So the Senate refused to lay on the table the motion of Mr. JONES of Washington to proceed to the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington to proceed to the consideration of House bill 12817, the shipping bill.

Mr. ROBINSON. On the motion of the Senator from Washington 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). As announced on the previous vote, I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I am unable to obtain a transfer, which I regret very much. Under the circumstances I am compelled to withhold my vote. If I could vote, I would vote "yea."

Mr. CURTIS (when Mr. ELKINS's name was called). I wish to announce that the Senator from West Virginia [Mr. ELKINS] is paired with the Senator from North Carolina [Mr. SIMMONS].

Mr. CURTIS (when Mr. FRANCE's name was called). I wish to announce that the Senator from Maryland [Mr. FRANCE] is paired with the Senator from Missouri [Mr. REED].

Mr. KENDRICK (when his name was called). Making the same announcement as before regarding the transfer of my pair, I vote "nay."

Mr. LODGE (when his name was called). Making the same announcement as to the transfer of my pair, which leaves the Senator from Alabama [Mr. UNDERWOOD] paired with the Senator from Rhode Island [Mr. COLT], I vote "yea."

Mr. OVERMAN (when Mr. SIMMONS's name was called). I have already announced the occasion of my colleague's absence and his pair with the Senator from West Virginia [Mr. ELKINS]. If my colleague were present and voting, he would vote "nay."

Mr. TRAMMELL (when his name was called). Under the announcement made by the senior Senator from Massachusetts [Mr. LODGE], transferring his pair with the Senator from Alabama [Mr. UNDERWOOD] to my pair, the Senator from Rhode Island [Mr. COLT], I am at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. ROBINSON. I wish to announce the following pairs:

The Senator from Rhode Island [Mr. GERRY], who, if present, on this question would vote "nay," is paired with the Senator from Illinois [Mr. MCCORMICK].

The Senator from Oklahoma [Mr. OWEN], who, if present, on this question would vote "nay," is paired with the Senator from New Jersey [Mr. EDGE].

The Senator from Missouri [Mr. REED], who, if present, on this question would vote "nay," is paired with the Senator from Maryland [Mr. FRANCE].

The Senator from Alabama [Mr. UNDERWOOD], who, if present, on this question would vote "nay," is paired with the Senator from Rhode Island [Mr. COLT].

Mr. CURTIS. I wish to announce that the Senator from South Dakota [Mr. NORBECK] is absent on official business. If he were present, on this question he would vote "nay."

The result was announced—yeas 46, nays 38, as follows:

YEAS—46.

Ball	Gooding	Moses	Smoot
Brandegee	Hale	Nelson	Spencer
Broussard	Harreld	New	Sterling
Bursum	Johnson	Oddie	Sutherland
Calder	Jones, Wash.	Page	Townsend
Cameron	Kellogg	Pepper	Wadsworth
Cummins	Keyes	Phipps	Warren
Curtis	Lenroot	Poindexter	Watson
Dillingham	Lodge	Pomerene	Weller
Ernst	McCumber	Ransdell	Willis.
Fernald	McKinley	Reed, Pa.	
Frelinghuysen	McLean	Shortridge	

NAYS—38.

Ashurst	George	La Follette	Smith
Bayard	Glass	McKellar	Stanfield
Borah	Harris	McNary	Stanley
Brookhart	Harrison	Myers	Swanson
Capper	Heflin	Norris	Trammell
Caraway	Hitchcock	Overman	Walsh, Mass.
Couzens	Jones, N. Mex.	Pittman	Walsh, Mont.
Culberson	Kendrick	Robinson	Williams
Dial	King	Sheppard	
Fletcher	Ladd	Shields	

NOT VOTING—12.

Colt	France	Nicholson	Reed, Mo.
Edge	Gerry	Norbeck	Simmons
Elkins	McCormick	Owen	Underwood

So the motion was agreed to, and 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. ROBINSON. Mr. President, I move to recommit the pending bill, known as the ship subsidy bill, to the Committee on Commerce.

Mr. CURTIS. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON. I yield to the Senator from Kansas.

Mr. CURTIS. I ask unanimous consent that the unfinished business be temporarily laid aside, that the Senate proceed with the consideration of unobjected bills on the calendar until 4 o'clock, if such bills shall not sooner be disposed of; at the expiration of the call of the calendar the Senate then go into executive session, and at the conclusion of executive business the Senate adjourn, in accordance with the previous agreement, until 11 o'clock on Monday next.

Mr. ROBINSON. I ask that the Chair first state the motion I have made.

The VICE PRESIDENT. The Senator from Arkansas moves that the bill be recommitted to the Committee on Commerce, pending which the Senator from Kansas asks unanimous consent that the unfinished business be temporarily laid aside and that the unanimous-consent agreement for which he has asked be entered into. Is there objection?

Mr. NORRIS. Mr. President, there is one provision in the unanimous-consent agreement which ought to be made plain. The request of the Senator from Kansas does not make it plain. As I understood the Senator, it is proposed that we are to proceed with the calendar——

Mr. CURTIS. Where it was left off.

Mr. NORRIS. Where it was left off, and at the conclusion of the consideration of the calendar, but not later than 4 o'clock, the Senate shall go into executive session and then adjourn.

Mr. CURTIS. Yes.

Mr. NORRIS. I have no objection to that.

The VICE PRESIDENT. Is there objection to the unanimous-consent agreement asked for by the Senator from Kansas? The Chair hears none, and it is entered into.

Mr. FLETCHER. Mr. President, I ask unanimous consent to have inserted in the RECORD, as bearing on the ship subsidy bill, two short editorials appearing in the New York Globe of February 13 and February 17, 1923.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Globe, February 13, 1923.]

MR. HARDING'S SINGLE-TRACK MIND.

It is President Harding, after all, who may go down in history as the possessor of the only authentic single-track mind. Waking or sleeping, his sole thought is ship subsidy. In his insistence upon it he has gravely endangered the British debt settlement, the farm credit legislation, and other important measures. With only three more weeks of the session, the opponents of the subsidy are already on the eve of a serious filibuster, while the party wheelhorses implore the President to be reasonable. However, the least stubborn of men displays continued inexplicable stubbornness, and the professional taker of advice refuses to take anybody's except Mr. Lasker's, which everyone but himself agrees ought not to be taken.

Every word which has been said in opposition to the ship subsidy in the past remains true to-day. The measure, for which Mr. Lasker is chiefly responsible, is dangerous, complicated, and capable of being used in the exercise of unjust discrimination. It gives the Shipping Board powers such as are exercised by no other department of the Government. It makes it possible for that body at its own pleasure to crush one American shipowner and endow another with enormous wealth. These shipowners, its sole beneficiaries, are themselves only lukewarm in their support of a bill which will suspend the sword of Damocles over their heads. They are also sensible enough to know that no subsidy which can be passed will create an American merchant marine or sell the Government's white elephant fleet when the carrying trade of the world is virtually paralyzed for lack of freight.

The deeper argument against the subsidy was forcefully explained by Senator CALDER, himself a "lame duck," yesterday. The present Congress does not represent the views of the country. There are scores of men in House and Senate who were defeated last November. In some cases the ship subsidy was an issue, and they were dismissed from office partly because of their support of it. If democracy has any meaning at all the President has no right to force the passage of a measure which is not desired by the people and would admittedly have no chance of success at the next session. He has no mandate from anybody to do a thing so subversive of the fundamental theory of government in the United States.

—

[From the New York Globe, February 17, 1923.]

WITHOUT A REDEEMING FEATURE.

President Harding has himself sounded what ought to be the knell of the ship subsidy bill. He has indicated that if it is passed with a proviso that funds must be voted by Congress from session to session he will veto it. He asks a 10-year experiment or nothing. Faced with those alternatives, Congress should find its choice not difficult. It should give the President nothing.

Regardless of the merits of subsidization of a merchant marine in general, the bill instigated by Chairman Lasker and now pending in the Senate ought not to be passed. It is a badly drawn, dangerous measure, which might or might not achieve its purpose of developing a merchant marine, while, regardless of success or failure, its direct burden on the Treasury could hardly be less than half a billion dollars during the 10 years the President asks. It places in the hands of the Shipping Board the most extraordinary and the broadest powers ever possessed in peace times by any branch of the Government. It opens undreamed-of possibilities of favoritism, since the smile or frown of the board would mean success or extinction for any American ship or line of ships. The bill is feared for this reason even by its beneficiaries, the American shipping men, who are plainly only lukewarm in its support, registering their approval of the principle rather than the instrument.

These shipping men are intelligent enough to realize that the chief argument used by Mr. Lasker and reechoed by the President in favor of the bill is fallacious. The subsidy will not enable the Government to sell off its huge fleet, which now costs us $50,000,000 a year for maintenance. Only a third of that fleet will ever be salable under any circumstances, and none of it will be bought by private operators as long as the world's freight-carrying trade is paralyzed for lack of business. Mr. Lasker's theory that in private hands a deficit of $50,000,000 can be turned into a deficit of only $10,000,000 is either a confession of most appalling wastefulness among his own subordinates or evidence of a delusion about the capacities of private shipping men.

In either case there is no justification for having a bad bill jammed through by a Congress of "lame ducks," some of whom were repudiated on the polls on this very issue. It is bad business, bad government, and bad democracy; and if the President refuses to realize these truths now, they will be driven home to him and the Republican Party in November, 1924.

STEAMSHIP "KIN-DAVE."

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

The bill (S. 3843) for the relief of the owners of the steamship *Kin-Dave* was announced as next in order.

The Secretary read the bill, and the Senate, as in Committee of the Whole, proceeded to its consideration, 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 $3,500 to the owners of the steamship *Kin-Dave*, as compensation for and in full satisfaction of all claims of such owners for any damages to said steamship *Kin-Dave* sustained as a result of a collision between said steamship and the U. S. S. *Colonel Clayton* on November 3, 1920, in the Milwaukee River, Wis.

Mr. KING. Let the report be read, Mr. President.

The VICE PRESIDENT. The Secretary will read the report.

The reading clerk read the report, submitted by Mr. CAPPER on February 7, as follows:

[Report to accompany S. 3843.]

The Committee on Claims, to whom was referred the bill (S. 3843) for the relief of the owners of the steamship *Kin-Dave*, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The bill provides for the payment of $3,500 to the owners of the steamship *Kin-Dave* as compensation for and in full satisfaction of all claims of such owners for any damages to said steamship *Kin-Dave* sustained as a result of a collision between said steamship and the U. S. S. *Colonel Clayton* on November 3, 1920, in the Milwaukee River, Wis.

The following correspondence from the War Department is appended hereto and made a part of this report:

WAR DEPARTMENT,
Washington, August 11, 1922.

The CHAIRMAN COMMITTEE ON CLAIMS,
United States Senate, Washington, D. C.

SIR: In further reply to yours of the 22d of July, inclosing copy of Senate bill 3843, for the relief of the owners of the steamship *Kin-Dave*, now pending before your committee, I have the honor to inform you that on May 13, 1922, I approved payment of the claims of the owners of the *Kin-Dave* in the sum of $3,500 after a review of the facts by the Acting Judge Advocate General embodied in an indorsement to The Adjutant General under date of May 10, 1922, a copy of which is hereto attached, and which fully sets forth the facts surrounding this occurrence.

As there were no funds available from the appropriation provided for under the act of June 30, 1921, the owners of the *Kin-Dave* were advised by the Chief of Finance on the 21st ultimo that payment of the claim could only be made when an appropriation for that purpose was made by Congress. As above set forth, it is the opinion of the War Department that this claim is meritorious and should be paid.

This proposed legislation has been submitted to the Director of the Bureau of the Budget, as required by paragraph 3–a of Circular No. 49 of that bureau, and the director advises that this requested legislation is not in conflict with the financial program of the President.

Respectfully,

JOHN W. WEEKS,
Secretary of War.

—

WAR DEPARTMENT,
JUDGE ADVOCATE GENERAL'S OFFICE,
May 10, 1922.

To The Adjutant General of the Army:

1. Reference your A. G. 569.14, *Colonel Clayton* (2–15–21) (Misc. Div.), May 2, 1922.

By thirteenth indorsement of this office to The Adjutant General, under date of November 4, 1921, this report of a board of officers which investigated an alleged damage to steamer *Kin-Dave* by Army steamer *Colonel Clayton* at Milwaukee, was returned recommending that before passing on the merits of the claim of the owners of the *Kin-Dave* the record should contain such evidence as would establish the following:

(a) That the property damaged (steamship *Kin-Dave*) was private property, and that at the time of the damage there was no contractual relation between the owners of the damaged property and the War Department;

(b) That the damage to the private property in question was incident to the training, practice, operation, or maintenance of the Army;

(c) That the amount of damage has been ascertained by the War Department; and

(d) That the owners will accept payment of the amount ascertained by the War Department in full satisfaction of such claim.

The board reconvened in accordance with this indorsement, and its supplemental proceedings are before this office for review, recommendation, and opinion.

2. It appears that on November 3, 1920, the steamer *Kin-Dave*, privately owned and operated, was properly moored to a coal dock near the Sixth Street Bridge in the Menominee River, Milwaukee; and that the steamer *Colonel Clayton*, owned and operated by the War Department, was on that date proceeding under her own power from the Kneelands Canal to a position down the Menominee River below the *Kin-Dave* and the Sixth Street Bridge, during the course of which operation it is alleged she collided with the *Kin-Dave*, inflicting damage estimated by survey at from $4,000 to $10,737 to repair. In its supplemental proceedings the board heard the testimony of the United States local inspector of steam vessels, who made an inspection of the *Kin-Dave* immediately after the collision, in line of duty, and who stated that as a result thereof he had concluded that the *Colonel Clayton* was liable for the following reasons:

"Our conclusion was arrived at due to the fact that the *Kin-Dave* was not under way. She was securely moored to a dock and the *Colonel Clayton* was maneuvering in the river in an effort to turn around to get down the river to another dock. The river at the point where this collision occurred I would estimate to be at least from 800 to 1,000 feet in width. The *Kin-Dave* was moored right close to the bridge at a point not less than 2,500 feet from where the *Clayton* started to turn around. The day being quite calm, the *Clayton*, fitted with twin screws, which would facilitate handling of the ship in close quarters, there being no undue currents, and the fact that the master of the *Clayton* was unfamiliar with our waters and methods of handling ships, are the principal causes of our arriving at our conclusions."

As further bearing on the occurrence, there is embodied in the supplemental report as an exhibit a marine protest signed by the master, engineer, and fireman of the *Kin-Dave*, wherein the nature of the collision is described as follows:

"That on November 3, 1920, about 10 o'clock a. m., the steamer *Colonel Clayton*, while backing out of the Kneeland Canal at Milwaukee, backed into the welding steamer *Kin-Dave*, striking the steamer abreast of the boiler on the starboard side and in trying to wind again backed into the steamer striking her about 20 feet forward of the first collision, both times doing considerable damage."

The record also contains the affidavits of three eyewitnesses to the collision, which more or less corroborates the statement contained in the protest. The master of the *Colonel Clayton*, while not specifically denying that his boat came in contact with the *Kin-Dave*, by affidavit sets forth that he "was not aware of striking the *Kin-Dave*, as no collision shock was felt. That his officers and engineers in signed statement verify this fact." The documentary evidence introduced is quite sufficient to establish that the *Colonel Clayton* was at the time of collision engaged in the performance of duty "incident to the training, practice, operation, and maintenance of the Army," and that the *Kin-Dave* was and still is owned and operated by the claimants, who are entitled to press the claim for damage.

It appears that no repair of the damage to the *Kin-Dave* has been accomplished, and while the boat has been in use since the collision her navigation has been confined to harbor work without cargo, a witness before the board, being a ship's carpenter, stating that she could not be navigated outside of the harbor. The evidence further indicates that the boat has to be pumped twice a day to keep her afloat. Lack of funds is given by the owners as the reason for not repairing the boat, and who for an immediate settlement agree to accept the sum of $3,500 in full for the damage and the further sum of $500 for pumpings, which latter amount they claim represents one-half the actual cost for such service. The board concluded that the collision was due to the lack of knowledge on the part of the master of the *Colonel Clayton* of the waters of the Menominee River at the place of collision, and that while responsibility therefor rests with him his conduct was not of such a nature as to render him liable therefor. Further, that the actual cost to repair the *Kin-Dave* is in excess of the amount of $3,500 which the owners agree to accept, and that they have expended not less than $500 for pumping since the collision. It is therefore recommended that the master of the *Colonel Clayton* be relieved from responsibility for the damage and that the War Department pay the owners of the boat the sum of $3,500 for the damage and the further sum of $500 for expenses incurred by the owners of the *Kin-Dave* in pumping.

3. This office agrees with the conclusions of the board on the evidence now in the record, and is of the opinion that the claim for direct damage is one which may properly be settled under the Army appropriation acts of June 5, 1920, and June 30, 1921. It is further of the opinion that its recommendation for the payment of $3,500 to the owners of the *Kin-Dave* should be approved and paid, but that no payment for the expense in operating the boat subsequent to the damage should be allowed. If these owners elected to operate the boat without accomplishing repairs and at an increased operating cost, the expense is necessarily one to be borne by themselves.

SHERMAN MORELAND,
Colonel, Judge Advocate,
Chief Administrative Law Division
(For the Acting Judge Advocate General).

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

LANDS DEVISED TO THE UNITED STATES BY JOSEPH BATTELL.

Mr. SMOOT. Mr. President, some time ago the Senate passed Senate Concurrent Resolution No. 30. The object of that resolution was to decline a bequest made by Joseph Battell of 3,900 acres of land in Vermont for a national park. The concurrent resolution went to the House of Representatives, and the House changed it into a joint resolution. In order to conform with the action of the House I am directed by the Committee on Public Lands and Surveys to report back favorably without amendment the joint resolution (S. J. Res. 270) concerning lands devised to the United States Government by the late Joseph Battell, of Middlebury, Vt. Under the joint resolution the Government declines the bequest and the lands revert to the estate of the decedent, and I submit a report (No. 1210) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDING OFFICER (Mr. LENROOT in the chair). The Senator from Utah asks unanimous consent for the immediate consideration of the joint resolution just reported by him. Is there objection?

Mr. FLETCHER. Mr. President, I ask the Senator from Utah if there is any change in the language of the resolution?

Mr. SMOOT. There is not a word of change. The concurrent resolution is merely changed to a joint resolution.

Mr. FLETCHER. I understand that the proposed bequest is declined by Congress.

Mr. SMOOT. Yes. The will contains certain provisions that the Government does not wish to carry out.

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

Whereas Joseph Battell, deceased, late of Middlebury, county of Addison, State of Vermont, in and by his last will and testament devised to the Government of the United States of America about 3,900 acres of land situated in the towns of Lincoln and Warren, in the State of Vermont, for a national park; and

Whereas said lands were devised to the United States of America upon certain conditions, among which were the following: That the Government should construct and maintain suitable roads and buildings upon the land constituting such national park for the use and accommodation of visitors to such park, and should employ suitable caretakers to the end and purpose that the woodland should be properly cared for and preserved so far as possible in its primitive beauty; and

Whereas it is deemed inexpedient to accept said devise and to establish a national park in accordance with the terms thereof: Therefore be it

Resolved, etc., That the acceptance of said devise so made by Joseph Battell in his last will and testament be declined by the Government of the United States, and that the estate of the said Joseph Battell be forever discharged from any obligation to the United States growing out of the devise before mentioned.

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

The preamble was agreed to.

THE BARGE "HAVANA."

The bill (S. 4322) for the relief of the owners of the barge *Havana* was announced as next in order.

Mr. KING. Let the bill be read, Mr. President.

The PRESIDING OFFICER. The Secretary will read the bill.

Mr. WALSH of Massachusetts. I think I can explain this measure to the satisfaction of the Senator from Utah.

Mr. President, a bill has already been passed providing for the relief of the owners of the barge *Havana* and is now a law. This bill merely seeks to correct an error in that act by substituting the words the "State of Maine" for the words "Commonwealth of Massachusetts." That is all for which the legislation provides. It is merely to amend a law which has been previously enacted and proposes to strike out the words "Commonwealth of Massachusetts" and to insert the words "State of Maine," so that the court may have jurisdiction.

Mr. KING. The Senator refers to the language of line 11, page 1, of the bill, does he?

Mr. WALSH of Massachusetts. Yes.

Mr. KING. It provides that the matter may be submitted to the United States district court for the district of Massachusetts.

Mr. WALSH of Massachusetts. The purpose of the bill, as stated in the report, is to correct an error in the act by substituting the words "State of Maine" for the words "Commonwealth of Massachusetts." It was found that that change is necessary in order that the United States district court in Massachusetts may take jurisdiction of the matter.

Mr. KING. But there is no controversy as to the locus of the corporation; it is a Maine corporation?

Mr. WALSH of Massachusetts. That is the situation.

Mr. KING. And the purpose is to permit it to sue in the district court of Massachusetts?

Mr. WALSH of Massachusetts. Yes.

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

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

Be it enacted, etc., That the claim of the Staples Transportation Co., a corporation existing under the laws of the State of Maine, owner of the barge *Havana*, arising out of a collision between the United States steamship *Quincy* and said barge *Havana*, at Hampton Roads, Va., on February 4, 1920, for and on account of the losses alleged to have been suffered in said collision by the owners of said barge by reason of damages to said barge, may be submitted to the United States District Court for the District of Massachusetts, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due, either for or against the United

States of America, upon the same principle and measure of liability, with costs as in like cases of admiralty between private parties with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

SEC. 2. That the act entitled "An act for the relief of the owners of the barge *Havana*," approved September 18, 1922, is hereby repealed.

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

PEEDEE RIVER BRIDGE, SOUTH CAROLINA.

Mr. DIAL. I ask unanimous consent for the present consideration of the bill (S. 4536) authorizing the building of a bridge across the Peedee River, S. C.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in the Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 3, after the word "That" to insert "all or any of"; in line 4, after the word "or," to strike out the word "such" and insert "any"; in line 6, before the word "bridge," to strike out "highway"; in line 7, after the words "Peedee River," insert "at a point suitable to the interest of navigation, and,"; and in line 8, after the words "Cashua Ferry," to insert "at or near a point known as Hunts Bluff, or at or near a point known as Society Hill," so as to make the bill read:

Be it enacted, etc., That all or any of the counties of Darlington, Marlboro, and Dillon, in the State of South Carolina, or any townships in said counties as may desire to do so, be, and they are hereby, authorized to construct, operate, and maintain a bridge and approaches thereto across the Peedee River at a point suitable to the interest of navigation, and at or near a point known as Cashua Ferry, at or near a point known as Hunts Bluff, or at or near a point known as Society Hill, in said State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. KING. I should like to inquire of the able Senator from South Carolina whether the stream involved in this bill is a creek which he claims is navigable or whether as a matter of fact it is a navigable stream, for the Government is assuming jurisdiction over all of the little rivulets and creeks and streams, whether they are navigable or not, and is denominating them navigable. I wish to know whether or not this is a navigable stream over which the Federal Government actually under the Constitution does have jurisdiction.

Mr. DIAL. It is a navigable stream.

Mr. SMOOT. For what part of the year?

Mr. DIAL. It is navigable for all of the year. It is a large river—the Peedee River.

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

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

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

Mr. McNARY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McNARY. I was called out of the Chamber at the time the unanimous-consent agreement was entered into, and I desire to know if the agreement contemplates that the Senate shall return to the first part of the calendar or end the consideration of the calendar with the last bill on it?

Mr. KING. If I may be pardoned, I understand the unanimous-consent agreement to contemplate that the Senate shall finish the calendar and then, if the hour of 4 o'clock has not arrived, we return to the beginning of the calendar.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. McNARY. I thank the Chair.

ELDREDGE & MASON, OF MALONE, N. Y.

The bill (S. 4396) for the relief of Eldredge & Mason, of Malone, N. Y., was announced as next in order, and the bill was read.

Mr. KING. I should like to ask some Senator who is familiar with this claim whether the fund appropriated to enforce the Volstead Act is to be charged with this appropriation? It would seem to me that if some officials who had charge of a given fund or were executing a policy under a certain act committed a tort, that fund should be charged with the appropriation which is to be made, in order to rectify their mistake.

Mr. CAPPER. I will ask that that bill be passed over until its author returns to the Chamber. I have not the information desired by the Senator from Utah.

Mr. KING. Very well. I am not objecting to the bill; it may be a very just claim, but I should like a little information on the subject, and I shall be glad to have it.

Mr. CAPPER. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be temporarily passed over.

HEIRS OF ROBERT LADD M'CORMICK, DECEASED.

The bill (H. R. 962) for the relief of the heirs of Robert Laird McCormick, deceased, was announced as next in order.

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 heirs of Robert Laird McCormick, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $51.50 in full settlement of the claim of the said Robert Laird McCormick for cashing an insufficient indorsement Post Office Department warrant No. 11415, drawn April 28, 1887, to the order of Charles Perry for $51.50.

Mr. KING. This seems a very insignificant amount, and I am reluctant even to ask an explanation, but the bill itself indicates that there was some negligence somewhere, and I should like some explanation as to why the Government should pay when there was an insufficient indorsement, and evidently some employee of the Government failed to exercise due diligence.

Mr. CAPPER. The report of the Post Office Department says:

I inclose herewith a copy of a letter from the Auditor for the Post Office Department, dated December 19, 1916, from which it appears that the Sawyer County Bank of Hayward, Wis., cashed a Post Office Department warrant for $51.50, issued to Charles Perry, a subcontractor, for carrying the mails; that the warrant was cashed by the bank on an imperfect indorsement and was subsequently returned by the Treasury Department for a proper indorsement or power of attorney to indorse the said warrant, as required by section 3477 of the Revised Statutes; that the said Perry disappeared and neither the proper indorsement nor the power of attorney could therefore be obtained; that the bank, which was a private bank, has been discontinued and that Robert Laird McCormick was the sole owner of that bank. It also appears that the warrant above referred to is now in the possession of the heirs of the said McCormick.

As the amount of this warrant, $51.50, is still carried on the books of the department as an outstanding liability of the Postal Service, and the circumstances above recited strongly presume that the heirs of Robert Laird McCormick are entitled to the payment of this obligation, I can see no objection to the favorable consideration of the bill by your committee.

Very truly yours, WM. H. HAYS,
Postmaster General.

That is all the information we had on the subject. It seems to me that under the circumstances the bill should pass.

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

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

J. W. GLIDDEN AND E. F. HOBBS.

The bill (H. R. 2702) for the relief of J. W. Glidden and E. F. Hobbs was announced as next in order.

The bill was read, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of $267.32 to J. W. Glidden and E. F. Hobbs, of Lawrence, Kans., to reimburse them for money necessarily expended in connection with their contract with the Government for the improvement of Huron Cemetery, an Indian reservation in Kansas City, Kans., in defending their interests in suits brought by the Connelley sisters, Indian wards of the Government, to prevent them from carrying out their contract with the United States Government in improving the Huron Cemetery, in Kansas City, Kans.

Mr. KING. I should like some explanation of the bill.

Mr. CURTIS. The junior Senator from Kansas, the chairman of the committee, is present and can explain the bill.

Mr. CAPPER. This bill involves the reimbursement of two men who were awarded a contract for making certain improvements and repairs on a national cemetery which at one time was on Indian land.

Mr. CURTIS. It is so yet.

Mr. CAPPER. And it is so yet. The Connelley sisters claimed title to the land and occupied it forcibly, as they had a hut there and called it their home. In the meantime the Government undertook to make necessary repairs.

The contractor was obstructed in his work and sued by these Connelley sisters, and obliged to make trips to Leavenworth to attend the Federal court. The amount allowed him here is simply the amount of money he actually paid out by reason of this controversy between the Government and these two Indian women, who claimed they had some title to the land. I do not think there can be really any question at all but that he was harassed and troubled for months there, and lost money on his contract, through no fault whatever of his own.

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

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

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

JOHN ALBRECHT.

The bill (H. R. 4421) for the relief of John Albrecht was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Albrecht the sum of $50 as compensation for damages sustained by him when an airplane of the Air Mail Service descended on his property in March, 1921.

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

RUPERTO VILCHE.

The bill (H. R. 5251) for the relief of Ruperto Vilche was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,000 to Ruperto Vilche, of Guantanamo City, Cuba, in full compensation for the loss of his daughter, Idelisa Vilche, and for injury to his daughter, Ofelia Vilche, the former having been killed and the latter injured by a bullet fired from his rifle by Pvt. Ralph F. Carter, United States Marine Corps, who became suddenly insane while on sentry duty at the marine camp near Guantanamo City, and for all expense incurred by the said Ruperto Vilche in connection with the said death and injury.

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

JOHN F. HOMEN.

The bill (H. R. 7322) for the relief of John F. Homen was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John F. Homen, of San Antonio, Tex., out of any money in the Treasury not otherwise appropriated, the sum of $2,000, in full settlement of his claim against the Government of the United States for the serious injury caused by being struck by a Government truck operated by a soldier of the United States Army on July 4, 1919, in San Antonio, Tex.

Mr. DIAL. Mr. President, I do not know whether there is any use in objecting to these bills or not; but, as I have often stated heretofore, these cases ought to be allowed to go to a court. I must protest against this method of legislating. This bill has been reported upon favorably, but it is a loose way of legislating. The next bill, I believe, appropriates about $5,000. We often hear one side of a case, and we think the claimant makes out a case, but when we hear the other side we often see that the claimant was to blame, and brought about his own injury; and I do hope we shall have some way of settling these matters in a businesslike way.

I shall not object to the consideration of this bill, but I want to say that I do believe we ought to have some regular method whereby tort cases can be referred to some court and be thoroughly investigated. Otherwise we shall have our calendar crowded all the time with claims about which we know but little. It is a bad precedent.

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

JOSEPH ZITEK.

The bill (H. R. 8448) for the relief of Joseph Zitek was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay to Joseph Zitek, out of any money in the Treasury not otherwise appropriated, the sum of $75 as compensation for damage done to the wheat field of said Joseph Zitek, near Ulysses, Nebr., May 29, 1921, by airplanes of the United States Air Mail Service.

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

VINCENT L. KEATING.

The bill (H. R. 9944) for the relief of Vincent L. Keating was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Vincent L. Keating the sum of $385.32, representing public funds for which he was accountable, which were stolen while in his custody on or about June 7, 1918, and which he refunded to the United States to make good the loss of these public funds.

Mr. KING. Mr. President, let the report be read, or at least sufficient of it to advise us as to the facts of the matter.

Mr. REED of Pennsylvania. Mr. President, I think I can explain the bill very briefly. The report is rather long, and the Senator perhaps will be satisfied with my explanation.

When the Twenty-sixth Infantry was sent up to the front near the town of Broyes, France, the captain of one of the companies of that regiment had the money with which to pay his troops. He intrusted it——

Mr. KING. That is the case to which the Senator directed my attention the other day, as I recall. When this man was called to the colors he placed the money in his tent and it was stolen?

Mr. REED of Pennsylvania. He put the money under the floor of the dugout, and was summoned with all his troops to the front-line trenches to resist an attack. When he got back to the dugout the money was gone. He could have claimed it, under Army Regulations, with proof from his captain of the loss; but the captain was killed in the attack, so there was nobody to prove the loss except the claimant himself, and he has been forced to come to Congress.

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

FRED E. JONES DREDGING CO.

The bill (H. R. 9862) for the relief of the Fred E. Jones Dredging Co. was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of the Fred E. Jones Dredging Co., a corporation organized and existing under the laws of the State of Delaware, and doing business in the city of Norfolk, Va., against the United States for damages alleged to have been caused by a collision between its coal scow *No. 3* and the steamship *Minnesota*, which occurred about 6 o'clock p. m. on February 20, 1919, while said scow, loaded with coal and equipment, was moored near the Norfolk & Western Railroad Co.'s merchandise Pier No. 2 at Lamberts Point, Va., may be sued for by the said owners in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree therein for the amount of such damages sustained by reason of said collision as shall be found to be due either for or against the United States upon the same principles and measures of liability and damages as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

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

FRANCES MARTIN.

The bill (H. R. 10047) for the relief of Frances Martin was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Frances Martin, widow of Peter Leslie Martin, of Logan, Hocking County, Ohio, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $5,000 as compensation and relief for the loss by death on March 31, 1919, in Grant Hospital, Columbus, State of Ohio, of her husband, Peter Leslie Martin, who on October 5, 1918, volunteered his services as an undertaker to the Government during the epidemic of influenza, at which time he went to Camp Sherman, in the State of Ohio, to assist in taking care of the bodies of the soldiers who died in great numbers by reason of said epidemic, and that during the discharge of his duties he became infected with blood poisoning, from which he died.

Mr. KING. Mr. President, I rise to make inquiry of the committee as to whether they considered the wisdom, in making this appropriation, of making it directly to the estate of the deceased or to the heirs? I observe that the appropriation goes only to the widow, and the report indicates that there are minor children. Of course, if there were a legal obligation upon the part of the Government the payment to the wife would not extinguish the liability of the Government to the children. It seems to me that it would be very wise in these cases to pay to the administratrix or to the executrix of the estate of the decedent, or to the heirs.

Mr. WILLIS. Mr. President, I shall be glad to explain this case. I will not discuss the attitude of the committee, because I am not familiar with their proceedings, but I do know quite thoroughly about this case. There is one child. The circumstances of the case are as follows——

Mr. KING. I shall not ask the Senator to explain it, because it is a very pathetic and very tragic case.

Mr. WILLIS. It is a very, very pathetic case—exceedingly so.

Mr. KING. While I think there is no liability upon the part of the Government, I think this is such a case as calls for an appropriation from the Government. If I did think there was any legal liability that might be enforced in any court where the case might be submitted, I should ask to amend by making the appropriation run to the widow and to the minor children, or to an administrator of the estate,

if an administrator has been appointed, and, if not, when an administrator competent to speak for the estate has been appointed by a court of competent jurisdiction.

Mr. WILLIS. I understand the Senator's position.

Mr. KING. But I shall make no objection.

Mr. WILLIS. I thank the Senator.

Mr. KING. It does seem to me, however, that the Committee on Claims ought to consider these matters and make the appropriation run to the estate or to all the heirs.

Mr. WILLIS. So that the record may be straight, Mr. President, and in answer to the Senator, I ask unanimous consent that the first part of the report, which is very brief, may be printed in the RECORD at this point.

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

The portion of the report indicated (No. 1104), submitted by Mr. CAPPER on February 7, 1923, is as follows:

[Report to accompany H. R. 10047.]

The Committee on Claims, to whom was referred the bill (H. R. 10047) for the relief of Frances Martin, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in House Report No. 988, Sixty-seventh Congress, second session, which is appended hereto and made a part of this report.

[House Report No. 988, Sixty-seventh Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 10047) for the relief of Frances Martin, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

In line 7, strike out "$25,000" and insert "$5,000."

This same bill was reported favorably by the Committee on War Claims in the Sixty-sixth Congress (Rept. No. 1099, 66th Cong., 2d sess.), but was not reached on the calendar.

The present chairman of the committee opposed the reporting of the bill at that time, as he did not believe the Federal Government should go so far or be so liberal in granting relief for accidents arising out of activities connected with the war and where there was no direct liability on the part of the Federal Government. However, finding by the many bills of a similar character passed by both branches of Congress we have evidently adopted a very liberal policy in dealing with these claims, I therefore have voted to report out this bill and request its careful consideration by the committee.

Peter Leslie Martin was an undertaker following his profession at Columbus, Ohio. He was 32 years old and earning about $4,000 per year. He left a widow and one son, 11 years old. He had no property of any account, and they have no means of support.

Time, October, 1918. It was during the influenza epidemic at Camp Sherman, Chillicothe, Ohio.

There were between 500 and 600 bodies of dead soldiers piled in barns and outhouses and no one to take care of them.

Army officers went to Columbus, Ohio, and practically pressed into service three undertakers. No mention of compensation was made at the time, but it is understood they were paid a nominal sum for their work.

Martin contracted blood poisoning while performing this work and died a few months afterwards.

He performed work that was absolutely necessary, work that the Government was unable to do at that time with its regular enlisted personnel.

In view of the above facts, which are all substantiated by attached affidavits, we respectfully submit the same for your consideration and recommend its adoption.

* * * * * * *

The PRESIDING OFFICER. If there be no amendment to be proposed, the bill will be reported to the Senate.

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

AMERICUS ENFIELD.

The bill (H. R. 10179) for the relief of Americus Enfield was announced as next in order and was read, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the account of Americus Enfield, postmaster at Bedford, Pa., in the sum of $41,148.94, due to the United States on account of war savings stamps and postage stamps which were lost as the result of burglary of said post office on November 7, 1918.

Mr. KING. Mr. President, I shall have to object to the consideration of that bill unless there is some explanation of it. The Senator from Pennsylvania [Mr. REED] has just risen, I presume for the purpose of furnishing information. I invite his attention to the fact that appropriations are frequently sought by postmasters or custodians of public funds because through their negligence or through their lack of due care, as I have thought, in many instances, property has been lost. I do not know the facts about this case. I shall be glad to hear from the Senator in regard to them.

Mr. REED of Pennsylvania. Mr. President, this is a very large claim, and it deserves the sort of scrutiny that the Senator from Utah has very properly given, and I think it has received a similar scrutiny in the Committee on Claims.

The burglary here was committed on November 7, 1918, during the height of one of the war savings stamp campaigns, when the various postmasters were charged with the possession of a large amount of war savings stamps. In this particular case there is evidence not only by the clerk who was charged with the duty of locking the safe but by the watchman and the janitor, who were there with him at the time he closed it, that all the doors were properly closed. The burglars blew open the rear doors of the post office or forced them open with a jimmy; they then forced their way through the outer door of the vault, and after muffling the inner doors in blankets which they had stolen from some near-by farmers they blasted open the inner door of the vault with nitroglycerin and took from the vault about $2,000 worth of postage stamps and $39,000 worth of war savings stamps.

No suggestion of negligence, so far as I know, has been made by anybody in the department. The case was very carefully inspected, naturally, because of the large amount involved; and the Postmaster General in office at that time and the present Postmaster General have successively recommended that the claim be allowed. Both as to the amount and as to the circumstances of the burglary the proof is abundant, and I think the claim is a just one.

Mr. KING. I would like to inquire of the Senator whether any inference of negligence might arise from the retention of such a large sum in the safe? Why did he not transmit it to Washington instead of accumulating so large an amount?

Mr. REED of Pennsylvania. I am glad the Senator asked the question. The stamps had been sent to him for sale in connection with the campaign. They had not yet been sold. They had just been issued by the Treasury Department at Washington and had been remitted to him for delivery as they were sold. There was no negligence, so far as I can see, in remitting money, because there was no substantial amount of money stolen. It was all in stamps which he could not send back, and which he had no other place to keep except in his vault.

Mr. KING. Was there any difficulty in ascertaining the amount that was stolen from the safe?

Mr. REED of Pennsylvania. No; the report of the committee is rather long. The manner of ascertainment, which is stated in the report, was such that they calculated to the last penny, and the war savings stamps were calculated at the minimum value as if sold at the date of issue.

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

There being no objection, the bill was considered as in Committee of the Whole.

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

GRANT ROAD, DISTRICT OF COLUMBIA.

The bill (S. 4117), authorizing the closing of certain portions of Grant Road in the District of Columbia, and for other purposes, was announced as next in order.

Mr. ROBINSON. May I ask the Senator reporting the bill or any Senator who is familiar with it whether the passage of the bill is recommended by the District Commissioners?

Mr. CAPPER. I will state to the Senator that, while I did not report the bill, I am a member of the committee which reported it and the Senator will find in the last paragraph of the report from the Commissioners of the District of Columbia the statement that they do recommend favorable action on the bill. The chairman of the District Committee is very anxious that the bill shall be passed.

Mr. ROBINSON. I have no objection to its consideration.

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to close, vacate, and abandon so much of Grant Road as lies between Reno Road and Connecticut Avenue northwest, upon the acquisition by the District of Columbia by dedication, purchase, or condemnation of the land lying within the lines of Davenport Street between Reno Road and Connecticut Avenue, and within the lines of Thirty-sixth Street between Davenport Street and Connecticut Avenue, as laid down upon the permanent system of highways for the District of Columbia, the title to the portion of said Grant Road so closed and abandoned to revert to the abutting property owners.

SEC. 2. That the Commissioners of the District of Columbia be, and they are hereby, authorized to sell a tract or parcel of land owned by the District of Columbia, numbered for purposes of assessment and taxation as parcel 46 over 20: *Provided*, That said tract or parcel of land shall not be sold by said commissioners at a price less than the assessed value thereof: *Provided further*, That the money so realized shall be expended in the purchase of a playground or school site.

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

WIDENING OF FIRST STREET NE.

The bill (H. R. 5018) to authorize the widening of First Street NE., and for other purposes, was announced as next in order.

Mr. KING. Let the bill be reported.

The reading clerk read the bill.

Mr. CURTIS. Let the bill go over.

Mr. McKELLAR. There is a proposition of adjustment in such matters which I think we will know about absolutely by Monday. I am going to object to the consideration of any District bills this afternoon.

The PRESIDING OFFICER. The bill will be passed over.

CORNELIUS DUGAN.

The bill (H. R. 1290) for the relief of Cornelius Dugan was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President is hereby authorized to advance on the retired list of the Navy, to the rank of lieutenant commander, Cornelius Dugan, who served with credit in the United States Navy during the Civil War and the war with the German Government: *Provided*, That the said Cornelius Dugan shall not in consequence of such advancement be entitled to any increase in the pay which he is now receiving as a retired officer of the Navy.

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

LIEUT. COMMANDER GREY SKIPWITH.

The bill (H. R. 6538) for the relief of Grey Skipwith was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That Lieut. Commander Grey Skipwith, Supply Corps, United States Navy, who was eligible for promotion to the grade of pay inspector with rank of commander prior to the 1st day of July, 1918, and who was subsequently found physically not qualified for promotion and then retired in the rank of lieutenant commander, shall be deemed to have been retired in the rank he would have attained if the act of the 1st of July, 1918, extending promotion by selection to the staff corps of the Navy had not been enacted.

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

MAJ. RALPH S. KEYSER.

The bill (H. R. 11340) to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps so that he will take rank next after Maj. John R. Henley was next in order and was read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he hereby is, authorized to advance Maj. Ralph S. Keyser on the lineal list of officers of the United States Marine Corps, so that he will take rank next after Maj. John R. Henley: *Provided*, That no back pay, bounty, or emoluments shall be allowed by reason of the passage of this act.

Mr. JONES of Washington. May I ask whether the bill would advance Major Keyser over other officers?

Mr. SWANSON. There is no objection in the department. The bill simply puts this officer where he would have been if he had passed the examination in 1908.

Mr. JONES of Washington. Without interfering with any of the other officers?

Mr. SWANSON. It does not. He was in five battles, including the battle of Belleau Wood, where he was wounded. There is no man in the entire Marine Corps who had a more creditable record.

Mr. ROBINSON. Why did he not take a new examination?

Mr. SWANSON. He was in the service, and when the time came for taking the examination to go from one grade to another he could not pass it. When he finally took the examination he was found physically fit. The bill will permit him to be promoted in the regular order.

Mr. ROBINSON. Why could he not stand the examination in the first place?

Mr. SWANSON. I think he was not in physical condition at the time of the first examination, but, as very frequently happens, he got better. Officers under like conditions are continued in the service and the reexamination postponed a month or two months, sometimes even a year, to enable them, if they can, to become physically fit. Afterwards he passed the physical examination and the bill merely puts him where he would have been if he had passed the physical examination originally.

Mr. ROBINSON. I have no objection to the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

RELIEF OF CERTAIN DISBURSING OFFICERS.

The bill (S. 4448) for the relief of certain disbursing officers was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the General Accounting Office is authorized and directed to credit in the respective accounts of the following-named disbursing officers and agents of the United States the sums hereinafter indicated, for payments made by them pursuant to pay rolls certified by J. H. Cameron, custodian of the post-office building at Evanston, Wyo., such payments having been disallowed by the General Accounting Office:

J. L. Summers, disbursing clerk, Treasury Department, Washington, D. C., for salary payments to Arthur Foley, October 16, 1918, to February 28, 1919, $270;

Thomas F. Thomas, special disbursing agent, Salt Lake City, Utah, for salary payments to Arthur Foley, March 1, 1919, to August 15, 1919, $340; and for salary payments to Walter V. Foley, August 16, 1919, to January 31, 1920, $385;

John F. Rasmussen, acting special disbursing agent, Salt Lake City, Utah, for salary payments to Walter V. Foley, February 1, 1920, to May 31, 1920, $280; and

Estelle V. Collier, special disbursing agent, Salt Lake City, Utah, for salary payments to Walter V. Foley, June 1, 1920, to December 31, 1920, $1,330.

Mr. ROBINSON. May I ask the Senator from Michigan whether the Post Office Department has recommended the various items in the bill?

Mr. TOWNSEND. I have not any recollection definitely what the proceedings were, but the Senator from Wyoming [Mr. KENDRICK], who introduced the bill, can undoubtedly answer the Senator's question.

Mr. KENDRICK. My understanding is that the comptroller stated that they had no authority to furnish this relief under the law. It was suggested that it should be done by legislation. The concluding paragraph in the letter of the comptroller reads as follows:

It does not appear that the disbursing agent had actual notice of the true facts of this case, or that there was anything upon the face of the vouchers to put her on guard, or that she is chargeable with fault or negligence in not detecting the concealment of facts. However, no lawful credit can be based upon a fraudulent transaction, and the General Accounting Office is not authorized to relieve a disbursing officer who is the victim of fraud, although innocent of participation in or knowledge of the fraud.

Mr. ROBINSON. I have no objection to the passage of the bill.

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

LAWS RELATING TO THE JUDICIARY.

Mr. CUMMINS, from the Committee on the Judiciary, to which was referred the bill (S. 4614) to amend section 81 of the act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911, reported it without amendment.

AMENDMENT OF THE REVENUE ACT OF 1921.

The bill (H. R. 13774) to amend the revenue act of 1921 in respect to exchanges of property was considered as in Committee of the Whole.

Mr. OVERMAN. Mr. President, I have an amendment to which I think the Senator from North Dakota [Mr. MCCUMBER] will not object. It is not exactly in form as it ought to be, but the bill will have to go to conference, anyway. So I ask the Senator if he will not let me offer the amendment, as I have suggested to him, and when it goes to conference he and the other conferees can fix it all right.

Mr. MCCUMBER. There can be no objection to that, but I wish to explain the bill. I think it is best explained in the report, but, as the bill itself is somewhat complex, I will have to make a little more clear the statement of the condition.

Paragraph 202 of the revenue law, 1921, basis for determining gain or loss, in subdivision (c), reads:

For the purpose of this title, on an exchange of property, real, personal, or mixed, or any other such property, no gain or loss shall be recognized unless the property received in exchange has a readily realizable market value; but if the property received in exchange has a readily realizable market value, no gain or loss shall be recognized—

Now, under what circumstances?

(1) When such property held for investment or for productive use in trade or business—

Then the exceptions—

(not including stock in trade or other property held primarily for sale) is exchanged for property of a like kind or use.

So as the law now stands when property held for investment or for productive use in trade or business is exchanged for other property of a like kind or like use, no gain, even though measured in a large cash difference, is taxable. The Secretary

of the Treasury, who has asked for the amendment of the law, said:

Under this section a taxpayer who purchases a bond of $1,000 which appreciates in value may exchange that bond for another bond of the value of $1,000, together with $100 in cash, and the $100 in cash representing the interest in the value of the bond while held by the taxpayer without the realization of taxable income. This provision in the act is being widely abused. Many brokers, investment houses, and bond houses have established exchange departments advertising that they will exchange securities for their customers in such manner as to result in no taxable gain.

The relief from this taxable gain under the law as it now stands does not include stock in trade or other property held primarily for sale. The proposed law broadens this exception by adding thereto: "And in the case of property held for investment, not including stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidence of indebtedness, or interest," so that the law is made to include property held for investment or productive use in trade where an actual gain has been made.

That explains, as nearly as I can explain, the reason for the change in the law.

Mr. LODGE. I would like to ask the Senator from North Dakota a question. I do not think the bill ought to be made retroactive.

Mr. McCUMBER. It begins with 1923, as the bill now reads. It provides—

That paragraph (1) of subdivision (c) of section 202 of the revenue act of 1921 is amended, to take effect January 1, 1923, to read as follows:

So it is not retroactive except as between February and January.

Mr. LODGE. It seems to me that there have been a great many of the exchanges made in perfectly good faith without any profit on the exchange. I think it ought not to take effect until it becomes a law. It is made retroactive for at least the months of January and February.

Mr. McCUMBER. I suppose that all the arrangements which have been made for the purpose of settling the accounts of gains and losses were made prior to January 1, 1923, and therefore there would be no objection, it seems to me, to making the period begin with the taxable year commencing January 1, 1923.

Mr. LODGE. I think a great many of the exchanges which have been made would perhaps show no profit. However, I do not know about that.

Mr. McCUMBER. If there is an equality in value in the exchange, of course, there would be no tax anywhere. It is only when there is a gain, and then the gain is taxed. I can not see that any injustice, at least, would be done.

Mr. LODGE. I think it would be fairer to make it effective when the bill becomes a law.

Mr. McCUMBER. I have no objection, if the Senator desires, to amending it so as to read that it shall take effect on and after the approval of this act.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 1, lines 4 and 5, strike out "January 1, 1923," and insert in lieu thereof "on and after the approval of this act."

The amendment was agreed to.

Mr. OVERMAN. I now offer my amendments.

The PRESIDING OFFICER. The amendments will be stated.

Mr. OVERMAN's amendments were, on page 1, line 3, after the word "That," to strike out "paragraph" and insert "paragraphs"; in the same line, before the word "of" where it occurs the first time, to insert "and (2)"; in line 4, before the word "amended," to strike out "is" and to insert "are"; and after line 13 insert: "When a person exchanges stock in a corporation for other stock in the same corporation or when in the reorganization of one or more corporations a person receives in place of any stock or securities owned by him stock or securities in a corporation a party to or resulting from such reorganization," so as to make the bill read:

Be it enacted, etc., That paragraphs (1) and (2) of subdivision (c) of section 202 of the revenue act of 1921 are amended, to take effect on and after the approval of this act, to read as follows:

"(1) When any such property held for investment, or for productive use in trade or business (not including stock in trade or other property held primarily for sale, and in the case of property held for investment not including stock, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest), is exchanged for property of a like kind or use.

"When a person exchanges stock in a corporation for other stock in the same corporation or when in the reorganization of one or more corporations a person receives in place of any stock or securities owned by him stock or securities in a corporation a party to or resulting from such reorganization."

SEC. 2. Subdivision (c) of section 202 of the revenue act of 1921 is amended, to take effect January 1, 1923, to read as follows:

"(c) Where property is exchanged for other property which has no readily realizable market value, together with money or other property which has a readily realizable market value, then the money or the fair market value of the property having such readily realizable market value received in exchange shall be applied against and reduce the basis, provided in this section, of the property exchanged, and if in excess of such basis shall be taxable to the extent of the excess; but when property is exchanged for property specified in paragraphs (1), (2), and (3) of subdivision (c) as received in exchange, together with money or other property of a readily realizable market value other than that specified in such paragraphs, the amount of the gain resulting from such exchange shall be computed in accordance with subdivisions (a) and (b) of this section, but in no such case shall the taxable gain exceed the amount of the money and the fair market value of such other property received in exchange."

The amendments were agreed to.

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

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

The bill was read the third time and passed.

SOIL SURVEY OF LAUDERDALE COUNTY, ALA.

The PRESIDING OFFICER. House Concurrent Resolution 83 is lying on the table. Without objection, it will be referred to the Committee on Printing.

The House concurrent resolution was referred to the Committee on Printing, as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed 2,000 additional copies of the soil survey of Lauderdale County, Ala., for the use of the House document room.

ORDER OF PROCEDURE.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. McNARY. Under the rule under which we are proceeding is it permissible to move to take up a bill after objection has been made?

The PRESIDING OFFICER. The Chair's recollection of the unanimous consent agreement is that only unobjected bills are to be considered to-day. The next bill on the calendar will be announced.

SINKING FUND FOR BONDS AND NOTES OF THE UNITED STATES.

The bill (H. R. 13827) relating to the sinking fund for bonds and notes of the United States was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That subdivision (a) of section 6 of the Victory Liberty loan act is amended by inserting before the period at the end of the first sentence a comma and the following words: "and of bonds and notes thereafter issued, under any of such acts or under any of such acts as amended, for refunding purposes."

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

STEAMBOAT INSPECTION SERVICE.

The bill (H. R. 12368) to abolish the inspection districts of Apalachicola, Fla., and Burlington, Vt., and the office of one supervising inspector, Steamboat Inspection Service, was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

LIEUT. COL. JAMES M. PALMER.

The bill (H. R. 11603) to validate for certain purposes the revocation of discharge orders of Lieut. Col. James M. Palmer and the orders restoring such officer to his former rank and command was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That Lieut. Col. James M. Palmer, of the National Guard of the State of Maine, who was in the Federal service during the World War, and who was discharged from such service during said war, and who subsequent to such discharge was notified by the War Department of the revocation of the orders discharging him from the Federal service and of his restoration to his former rank and command, and to whom orders were thereafter issued by the War Department and by the departments thereof, and by his superior officers of the Army, which orders were thereafter acted upon by said James M. Palmer, shall be deemed to have been lawfully reinstated in the Federal service by such orders of revocation of discharge and of restoration to rank and command, for the purposes of the succeeding clause, and shall be entitled, from date of notification of such revocation orders, to pay, travel, and other allowances to the date of his final discharge in the same manner and to the same extent as if he had not been previously discharged.

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

CONFERENCE OF FEDERAL RESERVE OFFICIALS (S. DOC. NO. 310).

Mr. GLASS. I ask unanimous consent to have printed as a Senate document a transcript of the meeting of the advisory council and governors of the Federal Reserve Board in the city of Washington.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered.

HOUSE BILLS REFERRED.

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

H. R. 13724. An act for the relief of Hugh Marshall Montgomery; to the Committee on Public Lands and Surveys.

H. R. 14222. An act to amend the trading with the enemy act; to the Committee on the Judiciary.

H. R. 14200. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 14288. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee on Pensions.

PROCEEDS OF SALES OF PROPERTY.

The bill (S. 4318) authorizing the Secretary of the Treasury to make collections and refunds of taxes out of the proceeds of sales of property held in the Treasury was announced as next in order.

Mr. McCUMBER. This bill, being a Senate bill which was reported favorably from the Committee on Finance, ought to be passed over, for the reason that the same provisions were reported as an amendment to House bill 13775.

The PRESIDING OFFICER. Does the Senator desire that the bill go over or be indefinitely postponed?

Mr. McCUMBER. I ask that it be passed over at the present time.

The PRESIDING OFFICER. The bill will be passed over.

MARGARET NOLAN.

The bill (S. 1513) for the relief of Margaret Nolan was considered as in Committee of the Whole.

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

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Veterans' Bureau, out of any money in the Treasury not otherwise appropriated, the sums required to carry out the provisions of this act, to be disbursed by it as hereinafter directed, in full settlement for personal injuries sustained by Thomas Nolan on the 28th day of April, 1919, when run down by an ambulance belonging to the United States Army at Third Street and Third Avenue, Brooklyn, N. Y.

The Veterans' Bureau is hereby authorized and directed to pay to the Methodist Episcopal Hospital, of Brooklyn, N. Y., the sum of $150, in full settlement of its claim for the treatment of Thomas Nolan for the injuries above mentioned; to Elliott, Jones & Fanning, of 215 Montague Street, Brooklyn, N. Y., the sum of $150, in full settlement of all charges and claims for services in connection with the claim for the above-mentioned injuries; to Margaret Nolan, of 369 Hoyt Street, Brooklyn, N. Y., the sum of $350, in full settlement of all claims for disbursements and loss in connection with the injuries to her son above mentioned; and to Margaret Nolan, the mother of Thomas Nolan, the sum of $25 per month for a period of 96 months, to be used in aiding the said Thomas Nolan to secure a practical education.

If for any reason it should become impossible or impractical to make such payments to the mother before the last amount above provided shall have been paid for the benefit of the said Thomas Nolan, then the Veterans' Bureau shall make the payments to the legal guardian of the said Thomas Nolan.

The Veterans' Bureau may require such reports as it may deem proper to show the money paid is being properly used for the education of the boy as intended and may suspend payment for want of such reports.

Mr. CALDER. Mr. President, this bill is for the relief of Margaret Nolan, the mother of Thomas Nolan. The record in the case shows that Thomas Nolan, a boy 9 years old, while crossing a street in Brooklyn was run down by an Army ambulance going at a very fast rate of speed. As I originally introduced the bill it proposed to give his mother, who is his guardian, $5,000. The committee have struck out all of the bill which was introduced by me and in lieu thereof have inserted language which provides that his mother shall be paid the sum of only $350; that the hospital where he was treated shall be paid $150; and a firm of attorneys for services rendered shall be paid to the extent of $150, and that for 96 months the mother shall be paid $25 a month to take care of the boy.

Mr. McKELLAR. In the aggregate, how much will that be?

Mr. CALDER. It will aggregate $3,050. I know the case and I have seen the boy.

Mr. McKELLAR. Was the boy killed?

Mr. CALDER. No; but the boy was run over and will be a cripple for life.

Mr. McKELLAR. How was he injured?

Mr. CALDER. His ankle was run over. I have seen the boy; in fact, I have examined his foot. He limps very badly, and will limp forever. I think the sum of $3,050, distributed in the manner proposed, will help to educate him, at any rate.

Mr. LODGE. By what kind of a wagon was he injured?

Mr. CALDER. By an Army ambulance, going at a very rapid rate of speed.

Mr. McKELLAR. I have no objection to the bill, Mr. President.

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

The amendment was agreed to.

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

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

MAILING PRIVILEGES FOR PUBLICATIONS FOR THE BLIND.

Mr. FRELINGHUYSEN. Mr. President, I inquire if there would be objection to returning to Order of Business No. 1004. I was absent from the Chamber when that number was called. I do not think there will be any objection to the bill.

The PRESIDING OFFICER. The Senate is proceeding under a unanimous-consent agreement to consider bills on the calendar.

Mr. FRELINGHUYSEN. Very well, I withhold my request at the present time until the calendar may be concluded.

HASTINGS BROS.

The bill (S. 1490) for the relief of G. T. and W. B. Hastings, trading as Hastings Bros., was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That the claim of G. T. and W. B. Hastings, partners trading as Hastings Bros. and doing business in the city of Norfolk, Va., owners of the steam water boat *Iola*, against the United States for damages alleged to have been caused by collision between the said steam water boat and the United States tug *Hercules* in Elizabeth River on the 3d day of April, 1919, may be sued for by the said Hastings Bros. in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of said Hastings Bros., or against the said Hastings Bros. 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 the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. McKELLAR. As I understand, the bill merely provides that suit may be brought, and I shall not object to its consideration.

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

LOUIS F. MEISSNER.

The bill (S. 1538) for the relief of Louis F. Meissner was announced as next in order. 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 redeem, in favor of Louis F. Meissner, a resident of Elmira, N. Y., formerly of Germania, Pa., United States 4 per cent coupon bonds, funded loan of 1907, Nos. 76978, 76979, 76980, 76981, for $100 each, with interest from October 1, 1906, to the date of the maturity of the bonds on July 2, 1907, the said bonds with coupons attached having been stolen from the said Louis F. Meissner in February, 1907: *Provided*, That the said Louis F. Meissner shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said bonds and the interest due thereon, with good and sufficient surety, to be approved by the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of said bonds and interest.

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

Mr. CURTIS. I should like to know whether the bonds which it is alleged were stolen, or any of the coupons attached thereto, have ever been presented to the department for payment?

Mr. CALDER. There is a report on the bill which sets forth the facts.

Mr. CURTIS. I ask the question for the reason that if this bill is to be passed, then every man who has lost Government bonds or had them stolen from him should be similarly treated and his bonds should be made good by the Government. If we are going to pass this bill we ought to pass other similar bills.

Mr. McKELLAR. I imagine there will be a great many of them.

Mr. CALDER. It is stated in the report that—

The bonds in question have not been presented since their alleged theft in 1907, that no coupons have been received at the Treasury Department dated later than October 1, 1906, and that there has been no claim made on account of the said bonds so far as the department is aware other than by Louis F. Meissner.

Mr. ROBINSON. When were the bonds lost or stolen?

Mr. CALDER. In 1906.

Mr. DIAL. What is the amount involved?

Mr. CALDER. Four hundred dollars. Under the bill before the owner from whom the bonds were stolen can obtain

any benefit he is required to give bond to the Treasury Department in an amount double the face value of the bonds; so that the Government is protected in every way.

Mr. McKELLAR. Does the Secretary of the Treasury recommend the passage of this bill?

Mr. CALDER. As shown by the report, a letter from the Assistant Secretary of the Treasury says that if the committee so desires "a bill will be prepared in this office."

I understand that the department has no objection. The committee examined the matter very carefully and there was no objection to it. The Government, I repeat, is amply protected.

Mr. McKELLAR. How much does the bill propose to appropriate?

The PRESIDING OFFICER. The Chair is informed that there were four bonds of $100 each.

Mr. CALDER. The amount is $400.

Mr. CAPPER. The Secretary of the Treasury approved the bill provided the interests of the Government were amply protected by the filing of the necessary bond.

Mr. McKELLAR. In case they should turn up in other hands?

Mr. CALDER. Yes.

Mr. BROUSSARD. The claimant is required to furnish a bond of $800 in order to collect $400.

Mr. KING. I should like to ask the Senator from New York, in my time if his time has expired, if he thinks it wise for the Government of the United States to establish the precedent of paying for every bond that may be stolen or lost?

Mr. CALDER. I do, provided the Government is amply protected. In this case the owner of the bonds is required to give surety satisfactory to the Treasury Department for twice the face value of the bonds. Suppose fire should consume bonds in large amounts, or suppose they should be stolen, or suppose they should be lost at sea, will it be contended that the Treasury Department should have the advantage of that and refuse payment for the bonds, notwithstanding the Government is amply protected?

Mr. KING. If I may say a word in reply to the Senator, where there is satisfactory evidence—and it must be almost conclusive—that bonds have been lost by fire or, as the Senator indicated, at sea, a different principle applies, but where bonds have been stolen and it is known that they will be put in circulation and there is no means of identification, in view of the fact that they pass current the same as greenbacks pass current, I think it is a very bad precedent to establish to say that the Government of the United States shall reimburse the original owner, because we will have a multitude of such claims here, I will say to the Senator.

Mr. CALDER. I repeat that in this case the Government is entirely protected.

Mr. KING. It is a temporary protection. The Government takes a bond. Suppose it is a bond given by individuals. Those individuals are solvent to-day, but they may be insolvent to-morrow, and their estates may be insolvent. If it is a surety company, the surety company may be solvent to-day; it may be a going concern, and to-morrow it may fail, as many surety companies have; so that in 10, 15, or 20 years the sureties given to-day would not be able to respond in damages to the Government.

Mr. CALDER. Of course, the world may come to an end to-morrow.

Mr. KING. The Senator will appreciate the difference between the solvency of a surety and the perpetuity of this little globe of ours.

Mr. ROBINSON. Mr. President, were the bonds payable to bearer or were they registered bonds?

Mr. CALDER. They were registered bonds.

Mr. ROBINSON. If they were registered bonds, there should be no question about the justice of the bill.

Mr. KING. If they were registered bonds; yes.

Mr. CALDER. I understand they were.

Mr. KING. If the Senator can assure me they were registered a different proposition is presented.

Mr. SWANSON. Mr. President, the only way relief can come in a case like this is through Congress. The United States Government does not want to make money because people lose Government bonds. That is not done in the case of individual corporations. A great many measures of this kind have been passed. I remember a case of this kind in which I was interested and which went through the Congress last year. In that instance a man had lost a bond, and the bill passed the Senate after proper discussion. Nobody wants the Government to try to get money to which it is not entitled.

Under the law if a bond of a corporation is lost, if the owner can prove that the bond was lost or destroyed, he may recover in court, but the United States Government can not be sued, and the only way that relief may be afforded in a case like this is to get the consent of Congress. The bill provides that surety shall be given to double the amount of the bonds in order to satisfy the Secretary of the Treasury and protect the Government.

Mr. BROUSSARD. Mr. President, I understand that the very purpose of registering bonds is for the protection of the owner of such bonds. If Mr. Meissner is recorded as the owner of these bonds, and nobody contests his ownership, and furnishes bond in twice the amount of the principal, there is no other course for the Senate to pursue than to pass this measure.

Mr. BRANDEGEE. Mr. President, there is no risk about it, is there?

Mr. BROUSSARD. None at all.

Mr. BRANDEGEE. If the bonds are payable to him, nobody else could present them and get the money; so that really there is no necessity for a surety bond at all.

Mr. CALDER. And 16 years have elapsed since the loss.

Mr. DIAL. Does the Senator say they were registered bonds?

Mr. CALDER. That is my information.

Mr. DIAL. Mr. President, the Government ought not want to profit by the misfortune of the holder of its bonds. On the other hand people ought to be very careful with their papers. Perhaps it would be better to reject the claim than to establish the precedent of encouraging people to be careless and lose their bonds. Perhaps bonds might be burned up; but in this day and time they should be put away in a safe place and taken care of in a proper manner. To establish this precedent I think will result in having a great many more such cases come here, and we ought to be very careful as to what we do.

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

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

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

RATES OF POSTAGE ON PRINTED MATTER.

The bill (H. R. 6954) fixing rates of postage on certain kinds of printed matter was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That single sheets or portions thereof from any publication entered as second-class matter, sent by a publisher to an advertiser or the latter's agent on account of and in proof of the insertion of an advertisement, shall, under such rules and regulations as may be prescribed by the Postmaster General, be received and transmitted through the mails at the zone rates of postage applicable under the law to the advertising portions of such second-class matter.

Mr. McKELLAR. Mr. President, will the Senator from Michigan explain the bill?

Mr. TOWNSEND. At present when a person advertises in a magazine or newspaper a copy of the entire magazine or newspaper is sent to the advertiser in order to enable him to correct the advertisement, to look over the proof. This bill will enable the publisher to send to the advertiser merely the sheet or the page upon which the advertisement is printed. There are reasons why this should be done. It is convenient that it should be done; it will save paper to have it done; it will be cheaper for the Government to have it done, because under existing conditions second-class mail matter costs us more than we get out of it. Under present practice an entire magazine is sent to the advertiser who inserted an advertisement, whereas under the provisions of the bill there will be sent out for correction at the same rate the page or sheet upon which the advertisement occurs.

Mr. ROBINSON. Mr. President, if I understand the Senator correctly, it will affect the revenues for second-class mail beneficially rather than diminish them?

Mr. TOWNSEND. We can not lose on it even under the speculation as to what we are getting out of second-class mail matter. Nobody assumes that we are getting more than we ought to get.

Mr. McKELLAR. Did the Postmaster General recommend the bill?

Mr. TOWNSEND. He does recommend and approve it.

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

MONTREAL RIVER LIGHTHOUSE RESERVATION, MICH.

Mr. TOWNSEND. Mr. President, I am required to leave the Chamber in a little while. There was a bill reported this morning which I am sure will meet the approval of every Senator, but owing to the fact that a Senator objected to unanimous consent at the time, it had to go over. I refer to House bill 13032, which passed the House unanimously and which provides that the Government may deed a portion of an unused lighthouse site in Lake Superior to the American Legion there for the purpose of maintaining a park and a hospital for their disabled members. The Government has already leased it to them for five years, which is the longest term for which such a lease can be made. The bill provides that the property shall be deeded to the Gogebic County board of the American Legion for the continuance of the hospital and park. The bill carries a provision that if at any time the land is not used for the benefit of the American Legion for the purpose of maintaining a park it shall again revert to the Government. The Commissioner of the Lighthouse Service, under the Secretary of Commerce, recommends that this be done, and he says the property is of practically no value now, and that if it can be used for hospital and for park purposes it ought to be so used.

Mr. ROBINSON. Has the bill been favorably reported by the committee?

Mr. TOWNSEND. It has been favorably reported. It was put on the calendar this morning.

Mr. McCUMBER. Mr. President——

Mr. TOWNSEND. I yield.

Mr. McCUMBER. I wish to suggest to the Senator that, if I understand the situation correctly, a unanimous-consent agreement has been made since the objection was made to the consideration of the bill referred to by the Senator from Michigan. The unanimous-consent agreement was to take up the calendar at a certain point and proceed with it until 4 o'clock. Therefore we can not consent to another unanimous consent to go back of the point where we were to begin without a violation of the agreement.

Mr. TOWNSEND. It would not be going back, for the bill was only reported this morning. The only reason that I ask consent at this time is because I am obliged to leave the Chamber. If there is any objection to this bill, if any Senator can find any reason why it should not be passed I will not ask for its consideration.

Mr. McCUMBER. Let me ask the Senator, is the bill on the calendar now?

Mr. TOWNSEND. It is on the calendar, having been put on the calendar this morning.

Mr. McCUMBER. I have no objection to the consideration of the bill.

Mr. ROBINSON. It is not on the printed calendar because it was only reported this morning, but I think there will be no objection to the bill.

Mr. McKELLAR. I know of no objection unless it may be that in the event of changing currents or channels the lighthouse property might be needed by the Government. In that event what would happen?

Mr. TOWNSEND. I doubt if it could go back to the Government unless it were abandoned by the American Legion. The lighthouse service contends that there is no need for this particular site for a lighthouse; it has been abandoned for years and is a worthless property at present.

Mr. McKELLAR. How much land is involved?

Mr. TOWNSEND. About 40 acres.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13032) to authorize the sale of the Montreal River Lighthouse Reservation, Mich., to the Gogebic County board of the American Legion, Bessemer, Mich., which was read, as follows:

Be it enacted, etc., That the Secretary of Commerce, for and on behalf of the United States, is hereby authorized and directed, in his discretion, to sell and convey to the Gogebic County board of the American Legion, Bessemer, Mich., for the sum of $1, that certain piece or parcel of land known as the Montreal River Lighthouse Reservation, Mich., with all the rights, easements, and appurtenances thereto belonging, which is all that parcel of land situate at the mouth of the Montreal River in the county of Gogebic, State of Michigan, comprising lot 2, section 10, township 48 north, range 49 west, and containing 40.85 acres, more or less, the same being no longer required for lighthouse purposes: *Provided*, That said Gogebic County board of the American Legion shall use this site for park purposes and as a home for invalid members of the American Legion: *Provided further*, That the deed of conveyance shall be upon the express condition that if at any time the Secretary of Commerce shall determine that the site hereby authorized to be conveyed is not being maintained by the said Gogebic County board of the American Legion as a site for park purposes and as a home for invalid members of the American Legion, and shall file and cause to be recorded a certificate to that effect in the office of the official custodian of the records pertaining to real estate in the county of Michigan in which said lands are located, then the estate thereby conveyed shall immediately terminate and revert to the United States, which may thereupon reenter into and upon said premises as of its first and former estate.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

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

INDEMNITY LAND SELECTIONS IN WYOMING.

Mr. WARREN. Mr. President, I am compelled to leave the Chamber to attend a very important committee meeting. There is a little House bill on the calendar which is designed to save a man's homestead. The bill embraces only a few lines, and was reported to the Senate this morning. I ask unanimous consent for the consideration of the bill (H. R. 11637) authorizing the Secretary of the Interior to approve indemnity selections in exchange for described granted school lands.

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

Mr. KING. What is the calendar number of the bill?

Mr. WARREN. It is not on the printed calendar, having been reported only this morning.

The PRESIDING OFFICER. The Chair is advised that the bill will be at the desk in a moment.

Mr. KING. Pending the receipt of the bill referred to by the Senator from Wyoming, I suggest that he make a brief explanation of the measure. Time is very valuable.

Mr. WARREN. Mr. President, this farmer settled on a homestead, on what was known as section 35, under the surveys of the United States. It seems that years afterwards a resurvey was made, and it was found that he was on section 36. The department, therefore, has asked that this bill be passed, so that the State can have other lands in place of section 36. The man has built a house costing a matter of fourteen or fifteen hundred dollars, and he will lose it unless he is relieved by the passage of this bill.

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

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

Be it enacted, etc., That upon the selection by the State of Wyoming under the provisions of sections 2275 and 2276, United States Revised Statutes, as amended by the act of February 28, 1891 (26 Stat. p. 796), and in accordance with the regulations of the Department of the Interior governing such selections of other lands approximately equal in area in exchange for tract numbered 60, township 56 north, of range 69 west, of the sixth principal meridian in that State, which is a segregation by resurvey of granted school section 36 in said township, the Secretary of the Interior is hereby authorized to convey title to the State for the land so selected if found regular.

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

NORTHROP BANKS.

The bill (S. 1194) for the relief of Northrop Banks was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 1, line 11, after the word "duty," to insert a colon and the words "*Provided*, That no back pay, bounty, or other emoluments shall accrue prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon soldiers who have been honorably discharged by reason of disability incurred in line of duty, Northrop Banks, private, Company C, Second Regiment Missouri National Guard Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment by reason of disability incurred in the line of duty: *Provided*, That no back pay, bounty, or other emoluments shall accrue prior to the passage of this act.

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

Mr. KING. Mr. President, without an explanation of the bill I shall object.

The PRESIDING OFFICER. The Chair hears no objection.

Mr. KING. I will object, then, Mr. President.

Mr. ROBINSON. Mr. President, I hope the Senator will not object.

Mr. KING. I withhold the objection.

Mr. ROBINSON. The bill is in the usual form that such measures take. This young man, as shown by the evidence submitted to the committee, was physically disabled while in the military service. He was in a very serious condition from sunstroke or heat prostration while in the Federal service, and was discharged without evidence in the record of his disability. The record of the War Department does not show that he suffered such disability, but the facts unquestionably are that he was

in a very serious condition as a result of what is commonly known as sunstroke. The bill is in the form recommended by the Assistant Secretary of War. I hope there will be no objection to its consideration.

Mr. KING. As I understand, the purpose is to place this man's name upon the rolls so that he may be entitled to a pension. Is that the object of it?

Mr. ROBINSON. So that he may have the benefits of a pension, or similar relief.

Mr. KING. Does it appear now as if he were a deserter, according to the record?

Mr. ROBINSON. No. The bill also provides that no back pay, bounty, or other emoluments shall accrue, as is the usual form in such bills.

Mr. KING. May I inquire of the Senator if he was in the service and was discharged as suffering from disability or subsequently became ill, and his disability was traceable to the service, whether he would be entitled to a pension under existing law?

Mr. ROBINSON. Yes; but the record, as I have already stated, shows that while he was discharged, his discharge does not disclose his disability; but the disability in fact existed, beyond doubt, according to the proof submitted to the committee.

Mr. KING. Let me say to the Senator, as I understand the law, that even if the discharge showed no disability it would not be conclusive, and proof to the satisfaction of the medical officers that he was suffering from the disability at the time of his discharge would entitle him to compensation.

Mr. ROBINSON. I think not, under the existing law. A disability must be proved to have arisen in the service. The soldier must have more than 10 per cent of disability upon his discharge in order to recover any emoluments as the result of his service.

Mr. KING. Would my friend, to whose wishes I desire to subscribe, consent to let it go over?

Mr. ROBINSON. The bill was presented by the Senator from Missouri [Mr. REED]. I think it is a much better bill than many similar bills that have passed the Senate, for the reason that the evidence is absolutely conclusive, in my judgment, that the disability did, in fact, arise during the soldier's service, and the failure of it to appear in his record in the War Department is due to no fault of his. Of course, if the Senator desires to object, he is entirely at liberty to do so.

Mr. KING. Mr. President, I shall ask that the bill be temporarily laid aside.

The PRESIDING OFFICER. There is objection, and the Secretary will state the next bill on the calendar.

BILL PASSED OVER.

The bill (S. 4282) for the purchase of the statue "The Pilgrim Mother and Child of the Mayflower" and presentation of same to the Government of Great Britian was announced as next in order.

Mr. BRANDEGEE. Let that go over.

Mr. McCUMBER. Mr. President, do I understand that there is objection to the consideration of that bill?

The PRESIDING OFFICER. The Chair so understood.

Mr. BRANDEGEE. I object.

Mr. McCUMBER. Very well, Mr. President.

W. H. POWER.

The bill (S. 4156) authorizing the accounting officers of the General Accounting Office to settle the accounts of W. H. Power, was announced as next in order.

Mr. KING. I reserve the right to object. Let the bill be read.

The PRESIDING OFFICER. The bill will be read.

The bill was read, as follows:

Be it enacted, etc., That the accounting officers of the General Accounting Office are hereby authorized and directed to allow, in the settlement of the accounts of W. H. Power, disbursing officer of the United States Fuel Administration, credit for payments not ordinarily allowable under the statutes made during the period April 1, 1918, to June 30, 1919, on properly certified and approved pay rolls and vouchers without fraud or negligence on his part.

Mr. KING. That is a very extraordinary measure, and unless there is some explanation I shall feel constrained to object to its consideration.

Mr. CAPPER. Mr. President, the purpose of the bill is simply to permit Power, who was disbursing officer for the United States Fuel Administration, to draw his salary at this time as an officer of the Veterans' Bureau. In the meantime his accounts are still awaiting final settlement, and can not be disposed of finally for probably a year or two; but under a provision of the law the auditor or comptroller can not issue warrants for his salary.

This matter comes up here from the Comptroller General, and it has the approval of all the departments of the Government that are concerned in it. The Senator will find at the bottom of page 3 of the report a statement from Mr. Garfield, the United States Fuel Administrator, certifying to the justice of the legislation asked for. It is simply to correct a bookkeeping difficulty, and permit this man to draw his salary. No one questions that he rendered faithful service, and that his accounts were correct, and that in the final settlement nothing should be charged against him.

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

Mr. KING. Mr. President, I shall not object, but I shall vote against the bill. I want to call attention to the fact that the language goes further than the intimation of the Senator. It authorizes the disbursing officer to receive "credit for payments not ordinarily allowable under the statutes made during the period April 1, 1918, to June 30, 1919." We do not know what those payments are. Of course, if there were some tangible evidence indicating what the payments are, it would be different; but we do not know. We are utterly at a loss to know what is comprised within this suggestion.

Mr. CAPPER. Let me call the Senator's attention to the statement of the Fuel Administrator, Mr. Garfield, in which he says:

> I believe you to be above reproach in the handling of the funds intrusted to you, and, as I understand the matter, the disallowances which stand against you to-day are on account of salaries paid to various persons employed by the Fuel Administration upon properly certified and approved pay rolls and vouchers.
>
> I suggest that you call to the attention of the Committee on Claims the organization of the business management of the Fuel Administration and the powers of his several officials found on pages 6 and 7 of the final report of the business manager. Authority and responsibility were distributed with careful attention to the requirements of the law. Pay-roll vouchers originated in the accounting section. I am sure that our records will show that you paid no pay-roll voucher that had not been approved by Mr. Garnsey or me, and our approval was invariably conditioned upon the approval and signature of the officials responsible for examination and approval, as set forth in the report above referred to. It was your duty to pay vouchers transmitted to you by the proper administrative officers after the same had been received, examined, and approved by them. All of this is, as I understand it, in accordance with the law and rules concerning the duty of disbursing clerks, which limit your responsibility to an examination of pay rolls and vouchers to determine that there is no apparent error on the face of the papers before you. I do not understand that it was your duty to inquire into the validity of the appointment of employees of the Fuel Administration.

Mr. KING. Mr. President, will the Senator accept an amendment? I understand that $2,775.12 is the amount due as salary.

Mr. CAPPER. That is it.

Mr. KING. I move to amend by adding, after the word "payments," in line 6, the words "not exceeding $2,775.12."

Mr. CAPPER. The amendment is satisfactory.

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

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

The PRESIDING OFFICER. The amendment offered by the Senator from Utah will be stated.

The ASSISTANT SECRETARY. It is proposed to add, after the word "payments," in line 6, the words "not exceeding $2,775.12."

The amendment was agreed to.

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

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

BILL PASSED OVER.

The bill (S. 3023) for the relief of Robert F. Hamilton was announced as next in order.

Mr. KING. Mr. President, the Senator from South Carolina [Mr. DIAL] has just been called from the Chamber, and he asked me, if this bill came up, to ask that it go over until he returns.

Mr. HARRELD. Mr. President, the Senator simply asks that it go over until the Senator from South Carolina comes back?

Mr. KING. Until his return; yes.

Mr. HARRELD. That will be all right.

The PRESIDING OFFICER. The bill will be temporarily passed over.

ESTABLISHMENT OF STANDARD GRADES OF NAVAL STORES, ETC.

The bill (S. 1076) establishing standard grades of naval stores, preventing deceptions in transactions in naval stores, regulating traffic therein, and for other purposes, was announced as next in order.

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

Mr. HARRISON. Mr. President, may I say to the Senator from Washington that this is a bill that has been pending for two years. I introduced it. This bill applies purely to turpentine and rosin. There was some difference of opinion among the Senators representing the turpentine section of the country. We have all gotten together now. The Department of Agriculture recommends this action; the varnish and paint people recommend it; every turpentine and rosin concern indorses it; everybody is together on the matter. It merely prevents cheating and defrauding in the sale of turpentine and rosin.

Mr. JONES of Washington. Mr. President, my recollection is that when this bill was up for consideration once before——

Mr. HARRISON. This bill never has been up before. This bill carries a substitute that is indorsed by everybody who is interested in the matter.

Mr. JONES of Washington. I know that a bill of this kind was reached on the calendar some little time ago, and I think the Senator from Massachusetts [Mr. LODGE]——

Mr. HARRISON. No; that was a question about cooperative marketing with respect to rosin and turpentine.

Mr. JONES of Washington. No; it was relating to naval stores.

Mr. HARRISON. Well, it came up in that matter. It said "naval stores," and I amended it to make it read "producers of turpentine and rosin."

Mr. JONES of Washington. So this is satisfactory to the Senator from Massachusetts?

Mr. HARRISON. Oh, I am sure he has no objection. No one could have any objection to this bill.

Mr. JONES of Washington. I have not any objection if he has not.

Mr. HARRISON. I am very anxious to get the bill passed. I may say, too, that it was unanimously reported out of the committees of the Senate and of the House, and is now on the calendar in the House. I am very anxious to have it passed.

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

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

That, for convenience of reference, this act may be designated and cited as "The naval stores act."

SEC. 2. That, when used in this act—

(a) "Naval stores" means spirits of turpentine and rosin.

(b) "Spirits of turpentine" includes gum spirits of turpentine and wood turpentine.

(c) "Gum spirits of turpentine" means spirits of turpentine made from gum (oleoresin) from a living tree.

(d) "Wood turpentine" includes steam distilled wood turpentine and destructively distilled wood turpentine.

(e) "Steam distilled wood turpentine" means wood turpentine distilled with steam from the oleoresin within or extracted from the wood.

(f) "Destructively distilled wood turpentine" means wood turpentine obtained in the destructive distillation of the wood.

(g) "Rosin" includes gum rosin and wood rosin.

(h) "Gum rosin" means rosin remaining after the distillation of gum spirits of turpentine.

(i) "Wood rosin" means rosin remaining after the distillation of steam distilled wood turpentine.

(j) "Package" means any container of naval stores, and includes barrel, tank, tank car, or other receptacle.

(k) "Person" includes partnerships, associations, and corporations, as well as individuals.

(l) The term "commerce" means commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

SEC. 3. That for the purposes of this act the kinds of spirits of turpentine defined in subdivisions (c), (e), and (f) of section 2 hereof and the rosin types heretofore prepared and recommended under existing laws, by or under authority of the Secretary of Agriculture, are hereby made the standards for naval stores until otherwise prescribed as hereinafter provided. The Secretary of Agriculture is authorized to establish and promulgate standards for naval stores for which no standards are herein provided, after at least three months' notice of the proposed standard shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same. No such standard shall become effective until after three months from the date of the promulgation thereof. Any standard made by this act or established and promulgated by the Secretary of Agriculture in accordance therewith may be modified by said Secretary whenever, for reasons and causes deemed by him sufficient, the interests of the trade shall so require, after at least six months' notice of the proposed modification shall have been given to the trade, so far as practicable, and due hearings or reasonable opportunities to be heard shall have been afforded those favoring or opposing the same; and no such modification so made shall become effective until after six months from the date when made.

The various grades of rosin, from highest to lowest, shall be designated, unless and until changed, as hereinbefore provided, by the following letters, respectively: X, WW, WG, N, M, K, I, H, G, F, E, D, and B, together with the designation "gum rosin" or "wood rosin," as the case may be.

The standards herein made and authorized to be made shall be known as the "Official naval stores standards of the United States," and may be referred to by the abbreviated expression "United States standards," and shall be the standards by which all naval stores in commerce shall be graded and described.

SEC. 4. That the Secretary of Agriculture shall provide, if practicable, any interested person with duplicates of the official naval stores standards of the United States upon request accompanied by tender of satisfactory security for the return thereof, under such regulations as he may prescribe. The Secretary of Agriculture shall examine, if practicable, upon request of any interested person, any naval stores and shall analyze, classify, or grade the same on tender of the cost thereof as required by him, under such regulations as he may prescribe. He shall furnish a certificate showing the analysis, classification, or grade of such naval stores, which certificate shall be prima facie evidence of the analysis, classification, or grade of such naval stores and of the contents of any package from which the same may have been taken, as well as of the correctness of such analysis, classification, or grade and shall be admissible as such in any court.

SEC. 5. That the following acts are hereby declared injurious to commerce in naval stores and are hereby prohibited and made unlawful:

(a) The sale in commerce of any naval stores, or of anything offered as such, except under or by reference to United States standards.

(b) The sale of any naval stores under or by reference to United States standards which is other than what it is represented to be.

(c) The use in commerce of the word "turpentine" or the word "rosin," singly or with any other word or words, or of any compound, derivative, or imitation of either such word, or of any misleading word, or of any word, combination of words, letter or combination of letters, provided herein or by the Secretary of Agriculture to be used to designate naval stores of any kind or grade, in selling, offering for sale, advertising, or shipping anything other than naval stores of the United States standards.

(d) The use in commerce of any false, misleading, or deceitful means or practice in the sale of naval stores or of anything offered as such.

SEC. 6. That any person willfully violating any provision of section 5 of this act shall on conviction, be punished for each offense by a fine not exceeding $5,000 or by imprisonment for not exceeding one year, or both.

SEC. 7. That the Secretary of Agriculture is hereby authorized to purchase from time to time in open market samples of spirits of turpentine and of anything offered for sale as such for the purpose of analysis, classification, or grading and of detecting any violation of this act. He shall report to the Department of Justice for appropriate action any violation of this act coming to his knowledge. He is also authorized to publish from time to time results of any analysis, classification, or grading of spirits of turpentine and of anything offered for sale as such made by him under any provision of this act.

SEC. 8. That there are hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, such sums as may be necessary for the administration and enforcement of this act, and within the limits of such sums the Secretary of Agriculture is authorized to employ such persons and means and make such expenditures for printing, telegrams, telephones, books of reference, periodicals, furniture, stationery, office equipment, travel and supplies, and all other expenses as shall be necessary in the District of Columbia and elsewhere.

SEC. 9. That if any provisions of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 10. That this act shall become effective at the expiration of 90 days next after the date of its approval.

The amendment was agreed to.

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

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

WESTERN JUDICIAL DISTRICT OF TEXAS.

The bill (H. R. 6423) to detach Pecos County, in the State of Texas, from the Del Rio division of the western judicial district of Texas and attach same to the El Paso division of the western judicial district of said State, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That Pecos County, in the State of Texas, be, and the same is hereby, detached from the Del Rio division of the western judicial district of the State of Texas and attached to and made a part of the El Paso division of the western judicial district of said State.

SEC. 2. That all process against persons residents in said county of Pecos and cognizable before the United States district court shall be issued out of and made returnable to said court at Pecos City, and that all prosecutions against persons for offenses committed in said county of Pecos shall be tried in said court at El Paso or Pecos City: *Provided*, That no civil or criminal cause begun and pending prior to the passage of this act shall be in any way affected by it.

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

AMENDMENT OF REVENUE ACT OF 1921.

The bill (H. R. 13775) to amend the revenue act of 1921 in respect to credits and refunds was announced as next in order.

Mr. McCUMBER. Mr. President, I think there will need to be some explanation of this bill, and I can make it very briefly.

There are two provisions in the bill. The first provision is to meet this situation: The Treasury Department has been unable to keep up with the correction of tax returns for more than five years, in some instances. Therefore they are seeking, through their agents, to have those who are interested in the tax returns for 1917 to waive the five-year limitation, and that is being

generally done by firms and corporations and individuals to enable the office to check up those returns; but, while they have so waived the limitation for the benefit of the Government and given it an additional year, the Government under the law can not grant the individual or the corporation an additional year. This bill has been framed to meet that situation, to give the Government an extra year in which to revise the tax of 1917; and by the provisions of the bill the taxpayer is given the right for another year to file an application for refund, so that it will agree with the law as it now stands, each party being granted an additional year.

Mr. ROBINSON and Mr. POMERENE addressed the Chair.

The PRESIDING OFFICER (Mr. STERLING in the chair). Does the Senator from North Dakota yield; and if so, to whom?

Mr. McCUMBER. I yield first to the Senator from Arkansas.

Mr. ROBINSON. If the law is not amended it will work a hardship upon many taxpayers who, having waived the statute of limitations, will themselves be caused to suffer loss by reason of their own waivers.

Mr. McCUMBER. Yes; that is correct.

Mr. POMERENE. I desire to ask the Senator whether it limits the extension to the taxes for the year 1917?

Mr. McCUMBER. Yes; it is limited only for that one year. The taxes were paid, of course, in 1918, but it was the 1917 tax. The five-year limitation which began in 1918 can not begin until they have filed their claims and will be for the five years beginning in 1918. It is the same as giving an extra year to the Government.

Mr. POMERENE. Is it not likely that the same embarrassments will present themselves when it comes to the consideration of the taxes for the year 1918?

Mr. McCUMBER. No; I understand from the office of Secretary of the Treasury that before another year passes they will have been able to check up all of 1918 and will be caught up with their work, but at present they are not.

That is the first proposition in the bill. The second proposition is one relating to the payment of taxes out of the fund in the hands of the Alien Property Custodian. Under the law since 1913 when the stockholders of a corporation were foreigners, whether alien enemies or not, or not in the jurisdiction of the United States, as well as in other instances, the corporation was required to withhold the dividend due to the stockholder and that dividend is then to be paid by the corporation to the Government; in other words, the corporation becomes surety for the individual stockholder. Now, there are a great many of these corporations.

I say a great many; I suppose perhaps there are less than 100, but there are quite a number in which the stockholders were exclusively alien enemies after 1917. Under the law of 1917 we took possession of all those corporations the majority of whose stock was held by alien enemies and their property was placed in the hands of the Alien Property Custodian. It was ascertained that in many of those instances, instead of paying the taxes which became due to the Government prior to the time of our entry into the war and prior to the time in which we had taken possession of the property, the corporations had paid over the entire dividends to the foreign stockholders, notwithstanding the law which provided that they should retain the amount to settle with the Government where the stockholder was an alien or not in the United States.

After obtaining the property in many instances, the custodian sold all the stock of the foreign corporations either to an American corporation or to American individuals, and in selling the property in many cases nothing was stated in the prospectus concerning any taxes that should have been withheld. In some instances but a very small percentage was spoken of as having been withheld.

Now, as a matter of fact, the purpose of the law was simply that the Government might be sure to collect the taxes from the individual stockholders to whom the dividend was payable. When the——

Mr. McNARY. Mr. President——

Mr. McCUMBER. Just a moment. Allow me to complete the sentence. When the property was sold to American corporations or individuals the Government in some instances then ascertained that the foreign owner of the stock had received the full dividend; that it had not been paid by the corporation and assessed the entire amount against the corporation. The bill provides in the amendment that in those instances in which all the stock was held by alien enemies and the property was sold to Americans or to an American corporation and the money is in the hands of the Government at the present time, the Government shall reimburse itself out of the funds that are in its hands.

Mr. McNARY. Mr. President, a point of order.

Mr. McCUMBER. I am under the five-minute rule, and I want to make my statement before my time is up.

The VICE PRESIDENT. The Senator from Oregon will state the point of order.

Mr. McNARY. The Senator has far exceeded the time allotted to him. There is no objection to his bill, and I do not understand why he does not allow it to pass.

Mr. McCUMBER. I thought I ought to explain it.

Mr. McNARY. Everyone is in favor of the measure. Why not let it pass?

Mr. McCUMBER. If everyone is favorable I am very glad. It ought to go through. I will accept the Senator's suggestion.

There being no objection, the bill was considered as in Committee of the Whole. The amendments of the Committee on Finance were, on page 1, line 5, after the numerals "252," to insert "(a)"; on page 2, in line 13, after the word "taxpayer," to insert: "except in those cases where the taxpayer has, prior to the expiration of five years from the date when the return was due, filed a waiver of his right to have the amount of income, excess-profits or war-profits taxes due for the taxable year 1917 determined and assessed within five years after the return was filed. In case of such waiver, credit, or refund of the tax paid for the taxable year 1917 in excess of that properly due shall be allowed or made if within six years from the date when the return was due a claim therefor is filed by the taxpayer." On line 23, page 2, to strike out "one year" and insert "two years"; on page 3, after line 16, to insert: "(b) That in all cases where income has at any time been received by any person who was or subsequently became an alien enemy, or by any corporation the majority of whose shares of outstanding stock was owned by persons who were or subsequently became enemy aliens and such persons or corporations has failed to pay any taxes payable under any revenue act of the United States, or such taxes have at any time been paid by citizens of the United States or by such corporation after the majority of its outstanding shares of stock has been purchased from the United States or from some officer or official of the United States by citizens of the United States or by a domestic corporation all of whose outstanding shares of stock were owned by citizens of the United States, the Secretary of the Treasury is authorized and directed, any statute of limitations and section 3228 of the Revised Statutes to the contrary notwithstanding, to collect such taxes out of the proceeds of any sales of such shares of stock or other property of such person or corporation, or either of them, which have become deposited in the Treasury of the United States pursuant to law and to refund to such citizens of the United States or to such corporation all taxes so paid by them, or any of them, and charge the amounts so refunded against the proceeds of the sales of such shares of stock or such other property so deposited in the Treasury of the United States: *Provided, however*, That the amounts of such refunds shall not exceed the amounts of such proceeds of the sales of such shares of stock or other property so deposited in the Treasury of the United States pursuant to law: *And provided further*, That if the amounts of such proceeds of the sales of such shares of stock or other property so deposited in the Treasury of the United States pursuant to law are less than the amount of taxes payable under any revenue act of the United States, nothing herein contained, after such proceeds are exhausted, shall be construed to prevent the collection from sources other than such proceeds of any deficiency in such taxes so payable"; and on page 5, in line 5, before the word "where," insert "(c)"; and after line 9, to insert: "(d) that section 3226 of the Revised Statutes, as amended by section 1318 of the revenue act of 1921, is amended by striking out the period at the end of the first paragraph and inserting in lieu thereof the following: 'unless such suit or proceedings is begun within two years after the disallowance in whole or in part of such claim for refund or credit. The commissioner shall within 90 days after any such disallowance notify the taxpayer thereof by mail'"; so as to make the bill read:

Be it enacted, etc., That section 252 of the revenue act of 1921 is amended to read as follows:

"SEC. 252. (a) That if, upon examination of any return of income made pursuant to this act, the act of August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' the act of October 3, 1913, entitled 'An act to reduce tariff duties and to provide revenue for the Government, and for other purposes,' the revenue act of 1916, as amended, the revenue act of 1917, or the revenue act of 1918, it appears that an amount of income, war-profits, or excess-profits tax has been paid in excess of that properly due, then, notwithstanding the provisions of section 3228 of the Revised Statutes, the amount of the excess shall be credited against any income, war-profits, or excess-profits taxes, or installment thereof, then due from the taxpayer under any other return, and any balance of such excess shall be immediately refunded to the taxpayer: *Provided*, That no such credit or refund shall be allowed or made after five years from the date when the return was due, unless

before the expiration of such five years a claim therefor is filed by the taxpayer, except in those cases where the taxpayer has, prior to the expiration of five years from the date when the return was due, filed a waiver of his right to have the amount of income, excess-profits, or war-profits taxes due for the taxable year 1917 determined and assessed within five years after the return was filed. In case of such waiver, credit, or refund of the tax paid for the taxable year 1917 in excess of that properly due shall be allowed or made if within six years from the date when the return was due a claim therefor is filed by the taxpayer, or unless before the expiration of two years from the time the tax was paid a claim therefor is filed by the taxpayer: *Provided further*, That if upon examination of any return of income made pursuant to the revenue act of 1917, the revenue act of 1918, or this act, the invested capital of a taxpayer is decreased by the commissioner, and such decrease is due to the fact that the taxpayer failed to take adequate deductions in previous years, with the result that an amount of income tax in excess of that properly due was paid in any previous year or years, then, notwithstanding any other provision of law and regardless of the expiration of such five-year period, the amount of such excess shall, without the filing of any claim therefor, be credited or refunded as provided in this section: *And provided further*, That nothing in this section shall be construed to bar from allowance claims for refund filed prior to the passage of the revenue act of 1918 under subdivision (a) of section 14 of the revenue act of 1916, or filed prior to the passage of this act under section 252 of the revenue act of 1918.

"(b) That in all cases where income has at any time been received by any person who was or subsequently became an alien enemy, or by any corporation the majority of whose shares of outstanding stock was owned by persons who were or subsequently became enemy aliens and such persons or corporation has failed to pay any taxes payable under any revenue act of the United States, or such taxes have at any time been paid by citizens of the United States or by such corporation after the majority of its outstanding shares of stock has been purchased from the United States or from some officer or official of the United States by citizens of the United States or by a domestic corporation all of whose outstanding shares of stock were owned by citizens of the United States, the Secretary of the Treasury is authorized and directed, any statute of limitations and section 3228 of the Revised Statutes to the contrary notwithstanding, to collect such taxes out of the proceeds of any sales of such shares of stock or other property of such person or corporation, or either of them, which have become deposited in the Treasury of the United States pursuant to law and to refund to such citizens of the United States or to such corporation all taxes so paid by them, or any of them, and charge the amounts so refunded against the proceeds of the sales of such shares of stock or such other property so deposited in the Treasury of the United States: *Provided, however*, That the amounts of such refunds shall not exceed the amounts of such proceeds of the sales of such shares of stock or other property so deposited in the Treasury of the United States pursuant to law: *And provided further*, That if the amounts of such proceeds of the sales of such shares of stock or other property so deposited in the Treasury of the United States pursuant to law are less than the amount of taxes payable under any revenue act of the United States, nothing herein contained, after such proceeds are exhausted, shall be construed to prevent the collection from sources other than such proceeds of any deficiency in such taxes so payable.

"(c) Where a tax has been paid under the provisions of section 221 or 237 in excess of that properly due, any refund or credit made under the provisions of this section or section 3228 of the Revised Statutes shall be made to the withholding agent unless the amount of such tax was actually withheld by the withholding agent.

"(d) That section 3226 of the Revised Statutes, as amended by section 1318 of the revenue act of 1921, is amended by striking out the period at the end of the first paragraph and inserting in lieu thereof the following: 'unless such suit or proceedings is begun within two years after the disallowance in whole or in part of such claim for refund or credit. The commissioner shall within 90 days after any such disallowance notify the taxpayer thereof by mail.'"

The amendments were agreed to.

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

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

The bill was read the third time and passed.

JAMES MORAN.

The bill (S. 3761) for the relief of James Moran was considered as in the Committee of the Whole. The bill had been reported from the Committee on Military Affairs with an amendment, in line 6, to strike out the words "Regiment, Rhode Island," and insert "Company, United States," and, in line 7, after the word "Artillery," to insert the word "Corps," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers James Moran, late corporal in the One hundred and ninth Company, United States Coast Artillery Corps, shall be held and considered to have been honorably discharged from the military service of the United States as a member of Company A, Ninth Regiment United States Infantry: *Provided*, That no back pay, bounty, or other emoluments shall accrue prior to the passage of this act.

The amendments were agreed to.

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

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

MONUMENT AT FORT PIERRE, S. DAK.

The bill (S. 4350) authorizing the Secretary of the Interior to erect a monument at Fort Pierre, S. Dak., to commemorate the explorations and discoveries of the Verendrye brothers, and to expend not to exceed $25,000 therefor, was announced as next in order.

Mr. ROBINSON. Mr. President, I observe that the bill carries an appropriation of $25,000, or at least it seems to carry an appropriation of that amount. I have not had an opportunity to investigate the record to ascertain the facts.

Mr. STERLING. I think the Senator from Arkansas is right. The bill does authorize an appropriation of not exceeding $25,000 for the purpose.

Mr. ROBINSON. I believe the bill had better go over. I ask that it may go over for the present. Probably on Monday it can be taken up if upon examination I find there is no objection to it.

The VICE PRESIDENT. The bill will be passed over.

HENRY B. F. MACFARLAND MEMORIAL.

The bill (S. 4463) to authorize the erection of a memorial monument or fountain as a gift to the people of the United States by the Henry B. F. Macfarland memorial committee was announced as next in order.

Mr. McKELLAR. Let the bill go over.

Mr. KING. Will the Senator withhold his objection just a moment?

Mr. McKELLAR. Certainly.

Mr. KING. I am sure the Senator would not object if he understood the character of the measure. Mr. Macfarland, as we all know, was a very distinguished resident of this city and served as District Commissioner for many years. His services were of such a character as to commend themselves to the public and command the admiration of all. The measure merely provides that the ground for a memorial tablet may be used in conformity with the rules which obtain in the selection of such sites. There is no cost to the Government involved.

Mr. McCUMBER. It involves no expense whatever to the Government?

Mr. KING. None whatsoever, and it is desired by the leading citizens of the community.

Mr. McKELLAR. Under the arrangement that I had with the senior Senator from Delaware [Mr. BALL], all District bills and all bills relating to District matters were to go over until Monday. That is my purpose. I have no objection to the bill myself, but I may desire to offer an amendment to it.

Mr. McCUMBER. I do not think the Senator could properly designate this as a District bill. It is not a bill reported from the District of Columbia Committee.

Mr. KING. It is rather national in character instead of local, because it treats of the Capital rather than the District. If the Senator's agreement extends so far as to include this bill, I shall not ask him to violate it.

Mr. McKELLAR. Under the statement made by the Senators who have just spoken, I shall not offer any objection.

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Chief of Engineers, United States Army, be, and is hereby, authorized and directed to select a suitable site and to grant permission to the Henry B. F. Macfarland memorial committee for the erection, as a gift to the people of the United States, on public grounds of the United States in the city of Washington, D. C., other than those of the Capitol, the Library of Congress, Potomac Park, and the White House, of a monument or memorial fountain to the memory of Henry B. F. Macfarland, one-time president of the Board of Commissioners of the District of Columbia: *Provided*, That the site chosen and the design of the monument or memorial fountain shall be approved by the Joint Library Committee of Congress, with the advice of the Commission of Fine Arts, and shall be erected under the supervision of the Chief of Engineers, and that the United States shall be put to no expense in or by the erection of said monument or memorial fountain.

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

JOINT RESOLUTIONS PASSED OVER.

The joint resolution (S. J. Res. 91) authorizing the President to require the United States Sugar Equalization Board (Inc.) to adjust a transaction relating to 3,500 tons of sugar imported from the Argentine Republic was announced as next in order.

Mr. WADSWORTH. Let the joint resolution go over.

Mr. FRELINGHUYSEN. Is objection made to the present consideration of the joint resolution?

Mr. WADSWORTH. Yes.

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

The joint resolution (S. J. Res. 172) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 2,000 tons of sugar imported from the Argentine Republic and adjust the loss sustained thereby was announced as next in order.

Mr. WADSWORTH. Let the joint resolution go over.

The VICE PRESIDENT. It will be passed over.

The joint resolution (S. J. Res. 277) granting permission for the erection of a monument to symbolize the national game of baseball was announced as next in order.

Mr. McKELLAR. Let the joint resolution go over.

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

ANNIVERSARY OF MONROE DOCTRINE AND DEATH OF JAMES MONROE.

The joint resolution (S. J. Res. 274) to provide for the participation of the United States in the observance of the one hundredth anniversary of the enunciation of the Monroe doctrine and of the ninety-second anniversary of the death of James Monroe, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Library, with an amendment, on page 2, line 3, after the word "hereby," to insert "authorized to be," so as to make the joint resolution read:

Resolved, etc., That there is hereby established a commission to be known as the Monroe Doctrine Centennial Commission (hereinafter referred to as the congressional commission) and to be composed of nine commissioners as follows: Three persons to be appointed by the President, three Senators to be appointed by the President of the Senate, and three Members of the House of Representatives to be appointed by the Speaker of the House of Representatives. The congressional commission shall serve without compensation and shall elect a chairman from among their number.

SEC. 2. (a) That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $122,500, to be expended by the congressional commission in accordance with the provisions of this resolution.

(b) Sixty-seven thousand five hundred dollars of such appropriation may be expended under the direction of the congressional commission and in cooperation with the James Monroe Memorial Association and Foundation, a corporation organized under the laws of the State of New York, and with such other agencies, public or private, as the congressional commission may determine, for the purpose of contributing to (1) the purchase and restoration of the former home of James Monroe in the city of New York, N. Y., as a permanent memorial, and (2) the creation of a memorial foundation the income from which shall be used for purposes of furthering progress, amity, and good will among the peoples of the Pan American Republics.

(c) Fifty-five thousand dollars of such appropriation may be expended under the direction of the congressional commission, in cooperation with the National Committee of Celebration and with such other agencies, public or private, as the congressional commission may determine, for the purpose of (1) participating in a general program of public celebration of the one hundredth anniversary of the enunciation of the Monroe doctrine to be held in New York, N. Y., and Washington, D. C., and in the places of the birth and of the burial of James Monroe; and (2) participating in memorial services to be held in the city of New York, N. Y., on July 4, 1923, the ninety-second anniversary of his death.

SEC. 3. That no expenditures shall be made or authorized by the congressional commission for the purposes of subdivision (b) of section 2, until the James Monroe Memorial Association and Foundation has, as determined by the congressional commission, expended or contracted to expend at least the sum of $67,500 for the same purposes. The United States shall not be held liable for any cost, expense, obligation, or indebtedness on account of maintenance or upkeep of any property in respect to which any expenditure is made by the congressional commission under the provisions of this resolution, nor for any obligation or indebtedness incurred by the James Monroe Memorial Association and Foundation, or any other agency, public or private, or any officer, employee, or agent thereof, for any purpose for which the congressional commission may make expenditures under the provisions of this resolution. All expenditures of the congressional commission shall be allowed and paid upon the presentation of itemized vouchers therefor, approved by the chairman of such commission; but no expenditures shall be made or authorized by the congressional commission except with the approval of a majority of the commisison.

SEC. 4. That the provisions of sections 1 and 2 shall expire December 31, 1924.

The amendment was agreed to.

The joint resolution was reported to the Senate and the amendment was concurred in.

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

BILLS PASSED OVER.

The bill (S. 4478) to promote agriculture by stabilizing the price of wheat was announced as next in order.

Mr. WADSWORTH and Mr. KING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 13880) for the reorganization and improvement of the foreign service of the United States, and for other purposes, was announced as next in order.

Mr. ROBINSON. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3701) for the relief of Blattmann & Co. was announced as next in order.

Mr. ROBINSON. This is an important bill, and I suggest that it go over. It can be considered on Monday in all probability.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4472) to make an investigation of the needs of the Nation for public works to be carried on by Federal, State, and municipal agencies in periods of business depression and unemployment was announced as next in order.

Mr. STERLING. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1847) to amend an act approved February 12, 1901, entitled "An act to provide for eliminating certain grade crossings on the line of the Baltimore & Potomac Railroad Co. in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate part of its railroad therein, and for other purposes," was announced as next in order.

Mr. McKELLAR. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4414) to amend the act of Congress approved September 6, 1922, relating to the discontinuance of the use as dwellings of buildings situated in alleys in the District of Columbia, was announced as next in order.

Mr. McKELLAR. I ask that the bill be passed over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 6650) providing additional terminal facilities in square east of 710 and square 712 in the District of Columbia for freight traffic was announced as next in order.

Mr. McKELLAR. Let the bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

CHARLES B. STRECKER.

The bill (S. 4192) to permit the correction of the general account of Charles B. Strecker, former Assistant Treasurer, United States, was announced as next in order and was read, as follows:

Be it enacted, etc., That the proper accounting officers of the Treasury Department are authorized and directed to examine and state an account of the items of unavailable funds as set forth in Senate Document No. 400, Sixty-sixth Congress, third session, and letter from the Secretary of the Treasury addressed to the President of the Senate, dated February 15, 1921, and to credit the general account of Charles B. Strecker, former Assistant Treasurer of the United States at Boston, Mass., with the amount thereof: *Provided*, That the credit herein authorized shall be made in such manner as to debit the individual or depositary chargeable therewith upon the books of the Treasury Department: *Provided further*, That upon the recovery or payment of any part of said unavailable funds, the same shall be deposited in the Treasury in such manner as to debit the Treasurer of the United States in his general account and to credit the individual or depositary charged therewith upon the books of the Treasury Department.

Mr. KING. I would like to have an explanation of the bill.

Mr. LODGE. Mr. Strecker was the treasurer of the subtreasury in Boston at the time it was discontinued. When the office was closed there was found to be a shortage, owing to the shipment of currency to Washington, of $2,546, and a shortage in the same class of currency which was held and not shipped to Washington under instructions from Washington.

Mr. Strecker, the treasurer at Boston, had nothing to do with the money. It was in the time of the war. The office was in confusion. The shipments of currency were either not received or were not properly acknowledged. The Treasury recommends that Mr. Strecker be reimbursed for the shortage. It is a very clear case. He was in nowise responsible and had nothing to do with it. The matter has been before the Treasury Department and before the committee, and they have all agreed that he ought to be relieved.

Mr. KING. Does the Senator know from the evidence where the fault was, because obviously there was a loss to the Government to the amount carried in the bill.

Mr. LODGE. If the Senator will spare the time, I will give all the details.

Mr. KING. Oh, no; I do not ask that.

Mr. LODGE. As I said, Mr. Strecker did everything he could. They were very short as to the matter of employees. In his letter to the Secretary of the Treasury Mr. Strecker said:

Personally I gave every attention possible to the work of the office, although I had no physical contact with the moneys, depending entirely upon the force of employees as I found them when I took the office, or as I was able to maintain it under the existing regulations and long-established custom, to do the work in an efficient and honest manner.

Then he details the shortages. The passage of the bill is recommended, in the first place, by Mr. Gilbert, Acting Secretary. It is then recommended by Secretary Mellon. The last recommendation is addressed to a Member of the House of Representatives and is dated February 9, 1923. Mr. White, the treasurer, states:

In response to your request of this date for a report covering the shortage in the subtreasury at Boston, discovered in October, 1920, and for which a bill is pending before your committee for the relief of the assistant treasurer for this shortage, beg to say that I have gone over this case with Mr. Moran, Chief of the Secret Service of the Treasury Department, and have read and studied the files of his office covering the investigation of the case.

I am satisfied that the loss was not due to the dishonesty or negligence of the assistant treasurer. The investigation of the Secret Service seems to me to have been quite thorough, and every person connected with the subtreasury at that time who could possibly have been guilty was carefully investigated. All evidence secured was submitted to the United States attorney of that district and by him submitted to the Federal grand jury. This grand jury, after going into the case, did not find evidence sufficient to warrant an indictment. The Secret Service has since that time continued its investigation, but the probability of ever running down the guilty parties is quite remote.

This loss was discovered when the money in the subtreasury was checked up preparatory to its being turned over to the Federal reserve bank. Two packages of gold certificates, each supposed to contain 100 $100 bills, were found to each contain 25 $100 bills and 75 $10 bills, making the shortage $13,500. The straps on the money show that these packages were last counted January, 1918, at which time they were placed in the reserve vault. This vault was in custody of two trusted men, neither one of whom could get into the vault alone. It is, however, probable that this substitution was made by some one while these two men were temporarily out of the vault, after having opened it. Neglect on the part of the assistant treasurer would seem to be indicated by the fact that this money was not properly checked and counted for a period of two years and nine months. This is perhaps excused by the fact that there was a large increase in the work and that it was almost impossible to obtain a sufficient number of capable and trustworthy employees during the war.

Mr. Mellon in his letter states:

Therefore there is inclosed herewith a draft of legislation deemed appropriate to the case, proposing an appropriation of $15,956, which, if granted, will accomplish the object of the bill and enable the accounting officers to properly allow the necessary credits.

Mr. Strecker was entirely innocent in the matter, but he had to bear the whole burden.

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

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

SOUTHERN TRANSPORTATION CO.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7010) for the relief of Southern Transportation Co., which was read as follows:

Be it enacted, etc., That the claim of Southern Transportation Co., a corporation organized under the laws of the State of New Jersey, and doing business in the State of Virginia, owners of the barge *Moccasin*, against the United States for damages alleged to have been caused by collision between the said barge *Moccasin* and the United States Navy lighter *No. 462* in tow of Navy tug *Kewaydin* in Hampton Roads, Va., on the 5th day of October, 1920, may be sued for by the said Southern Transportation Co. in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and 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 said Southern Transportation Co. or against the said Southern Transportation Co. 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 suit shall be brought and commenced within four months from the date of the passage of this act.

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

CHARLES W. MUGLER.

The bill (S. 4179) for the relief of Charles W. Mugler was announced as next in order.

Mr. SWANSON. The House of Representatives has passed a bill, which is now on the desk, which is similar in nature. I ask that the House bill may be substituted for the Senate bill.

The VICE PRESIDENT. Without objection, it is so ordered. The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 370) for the relief of Charles W. Mugler, which was 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.

Mr. KING. Will the Senator from Virginia make an explanation of the bill?

Mr. SWANSON. Charles W. Mugler was postmaster at Newport News during the World War. The patrons of that office increased from 20,000 to 200,000 during that time, and the receipts from $80,000 to $400,000 per annum. There was a great expansion of postal activities at that place. On account of its being the embarkation point for all our troops, the post-office business was very greatly increased. A great many clerks were transferred from other sections of the country in order to carry on the postal work there. The postmaster at that place could not name them, because they were under civil service. A clerk was transferred from Martinsville, Va., down to one of the extra substations which were created. That clerk absconded. He had given bond at Martinsville, Va., to cover a loss of $3,000, but on examination it was found that that bond did not cover his postal activities at the substation to which he had been transferred.

Mr. KING. So he was not bonded for those specific duties?

Mr. SWANSON. That is correct.

Mr. KING. That explanation is satisfactory to me.

Mr. SWANSON. The Post Office Department stated that this bill ought to pass because the loss occurred on account of the increased activities incident to the World War, and the postmaster at Newport News could not give the personal inspection to the business which he might have given had he been less pressed with business.

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

The VICE PRESIDENT. Without objection, Senate bill 4179 will be indefinitely postponed.

AMERICAN SCHOONER "MOUNT HOPE."

The bill (S. 4493) for the relief of the owners of the American schooner *Mount Hope* was announced as next in order.

Mr. CALDER. Mr. President, a bill of almost similar character passed the House of Representatives on yesterday. The change made in the House bill from the Senate bill is to provide that in the suit in the eastern district court the plaintiff shall not be allowed to collect demurrage. I ask unanimous consent to substitute the House bill for the Senate bill.

The VICE PRESIDENT. The House bill to which the Senator from New York refers has not yet been reported from the committee.

Mr. CALDER. I understand that the House bill was sent over from that body to the Senate on yesterday.

The VICE PRESIDENT. But the Chair is informed that the bill has been referred to the Committee on Claims?

Mr. CALDER. I ask unanimous consent that the Committee on Claims be discharged from further consideration of the bill, and that it be substituted for the pending Senate bill.

Mr. McKELLAR. Mr. President, before consent is granted for the Senator's request, I should like to understand the difference between the two bills.

Mr. CALDER. The bill which is on the Senate Calendar and the bill passed by the other House give permission to the owners of the American schooner *Mount Hope* to sue the Government in the eastern district of New York. The House bill, however, contains a provision prohibiting the owners of the vessel from claiming demurrage. Of course, that will reduce their claim by more than one-half. Under the terms of the bill, as I introduced it in the Senate, and as it was reported from the Committee on Claims, if the owners of the vessel could have maintained their claim they could have collected demurrage. In the form in which the bill passed the other House they can not do so. I propose that the Senate shall agree to the House provision.

The VICE PRESIDENT. Without objection, the Committee on Claims is discharged from the further consideration of the bill; and without objection, the House bill will be substituted for the Senate bill.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14249) for the relief of the owners of the American schooner *Mount Hope*, which was read, as follows:

Be it enacted, etc., That the claim of the owners of the American schooner *Mount Hope* against the United States for damages and loss alleged to have been caused by the collision of said vessel with the United States steamship *Navesink*, off Pollocks Rip Lightship, on November 21, 1916, may be sued for by the said owners of the American schooner *Mount Hope* in the district court of the United States for the eastern 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 to the extent only of such damages suffered other than claims for demurrage to said vessel and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the American schooner *Mount Hope* or against said owners in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

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

The VICE PRESIDENT. In the absence of objection, Senate bill 4493 will be postponed indefinitely.

RELIEF OF UNEMPLOYMENT.

Mr. FRELINGHUYSEN. I would like to ask unanimous consent to return to Order of Business 1116, being the bill (S. 4472) to make an investigation of the needs of the Nation for public works to be carried on by Federal, State, and municipal agencies in periods of business depression and unemployment, which was passed over while my attention was called elsewhere.

Mr. ROBINSON. I suggest to the Senator from New Jersey, in view of the fact that an objection was made when this bill was called, that he let the matter go over until the next call of the calendar, which will occur on Monday, or, at least, until the end of the calendar shall have been reached.

Mr. FRELINGHUYSEN. If the Senator will reserve his objection until I can make a statement, I desire to say that that bill is of very great interest to a group of men in my section who have studied the question of unemployment.

I have a resolution from the Brooklyn Chamber of Commerce which I ask unanimous consent to file. With this statement I reserve the consideration of the motion to consider the bill until Monday, and I hope the Senate at that time will take it up. It is a very important question.

The VICE PRESIDENT. Without objection, the communication from the Brooklyn Chamber of Commerce will be received and printed.

STANDARD FOR BUTTER.

The bill (H. R. 12053) to define butter and to provide a standard therefor was announced as next in order.

Mr. KING. Mr. President, there are a number of Senators who wish to be here when that bill is considered who are now absent. I ask that the bill go over until Monday.

Mr. STERLING. Mr. President, this bill is practically the same as is Order of Business 847, being the bill (S. 3858) to define butter and to provide a standard therefor.

Mr. ROBINSON. Objection having been made to consideration of the bill, I suggest to the Senator from South Dakota to let the matter go over.

Mr. STERLING. I should like to make a brief statement as to the status of the bill, and I do not see why there should be any objection to my doing so.

Mr. ROBINSON. The same reason applies to a discussion of the bill that applies to its consideration, I will say to the Senator. I do not wish to object to a brief statement, but the Senator from South Dakota realizes that there are a number of other bills on the calendar which have never yet been called.

Mr. STERLING. I know that.

Mr. ROBINSON. And the present arrangement contemplates, if possible, the consideration of all unobjected bills on the calendar.

Mr. McKELLAR. I desire to say that the Senator from Alabama [Mr. UNDERWOOD] has an objection to this bill, and I know he desires to be present when it is considered.

Mr. STERLING. Very well; I do not wish to shut off any Senator from being present when the bill is considered.

The VICE PRESIDENT. Being objected to, the bill will go over.

KAW INDIAN LANDS IN OKLAHOMA.

The bill (S. 4544) to authorize the extension of the period of restriction against alienation on surplus lands allotted to minor members of the Kansas or Kaw Tribe of Indians in Oklahoma was announced as next in order.

The bill was read as follows:

Be it enacted, etc., That the period of restriction against alienation on surplus lands allotted to minor members of the Kansas or Kaw Tribe of Indians in Oklahoma, under the provisions of the agreement with said tribe of Indians as ratified and confirmed by the act of Congress of July 1, 1902 (32 Stat. L. p. 636), be, and is hereby, extended for a period of 25 years from the date of the approval of this act in all cases where the allottees have not reached the age of majority.

Mr. KING. I should like to ask the Senator from Kansas whether that is the measure in which the Senator from Wisconsin [Mr. LA FOLLETTE] is interested?

Mr. CURTIS. No; this is a bill of which he is in favor, and he voted to report it out of the committee.

Mr. KING. This is not the omnibus bill?

Mr. CURTIS. No.

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

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

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

THEMIS CHRIST.

The bill (H. R. 8046) for the relief of Themis Christ was announced as next in order.

The Secretary read the bill, as follows:

Be it enacted, etc., That the provisions of the act approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes," are hereby extended to Themis Christ for loss of his left leg while employed in the Naval Auxiliary Service, as a result of the wreck of the U. S. S. *Hector* in the year 1916, and that he be paid such sums to date from the passage of this act as would properly be due him within the provisions of section 4 of the said act of September 7, 1916. The United States Employees' Compensation Commission is hereby authorized and directed to make payments in compliance with the terms of the said act of September 7, 1916, and in accordance with the rules and regulations of said commission. Any money in the United States Treasury not otherwise appropriated is hereby appropriated for the purpose of this act.

Mr. KING. May I inquire of the Senator from Vermont why under the present law, without supplementary legislation, this injured person may not be compensated? Did the accident occur before the compensation act was passed?

Mr. PAGE. I think it was reported to us that some legislation was necessary. I have the facts before me as contained in the report.

Mr. KING. I have read the report to the effect that he was injured and suffered the amputation of his leg as a result of the injury, but there is nothing to indicate that the accident occurred prior to the passage of the compensation act.

Mr. PAGE. I read from the letter of the Secretary of the Navy:

> The purpose of this bill is to extend the provisions of the act approved September 7, 1916, entitled "An act to provide compensation for employees of the United States receiving injuries in the performance of their duties, and for other purposes," which includes employees of the Naval Auxiliary Service, to this case.
>
> After careful consideration of all the facts and circumstances of this case, the department recommends that the bill (H. R. 8046) be enacted.

It is apparently an extraordinarily meritorious case, and the facts are very strong.

Mr. KING. I am not questioning the propriety of granting the relief, but my understanding is that the man was injured after the passage of the compensation law, and I was wondering, if that were true, why it was necessary to pass this proposed act?

Mr. PAGE. I only know that the Secretary of the Treasury says that the purpose of the bill is to extend the provisions of the act so that it may include this case.

Mr. KING. I shall not object to the passage of the bill, but I shall move to reconsider the vote by which it shall be passed so as to give me an opportunity to look into it.

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

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

Mr. KING. I now move to reconsider the vote by which the bill was passed.

Mr. PAGE. May I ask the Senator a question? Has he studied the enormities of this injury?

Mr. KING. I have said to the Senator that I think the man is entitled to the relief, but I wanted to know why he could not get it under existing law. I move to reconsider the vote by which the bill was passed, in order that I may investigate the matter; and on Monday, if I find the views of the Senator are correct and my surmise is correct, I shall withdraw my motion.

Mr. JONES of Washington. Let me suggest to the Senator that in the bill itself it is stated that this man was injured in the wreck of the United States ship *Hector* in the year 1916. The compensation act was not passed until September, 1916, so I think we are safe in assuming that this wreck occurred before that time.

Mr. KING. I understood the wreck occurred in 1917.

Mr. JONES of Washington. No; it occurred in 1916.

Mr. KING. I withdraw my motion to reconsider the vote by which the bill was passed.

The VICE PRESIDENT. The motion to reconsider is withdrawn, and the bill stands passed.

A. E. ACKERMAN.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6358) authorizing the accounting officers of the Treasury to pay to A. E. Ackerman the pay and allowances of his rank for services performed prior to the approval of his bond by the Secretary of the Navy.

It proposes to pay to A. E. Ackerman, late lieutenant (junior grade), Supply Corps, United States Naval Reserve Force, the pay and allowances of his rank for the period he performed active duty in the third naval district prior to the approval of his bond by the Secretary of the Navy.

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

JOINT COMMISSION OF GOLD AND SILVER INQUIRY.

Mr. CALDER. I ask unanimous consent, out of order, to submit a report. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with amendments, the concurrent resolution (S. Con. Res. 37) creat-

ing a joint commission, to be known as the joint commission of gold and silver inquiry, which shall consist of five Senators, to be appointed by the President of the Senate, and five Representatives, to be appointed by the Speaker.

Mr. WALSH of Montana. I ask unanimous consent for the present consideration of the concurrent resolution. It provides for the appointment of a joint commission to investigate, among other things, the causes of the decline in the production of gold and silver in the United States.

The VICE PRESIDENT. Is there objection?

Mr. WADSWORTH. I should like to hear the concurrent resolution read.

The VICE PRESIDENT. The resolution will be read.

The reading clerk read the concurrent resolution.

Mr. WALSH of Montana. Mr. President, in connection with the concurrent resolution I desire to offer for the RECORD a statement showing the extraordinary reduction in the production of gold and silver in the United States since the year 1915. I give the aggregates only.

In 1915 our production of gold was $101,035,700; in 1922 but $49,096,000, a reduction of 51.41 per cent. In the case of silver our production in 1915 was $74,961,075; in 1921 it was but $53,052,441, a decrease of 29.23 per cent.

I offer these statements and ask unanimous consent that they be published in the RECORD.

The VICE PRESIDENT. Without objection, that order will be made.

The matter referred to is as follows:

Gold production in the United States by States,[1] 1915, 1921, and 1922.

State.	1915	1921	1922[2]	Decrease, 1922 from 1915.	Per cent of decrease, 1922 from 1915.	Increase (+) decrease (−), 1922 from 1921.	Per cent of increase (+), decrease (−), 1922 from 1921.
					Per cent.		*Per cent.*
Alaska	$16,710,000	$7,998,500	$7,871,200	$8,838,800	52.90	−$127,300	−1.59
Arizona	4,555,900	3,317,800	3,304,800	1,251,100	27.46	−13,000	−0.39
California	22,547,400	15,061,300	14,829,100	7,718,300	34.23	−232,200	−1.54
Colorado	22,530,800	7,347,800	6,518,100	16,012,700	71.07	−829,700	−11.30
Idaho	1,170,600	542,200	482,800	687,800	58.75	−59,400	−10.89
Montana	4,978,300	1,725,000	1,511,100	3,467,200	69.65	−214,500	−12.46
Nevada	11,883,700	3,220,500	3,228,900	8,654,800	72.83	+8,400	+0.25
New Mexico	1,460,100	203,100	332,200	1,127,900	77.26	+129,100	+63.56
Oregon	1,867,100	815,600	477,400	1,389,700	74.45	−338,200	−41.42
South Dakota	7,403,500	6,523,000	6,711,100	692,400	9.35	+188,100	+2.88
Utah	3,907,900	1,894,300	2,226,800	1,681,100	43.01	+332,500	+17.55
Washington	461,600	151,100	188,500	273,100	59.09	+37,400	+24.75
Other States and possessions	1,558,800	1,266,500	1,414,000	144,800	9.30	+147,500	+11.65
Total	101,035,700	50,067,300	49,096,000	51,939,700	51.41	−971,300	−1.94

[1] U. S. Mint Reports.
[2] Preliminary estimate of the Bureau of the Mint in cooperation with the Geological Survey.
Table compiled and computed by H. N. Lawrie, managing director American Gold and Silver Institute.

Silver production in the United States by States,[1] 1915, 1921, and 1922.

FINE OUNCES.

State.	1915	1921	1922[2]	Increase (+) or decrease (−), 1921 from 1915.	Per cent of increase (+), decrease (−), 1921 from 1915.
					Per cent.
Alaska	1,054,634	753,999	652,251	−300,635	−28.53
Arizona	5,665,672	2,519,200	4,198,695	−3,146,472	−55.52
California	1,689,924	[3] 3,606,708	3,119,002	+1,916,784	+113.42
Colorado	7,199,745	6,310,694	5,951,593	−889,051	−12.35
Idaho	13,042,466	7,200,319	5,965,098	−5,842,147	−44.79
Michigan	581,874	316,551	361,912	−265,323	−45.53
Montana	14,423,173	9,677,020	9,601,048	−4,746,153	−32.91
Nevada	14,463,085	6,998,774	8,108,027	−7,454,311	−51.57
New Mexico	2,337,064	579,374	657,231	−1,757,690	−75.22
Oregon	125,499	53,118	193,121	−72,381	−57.66
South Dakota	197,569	111,670	121,757	−85,899	−43.43
Texas	724,580	548,827	601,765	−175,753	−24.28
Utah	13,073,471	14,028,661	15,588,734	+955,190	+7.61
Washington	213,877	147,584	210,885	−66,293	−30.84
Other States and possessions	178,442	199,942	179,740	+21,500	+12.09
Total	74,961,075	53,052,441	[4] 55,510,859	−21,908,634	−29.23

[1] U. S. Mint Reports.
[2] Preliminary estimate of the Bureau of the Mint in cooperation with the Geological Survey.
[3] Increase from 1915 due to rich discovery.
[4] Production from siliceous ores is estimated to be less in 1922 than in 1921. The increase in the total production for 1922 over 1921 is attributed to the increase in silver derived as a by-product of lead and copper, the production of both of which increased materially in 1922.
Table compiled and computed by H. N. Lawrie, managing director American Gold and Silver Institute.

Mr. JONES of Washington. Mr. President, this seems to be a very important resolution, and I think it ought to go over.

Mr. ROBINSON. The resolution has already been passed, I will say to the Senator.

The VICE PRESIDENT. No; unanimous consent for its consideration has not yet been given.

Mr. CALDER. Mr. President, this resolution was introduced by the Senator from Colorado [Mr. NICHOLSON], referred to the Committee on Mines and Mining, reported favorably, and then referred to the Committee to Audit and Control the Contingent Expenses of the Senate, because it involves some expenditure from the contingent fund. It was carefully examined by the committee.

Mr. JONES of Washington. I think it ought to go over, Mr. President.

The VICE PRESIDENT. The resolution will be passed over.

BIG ROCK STONE & CONSTRUCTION CO.

The bill (S. 4476) to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas, was announced as next in order.

Mr. ROBINSON. Mr. President, I ask unanimous consent to take from the Vice President's table a House bill which is similar to, if not identical in terms with, the Senate bill.

The VICE PRESIDENT. The chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 12751) to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas, was read twice by its title.

The VICE PRESIDENT. The Senator from Arkansas asks unanimous consent for the immediate consideration of the bill.

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

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

The VICE PRESIDENT. Without objection, Senate bill 4476 will be indefinitely postponed.

Mr. ROBINSON. I ask leave to have printed in the RECORD the report of the House committee on the bill which has just passed.

The VICE PRESIDENT. Without objection, it is so ordered.

The report is as follows:

Mr. LANGLEY, from the Committee on Public Buildings and Grounds, submitted the following report (to accompany H. R. 12751):

The Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 12751) to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas, having duly considered the same, hereby make report of it to the House, with the unanimous recommendation that the bill do pass.

This bill has the approval of the United States Veterans' Bureau, as is evidenced by its report thereon, which is as follows:

UNITED STATES VETERANS' BUREAU,
Washington, February 8, 1923.

Hon. JOHN W. LANGLEY,
Chairman of Committee on Public Buildings and Grounds,
House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: Since the receipt of your letter dated September 28, 1922, in which you request a statement of this bureau with regard to the bill (H. R. 12751) entitled "A bill to convey to the Big Rock Stone & Construction Co. a portion of the hospital reservation of United States Veterans' Hospital No. 78 (Fort Logan H. Roots), in the State of Arkansas," introduced September 29, 1922, by Mr. JACOWAY and referred to your committee, I have secured a report from the commanding officer of the Fort Logan H. Roots Hospital and a representative from the central office of this bureau which states that there are no objections to the release of this land, and that the sale of the property as contemplated by the bill would not interfere with the administration of the hospital or of the well-being of the patients.

In view of their report, the bureau sees no objection to the sale of the property described in the bill by the Government to the Big Rock Stone & Construction Co.

Respectfully, GEORGE E. IJAMS, *Acting Director.*

AMENDMENT OF ACT OF JANUARY 11, 1922.

The bill (H. R. 11579) to amend section 1 of an act approved January 11, 1922, entitled "An act to permit the city of Chicago to acquire real estate of the United States of America," was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That section 1 of the act approved January 11, 1922, entitled "An act to permit the city of Chicago to acquire real estate of the United States of America," is hereby amended to read as follows:

"SECTION 1. That in consideration of the payment by the city of Chicago to the United States of America of the just compensation and damages for real estate hereinafter described, as ascertained by a jury in proceedings to condemn real estate of the United States of America, the city of Chicago is hereby authorized to acquire for street purposes, by condemnation proceedings, all interest of the United States of America in and to the following described real estate, viz:

"The west 17 feet, or any part thereof, of the east 50 feet (except the south 149 feet and except the north 33 feet) of the south quarter of the east half of the northeast quarter of section 30, township 38 north, range 14 east of the third principal meridian, situated in the city of Chicago, county of Cook, and State of Illinois."

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

RELIEF OF FLOOD SUFFERERS IN NEW MEXICO.

The bill (S. 2625) for the relief of sufferers in New Mexico from the flood due to the overflow of the Rio Grande and its tributaries, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That for the purpose of affording relief to Lucas Trujillo, Juan Bians, Mariano P. Padillo, Bruno Perea, Juan Jose Trujillo, Miguel Trujillo, Francisco Saiz, Antonio Provencio, B. R. Carreros, Santiago Serna, Roman M. Herrera, and others, citizens of the United States and property owners, residing at and in the vicinity of Hatch and Santa Teresa, N. Mex., who may have suffered loss by reason of the flood on August 17, 1921, caused by the overflow of the Rio Grande, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $75,000.

The Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may deem necessary for the purposes of this act, to cause a survey to be made of the property loss sustained by reason of this flood and to disburse the sum herein provided pro rata among these sufferers for their losses to the extent that this appropriation will permit.

Mr. OVERMAN. Mr. President, let us have some explanation of this bill.

Mr. JONES of New Mexico. Mr. President, the Government constructed the Elephant Butte irrigation project in the Rio Grande Valley of New Mexico. In the construction of that project and some of the lateral works they were so constructed that when an unusual flood came from one of the tributaries of the Rio Grande it flooded this section of country, including two villages there, and destroyed the town. The Secretary of the Interior has reported that the injury to the property was caused largely by reason of the manner in which the works were constructed, and he says there is no question but that these people are entitled to reimbursement.

Mr. KING. Mr. President, will the Senator permit a question? Should not the appropriation be a charge upon the reclamation fund rather than upon the general funds in the Treasury?

Mr. JONES of New Mexico. I do not think so, for the reason that the people under the project there were in no wise responsible for the manner in which the work was constructed, and if the Senator's suggestion were adopted it would be a charge to be repaid by the farmers generally under the project. In other words, they would have to pay themselves back for their own injury, which was brought about by reason of this engineering, the work of Government officials, people in no wise under the control of the flood sufferers.

Mr. KING. May I invite the attention of the Senator to the fact that through the bad engineering of some of the engineers who had charge of local projects, one in particular that I have in mind, the cost to the settlers was increased very much over the reported cost? The engineers made no provision in the beginning for drainage. They had to drain, and that was an additional charge, and it is reflected in the advanced costs which the settlers on the project had to pay.

Mr. JONES of New Mexico. In this case there was an unusual flood, and the damage was suffered, and it seems to me that the farmers there ought not to have to pay it. I sincerely trust that the bill may pass.

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

Mr. JONES of New Mexico. I yield to my colleague.

Mr. BURSUM. I desire to call attention to the fact that the town which was destroyed by flood lies at the base of a large drainage area. This ditch or canal, constructed under the supervision of Government engineers, failed to provide any avenue of escape for those waters. There was clearly gross neglect on the part of the Government in the construction. There was absolutely no chance for escape.

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

RECLASSIFICATION OF GOVERNMENT EMPLOYEES.

Mr. SMOOT. From the Committee on Appropriations I report back favorably the bill (H. R. 8928) to provide for the classification of civilian positions within the District of Columbia and in the field service, with an amendment to strike out all after the enacting clause and to insert a substitute for the bill.

The Senate will remember that the bill came originally from the Committee on Civil Service and was reported to the Senate. Then it was referred to the Appropriations Committee to have hearings on the effect of the schedule proposed. The committee now reports the bill to the Senate and asks that it be referred to the Civil Service Committee, and also that it be printed.

The VICE PRESIDENT. Without objection, it will be printed and referred to the Committee on Civil Service.

ORDER OF BUSINESS.

Mr. FRELINGHUYSEN. Mr. President, I renew my request that the Senate take up the bill——

Mr. McKELLAR. Will not the Senator allow the next two bills to be acted upon? There are only two more——

Mr. FRELINGHUYSEN. Not until I finish my statement; then I will yield the floor to the Senator. I renew my request for the Senate to take up a bill which relates to the distribution——

Mr. McKELLAR. I object.

The VICE PRESIDENT. There is objection.

BILLS PASSED OVER.

The bill (H. R. 5020) to provide for the sale by the Commissioners of the District of Columbia of certain land in the District of Columbia acquired for a school site, and for other purposes, was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 5027) to amend an act approved February 28, 1899, entitled "An act relative to the payment of claims for material and labor furnished for District of Columbia buildings," was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

MONUMENT TO AMERICAN WOMEN FOR SERVICES IN THE WORLD WAR.

The joint resolution (S. J. Res. 168) in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and

the District of Columbia in the World War, was announced as next in order.

Mr. McKELLAR. Let that go over.

Mr. CURTIS. I hope the Senator will not object to the joint resolution. It is to commemorate the services and sacrifices of women of the Red Cross, and has been unanimously reported by the Committee on the Library.

Mr. McKELLAR. I withdraw my objection to the consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which had been reported from the Committee on the Library with amendments, on page 1, line 3, after the word "hereby," to insert the words "authorized to be"; on page 2, line 10, after the word "hereby," to insert the words "authorized to be"; and on line 13, after the word "hereby," to insert the words "authorized to be," so as to make the joint resolution read:

Resolved, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $150,000, as a part contribution to the erection of a memorial building, with equipment, in the District of Columbia to commemorate the services and sacrifices of the patriotic women of the United States of America, of its insular possessions, and of the District of Columbia during the World War. Said memorial to be erected on the land now occupied in part by the Memorial to the Women of the Civil War, the permanent headquarters of the American Red Cross.

SEC. 2. That said memorial shall be a building monumental in design and character and shall be used as a permanent model chapter house for the American Red Cross under the charge of the District of Columbia Red Cross Chapter, and shall cost not less than $300,000: *Provided*, That this expenditure shall include complete equipment.

SEC. 3. That the sum hereby authorized to be appropriated shall not be payable until there shall be raised by private subscription an additional sum of $150,000.

SEC. 4. That the money hereby authorized to be appropriated shall not be paid until the plan of the proposed building shall have been approved by a commission consisting of the president of the American Red Cross, the Secretary of War, the chairman of the Senate Committee on the Library, the chairman of the House Committee on the Library, and a representative of the central committee of the American Red Cross. The plans of the said memorial shall likewise be approved by the Commission of Fine Arts.

The expenditures for said memorial building shall be made under the direction of a commission consisting of the chairman of the Senate Committee on the Library and the chairman of the House Committee on the Library. That said memorial building shall remain the property of the United States Government but under the supervision of the Superintendent of Public Buildings and Grounds, and the American Red Cross shall at all times be charged with the responsibility, the care, keeping, and maintenance of the said memorial building without expense to the United States.

The amendments were agreed to.

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

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

Mr. BRANDEGEE. I ask unanimous consent that the report of the committee on the joint resolution be printed in the RECORD in 8-point type.

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

MONUMENT TO WOMEN OF THE UNITED STATES IN THE WORLD WAR.

[Report to accompany S. J. Res. 168.]

The Committee on the Library, to which was referred the joint resolution (S. J. Res. 168) in relation to a monument to commemorate the services and sacrifices of the women of the United States of America, its insular possessions, and the District of Columbia in the World War, having considered the same, report favorably thereon with the recommendation that the joint resolution do pass with amendments.

On page 1, line 3, after the word "hereby" insert "authorized to be";

On page 2, line 7, after the word "hereby" insert "authorized to be"; and

On page 2, line 10, after the word "hereby" insert "authorized to be."

This is a joint resolution to authorize the appropriation of $150,000, provided the American Red Cross raise by private subscription an additional sum of $150,000, to erect a memorial building to commemorate the service and sacrifice of the women of the United States of America, its insular possessions, and the District of Columbia in the World War, the building to be erected on the land now occupied in part by the memorial to the women of the Civil War and to remain the property of the United States Government, but to be maintained by the American Red Cross without expense to the Government.

The precedent for this memorial, the sacrifices and services it will commemorate, and the purposes for which it will be used are briefly as follows:

PRECEDENT.

In 1913 Congress appropriated $400,000 toward the purchase of a site and the erection thereon of a memorial building to the services and sacrifices of the women of the Civil War, to be used permanently by the American Red Cross on the condition that the Red Cross raise $300,000 additional and that it maintain the memorial without expense to the Government. The Red Cross secured from private contributions $400,000, the building and the site remaining the property of the Government.

Within five years after Congress appropriated this $400,000 the American Red Cross received for our sick and wounded men and for other war relief purposes over $400,000,000 in money and value of supplies.

SACRIFICES AND SERVICES.

Hundreds of Red Cross nurses and women volunteers gave their lives because of war service.

Thousands of mothers gave their sons—sometimes only sons. Sometimes the mothers were widows and in this loss gave their all. No money can compensate them for such a loss, but their country's recognition of their sacrifices would show to them a grateful remembrance and its gratitude.

Over 8,000,000 worked as volunteers during the war in the Red Cross. They made 382,000,000 hospital, knitted, and other garments, surgical dressings, and other articles that were needed. Volunteer women canteen workers in the United States served 40,000,000 refreshments to traveling troops and the sick and wounded on hospital trains and over 15,000,000 in France. Thousands of women served in volunteer motor transportation for sick and wounded from camps, hospital ships, and trains to the military hospitals, and for many other Red Cross duties. Women volunteers carried on office work, assisted soldiers' families at home, entertained sick and wounded at the hospitals, and rendered countless other services to our Government and fighting forces. These volunteer services of American women seem worthy of a memorial as a testimony of the Government's appreciation of their labors and their loyalty for their country.

PURPOSE.

The National Red Cross depends upon its chapters for its funds and support. Through the headquarters, but mainly through the chapters, $9,000,000 was expended last year in aiding the disabled ex-service men and their families in service the Government can not render.

In the last year 68 disasters within the United States required Red Cross aid that was rendered promptly and efficiently; but without the support of the live and active chapters which provided $1,341,000 for this relief, there would have been neither funds nor organization to carry on this work.

By the erection of this memorial, which will provide a model chapter house in the National Capital, it will be possible to develop the system of chapter volunteer service that can be extended throughout the country whereby a large volunteer personnel can be obtained ready for duty in case of need and, at the same time, a live public interest maintained that will provide the funds for the sudden emergency calls for relief and service that so constantly come to the Red Cross.

MEMORIAL OF PAST AND SERVICE FOR FUTURE.

In commemorating by this memorial building the noble and self-sacrificing services of our women in the World War, the opportunity is given them and coming generations of American women to carry on the same loyal and devoted service in the future for the sake of the country and humanity.

JOSEPH F. BECKER.

The bill (S. 3615) for the relief of Joseph F. Becker was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. Objection being made, the bill will go over.

Mr. NORRIS. I do not know who objected, but I will ask the Senator who objected to withhold his objection for a moment.

Mr. KING. I objected to the consideration of the bill.

Mr. NORRIS. Will not the Senator permit an explanation to be made, and withdraw his objection until it is made?

Mr. KING. I will say to the Senator that I am familiar with the subject, and I do not think his explanation would change my views.

Mr. NORRIS. Perhaps I can get the chairman of the Committee on Naval Affairs to make the explanation, if that will suit the Senator any better.

Mr. KING. I would be delighted to hear the Senator from Nebraska, and his influence, if possible, would be even greater than the influence of the chairman of the committee.

Mr. NORRIS. If that be true, and the Senator can not be changed, of course it would be a useless consumption of time——

Mr. KING. I shall be very happy to explain my views.

Mr. NORRIS. I do not see how anybody understanding the bill could possibly object to it.

Mr. KING. I shall confer with the Senator, and be glad to give him my views in extenso. I object.

The VICE PRESIDENT. The bill will be passed over.

GORDON G. M'DONALD.

The bill (S. 3826) for the relief of Gordon G. MacDonald was announced as next in order.

Mr. KING. Let that go over.

Mr. SHORTRIDGE. I hope the Senator will withdraw his objection to this bill. It is a very meritorious and just measure, approved by the committee, and, as the Senator will see, is indorsed and recommended by the Assistant Secretary of the Navy. It involves no appropriation. A sailor suffered in the service of his country and is permanently disabled. I hope the Senator will permit the bill to be passed.

Mr. KING. I shall have to adhere to my objection with my understanding of the bill.

The VICE PRESIDENT. The bill will be passed over.

BENJAMIN H. RICHARDSON.

The bill (S. 3895) for the relief of Benjamin H. Richardson was announced as next in order.

Mr. KING. Let that go over.

Mr. FRELINGHUYSEN. Will not the Senator permit the consideration of the bill?

Mr. KING. I would like to ask the Senator one question: Was this a reserve officer? As I understand the bill, it is to give relief to a reserve officer.

Mr. FRELINGHUYSEN. Yes; he was a naval-reserve officer.

Mr. KING. I renew my objection.

The VICE PRESIDENT. The bill will be passed over.

FRANK A. JAHN.

The bill (S. 4152) for the relief of Frank A. Jahn was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

MAJ. RUSSELL B. PUTNAM.

The bill (S. 4276) for the relief of Maj. Russell B. Putnam was considered as in Committee of the Whole.

Mr. BROUSSARD. Mr. President, the House has passed a similar House bill, No. 11738. That bill was referred to the Committee on Naval Affairs of the Senate, and the chairman of the committee made a unanimous report this morning. I ask unanimous consent that the House bill may be substituted for the bill on the calendar. They are identical in words.

The VICE PRESIDENT. Is there objection to the immediate consideration of House bill 11738? The Chair hears none, and the Secretary will read 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, to Maj. Russell B. Putnam, assistant paymaster, United States Marine Corps, the sum of $2,173 to cover the loss sustained by him through the embezzlement of such amount of Government funds by Robert H. Rudolph, pay clerk, United States Marine Corps, in 1915, while serving as pay clerk to the said Major Putnam, at marine barracks, Philadelphia, Pa., and on expeditionary duty in the West Indies, and which amount Major Putnam was required to and did deposit with the Treasurer of the United States.

Mr. NORRIS. I have no objection to the consideration of the bill or to its passage, but I want to be recognized, when the bill is before the Senate, to speak on the subject.

The VICE PRESIDENT. The bill is now before the Senate.

Mr. NORRIS. This is a worthy bill. It is for the relief of Maj. Russell B. Putnam; but I can not understand why other bills for other soldiers or sailors injured in the line of duty must necessarily be objected to without an opportunity being afforded even to explain the measures. The bill for the relief of Joseph F. Becker, which was objected to a moment ago, is an instance where a man was injured in the line of duty. The injury occurred after the war was over. It is conceded that he was performing his duty at the time of the injury, and that if the same thing had happened before the war closed technically he would have been entitled to the relief sought through this bill. He was incapacitated for life, as far as further duty is concerned, and it is so reported. There is no dispute about that. As a matter of fact, Mr. Becker is in abject poverty now, as are his relatives. He was a lieutenant commander at the time of the injury.

I do not understand the manner of jurisprudence which would deny relief of any kind to a man engaged in the Army or the Navy who is injured while he is still performing his duties in the service after the war technically closed.

This man, unable to do any labor of any kind, completely incapacitated, as shown by the records, injured in the line of duty, is denied any succor or relief simply because one Senator objects to the consideration of the bill, while other men, perhaps just as meritorious, but not more so, are provided for. The letter of the official in Commander Becker's case shows that there was a measure pending which, if it had been enacted into law, would have given him relief. That measure failed, and this is the only way he can get any relief.

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

Mr. NORRIS. I yield the floor.

Mr. BROUSSARD. I have no objection to the bill to which the Senator refers.

Mr. NORRIS. I am not criticizing the Senator from Louisiana.

Mr. BROUSSARD. I hope no one will object to the Senator's bill.

The VICE PRESIDENT. House bill 11738 is before the Senate as in Committee of the Whole.

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

JOSE A. DE LA TORRIENTE.

The joint resolution (H. J. Res. 47) authorizing the Secretary of the Navy to receive for instruction at the United States Naval Academy at Annapolis, Mr. Jose A. de la Torriente, a citizen of Cuba, was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That the Secretary of the Navy be, and he hereby is, authorized to permit Mr. Jose A. de la Torriente, a citizen of Cuba, to receive instruction at the United States Naval Academy, at Annapolis: *Provided*, That no expense shall be caused to the United States thereby, and that the said Jose A. de la Torriente shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the course in the various departments of instruction, and the said Jose A. de la Torriente shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or conduct and so recommended by the academic board.

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

ELLEN M'NAMARA.

The bill (H. R. 8921) for the relief of Ellen McNamara was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to cause to be paid, out of any money in the Treasury not otherwise appropriated, to Ellen McNamara, mother of Frank X. McNamara, ordinary seaman, U. S. S. *Buffalo* and *Cleveland*, United States Navy, an amount equal to six months' pay at the rate received by him at the date of his death.

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

PUBLICATIONS FOR THE BLIND.

Mr. FRELINGHUYSEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate bill 3078, the so-called "blind Bible" bill, as it is very necessary that the bill should be passed now if anything is to be accomplished at this session.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3078) to provide for the free transmission through the mails of certain publications for the blind, which was read, as follows:

Be it enacted, etc., That volumes of the Holy Scriptures or any part thereof, in raised characters for the use of the blind, whether prepared by hand or printed, which do not contain advertisements, when furnished a blind person without cost or at a price less than 60 per cent of the retail price therefor, shall be transmitted in the United States mails free of postage under such regulations as the Postmaster General may prescribe.

Mr. FRELINGHUYSEN. I ask that an amendment be made to the bill.

I move, on line 7, before the word "therefor," to strike out the words "retail price," and to insert the word "cost."

The amendment was agreed to.

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

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

The VICE PRESIDENT. The hour of 4 o'clock having arrived——

WILLIAM SCHUYLER WOODRUFF.

Mr. REED of Pennsylvania. I ask unanimous consent for the immediate consideration of Senate bill 4500, authorizing the appointment of William Schuyler Woodruff as an Infantry officer, United States Army. It has been favorably reported.

The VICE PRESIDENT. Is there objection?

Mr. McKELLAR. What is the bill?

Mr. REED of Pennsylvania. It is a bill for the reinstatement of an Army officer.

Mr. McKELLAR. Let it be reported.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state his inquiry.

Mr. NORRIS. Would it not be a violation of the unanimous-consent agreement to take up the bill?

The VICE PRESIDENT. The Senator from Pennsylvania has asked for unanimous consent, and if it is given the Chair supposes that it will extend the time fixed in the agreement.

Mr. REED of Pennsylvania. I will ask that the bill be put over until Monday.

EXECUTIVE SESSION.

Mr. CURTIS. I ask that the unanimous-consent order be carried out and that the Senate proceed to the consideration of executive business.

Mr. BURSUM. Mr. President——

Mr. LODGE and Mr. WADSWORTH called for the regular order.

The VICE PRESIDENT. The regular order, under the unanimous-consent agreement, requires the Senate to go into executive session at this time.

Mr. BURSUM. I am asking unanimous consent——

Mr. MOSES. That can not be given.

The VICE PRESIDENT. The regular order is called for, and under the unanimous-consent agreement the Senate will proceed to the consideration of executive business.

Thereupon the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

MINNESOTA RIVER BRIDGE, MINN.

Mr. CALDER. From the Committee on Commerce I report back favorably with amendments the bill (S. 4589) to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at points suitable to the interests of navigation, and I ask unanimous consent for the present consideration of the bill.

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

The amendments were, in line 6, after the word "at," to insert the article "a"; in the same line, before the word "suitable," to strike out "points" and insert "point"; and in line 7, after the word "navigation," to strike out "in or near the northwest quarter of section 27, township 28 north, range 23 west of the fourth principal meridian," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Hennepin, in the State of Minnesota, to construct, maintain, and operate a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation between the Fort Snelling military reservation and Dakota County, in the State of Minnesota, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill to authorize the county of Hennepin, in the State of Minnesota, to construct a bridge and approaches thereto across the Minnesota River at a point suitable to the interests of navigation."

HUDSON RIVER BRIDGES, NEW YORK.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 13978) granting the consent of Congress to the Hudson River Bridge Co. at Albany to maintain two bridges already constructed across the Hudson River, and I submit a report (No. 1214) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

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

MISSISSIPPI RIVER BRIDGES, MINNESOTA.

Mr. CALDER. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 14081) granting the consent of Congress to the Valley Transfer Railway Co., a corporation, to construct three bridges and approaches thereto across the junction of the Minnesota and Mississippi Rivers at points suitable to the interests of navigation, and I submit a report (No. 1215) thereon. I ask unanimous consent for the present consideration of the bill.

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

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

PERMANENT COURT OF INTERNATIONAL JUSTICE AT THE HAGUE (S. DOC. NO. 309).

On motion of Mr. LODGE, the injunction of secrecy was removed from the following message of the President of the United States relative to the Permanent Court of International Justice at The Hague, which, with the accompanying papers and documents, was ordered to be printed as a Senate document and to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, February 24, 1923.

Message of the President to the Senate, transmitting a letter from the Secretary of State to the President, and asking the Senate's consent to the United States' adhesion to the protocol under which the Permanent Court of International Justice has been erected at The Hague. To be held in confidence and no part, intimation, or synopsis released for publication until these documents have been delivered to the Senate:

To the Senate:

There has been established at The Hague a Permanent Court of International Justice for the trial and decision of international causes by judicial methods, now effective through the ratification by the signatory powers of a special protocol. It is organized and functioning. The United States is a competent suitor in the court, through provision of the statute creating it, but that relation is not sufficient for a nation long committed to the peaceful settlement of international controversies. Indeed, our Nation had a conspicuous place in the advocacy of such an agency of peace and international adjustment, and our deliberate public opinion of to-day is overwhelmingly in favor of our participation, and the attending obligations of maintenance and the furtherance of its prestige. It is for this reason that I am now asking for the consent of the Senate to our adhesion to the protocol.

With this request I am sending to the Senate a copy of the letter addressed to me by the Secretary of State, in which he presents in detail the history of the establishment of the court, takes note of the objection to our adherence because of the court's organization under the auspices of the League of Nations, and its relation thereto, and indicates how, with certain reservations, we may fully adhere and participate, and remain wholly free from any legal relations to the league or assumption of obligation under the covenant of the league.

I forbear repeating the presentation made by the Secretary of State, but there is one phase of the matter not covered in his letter with which I choose frankly to acquaint the Senate. For a long period, indeed, ever since the International Conference on the Limitation of Armament, the consideration of plans under which we might adhere to the protocol has been under way. We were unwilling to adhere unless we could participate in the selection of judges, we could not hope to participate with an American accord if adherence involved any legal relation to the league. These conditions, there is good reason to believe, will be acceptable to the signatory powers, though nothing definitely can be done until the United States tenders adhesion with these reservations. Manifestly the Executive can not make this tender until the Senate has spoken its approval. Therefore, I most earnestly urge your favorable advice and consent. I would rejoice if some action could be taken, even in the short period which remains of the present session.

It is not a new problem in international relationship. It is wholly a question of accepting an established institution of high character, and making effective all the fine things which have been said by us in favor of such an agency of advanced civilization. It would be well worth the while of the Senate to make such special effort as is becoming to record its approval. Such action would add to our own consciousness of participation in the fortunate advancement of international relationship, and remind the world anew that we are ready for our proper part in furthering peace and adding to stability in world affairs.

WARREN G. HARDING.

THE WHITE HOUSE, *February 2, 1923.*

(Inclosures: Letter of Secretary of State, copy of protocol.)

THE SECRETARY OF STATE,
Washington, February 17, 1923.

MY DEAR MR. PRESIDENT: Referring to our interviews with respect to the advisability of action by this Government in order to give its adhesion, upon appropriate conditions, to the protocol establishing the Permanent Court of International Justice, I beg leave to submit the following considerations:

From its foundation this Government has taken a leading part in promoting the judicial settlement of international disputes. Prior to the first peace conference at The Hague in 1899 the United States has participated in 57 arbitrations, 20 of which were with Great Britain. The President of the United States had acted as arbitrator between other nations in five cases, and ministers of the United States or other persons designated by this Government had acted as arbitrator or umpire in seven cases. In 1890 the Congress adopted a concurrent resolution providing:

"That the President be, and is hereby, requested to invite, from time to time, as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two Governments which can not be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means. (Cong. Rec. 51st Cong., 1st sess., part 3, vol. 21, p. 2986)."

In his instructions to the delegates of this Government to the first peace conference at The Hague Secretary Hay said:

"Nothing can secure for human government and for the authority of law which it represents so deep a respect and so firm a loyalty as the spectacle of sovereign and independent States, whose duty it is to prescribe the rules of justice and impose penalties upon the lawless, bowing with reverence before the august supremacy of those principles of right which give to law its eternal foundation."

A plan for a permanent international tribunal accompanied these instructions.

At that conference there was adopted a "convention for the pacific settlement of international disputes," which provided for a permanent court of arbitration. This organization, however, while called a permanent court, really consists of an eligible list of persons designated by the contracting parties, respectively, from whom tribunals may be constituted for the determination of such controversies as the parties concerned may agree to submit to them.

In 1908 and 1909 the United States concluded 19 general conventions of arbitration, which, in accordance with The Hague conventions, provided for arbitration by special agreement of differences which are of a legal nature or which relate to the interpretation of treaties and which it may not have been possible to settle by diplomacy, provided that the differences do not affect the vital interest, the independence, or the honor of the two contracting States and do not concern the interests of third parties. Moreover, since the first peace conference at The Hague a number of conventions have been concluded by this Government submitting to arbitration questions of great importance.

It is believed that the preponderant opinion in this country has not only favored the policy of judicial settlement of justiciable international disputes through arbitral tribunals specially established, but it has also strongly desired that a Permanent Court of International Justice should be established and maintained. In his instructions to the delegates of the United States to the second peace conference held at The Hague in 1907 Secretary Root emphasized the importance of the establishment of such a tribunal in conformity with accepted judicial standards. He said:

"It should be your effort to bring about in the second conference a development of The Hague tribunal into a permanent tribunal composed of judges who are judicial officers and nothing else; who are paid adequate salaries; who have no other occupation, and who will devote their entire time to the trial and decision of international causes by judicial methods and under a sense of judicial responsibility. These judges should be so selected from the different countries that the different systems of law and procedure and the principal languages shall be fairly represented. The court should be of such dignity, consideration, and rank that the best and ablest jurists will accept appointment to it, and that the whole world will have absolute confidence in its judgments."

The second peace conference discussed a plan looking to the attainment of this object, but the project failed because an agreement could not be reached with respect to the method of selecting judges. The conference adopted the following recommendation:

"The conference recommends to the signatory powers the adoption of the project hereto annexed, of a convention for the establishment of a court of arbitral justice, and its putting into effect as soon as an accord shall be reached upon the choice of the judges and the constitution of the court."

The covenant of the League of Nations provided, in article 14, that the council of the league should formulate and submit to the members of the league plans for the establishment of a Permanent Court of International Justice, which should be competent to hear and determine any dispute of an international character which the parties thereto should submit to it, and which also might give an advisory opinion upon any dispute or question referred to it by the council or by the assembly of the league. This provision of the covenant, it may be said, did not enter into the subsequent controversy with respect to participation by this Government in the League of Nations; on the contrary it is believed that this controversy reflected but little, if any, divergence of view in this country with respect to the advisability of establishing a permanent international court.

Pursuant to the direction contained in the article above quoted, the council of the league appointed an advisory committee of jurists which sat at The Hague in the summer of 1920 and formulated a plan for the establishment of such a court. Hon. Elihu Root was a member of that committee. It recommended a plan which was subsequently examined by the council and assembly of the league; and, after certain amendments had been made, the statute constituting the Permanent Court of International Justice was adopted by the assembly of the league on December 13, 1920.

While these steps were taken under the auspices of the league, the statute constituting the Permanent Court of International Justice did not become effective upon its adoption by the assembly of the league. On the contrary, it became effective by virtue of the signature and ratification by the signatory powers of a special protocol. The reason for this procedure was that, although the plan of the court was prepared under article 14 of the covenant, the statute went beyond the terms of the covenant, especially in making the court available to States which were not members of the League of Nations. Accordingly a protocol of signature was prepared by which the signatory powers declared their acceptance of the adjoined statute of the Permanent Court of International Justice. The permanent court thus established by the signatory powers under the protocol with the statute annexed is now completely organized and at work.

The statute of the court provides for the selection of the judges; defines their qualifications; and prescribes the jurisdiction of the court and the procedure to be followed in litigation before it. The court consists of 15 members—11 judges, called "ordinary judges," and 4 deputy judges. The 11 judges constitute the full court. In case they can not all be present, deputies are to sit as judges in place of the absentees; but if 11 judges are not available 9 may constitute a quorum. It is provided that the judges shall be elected regardless of their nationality from amongst persons of high moral character, possessing the qualifications required in their respective countries for appointments to the highest judicial offices, or are jurisconsults of recognized competence in international law. The judges are elected by the council and assembly of the league, each body proceeding independently. The successful candidate must obtain an absolute majority of votes in each body. The judges are elected for nine years and are eligible for reelection. The ordinary judges are forbidden to exercise any political or administrative function. This provision does not apply to the deputy judges except when performing their duties on the court.

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

Provision has also been made so that any signatory power, if it desires, may in signing the protocol accept as compulsory "ipso facto and without special convention" 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; and (d) the nature or extent of the reparation to be made for the breach of an international obligation.

This is an entirely optional clause and unless it is signed the jurisdiction of the court is not obligatory.

The first election of judges of the court took place in September, 1921. The eleven ordinary judges are the following:

"Viscount Robert Bannatyne Finlay, Great Britain; B. C. J. Loder, Holland; Ruy Barbosa, Brazil; D. J. Nyholm, Denmark; Charles Andre Weiss, France; John Bassett Moore, United

States; Antonio Sanchez de Bustamante, Cuba; Rafael Altamira, Spain; Yorozu Oda, Japan; Dionisio Anzilotti, Italy; and Max Huber, Switzerland."

The four deputies are:

"Michailo Yovanovitch, Serb-Croat-Slovene State; F. V. N. Beichmann, Norway; Demetre Negulesco, Rumania; and Chung-Hui Wang, China."

It will be noted that one of the most distinguished American jurists has been elected a member of the court, Hon. John Bassett Moore.

In considering the question of participation of the United States in the support of the permanent court, it may be observed that the United States is already a competent suitor in the court. The statute expressly provides that the court shall be open not only to members of the league but to States mentioned in the annex to the covenant.

But it is not enough that the United States should have the privileges of a suitor. In view of the vast importance of provision for the peaceful settlement of international controversies, of the time-honored policy of this Government in promoting such settlements, and of the fact that it has at last been found feasible to establish upon a sound basis a permanent international court of the highest distinction and to invest it with a jurisdiction which conforms to American principles and practice, I am profoundly convinced that this Government, under appropriate conditions, should become a party to the convention establishing the court and should contribute its fair share of the expense of maintenance.

I find no insuperable obstacle in the fact that the United States is not a member of the League of Nations. The statute of the court has various procedural provisions relating to the league. But none of these provisions save those for the election of judges, to which I shall presently refer, are of a character which would create any difficulty in the support of the court by the United States despite its nonmembership in the league. None of these provisions impair the independence of the court. It is an establishment separate from the league, having a distinct legal status resting upon the protocol and statute. It is organized and acts in accordance with judicial standards, and its decisions are not controlled or subject to review by the League of Nations.

In order to avoid any question that adhesion to the protocol and acceptance of the statute of the court would involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the covenant of the League of Nations, it would be appropriate, if so desired, to have the point distinctly reserved as a part of the terms of the adhesion on the part of this Government.

Again, as already noted, the signature of the protocol and the consequent acceptance of the statute, in the absence of assent to the optional compulsory clause, does not require the acceptance by the signatory powers of the jurisdiction of the court except in such cases as may thereafter be voluntarily submitted to the court. Hence, in adhering to the protocol the United States would not be required to depart from the position, which it has thus far taken, that there should be a special agreement for the submission of a particular controversy to arbitral decision.

There is, however, one fundamental objection to adhesion on the part of the United States to the protocol and the acceptance of the statute of the court in its present form. That is, that under the provisions of the statute only members of the League of Nations are entitled to a voice in the election of judges. The objection is not met by the fact that this Government is represented by its own national group in The Hague Court of Arbitration and that this group may nominate candidates for election as judges of the Permanent Court of International Justice. This provision relates simply to the nomination of candidates; the election of judges rests with the council and assembly of the League of Nations. It is no disparagement of the distinguished abilities of the judges who have already been chosen to say that the United States could not be expected to give its formal support to a permanent international tribunal in the election of the members of which it had no right to take part.

I believe that the validity of this objection is recognized and that it will be feasible to provide for the suitable participation by the United States in the election of judges, both ordinary and deputy judges, and in the filling of vacancies. The practical advantage of the present system of electing judges by the majority votes of the council and assembly of the league acting separately is quite manifest. It was this arrangement which solved the difficulty, theretofore appearing almost insuperable, of providing an electoral system conserving the interests of the powers both great and small. It would be impracticable, in my judgment, to disturb the essential features of this system. It may also be observed that the members of the council and assembly of the league in electing the judges of the court do not act under the covenant of the League of Nations but under the statute of the court and in the capacity of electors performing duties defined by the statute. It would seem to be reasonable and praticable that in adhering to the protocol and accepting the statute this Government should prescribe as a condition that the United States, through representatives designated for the purpose, should be permitted to participate, upon an equality with other States members of the League of Nations, in all proceedings both of the council and of the assembly of the league for the election of judges or deputy judges of the court or for the filling of vacancies in these offices.

As the statute of the court prescribes its organization, competence, and procedure, it would also be appropriate to provide, as a condition of the adhesion of the United States, that the statute should not be amended without the consent of the United States.

The expenses of the court are not burdensome. Under the statute of the court these expenses are borne by the League of Nations; the league determines the budget and apportions the amount among its members. I understand that the largest contribution by any State is but little more than $35,000 a year. In this matter also the members of the council and assembly of the league do not act under the covenant of the league but under the statute of the court. The United States, if it adhered to the protocol, would, of course, desire to pay its fair share of the expense of maintaining the court. The amount of this contribution would, however, be subject to determination by Congress and to the making of appropriations for the purpose. Reference to this matter also might properly be made in the instrument of adhesion.

Accordingly I beg leave to recommend that, if this course meets with your approval, you request the Senate to take suitable action advising and consenting to the adhesion on the part of the United States to the protocol of December 16, 1920, accepting the adjoined statute of the Permanent Court of International Justice, but not the optional clause for compulsory jurisdiction; provided, however, that such adhesion shall be upon the following conditions and understandings to be made a part of the instrument of adhesion:

I. That such adhesion shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the covenant of the League of Nations constituting Part I of the treaty of Versailles.

II. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other States members respectively of the council and assembly of the League of Nations in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice or for the filling of vacancies.

III. That the United States will pay a fair share of the expenses of the court as determined and appropriated from time to time by the Congress of the United States.

IV. That the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

If the Senate gives its assent upon this basis, steps can then be taken for the adhesion of the United States to the protocol in the manner authorized. The attitude of this Government will thus be defined and communicated to the other signatory powers whose acquiescence in the stated conditions will be necessary.

Copies of the resolution of the assembly of the League of Nations of December 13, 1920, the protocol of December 16, 1920, and the statute of the court are inclosed herewith.

I am, my dear Mr. President, faithfully yours,

CHARLES E. HUGHES.

LEAGUE OF NATIONS.

PERMANENT COURT OF INTERNATIONAL JUSTICE.

Resolution concerning its establishment passed by the assembly on December 13, 1920—Protocol of signature of the statute provided for by article 14 of the covenant with the text of this statute—Resolution concerning the salaries of the members passed by the assembly on December 18, 1920.

Resolution concerning the establishment of a Permanent Court of International Justice passed by the assembly of the League of Nations, Geneva, December 13, 1920.

1. The assembly unanimously declares its approval of the draft statute of the Permanent Court of International Justice, as amended by the assembly, which was prepared by the council under article 14 of the covenant and submitted to the assembly for its approval.

2. In view of the special wording of article 14, the statute of the court shall be submitted within the shortest possible time to the mem-

bers of the League of Nations for adoption in the form of a protocol duly ratified and declaring their recognition of this statute. It shall be the duty of the council to submit the statute to the members.

3. As soon as this protocol has been ratified by the majority of the members of the league, the statute of the court shall come into force and the court shall be called upon to sit in conformity with the said statute in all disputes between the members or States which have ratified, as well as between the other States to which the court is open under article 35, paragraph 2, of the said statute.

4. The said protocol shall likewise remain open for signature by the States mentioned in the annex to the covenant.

PROTOCOL OF SIGNATURE OF THE STATUTE FOR THE PERMANENT COURT OF INTERNATIONAL JUSTICE PROVIDED FOR BY ARTICLE 14 OF THE COVENANT OF THE LEAGUE OF NATIONS, WITH THE TEXT OF THIS STATUTE.

PROTOCOL OF SIGNATURE.

The members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the assembly of the league on the 13th December, 1920, at Geneva.

Consequently they hereby declare that they accept the jurisdiction of the court, in accordance with the terms and subject to the conditions of the above-mentioned statute.

The present protocol, which has been drawn up in accordance with the decision taken by the assembly of the League of Nations on the 13th December, 1920, is subject to ratification. Each power shall send its ratification to the secretary general of the League of Nations; the latter shall take the necessary steps to notify such ratification to the other signatory powers. The ratification shall be deposited in the archives of the secretariat of the League of Nations.

The said protocol shall remain open for signature by the members of the League of Nations and by the States mentioned in the annex to the covenant of the league.

The statute of the court shall come into force as provided in the above-mentioned decision.

Executed at Geneva, in a single copy, the French and English texts of which shall both be authentic.

16TH DECEMBER, 1920.

OPTIONAL CLAUSE.

The undersigned, being duly authorized thereto, further declare, on behalf of their Government, that from this date they accept as compulsory "ipso facto" and without special convention the jurisdiction of the court in conformity with article 36, paragraph 2, of the statute of the court, under the following conditions:

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 court of arbitration belonging to the States mentioned in the annex to 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, firstly 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 selection 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, firstly, 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 the 15th of June, 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 shall 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 judge 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, and 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 to 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 æquo 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 arguments, 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.

Resolution concerning the salaries of the members of the Permanent Court of International Justice passed by the assembly of the League of Nations, Geneva, December 18, 1920.

The assembly of the League of Nations, in conformity with the provisions of article 32 of the statute, fixes the salaries and allowances of members of the Permanent Court of International Justice as follows:

	Dutch florins.
President:	
Annual salary	15,000
Special allowance	45,000
Total	60,000
Vice president:	
Annual salary	15,000
Duty allowance (200×150) (maximum)	30,000
Total	45,000
Ordinary judges:	
Annual salary	15,000
Duty allowance (200×100) (maximum)	20,000
Total	35,000
Deputy judges:	
Duty allowance (200×150) (maximum)	30,000

Duty allowances are payable from the day of departure until the return of the beneficiary.

An additional allowance of 50 florins per day is assigned for each day of actual presence at The Hague to the vice president and to the ordinary and deputy judges.

Allowances and salaries are free of all tax.

ADJOURNMENT.

Mr. CURTIS. I move that the Senate adjourn, in accordance with the unanimous-consent agreement.

The motion was agreed to; and (at 4 o'clock and 25 minutes p. m.) the Senate, under the order previously entered, adjourned until Monday, February 26, 1923, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1923.

UNITED STATES TARIFF COMMISSIONER.

Henry H. Glassie, of the District of Columbia, to be a member of the United States Tariff Commission for the term expiring September 7, 1926, vice Thomas W. Page, resigned.

UNITED STATES CIVIL SERVICE COMMISSIONER.

William C. Deming, of Wyoming, to be a member of the United States Civil Service Commission, vice John H. Bartlett, resigned.

COLLECTOR OF CUSTOMS.

Emery J. San Souci, of Providence, R. I., to be collector of customs for customs collection district No. 5, with headquarters at Providence, R. I., in place of Frank E. Fitzsimmons, whose term of office expired December 31, 1922.

UNITED STATES MARSHAL.

Richard J. White, of Wisconsin, to be United States marshal, eastern district of Wisconsin, vice Samuel W. Randolph, resigned, effective April 1, 1923.

UNITED STATES PUBLIC HEALTH SERVICE.

Passed Asst. Surg. Charles J. McDevitt to be surgeon in the United States Public Health Service, to rank as such from January 9, 1923. This officer has served the required time in his present grade and has passed the necessary examination for promotion.

UNITED STATES COAST GUARD.

The following-named officers to be captains in the Coast Guard of the United States, to rank as such from January 12, 1923:

Commander Byron L. Reed.
Commander James M. Moore.
Commander William V. Jacobs.
Commander Preston H. Uberroth.
Lieut. Commander Richard O. Crisp.

Also, the following-named officers to be captains (engineering), to rank as such from January 12, 1923:

Lieut. Commander (Engineering) Harry L. Boyd.
Lieut. Commander (Engineering) John B. Coyle.
Lieut. Commander (Engineering) John E. Dorry.

The following-named officers in the Coast Guard of the United States, to rank as such from January 12, 1923:

Lieut. Commander Frederick G. Dodge to be a commander in place of Commander Byron L. Reed, promoted.

Lieut. Commander George C. Carmine to be a commander in place of Commander James M. Moore, promoted.

Lieut. Commander Francis S. Van Boskerck to be a commander in place of Commander Preston H. Uberroth, promoted.

Also to be commanders, to rank as such from January 12, 1923:

Lieut. Commander Claude S. Cochran.
Lieut. Commander John G. Berry.
Lieut. Commander Benjamin M. Chiswell.
Lieut. Commander Aaron L. Gamble.
Lieut. Commander Frederick C. Billard.

Also to be commanders (engineering), to rank as such from January 12, 1923:

Lieut. Commander (Engineering) William E. Maccoun.
Lieut. Commander (Engineering) Carl M. Green.
Lieut. Commander (Engineering) Horatio N. Wood.
Lieut. (Engineering) Hermann Kotzschmar.
Lieut. (Engineering) Robert E. Wright.
Lieut. (Engineering) Urban Harvey.

Each of the above-named officers has passed the examination required by law.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Col. Walter Trotter Bates, Infantry, with rank from July 1, 1920.

QUARTERMASTER CORPS.

Maj. John Doyle Carmody, Infantry, with rank from July 1, 1920.

CHEMICAL WARFARE SERVICE.

Capt. George Frederick Unmacht, Quartermaster Corps, with rank from July 1, 1920.

FIELD ARTILLERY.

First Lieut. Ranald Trevor Adams, Infantry.

INFANTRY.

LeGrande Albert Diller to be second lieutenant of Infantry in the Regular Army of the United States, with rank from January 5, 1923. Second Lieut. LeGrande Albert Diller was nominated January 25, 1923, and confirmed February 5, 1923, under the name of LaGrande Albert Diller. This message is submitted for the purpose of correcting an error in the name of nominee.

POSTMASTERS.

ALABAMA.

Joseph S. Chambers to be postmaster at Talladega, Ala., in place of R. M. Jemison. Incumbent's commission expired September 5, 1922.

ARKANSAS.

Lee W. McKenney to be postmaster at Black Rock, Ark., in place of L. B. Sharp. Incumbent's commission expired September 5, 1922.

CALIFORNIA.

Samuel R. Sonneland to be postmaster at Camp Kearney, Calif., in place of E. C. Lewis. Office became third class October 1, 1922.

Albert W. Mason to be postmaster at Bakersfield, Calif., in place of T. E. Klipstein, resigned.

Benn Lee to be postmaster at Cazadero, Calif., in place of O. P. Trine. Office became third class July 1, 1922.

Charles G. Brainerd to be postmaster at Loomis, Calif., in place of C. G. Brainerd. Incumbent's commission expired October 24, 1922.

COLORADO.

John L. Nightingale to be postmaster at Fort Collins, Colo., in place of E. C. McAnelly. Incumbent's commission expired September 5, 1922.

CONNECTICUT.

Lewis E. Clark to be postmaster at South Meriden, Conn., in place of L. J. Curran. Office became third class October 1, 1922.

DELAWARE.

Rhubert R. German to be postmaster at Delmar, Del., in place of R. R. German. Incumbent's commission expired December 18, 1922.

FLORIDA.

Nathan B. Winslow to be postmaster at Bushnell, Fla., in place of A. J. Burnham, removed.

George E. Gay to be postmaster at Palatka, Fla., in place of N. A. Stumpe. Incumbent's commission expired October 14, 1922.

GEORGIA.

Charles L. Adair to be postmaster at Comer, Ga., in place of J. L. McMurray. Incumbent's commission expired November 21, 1922.

William C. McBride to be postmaster at Newnan, Ga., in place of S. M. Atkinson. Incumbent's commission expired September 26, 1922.

Mrs. Alexander S. Clay to be postmaster at Marietta, Ga., in place of Mrs. A. S. Clay. Incumbent's commission expired November 21, 1922.

IDAHO.

George F. McMartin to be postmaster at Coeur d'Alene, Idaho, in place of J. V. Hawkins. Incumbent's commission expired September 5, 1922.

ILLINOIS.

Albert O. Kettelkamp to be postmaster at Nokomis, Ill., in place of A. J. Eekhoff. Incumbent's commission expired February 4, 1922.

George S. Faxon to be postmaster at Plano, Ill., in place of Henry Stahlle. Incumbent's commission expired October 24, 1922.

Justin P. Crawford to be postmaster at Tolono, Ill., in place of F. W. Hartbank. Incumbent's commission expired December 6, 1922.

Louis Lindenbauer to be postmaster at Camp Point, Ill., in place of E. T. Selby. Incumbent's commission expired December 6, 1922.

William D. Chambers to be postmaster at East Moline, Ill., in place of F. O. Lovins. Incumbent's commission expired October 24, 1922.

Richard W. Miller to be postmaster at Hamilton, Ill., in place of O. C. McCartney. Incumbent's commission expired December 6, 1922.

Walter V. Berry to be postmaster at Irving, Ill., in place of W. V. Berry. Incumbent's commission expired December 6, 1922.

William R. Landwehr to be postmaster at Northbrook, Ill., in place of George Melzer. Office became third class January 1, 1922.

Fred A. Sapp to be postmaster at Ottawa, Ill., in place of J. L. Dougherty. Incumbent's commission expired October 24, 1922.

Katherine C. Adams to be postmaster at Riverton, Ill., in place of Katherine Adams. Incumbent's commission expired December 13, 1922.

Minnie E. Bailey to be postmaster at Taylor Springs, Ill., in place of Eli Brooks. Office became third class October 1, 1920.

INDIANA.

Milo E. Garrett to be postmaster at Auburn, Ind., in place of Miles Baxter, removed.

Charles G. Covert to be postmaster at Evansville, Ind., in place of J. J. Nolan. Incumbent's commission expired September 5, 1922.

Amanda B. Gosnell to be postmaster at West Terre Haute, Ind., in place of Burton Cassady. Incumbent's commission expired September 5, 1922.

John C. Chaille to be postmaster at Otwell, Ind., in place of Charles Harris. Office became third class October 1, 1922.

IOWA.

Oscar W. Larson to be postmaster at Odebolt, Iowa, in place of O. W. Larson. Incumbent's commission expired November 21, 1922.

Charles A. Clark to be postmaster at Fort Des Moines, Iowa, in place of M. D. Hazzard. Office became third class October 1, 1922.

Ralph A. Rutledge to be postmaster at Sharpsburg, Iowa, in place of J. E. Forsyth. Office became third class October 1, 1922.

Joseph C. Allen to be postmaster at Zearing, Iowa, in place of M. H. Laycock, resigned.

KANSAS.

Raymond R. Norris to be postmaster at Marquette, Kans., in place of R. R. Norris. Incumbent's commission expired November 21, 1922.

Jessie I. Dickson to be postmaster at Neosho Falls, Kans., in place of Lodema Bryant. Incumbent's commission expired November 21, 1922.

Luella Tapley to be postmaster at Quenemo, Kans., in place of M. M. Parrish. Incumbent's commission expired September 13, 1922.

Lida H. Caughron to be postmaster at Fontana, Kans., in place of G. L. Caughron. Office became third class October 1, 1922.

James G. Frazer to be postmaster at Halstead, Kans., in place of Eva Philbrick. Incumbent's commission expired November 21, 1922.

KENTUCKY.

William G. Turpin to be postmaster at Henderson, Ky., in place of Spalding Trafton. Incumbent's commission expired October 3, 1922.

Charles H. Back to be postmaster at Whitesburg, Ky., in place of N. M. Webb, resigned.

LOUISIANA.

Roger F. Baudry to be postmaster at Garyville, La., in place of W. J. P. Prescott. Incumbent's commission expired September 5, 1922.

Charles E. Burch to be postmaster at Roseland, La., in place of C. E. Burch. Office became third class January 1, 1923.

MAINE.

Eddy A. Conant to be postmaster at Oldtown, Me., in place of J. W. Sewall, resigned.

Florence M. McKay to be postmaster at Wytopitlock, Me., in place of F. M. McKay. Office became third class January 1, 1923.

MICHIGAN.

Gladys E. Gaskill to be postmaster at Delton, Mich., in place of R. B. Gaskill, deceased.

Fred W. Walker to be postmaster at Otsego, Mich., in place of A. C. Sprau. Incumbent's commission expired September 13, 1922.

MINNESOTA.

Mott M. Anderson to be postmaster at Hammond, Minn., in place of M. M. Anderson. Office became third class January 1, 1923.

Winnifred L. Batson to be postmaster at Odessa, Minn., in place of W. L. Batson. Office became third class October 1, 1922.

MISSISSIPPI.

Ida E. Roberts to be postmaster at Cleveland, Miss., in place of L. A. Hill, removed.

MISSOURI.

Thomas J. Richardson to be postmaster at Koshkonong, Mo., in place of O. L. Meek. Incumbent's commission expired September 5, 1922.

Oscar H. Remmert to be postmaster at Leslie, Mo., in place of F. A. Rumbuhl, resigned.

Alpha DeBerry to be postmaster at Stoutland, Mo., in place of H. W. Singleton. Incumbent's commission expired September 5, 1922.

J. Orrville Gochnauer to be postmaster at Belton, Mo., in place of W. A. Roberts, resigned.

Maria B. Cassity to be postmaster at Gentry, Mo., in place of M. B. Cassity. Office became third class January 1, 1923.

Owen S. Randolph to be postmaster at Gideon, Mo., in place of A. A. Attebery. Incumbent's commission expired September 5, 1922.

Melvin Lutes to be postmaster at Lutesville, Mo., in place of I. J. F. Sitzes, resigned.

MONTANA.

Andrew Kolnitchar to be postmaster at Geraldine, Mont., in place of H. S. Tressel, resigned.

Samuel P. Eagle to be postmaster at West Yellowstone, Mont., in place of S. P. Eagle. Office became third class January 1, 1923.

NEBRASKA.

William A. Gibson to be postmaster at Cedar Rapids, Nebr., in place of W. C. Tredway. Incumbent's commission expired October 3, 1922.

Gustav A. Koza to be postmaster at Clarkson, Nebr., in place of G. A. Koza. Incumbent's commission expired October 3, 1922.

Hiram B. Cameron to be postmaster at Herman, Nebr., in place of H. B. Cameron. Incumbent's commission expired October 3, 1922.

Frank E. Crawford to be postmaster at Wymore, Nebr., in place of G. W. Campbell. Incumbent's commission expired November 21, 1922.

NEVADA.

Charles P. Squires to be postmaster at Las Vegas, Nev., in place of C. C. Corkhill, removed.

Hans R. Jepsen to be postmaster at Minden, Nev., in place of E. A. Smith, resigned.

NEW HAMPSHIRE.

Harry F. Smith to be postmaster at Peterboro, N. H., in place of E. M. Ware. Incumbent's commission expired September 19, 1922.

NEW JERSEY.

Edward M. Sutton to be postmaster at Ocean City, N. J., in place of B. F. Smith. Incumbent's commission expired October 24, 1922.

Jacob Feldman to be postmaster at Woodbine, N. J., in place of L. M. Danerhirsh. Incumbent's commission expired October 24, 1922.

Cooper L. MacMillan to be postmaster at Audubon, N. J., in place of M. V. Richer, resigned.

Timothy J. Nevill to be postmaster at Carteret, N. J., in place of T. A. Bishop, declined.

Elmer G. Houghton to be postmaster at Cranford, N. J., in place of J. F. Peniston. Incumbent's commission expired October 24, 1922.

Mary H. Jeffrey to be postmaster at Deal, N. J., in place of M. G. Burd, resigned.

Arthur J. Halladay to be postmaster at Kenilworth, N. J., in place of A. J. Halladay. Incumbent's commission expired October 24, 1922.

Harold Pittis to be postmaster at Lakehurst, N. J., in place of Harold Pittis. Incumbent's commission expired November 21, 1922.

James A. Harris to be postmaster at Wildwood, N. J., in place of G. N. Smith. Incumbent's commission expired October 24, 1922.

NEW YORK.

Spencer K. Warnick to be postmaster at Amsterdam, N. Y., in place of R. E. L. Reynolds, resigned.

Earl J. Franklin to be postmaster at Belfast, N. Y., in place of Frank McMahon. Incumbent's commission expired November 21, 1922.

Roof D. Miller to be postmaster at Fort Plain, N. Y., in place of W. W. O'Connor, deceased.

Hilda C. Tuma to be postmaster at Montauk, N. Y., in place of P. J. Loftus. Office became third class October 1, 1922.

William E. Mills to be postmaster at Rose Hill, N. Y., in place of W. E. Mills. Incumbent's commission expired September 19, 1922.

Frank O. Persons to be postmaster at East Aurora, N. Y., in place of A. E. Hammond. Incumbent's commission expired October 24, 1922.

Dennis Lamarche to be postmaster at Plattsburg, N. Y., in place of A. G. Senecal. Incumbent's commission expired October 24, 1922.

Brainard W. Russell to be postmaster at Windsor, N. Y., in place of G. A. Manwarren, resigned.

NORTH CAROLINA.

Jay Shoaf to be postmaster at Mooresville, N. C., in place of W. D. Templeton. Incumbent's commission expired September 5, 1922.

Mattie C. Lewellyn to be postmaster at Walnut Cove, N. C., in place of P. H. Linville. Incumbent's commission expired September 5, 1922.

NORTH DAKOTA.

Mina H. Aasved to be postmaster at Carson, N. Dak., in place of R. H. Leavitt. Incumbent's commission expired October 24, 1922.

Robert D. Hand to be postmaster at Ambrose, N. Dak., in place of A. H. Bredley, resigned.

OHIO.

Oliver R. Gulker to be postmaster at Glandorf, Ohio, in place of Joseph Roof. Office became third class October 1, 1922.

Paul H. Clark to be postmaster at Junction City, Ohio, in place of J. M. Ridenour. Incumbent's commission expired September 19, 1922.

Henry G. Moellenbrock to be postmaster at Olmsted Falls, Ohio, in place of H. G. Moellenbrock. Office became third class January 1, 1923.

OKLAHOMA.

Ellen K. Marchant to be postmaster at Aline, Okla., in place of A. J. Adcock. Incumbent's commission expired September 13, 1922.

OREGON.

Oscar C. Maxwell to be postmaster at Elgin, Oreg., in place of Robert Blumenstein, deceased.

Nellie G. Reed to be postmaster at Gold Hill, Oreg., in place of H. D. Reed. Incumbent's commission expired October 24, 1922.

Arlington B. Watt to be postmaster at Amity, Oreg., in place of L. R. Watt, resigned.

PENNSYLVANIA.

George R. Steiger to be postmaster at Albion, Pa., in place of W. V. Wirtz. Incumbent's commission expired October 24, 1922.

Luther J. Lukehart to be postmaster at Dubois, Pa., in place of W. T. Evans, resigned.

Robert H. Harris to be postmaster at Tamaqua, Pa., in place of E. M. Hirsh. Incumbent's commission expired September 26, 1922.

Joseph P. Fry to be postmaster at Allentown, Pa., in place of Martin Klingler. Incumbent's commission expired September 13, 1922.

Howard C. Emigh to be postmaster at Morrisdale, Pa., in place of E. P. Waring. Office became third class January 1, 1921.

RHODE ISLAND.

William H. Godfrey to be postmaster at Apponaug, R. I., in place of F. J. McCabe. Incumbent's commission expired September 13, 1922.

SOUTH CAROLINA.

Samuel L. Myers to be postmaster at Chester, S. C., in place of T. M. Douglas. Incumbent's commission expired October 24, 1922.

SOUTH DAKOTA.

Olof Nelson to be postmaster at Yankton, S. Dak., in place of M. M. Bennett. Incumbent's commission expired September 11, 1922.

Arnold Poulsen to be postmaster at Lennox, S. Dak., in place of Arnold Poulsen. Incumbent's commission expired December 23, 1922.

TENNESSEE.

Ira L. Presson to be postmaster at Camden, Tenn., in place of E. O. Thomas. Incumbent's commission expired January 27, 1923.

TEXAS.

Fred L. Brown to be postmaster at Plainview, Tex., in place of W. P. Stockton, removed.

Edis T. Oliver to be postmaster at Caldwell, Tex., in place of E. T. Oliver. Incumbent's commission expired July 21, 1921.

Carlton A. Dickson to be postmaster at Cleburne, Tex., in place of J. R. Ransone, jr. Incumbent's commission expired September 5, 1922.

Earl R. Van Deren to be postmaster at Van Alstyne, Tex., in place of J. S. Spradley, resigned.

VIRGINIA.

George R. McCall to be postmaster at Raven, Va., in place of G. R. McCall. Office became third class January 1, 1922.

Archer H. Staples to be postmaster at Stuart, Va., in place of H. L. Hooker, resigned.

Virgie C. Goode to be postmaster at Bassetts, Va., in place of B. J. Philpott. Office became third class October 1, 1920.

Blodwyn R. Jones to be postmaster at Cambria, Va., in place of D. R. Jones, resigned.

John D. Williamson to be postmaster at Fries, Va., in place of E. J. Baker, resigned.

Margaret I. Lacy to be postmaster at Halifax (late Houston), Va., in place of D. F. Hankins. Incumbent's commission expired January 24, 1922.

Henry E. Bailey to be postmaster at Newsoms, Va., in place of R. W. Ferguson, resigned.

George H. McFarland to be postmaster at Reedville, Va., in place of G. N. Reed. Incumbent's commission expired October 14, 1922.

Dandridge W. Marston to be postmaster at Toano, Va., in place of D. W. Marston. Office became third class April 1, 1921.

WASHINGTON.

Mary G. Wilkinson to be postmaster at Auburn, Wash., in place of J. F. Payne. Incumbent's commission expired October 14, 1922.

John H. Gibson to be postmaster at Issaquah, Wash., in place of Andrew Hunter, resigned.

WEST VIRGINIA.

Henry E. Folluo to be postmaster at Glen Rogers, W. Va., in place of J. G. Spangler. Office became third class October 1, 1922.

Noah W. Russell to be postmaster at Lewisburg, W. Va., in place of H. L. Bowling. Incumbent's commission expired November 21, 1922.

Oliver A. Locke to be postmaster at Milton, W. Va., in place of O. A. Locke. Incumbent's commission expired November 21, 1922.

J. Bascom McClure to be postmaster at Omar, W. Va., in place of W. A. Curry. Incumbent's commission expired November 21, 1922.

Robert E. L. Holt to be postmaster at Princeton, W. Va., in place of W. B. McNutt. Incumbent's commission expired November 21, 1922.

Alma Hawks to be postmaster at McDowell, W. Va., in place of Ernest Johnson, declined.

Ben Wakeman to be postmaster at Ward, W. Va., in place of M. I. Jackson, declined.

WISCONSIN.

Forrest T. Durner to be postmaster at Evansville, Wis., in place of P. G. Slauson. Incumbent's commission expired December 23, 1922.

Julian C. Colby to be postmaster at Union Grove, Wis., in place of F. W. Keuper. Incumbent's commission expired January 24, 1922.

WYOMING.

Reuben A. Faulk to be postmaster at Lusk, Wyo., in place of A. V. Wiggins, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1923.

UNITED STATES DISTRICT JUDGE.

Morris A. Soper to be district judge, district of Maryland.

COMPTROLLER OF CUSTOMS.

Harry W. Spaulding to be comptroller of customs in district No. 4, with headquarters at Boston.

RECEIVER OF PUBLIC MONEYS.

Oscar P. Hovind to be receiver of public moneys at Glasgow, Mont.

PROMOTIONS IN THE ARMY.

John Thornton Knight to be assistant to the Quartermaster General, with the rank of brigadier general, Quartermaster Corps.

Harvey Wolfarth Miller to be colonel, Adjutant General's Department.

John Southworth Upham to be major, Adjutant General's Department.

Clarence Hagbart Danielson to be major, Adjutant General's Department.

Eugene Edmund Barton to be captain, Quartermaster Corps.

William Franklin Campbell to be captain, Quartermaster Corps.

James Charles Longino to be captain, Quartermaster Corps.

Christian Allen Schwargwaelder to be captain, Quartermaster Corps.

Edwin Sanders Van Deusen to be captain, Quartermaster Corps.

Harold William Keller to be captain, Quartermaster Corps.

Joel Grant Holmes to be captain, Ordnance Department.

Miles Whitney Gresge to be captain, Ordnance Department.

Rosswell Eric Hardy to be captain, Ordnance Department.

John Huling, jr., to be captain, Ordnance Department.

Ward Edwin Becker to be first lieutenant, Ordnance Department.

George Meredith Peek to be major, Field Artillery.

William Foster Daugherty to be captain, Field Artillery.

Miron James Rockwell to be captain, Field Artillery.

Duncan Thomas Boisseau to be captain, Field Artillery.

Murray Charles Wilson to be first lieutenant, Field Artillery.

Nelson Hammond Duval to be captain, Coast Artillery Corps.

Erwin Adolph Manthey to be captain, Coast Artillery Corps.

Raymond Carl Zettel to be first lieutenant, Air Service.

Walter Christian Thee to be first lieutenant, Quartermaster Corps.

Clyde Hobart Morgan to be first lieutenant, Ordnance Department.

Harold Arthur Doherty to be second lieutenant, Field Artillery.

Donald Armstrong to be major, Ordnance Department.

Douglas Lee Crane to be captain, Field Artillery.

Louis Meline Merrick to be second lieutenant, Air Service.

Walter Augustus Bethel to be Judge Advocate General, with the rank of major general.

Edward Julius Timberlake to be colonel, Quartermaster Corps.

George Sampson Beurket to be captain, Field Artillery.

Clarence Dixon Lavell to be first lieutenant, Field Artillery.

Oscar Andrew Eastwold to be major, Chemical Warfare Service.

Nathan Horowitz to be major, Field Artillery.

George Williamson DeArmond to be major, Field Artillery.

Alexander Thomas McCone to be second lieutenant, Field Artillery.

George Bryan Conrad to be second lieutenant, Field Artillery.

Viking Torsten Ohrbom to be second lieutenant, Infantry.

POSTMASTERS.

CALIFORNIA.

Clare E. Murlin, Escalon.
Alice E. Tate, Lone Pine.

COLORADO.

William A. Russom, Bristol.
Nellie M. Connelly, Hartman.
Merrill D. Harshman, Wiggins.

GEORGIA.

James M. Lewis, Sparta.
E. Stelle Barrett, Union City.
Mrs. Alexander S. Clay, Marietta.

HAWAII.

Kenichi Masunaga, Kealia.

IDAHO.

Herbert L. Spencer, Paris.

ILLINOIS.

Marion F. Watt, Atlanta.
Sheldon J. Portersfield, Chatsworth.
Arthur G. Arnin, Columbia.
Charles T. Wilson, Eldorado.
John F. Odell, Fairbury.
Thomas E. Richardson, Flanagan.
Seymour Van Deusen, Greenville.
Ross O. Bell, Heyworth.
George H. Bargh, Kinmundy.
Ray W. Birch, Neoga.
Wallace G. Harsh, Peotone.

INDIANA.

Allen J. Wilson, Danville.
James C. Taylor, Mooreland.

IOWA.

Susana F. O'Bryan, Lovilia.
Jennie M. Berg, Royal.
Albert L. Richards, West Liberty.

KANSAS.

Adna E. Palmer, Kingman.
Margaret M. Marks, Oberlin.

LOUISIANA.

Henry A. Forshag, Crowley.
Theophile P. Talbot, Napoleonville.
Dudley V. Wigner, Vidalia.

MAINE.

Frank O. Wellcome, Yarmouth.

MARYLAND.

Helen K. Longridge, Barton.
Horace O. Makinson, Ellicott City.

MASSACHUSETTS.

Berton Williams, Ayer.
Harry T. Downes, Hanover.
M. Warren Wright, Rockland.
Edward A. Hunt, South Sudbury.
Harry S. Tripp, Spencer.

MICHIGAN.

Myrtle Cross, Au Gres.
Albert H. Rhody, Capac.

MINNESOTA.

Alda P. Conger, Becker.
William B. Stewart, Bemidji.
Frank L. Lane, Bigelow.
Francis E. Iams, Cloverton.
Frank A. Lindbergh, Crosby.
Marie C. Bergeson, Lake Park.
Charles C. Jarvis, Mora.
Daniel Shaw, Thief River Falls.

MISSISSIPPI.

Prentice O'Rear, Columbus.
Myra P. Varnado, Osyka.
John M. Curlee, Rienzi.
J. D. Hale, Scott.
Walter L. Collins, Union.

MISSOURI.

Leah Abernathy, Chaffee.

NEBRASKA.

Estella E. Murray, Belgrade.
Vernon D. Hill, Diller.
Harry C. Haverly, Hastings.
Frederick Nielsen, Lexington.
Frederick H. Davis, Madison.
James W. Holmes, Plattsmouth.
Charles T. Gammon, Rushville.
Charles M. Steil, Scribner.
Harry S. Prouty, Spencer.
Percy A. Brundage, Tecumseh.
Harvey A. Loerch, Tekamah.
Annette C. Jones, Western.

NEW HAMPSHIRE.

Charles H. Bean, Franklin.
Joseph H. Geisel, Manchester.
Willard P. Wakefield, Profile House.

NEW JERSEY.

Alfred J. Perkins, Atlantic City.
Forrest Green, Long Branch.
Arthur Knowles, Phillipsburg.

NEW MEXICO.

Charles B. Thacker, Raton.
Antonio Martinez, Taos.
Chester G. Parsons, Wagon Mound.

NEW YORK.

Harrison D. Todd, Arkville.
Irving Barrett, Bedford Hills.
Walter L. Bibbey, Fort Edward.
Arthur C. Davis, Gilboa.
William A. Baldwin, Norwich.
Carroll F. Simpson, Phoenicia.
Earl J. Conger, Waterville.

NORTH DAKOTA.

Luella F. Stewart, Bottineau.
Chapin Hayford, Casselton.
John M. Carignan, sr., Fort Yate.
James R. Meagher, Velva.
Clarence G. Mathys, Wilton.

OHIO.

Wilbur C. Ledman, Zanesville.

OKLAHOMA.

Edward C. Baxter, Gage.
George H. Blackwood, Hominy.
Edith B. Foster, Wagoner.

PENNSYLVANIA.

H. H. McDowell, Denbo.
Edythe T. Davies, Girardville.

TEXAS.

Thomas M. Welch, Palestine.

VIRGINIA.

William B. Murphy, Charlottesville.
Blanche M. E. Harris, Crozet.
Tivy E. Jenkins, Wilder.

WASHINGTON.

Joseph L. Milner, Almira.
Inez G. Spencer, Creston.
Charles C. King, Entiat.
Tolaver T. Richardson, Northport.
Frank Givens, Port Orchard.
Edward Hinkley, Snohomish.
Maud E. Hays, Starbuck.
Matthew W. Miller, Waterville.
Ira S. Fields, Woodland.

WYOMING.

Edward Bottomley, Kleenburn.