By Mr. WYANT: A bill (H. R. 11699) granting an increase of pension to Elizabeth Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11700) granting an increase of pension to Mary L. Deemer; to the Committee on Invalid Pensions.

By Mr. KNUTSON: Resolution (H. Res. 405) to pay to Walter C. Neilson $1,500 for extra and expert services to the Committee on Pensions by detail from the Bureau of Pensions; to the Committee on Accounts.

PETITIONS, ETC.

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

3456. By the SPEAKER (by request): Petition of Federation of Citizens' Associations of the District of Columbia, asking for a more definite proportionate contribution by the Federal Government and the District of Columbia in appropriations for the maintenance, upkeep, and development of the Federal territory; to the Committee on the District of Columbia.

3457. By Mr. GARBER: Petition of T. C. Thatcher, vice president of Oklahoma City Mill & Elevator Co., Oklahoma City, Okla., relative to the interpretation of the milling in bond and the tariff treaty between the United States and Cuba on wheat produced in Canada and milled in the United States; to the Committee on Ways and Means.

3458. Also, petition of Lieut. Bernard A. Kellner, favoring adequate appropriations for making the national defense act of June 4, 1920, a practical reality; to the Committee on Military Affairs.

3459. By Mr. GALLIVAN: Petition of Boston Real Estate Exchange, Boston, Mass., protesting against the creation of a rent commission for the District of Columbia, as proposed by United States Senate bill 3764 and House bill 11078; to the Committee on the District of Columbia.

3460. Also, petition of General Committee on Army and Navy Chaplains, recommending favorable action on Senate bill 2532 and House bill 7038, which provide for the same status as to pay, allowances, advancement for Army chaplains as for Navy chaplains; to the Committee on Military Affairs.

3461. By Mr. HUDSON: Petition of Highland Park Women's Clubs, urging the participation of the United States in the World Court on the terms of Warren G. Harding and Secretary Charles Hughes; to the Committee on Foreign Affairs.

3462. Also, petition of officers of organizations of Rochester, Mich., urging the Foreign Relations Committee of the Senate to report a resolution providing for participation of the United States in the World Court on the Harding-Hughes terms, in order that it may be voted upon by the Senate as a whole; to the Committee on Foreign Affairs.

2463. By Mr. KIESS: Petition of citizens of Shingle House, Pa., protesting against the passage of Senate bill 3218; to the Committee on the District of Columbia.

3464. By Mr. KINDRED: Petition of Community Councils of the City of New York, advocating the immediate enactment of the rivers and harbors bill; to the Committee on Rivers and Harbors.

3465. Also, petition of Thomas W. Shelton, chairman of the Committee on Uniform Judicial Procedure, American Bar Association, urging immediate consideration by Congress of Senate bill 2061 or House bill 11071; to the Committee on the Judiciary.

3466. By Mr. RAKER: Petitions of Lars Stai, of Mount Shasta, Calif., urging the passage of House bill 8938, allowing travel pay from the Philippines to volunteer soldiers of the Spanish-American War and disabled veterans of the World War, state department, Los Angeles, Calif., urging passage of House bill 6484 and Senate bill 33; to the Committee on Military Affairs.

3467. Also, petition of Lincoln Post No. 1, Department of California and Nevada, G. A. R., San Francisco, Calif., urging the repeal of the Stone Mountain Memorial 50-cent pieces; to the Committee on Coinage, Weights, and Measures.

3468. Also, petitions of El Dorado Oil Works, of San Francisco, Calif., indorsing postal legislation recommended by the President and Postmaster General; and the Haslett Warehouse Co., San Francisco, Calif., indorsing postal legislation recommended by the President and Postmaster General; to the Committee on the Post Office and Post Roads.

3469. Also, petition of Executive Committee of Massachusetts Bar Association, indorsing legislation to increase the salaries of the Federal judiciary; to the Committee on the Judiciary.

3470. By Mr. SINNOTT: Petition of Mr. Ross Dustin and others, of Bend, Oreg., protesting against the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3471. Also, petition of G. H. Martin and others, protesting against the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

SENATE

FRIDAY, *January 16, 1925*

(Legislative day of Thursday, January 15, 1925)

The Senate met in open executive session at 12 o'clock meridian, on the expiration of the recess.

The PRESIDENT pro tempore. The Chair lays before the Senate the treaty with Cuba.

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

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

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

Ashurst	Edge	Kendrick	Reed, Pa.
Ball	Fernald	Keyes	Sheppard
Bayard	Ferris	King	Shipstead
Bingham	Fess	Ladd	Shortridge
Borah	Fletcher	McKellar	Simmons
Brookhart	George	McKinley	Smoot
Broussard	Gerry	McLean	Spencer
Bursum	Glass	McNary	Sterling
Butler	Gooding	Means	Swanson
Cameron	Greene	Metcalf	Underwood
Capper	Hale	Moses	Walsh, Mass.
Copeland	Harreld	Neely	Walsh, Mont.
Couzens	Harris	Norris	Warren
Cummins	Harrison	Oddie	Watson
Curtis	Heflin	Overman	Willis
Dale	Howell	Pepper	
Dial	Johnson, Calif.	Ralston	
Dill	Jones, Wash.	Ransdell	

Mr. FLETCHER. I desire to announce that my colleague, the junior Senator from Florida [Mr. TRAMMELL], is unavoidably absent. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Sixty-nine Senators have answered to the roll call. There is a quorum present. The Senate, as in legislative session, will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had passed a bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, in which it requested the concurrence of the Senate.

POSTAL SALARIES AND POSTAL RATES

Mr. MOSES. Mr. President, I ask unanimous consent, as in legislative session, to move that the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, be set down as a special order for consideration at the conclusion of the routine morning business on Thursday, January 22.

The PRESIDENT pro tempore. Is there objection?

Mr. KING. Mr. President, may we have the request restated?

Mr. MOSES. I have requested unanimous consent as in legislative session to move that the bill to which I have referred be set down as a special order to be taken up for consideration at the conclusion of routine morning business on Thursday, January 22.

The PRESIDENT pro tempore. The Chair hears no objection, and leave is granted by unanimous consent to the Senator from New Hampshire to make the motion.

Mr. MOSES. I make the motion.

Mr. OVERMAN. May I know exactly what the motion is?

Mr. MOSES. My motion is to make Senate bill 3674, which is the postal salaries and rates bill, a special order to be taken up for consideration at the conclusion of routine morning business Thursday, January 22. I understand that it requires a two-thirds vote.

Mr. OVERMAN. I object.

Mr. MOSES. I had already obtained unanimous consent to make the motion.

The PRESIDENT pro tempore. The Senator from North Carolina can not now object. The Senator from New Hampshire has been granted unanimous consent to make the motion.

Mr. OVERMAN. I did not understand that unanimous consent had been granted.

The PRESIDENT pro tempore. It had been granted and the question now is upon the motion of the Senator from New Hampshire.

Mr. BORAH. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BORAH. I have not any objection to the bill being made a special order if I may understand the effect of it. What is the effect of it?

The PRESIDENT pro tempore. The effect of it is to set down the bill to which the Senator refers as a special order at the conclusion of morning business upon Thursday, January 22.

Mr. BORAH. That would not interfere with taking up other matters in case there are the votes to do it.

Mr. WARREN. Mr. President, I do not desire to oppose the motion except that I want to ask the Senator if the motion is subject, as such motions should be, to the taking up of appropriation bills.

Mr. MOSES. If we can get the measure made a special order I shall not seek unduly to interfere with the progress of the regular appropriation bills. What I am especially seeking is to get the bill set down as a special order so that all Senators may be upon notice.

Mr. WARREN. I make no objection.

Mr. OVERMAN. Does not that require a two-thirds majority?

Mr. MOSES. Yes, it does. The Senator will have an opportunity to record himself if that is what he means.

The PRESIDENT pro tempore. It is of course understood that the motion requires a two-thirds majority to make the bill a special order.

Mr. WILLIS. I did not object to the request for unanimous consent and I shall not oppose the motion, of course, because I am in favor of the consideration of the bill and in favor of the measure. I simply want to state, though of course I am not asking the Senate to change its plans because of it, that unfortunately I can not be here on the 22d, and it embarrasses me to have the bill come up then. Of course I shall not attempt to influence the action of the Senate to suit my convenience, though I would rather be here to support the Senator's bill.

Mr. BORAH. It is not likely that it will be disposed of on the 22d.

Mr. STERLING. Mr. President, I simply wish to express the hope that there will be no objection to the motion of the Senator from New Hampshire. I myself feel under a kind of pledge, and I think many Senators do, to take up and consider the proposed legislation. It is a very important measure, and I hope it will have the consideration of the Senate.

The PRESIDENT pro tempore. The Clerk will call the roll on agreeing to the motion of the Senator from New Hampshire.

The principal legislative clerk called the roll.

Mr. FERNALD. I have a general pair with the senior Senator from New Mexico [Mr. JONES]. Not knowing how he would vote on this question, and not being able to secure a transfer, I withhold my vote.

Mr. STERLING (after having voted in the affirmative). I am paired with the Senator from South Carolina [Mr. SMITH]. I transfer that pair to the Senator from Oregon [Mr. STANFIELD], and will allow my vote to stand.

Mr. SIMMONS. I wish to inquire whether or not the junior Senator from Oklahoma [Mr. HARRELD] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. SIMMONS. I have a pair with that Senator. In his absence, I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. CURTIS (after having voted in the affirmative). I have a pair with the Senator from Arkansas [Mr. ROBINSON], but I am at liberty to vote upon this question, and therefore shall let my vote stand. If present, the Senator from Arkansas would vote as I have voted.

Mr. HARRISON. I desire to announce that my colleague, the junior Senator from Mississippi [Mr. STEPHENS], is paired with the junior Senator from Minnesota [Mr. JOHNSON]. If my colleague were present, he would vote "nay," and, I understand, that the Senator from Minnesota, if present, would vote "yea."

Mr. JONES of Washington. I desire to announce the following pairs:

The junior Senator from Kentucky [Mr. ERNST] with the senior Senator from Kentucky [Mr. STANLEY];

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. OWENS]; and

The Senator from Colorado [Mr. PHIPPS] with the Senator from South Carolina [Mr. DIAL].

Mr. LADD. I desire to announce the necessary absence of the junior Senator from North Dakota [Mr. FRAZIER], and to state that, if present, he would vote "yea" on the pending motion.

The result was announced—yeas 57, nays 9, as follows:

YEAS—57

Ashurst	Dill	Keyes	Reed, Pa.
Ball	Edge	Ladd	Sheppard
Bingham	Ferris	McKellar	Shipstead
Borah	Fess	McKinley	Shortridge
Brookhart	George	McLean	Smoot
Broussard	Gerry	McNary	Spencer
Bursum	Gooding	Means	Sterling
Butler	Greene	Metcalf	Walsh, Mass.
Cameron	Hale	Moses	Walsh, Mont.
Capper	Harris	Neely	Warren
Copeland	Heflin	Norris	Watson
Couzens	Howell	Oddie	Willis
Cummins	Johnson, Calif.	Pepper	
Curtis	Jones, Wash.	Ralston	
Dale	Kendrick	Ransdell	

NAYS—9

Bayard	Harrison	Norbeck	Swanson
Fletcher	King	Overman	Underwood
Glass			

NOT VOTING—30

Bruce	Harreld	Phipps	Stanley
Caraway	Johnson, Minn.	Pittman	Stephens
Dial	Jones, N. Mex.	Reed, Mo.	Trammell
Edwards	La Follette	Robinson	Wadsworth
Elkins	Lenroot	Shields	Weller
Ernst	McCormick	Simmons	Wheeler
Fernald	Mayfield	Smith	
Frazier	Owen	Stanfield	

So the motion of Mr. MOSES was agreed to, two-thirds of the Senators present and voting being recorded in the affirmative.

Mr. HARRISON. Mr. President, I rise to a parliamentary inquiry. I did not hear the motion when it was made, and I desire to obtain some information about it. Is it the order now that on the day certain mentioned in the motion the bill referred to is to be made the special order; that the order applies only to that day; and if the bill shall not be completed on that day, then the order shall not operate any further beyond that time?

The PRESIDENT pro tempore. The Chair does not anticipate what the situation will be at that time, and is unable to answer the inquiry of the Senator from Mississippi.

Mr. HARRISON. I ask unanimous consent that the motion be stated from the desk, then, so that we will know what it is.

The PRESIDENT pro tempore. The motion made by the Senator from New Hampshire was that Senate bill 3674 be set down as a special order for Thursday, January 22. The rules provide what shall become of the bill after that time.

MAY ADELAIDE SHARP

Mr. SIMMONS. Mr. President, it will be recalled that on yesterday the Senate, at my instance, passed House bill 6498, and the bill has been sent to the House. It provided for the payment of $5,000 to Mrs. Sharp, the widow of Hunter Sharp, late consul of the United States. The bill was on the calendar; it never had been passed, and I naturally called it up on yesterday. This morning my attention has been called to the fact that the appropriation bill for the Departments of State, Justice, and Commerce, passed May 28, 1924, provided for the payment of $5,000 to Mrs. Sharp, and the money has been paid. I therefore wish to enter a motion to reconsider, and in the meantime I ask that the House be requested to return the bill.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent, as in legislative session, that the House be requested to return the bill referred to by him. Is there objection? The Chair hears none, and the House will be so requested.

AMERICAN SHIPPING

Mr. STERLING. Mr. President, I have before me a copy of an address by Commissioner W. S. Hill, of the United States Shipping Board, delivered at the annual meeting of the American Farm Bureau Federation at Chicago on December 8, 1924.

I think it an excellent address, and, as in legislative session, I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD as follows:

ADDRESS OF COMMISSIONER W. S. HILL, OF THE UNITED STATES SHIPPING BOARD, BEFORE THE ANNUAL MEETING OF THE AMERICAN FARM BUREAU FEDERATION, CHICAGO, ILL., DECEMBER 8, 1924

The United States Shipping Board was organized by the shipping act of 1916. It was formed to meet a condition that was found to exist when the World War broke out in Europe. We then awoke to the fact that our commerce was being carried by foreign vessels under foreign flags. We were made to realize that we had comparatively few ships under the American flag. In fact at this time we were carrying little more than 8 per cent of our own foreign shipping.

The foreign ships that had been doing our carrying trade were called away from this trade by the military necessity of their respective countries. In a short time there existed a congestion of exportable products, not only at our seaports but in our great railroad centers also. The business interests of the country demanded that something be done to remedy this condition. Europe wanted our products at a good price and we must be able to get them to these markets. There was no time to dally, and Congress passed the act that created the Shipping Board. The first purpose of this board was to have ships built as fast as possible that there might be American bottoms in which to carry on our foreign trade.

It was only a few short months after the Shipping Board was created until we ourselves became involved in the great World War. More than ever now must we have ships. They were necessary for carrying on the war. We needed them to transport our troops abroad and to provide our Army with munitions and supplies. The enemy was sinking the ships we did have on the sea and also those of our allies. The cry went up for "ships and more ships." A campaign of shipbuilding was launched and carried out, such as the world had never known before. America amazed the world in the rapidity with which she built ships. In fact a common expression of the time was that we would bridge the Atlantic with ships.

With true American enterprise, the Government rushed the production of ships that we might have a fleet commensurate with the demands on our shipping. Then came the sudden termination of the war. This found us with a great number of ships on our hands—some finished, others partly finished, and others just started.

But the men to whom had fallen directly the burden of transporting our soldiers and military supplies and of keeping our commerce moving during the war realized that our lack of a merchant marine at the beginning of the war had cost our Government many millions of dollars. Part of this cost was in the waste that is always involved in production when the one factor considered is rapidity of output. The rest of it is found in the liberal charges listed against us by our allies for transporting our troops and supplies. But if these countries had not been our allies, they would not have done our transportation for us at any price. What might have been the consequence if England and France had been fighting against us? Fresh from this experience, the Government believed the Shipping Board had much important work yet to do and that a merchant marine might be built out of this fleet of ships so hastily created.

At the present time we have, roughly speaking, about 1,200 Government-owned steel ships. About 300 are being operated as Government ships, while about 900 are idle.

The merchant marine act was passed in 1920, which imposed upon the Shipping Board the duty of handling this fleet. They are to operate the fleet in foreign commerce until such time as it can be sold to American citizens to be operated under the American flag. The task of doing this is a tremendous one. Ocean shipping since the war has been greatly depressed, and there has been about as much sale for ships as there has been for farm lands.

The act which created the Shipping Board says it shall be composed of seven members, shall be nonpolitical and regional in its selection; that is, not more than four members can be of one political party, and the different sections of the country must be represented in the appointment of the members. The act expressly states that two members must be from the Pacific coast, two from the Atlantic coast, one from the Gulf region, one from the Lake region, and one from the interior. For the first time since the organization of the board agriculture is represented in its membership by the appointment last January of the member from the interior.

The wisdom of this regional representation was apparent during the late summer and early fall of this year. The Middle West produced a large crop of small grain, and particularly wheat. There was a good demand for this grain in Europe at good prices. Much of it was sent to the Gulf for export. There were not enough ships sailing regularly from these ports to begin to meet this unusual demand, and the ports became congested. Elevators were filled to the roof, and thousands of cars waited on the sidings to be unloaded. This congestion was threatening to depress the rise in price which had begun to show in the wheat market. The Shipping Board was asked to supply additional ships to relieve this condition. Because of his special knowledge of the situation, the representative of the interior was able to bring the seriousness of the matter to the understanding of the board, and additional Government ships were placed in service. The congestion was relieved, and a rise in ocean-shipping rates was prevented; consequently the threatened depression of grain prices did not occur.

Some information about ocean rates may be of interest. Ocean rates are not and can not be controlled like railroad rates. This for the simple reason that the sea is a highway open to anyone who owns or operates a vessel. The rate is controlled to a great extent by the relative supply of ships and cargoes. When ships are scarce the rate goes up, and when there is a plentiful supply of ships the rates work lower. The shipowners endeavor to regulate and stabilize rates by means of conference agreements. But these conference rates usually apply to certain types of cargo and do not apply to grain, a commodity we from the Middle West export in large quantities.

The grain rates fluctuate and are largely a trading proposition. Grain is easily loaded and discharged, gives weight to a cargo, and is used to trim it up. And so, often, shipmasters are glad to get it for ballast and will take it for very low rates. But the producer of the interior has sold his wheat subject to a fixed rate to Liverpool and does not share the least mite in this cut of rates. Exporters have made fortunes because of this differential in rates, while the farmer has not benefited at all by this advantage. Surely the producer of grain is entitled to any advantage accruing from such low ocean rates. But the method of marketing in the past has not permitted him to share in these breaks.

Our cooperative grain-marketing organizations should be so organized and conducted that they secure for the producer this advantage on the grain we export. It is my understanding that the Grain Marketing Co., recently organized under the American Farm Bureau Federation, is doing this service for its patrons. This feature should especially commend the Grain Marketing Co. to the producers of grain.

To be able to share in any possible favorable ocean rates on our export business is a new idea to the actual grower of the grain, but farming can not be done in a hit-or-miss way and yield a profit any more than other business.

The farmer is vitally interested in transportation. He is interested in his products from the time they leave the farm until they reach the consumer. This means that on such products as are exported he is affected by ocean carriers and their fluctuations in rates. He is interested in a regular, dependable service that is primarily interested in moving American products at fair freight rates. Notwithstanding he may live a thousand miles from the sea, he is interested just the same. And the time has come when he must know this and when he must inform himself concerning the things that are to his advantage or disadvantage in this ocean carrying trade. He should know that for almost two generations he has been at the mercy of a foreign carrying trade which did his exporting for him when the home country did not need their service. We of the interior have produced our grain and our livestock. We have sent it blindly out to market and lost sight of it long before it reached the place of export. We have thought we were not interested in ocean shipping or ocean rates because we did not live beside the sea. And so always we have worked only one end of this food-production business of ours and thought nothing about the other end where profits or nonprofits are made. We have not known who did our export carrying or what it cost, and we have cared less. Not so has the industrialist conducted his business. He has watched as closely the exporting end of his business as the manufacturing end, and when a short-sighted policy of government failed to provide a merchant marine for his use he provided one of his own in many cases.

Time was when America was mistress of the seas. That was in the days of the sailing vessel and the wooden ships. Her great forests enabled her to build ships better and more cheaply than they could be built anywhere else in the world. The spirit of enterprise and adventure inherited from rugged forebears made the American seaman the most intrepid of his kind during the first half of the nineteenth century. During much of this time we were doing 90 per cent of all our carrying trade. That we were cutting so tremendously into England's shipping trade was her real reason for forcing us into the War of 1812, and the victories that made her bring that war to a close were won by us on the sea and not on the land.

With the advent of the steel ship America began to lose her prestige on the sea. This was about the time of the Civil War. At first America would not recognize the possibility that the steel ship would replace the wooden ship. Her shipbuilders knew how to make wooden ships and had an abundance of material with which to build them. England saw the possibility of the steel ship. She could not build wooden ships as cheaply as America, so she fitted herself to make the steel ships.

With the Civil War, American enterprise became interested in the development of our great inland resources. Soon the money and the man power that had supported our great sea-carrying trade was turned to building railroads, developing coal mines, opening up agricultural lands, and building populous cities. American enterprise had faced about and moved out across this great continent, finding there more than enough resources to absorb its energy. We depended more and more upon foreign flagships to move our commerce until we were carrying but a vestige of our exports and imports.

This was very pronounced at the time of the Boer War, and we realized it in a very emphatic way when the British ships were withdrawn from our service. This resulted in interference with our traffic and in excessively high ocean freight rates. It is stated by those in a position to know that it cost America in advanced freight rates as much as the entire cost of the Boer War. The merchant marine flying the American flag became negligible. Certain interests in this country to which a merchant marine was a necessity found it to their advantage to operate their privately-owned lines under foreign flags.

And so the United States found herself in 1914 as she had found herself in the Boer War—only more so. Her sea-carrying trade was broken into and congested. When she herself was forced into the war, the sudden overwhelming necessity for a merchant marine cost her many millions of dollars which might have been saved by a wiser ocean-shipping policy through the preceding years. It would seem that it would be a decidedly shortsighted policy for us ever to allow that condition to exist again.

As a result of the war we have a large fleet. These ships were built under war conditions and at very great cost. We are bound to suffer a great loss on them which is directly chargeable to the waste of war. The paramount question before the Government and the Shipping Board with regard to this fleet is what can be done with it.

The merchant marine act of 1920 says that it is necessary for the national defense and for the proper growth of its foreign and domestic commerce that the United States shall have a merchant marine sufficient to carry the greater portion of its commerce and to serve as a naval and military auxiliary in time of war or national emergency. It further says that these ships shall ultimately be owned and operated privately by citizens of the United States under the flag of the United States. The Shipping Board is striving to that end. Until such time as this fleet can be sold to private American citizens so much of it as can be used is being operated by the Government by managing operators. Definite routes have been established and regular dependable service has been arranged. This is being done at some expense to the Government, but the loss is gradually being reduced. When the saving to our country in better service, in extending our commerce, and in the stabilizing of ocean rates is fully considered, it is doubtful if there is any actual loss to the entire country.

Commerce follows the flag. This is proven in a very practical way by the large corporations in this country, such as the Steel Corporation, Standard Oil, and others. Very marked in this respect is the experience of the Steel Corporation, who by the operation of their own ships have been able to extend their trade to places and in ways that would have been otherwise impossible.

As farmers, we are interested in America's extending her commerce to the uttermost parts of the earth. Ready markets for our foodstuffs are what we need to make the prices such that we will profit in the production. Foreign countries are our competitors in these markets. If we depend on foreign ships to carry our exports our products will not be the first to these markets. We should have our own merchant marine for this work. It should be galvanized into life so that it would have the energy and enterprise of our carrying trade of the nineteenth century. Then we could depend on our products being early in the foreign ports to claim their share of good prices. Also our ships would open new markets and make good their claim to preference in these markets by precedence and efficiency of service. An American merchant marine ably supported and equipped is necessary to do this.

I wish to repeat that the American farmer is an exporter and as such should be vitally interested in a merchant marine. I wish to say also that I firmly believe he will continue to be an exporter of farm products for many years to come. The manner in which we were able to increase production along all agricultural lines during and following the war convinces me that we are a long way from our limit. With improved machinery and increase in yield yet possible, together with the operation of our immigration laws restricting immigration, we will not soon reach the point where the home market will consume what we produce.

So the farmer will continue to need ships to move his surplus. When the time does come that we have no surplus of agricultural products our population will have increased, and we will have increased industrially so that we will need a merchant marine to move and develop a market for our manufactured products.

All that has been said favoring a merchant marine has been based on peace conditions. Experience shows that our Navy is almost of no value in case of war unless supplemented by a merchant marine. With the vast seacoast we have we could not think of doing away with a reasonable-sized Navy. Knowing that the Navy in time of stress is dependent on a merchant marine it would be contradictory to provide one without having the other.

I sincerely believe that some day America will awake to the necessity of owning and controlling her ocean shipping. When that time comes, with her characteristic energy, she will establish a well-equipped, efficient merchant marine. I am also sure that the farmer will be the first to awake to this necessity if he will study the question from the standpoint of his own advantage. It would seem to me wise to awake to this necessity now while we have this large fleet of new, modern, steel ships that can be gradually worked into our carrying trade. To do this we must have the support of all the people. Our people must give preference to our ships, both in exporting and importing. Public sentiment in support of a merchant marine must be developed and propaganda in support of it created. We people of the interior must realize that this is a vital matter to our prosperity. We must know that we can not hope to have the place we are entitled to in foreign markets as long as we depend on our neighbors to get our products to market. Then let us people of this great agricultural region study this problem for ourselves and be ready to support the policies for a merchant marine.

WITHDRAWALS AND RESTORATIONS OF PUBLIC LANDS

Mr. LADD. Mr. President, as in legislative session, I ask permission to have printed in the RECORD a letter from the Secretary of the Interior to the President pro tempore of the Senate, together with the accompanying report, with regard to lands withdrawn and again restored.

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

THE SECRETARY OF THE INTERIOR,
Washington, December 18, 1924.

The PRESIDENT OF THE SENATE, PRO TEMPORE.

SIR: The act of Congress entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases," approved June 25, 1910 (36 Stat. 847), provides, among other things, that the Secretary of the Interior shall report all such withdrawals to Congress at the beginning of its next regular session after the date of the withdrawal.

In compliance with the requirements of the statute, I have the honor to inclose herewith copy of a letter from the Commissioner of the General Land Office, dated December 13, 1924, transmitting report of the withdrawals and restorations contemplated by the statute.

Very truly yours,

HUBERT WORK.

Inclosure 27897.

Withdrawals and restorations under act of June 25, 1910 (36 Stat., 847) during period December 1, 1923, to November 30, 1924, inclusive

State	Outstanding withdrawn December 1, 1923	Period December 1, 1923, to November 30, 1924		Outstanding withdrawn November 30, 1924
		Withdrawn	Restored	
CLASS OF ACTION				
Alabama:	*Acres*	*Acres*	*Acres*	*Acres*
Classification		2,440		2,440
Power sites	120			120
Total	120	2,440		2,560
Alaska:				
Administrative sites	70			70
Agricultural experimental station		40		40
Classification	230,000			230,000
Cemetery purposes		10		10
Military purposes	236,800			236,800
National monumental purposes		2,560,000		2,560,000
National park purposes	2,400		200	2,200
Power sites	93,415			93,415
Road commission	(1)			(1)
Tanakee Hot Springs (area undetermined)				
Total	562,685	2,560,050	200	3,122,535
Arizona:				
Administrative sites	784			784
Classification	13,987	88,860		102,847
Coal	141,243		1,828	139,415
Mineral	8,507			8,507
National park		67		67
Pending resurvey	32,496			32,496

[1] 800 square feet.

Withdrawals and restorations under act of June 25, 1910 (36 Stat., 847), during period December 1, 1923, to November 30, 1924, inclusive—Continued

State	Outstanding withdrawn December 1, 1923	Period December 1, 1923, to November 30, 1924		Outstanding withdrawn November 30, 1924
		Withdrawn	Restored	
CLASS OF ACTION—continued				
Arizona—Continued.	*Acres*	*Acres*	*Acres*	*Acres*
Petroleum	230,400			230,400
Public park		15,080		15,080
Power sites	302,208	139,847		442,055
Public waters	14,696			14,696
Stock driveways	329,450			329,450
Total	1,073,771	243,854	1,828	1,315,797
Arkansas:				
Classification	400			400
Power sites	22,354			22,354
Total	22,754			22,754
California:				
Administrative sites	1,072			1,072
Aid of legislation	855,400			855,400
Camp-site purposes	20			20
Classification	30,880			30,800
Coal	17,643		40	17,603
Forest administrative sites	127			127
Lighthouse		8		8
Pending resurvey	17,257	4,857		22,114
Petroleum	1,178,392			1,178,392
Potash	90,678			90,678
Power sites	295,698		950	294,748
Proposed monument		320		320
Public waters	63,096	104,240		167,336
Reservoir sites	1,160			1,160
Total	2,551,423	110,745	2,310	2,659,858
Colorado:				
Administrative sites	622		41	581
Aid of legislation	600	1,320	1,320	600
Classification	544,098			544,098
Coal	4,241,657			4,241,657
National monumental purposes	65			65
Naval oil shale	41,560	2,300		43,860
Petroleum	222,977			222,977
Pending resurvey	218,757	16,720		235,477
Power sites	244,270	530	2,788	242,012
Public waters	1,740			1,740
Reservoir sites	102,460			102,460
Total	5,618,806	20,870	4,149	5,635,527
Florida:				
Adjustment equitable rights	500			500
Administrative sites	40			40
Naval purposes (area undetermined)				
Pending legislation		468		468
Phosphate	119,483		34,541	84,942
Total	120,023	468	34,541	85,950
Idaho:				
Administrative sites	837	80		917
Aid of legislation	55,220			55,220
Classification	71,899			71,899
Coal	4,761			4,761
Experimental station	28,427			28,427
Phosphate	720,534			720,534
Power sites	218,011	250	11,248	207,013
Public waters	12,080			12,080
Reservoir sites	26,240			26,240
Total	1,138,009	330	11,248	1,127,091
Louisiana:				
Aid of legislation	105			105
Petroleum	466,990			466,990
Total	467,095			467,095
Michigan:				
Aid of legislation	34			34
Power sites	1,240			1,240
Proposed monument		7,347		7,347
Total	1,274	7,347		8,621
Minnesota:				
Classification	373			373
Power sites	12,309			12,309
Total	12,682			12,682
Montana:				
Administrative sites	5,534	792		6,326
Aid of legislation	38,590			38,590
Coal	10,468,916		2,061,359	8,407,557
Forest administrative site	752			752
Petroleum	1,344,640			1,344,640
Phosphate	287,883			287,883
Power sites	139,601		9,229	130,372
Public waters	7,296			7,296
Reservoir sites	9,080			9,080

Withdrawals and restorations under act of June 25, 1910 (36 Stat., 847), during period December 1, 1923, to November 30, 1924, inclusive—Continued

State	Outstanding withdrawn December 1, 1923	Period December 1, 1923, to November 30, 1924		Outstanding withdrawn November 30, 1924
		Withdrawn	Restored	
CLASS OF ACTION—continued				
Montana—Continued.	*Acres*	*Acres*	*Acres*	*Acres*
Sheep experimental station	15,776			15,776
Well-drilling reserve	40			40
Total	12,318,108	792	2,070,588	10,248,312
Nebraska:				
Administrative sites	39			39
Power sites	761			761
Total	800			800
Nevada:				
Administrative sites	534			534
Aid of legislation		240		240
Coal	83,833		160	83,673
Oil shale	123			123
Pending resurvey		7,440		7,440
Potash	39,422			39,422
Power sites	27,543	149	200	27,492
Public waters	10,556			10,556
Well-drilling reserves	80			80
Total	162,091	7,829	360	169,560
New Mexico:				
Administrative sites	313			313
Coal	5,250,399		61,904	5,188,495
Experimental station	199,490			199,490
Military purposes	52,480			52,480
National monumental purposes	160	82,170		82,330
Pending resurvey		111,200		111,200
Power sites	65,423		1,096	64,327
Public waters	8,246			8,246
Total	5,576,511	193,370	63,000	5,706,881
North Dakota:				
Coal	6,192,486			6,192,486
Petroleum	84,894			84,894
Reservoir sites	478			478
Total	6,277,858			6,277,858
Oregon:				
Administrative sites	647			647
Aid of legislation	10,193	17,568		27,761
Classification	1,350,772			1,350,772
Coal	4,361			4,361
Pending resurvey		6,200		6,200
Power sites	405,327		4,777	400,550
Public waters	16,211			16,211
Reservoir sites	10,619	7,984		18,603
Total	1,798,130	31,752	4,777	1,825,105
South Dakota:				
Administrative sites	321			321
Aid of legislation	37,560			37,560
Protect water supply	480			480
Public waters	240			240
Total	38,601			38,601
Utah:				
Administrative sites	360			360
Adjust claims (area undetermined)				
Classification		2,000		2,000
Coal	5,033,716		800,936	4,232,780
Helium		7,100		7,100
National monumental purposes	160			160
Naval oil shale	86,584	4,880		91,464
Pending resurvey	17,160	2,449		19,609
Petroleum	1,870,608		421,723	1,448,885
Phosphate	302,465			302,465
Power sites	446,786		2,706	444,080
Public waters	34,406			34,406
Reservoirs	26,040			26,040
Total	7,818,285	16,429	1,225,365	6,609,349
Washington:				
Administrative sites	10			10
Classification	15,351			15,351
Coal	692,658		51	692,607
Fish culture purposes	10			10
Power sites	104,657	357	4,995	100,019
Public waters	920			920
Reservoir sites	36,327			36,327
Total	849,933	357	5,046	845,244
Wyoming:				
Administrative sites	1,123	80		1,203
Aid of legislation	844,800	6,720		851,520
Air mail station	120			120
Classification	5,760			5,760
Coal	2,437,523		78,720	2,358,803
Elk refuge	1,400			1,400

Withdrawals and restorations under act of June 25, 1910 (36 Stat., 847), during period December 1, 1923, to November 30, 1924, inclusive—Continued

State	Outstanding withdrawn December 1, 1923	Period December 1, 1923, to November 30, 1924		Outstanding withdrawn November 30, 1924
		Withdrawn	Restored	
CLASS OF ACTION—continued				
Wyoming—Continued.	*Acres*	*Acres*	*Acres*	*Acres*
Fish culture	400			400
Landing for airplanes	471			471
Pending resurvey	126,055	24,677		150,732
Petroleum	1,018,801			1,018,801
Phosphate	995,049			995,049
Power site	86,624		3,423	83,201
Public waters	81,505			81,505
Reservoir sites	118,734			118,734
Total	5,718,365	31,477	82,143	5,667,699
Grand total	52,127,324	3,228,110	3,505,555	51,849,879
RECAPITUALTION BY CLASSES				
Administrative sites	23,521	952	41	24,432
Adjust claims	(1)			
Adjust equitable rights	500			500
Aid of legislation	1,811,609	25,848	1,320	1,836,137
Air mail station	120			120
Camp-site purposes	20			20
Classification	2,263,377	93,300		2,356,677
Cemetery purposes		10		10
Coal	34,592,385		3,004,998	31,587,387
Elk refuge	1,400			1,400
Experimental station	199,490	40		199,530
Fish culture purposes	410			410
Forest administrative sites	879			879
Helium		7,100		7,100
Landing field for airplanes	471			471
Lighthouse purposes		8		8
Mineral	8,507			8,507
Military purposes	289,280			289,280
National monumental purposes	385	2,642,170		2,642,555
National park purposes	2,400	67	200	2,267
Naval oil shale	128,144	7,180		135,324
Naval purposes		(1)		
Oil shale	123			123
Pending legislation		468		468
Pending resurvey	411,725	173,543		585,268
Petroleum	6,417,702		421,723	5,995,979
Phosphate	2,425,414		34,541	2,390,873
Potash	130,100			130,100
Power sites	2,465,119	142,447	42,732	2,564,834
Proposed monuments		7,667		7,667
Protect water supply	480			480
Public park		15,080		15,080
Public water reserves	250,152	104,240		354,392
Reservoir sites	329,918	7,984		337,902
Road commission		(2)		
Stock driveways	329,450			329,450
Sheep experimental stations	44,123			44,123
Tanakee Hot Springs (area undetermined)				
Well-drilling reserves	120			120
Grand total	52,127,324	3,228,110	3,505,555	51,849,879

[1] Area undetermined.

[2] 800 square feet.

Respectfully submitted.

WILLIAM SPRY, *Commissioner.*

ISLE OF PINES TREATY

The Senate, in open executive session and as in Committee of the Whole, resumed the consideration of the treaty between the United States and Cuba, signed March 2, 1904, for the adjustment of title to the ownership of the Isle of Pines.

Mr. RALSTON resumed and concluded the speech begun by him yesterday. The speech entire is as follows:

Thursday, January 15, 1925

Mr. RALSTON. Mr. President, I have constituents in Indiana who are opposed to the ratification of the treaty of the Isle of Pines, and I am in sympathy with their opposition thereto. As I approach a discussion of the question now before the Senate, I am impressed with the novelty of the situation as it appears to me, Mr. President. It is possible that my inexperience may have given me an erroneous impression, but I have never before heard of a treaty being sent to the Senate for ratification 20 years after its negotiation. We all know that it was sent to the Senate soon after it was signed, and we all know that it was not ratified then. Why after all these years is this venerable document taken from its sleep in the dusty archives and brought into the living present? But more important is the question, Why has it never been ratified? The men who negotiated it and most of their contemporary officials are sleeping in their graves. Our knowledge of it to-day is derived almost wholly from historical documents. It has survived, without ratification, Republican administrations and Democratic administrations, Republican Senates and Democratic Senates, political convulsions that have shaken the Republic, great national triumphs, and great national scandals. It has survived them all.

Why has it remained unratified all these years? Our predecessors in this body were men of intelligence, as were all our Presidents and Secretaries of State. They all knew that this treaty covered matters of much importance which called for reasonably prompt action. Why this delay? What was it that paralyzed the voice of the Senate? The explanation is not hidden.

When this treaty was submitted to the Senate in 1904 it was referred to a committee of ability, headed by Senator Cullom, of Illinois, which investigated the subject very thoroughly and reported to the Senate in 1906. The majority of the committee conformed to the will of the Executive. A minority of two Senators, John T. Morgan, of Alabama, and W. A. Clark, of Montana, reported adversely. That minority report, said to have been written by Senator Morgan, was so conclusive that no Senate majority has ever been found ready to act in opposition to it; and I think that any Senator to-day who will read that minority report in Senate Document 205, of the first session of the Fifty-ninth Congress, will be convinced that Senators Morgan and Clark were right. I have found little in the literature of this question since then that adds anything of real importance to the case, except as to evidence in the pamphlet In re Treaty of Isle of Pines, pages 10 to 13. Practically the whole legal ground is covered in this report of 1906.

TITLE PASSED TO UNITED STATES

The chief objection made to the treaty was that it violated the Constitution of the United States by its attempted relinquishment of title to the Isle of Pines. Secion 3 of Aricle IV of the Consitution provides that—

> The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

There can be no question that the title to the Isle of Pines passed to the United States by the treaty of Paris, signed December 10, 1898. There were only two parties to that treaty, Spain and the United States. Cuba was not in existence as a government. In the treaty it appears only as an island that had been in the possession of Spain. The treaty reads:

> ARTICLE I. Spain relinquishes all claims of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, "the United States assumes all its responsibilities of government." But the treaty continues:

> ART. II. Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies.

It was under this clause that the Isle of Pines passed to the United States. As stated, Cuba as a government was not in existence and could not own anything. It was regarded in the treaty simply as an island, and obviously the Isle of Pines was not part of the island of Cuba.

Unquestionably, the representatives of this Government and of Cuba, long after the negotiation of the treaty between Spain and the United States, held the view that the title to the Isle of Pines came to the United States by Article II of the Paris treaty. Article I of the treaty between the United States and Cuba, which was not ratified, provided that:

> The United States of America relinquishes in favor of the Republic of Cuba all claims of title to the Isle of Pines * * * which has been or may be made in virtue of Article II of the treaty of Paris between the United States and Spain.

But under Article II of the treaty of Paris—

> Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty of the West Indies.

But Article I of the treaty we are considering provides for this Government to relinquish any claim it may have to the Isle of Pines under both Articles I and II of the treaty of Paris. This is done to strengthen the argument that the Isle of Pines was a part of Cuba and that the ceding of Cuba to the United States carried with it the title to the Isle of Pines, and that therefore we are morally obligated to transfer this island to the Republic of Cuba.

I call the attention of the Senate to the fact that when Cuba and the United States jointly passed an interpretation upon the first treaty neither relied upon the fact that the United States would make any claim to the title to the Isle of Pines under Article I of the Paris treaty. Both understood, and

so interpreted the first treaty submitted to this body, that if the United States had any claim to the Isle of Pines it was under and by virtue of Article II of the treaty entered into between Spain and the United States. That first treaty was not ratified within the time limit. Then when the second treaty, the one we are now considering, was prepared and submitted to this body, we find that it provides for this country to relinquish any claim it may have under and by virtue of Articles I and II of the treaty entered into between Spain and the United States. So we have Cuba's own interpretation of the source of the title which we have to the Isle of Pines, agreed to by our Government in the treaty which was not ratified, and that source was Article II of the treaty between Spain and the United States, which ceded to this Government Porto Rico "and other islands." This would indicate the Isle of Pines was not then regarded as a part of Cuba.

ANOMALOUS SITUATION

The situation created was anomalous. We had gone into the war with the declaration:

> That the people of the island of Cuba are, and of right ought to be, free and independent.

"The people of the island of Cuba," mind you, and not the insurgents or any government of Cuba. Spain had relinquished "all claims of sovereignty over and title to Cuba," but relinquished it to whom? Obviously to the United States.

The United States wanted nothing from the cession except its own protection. It recognized that it could not divest itself of sovereignty over Cuba until there was a government in Cuba to which sovereignty could be transferred, and therefore required on the part of Cuba a constitutional convention and the adoption of a constitution. When that was done Congress was confronted with the new problem of divesting the United States of the title to territory. That was something that had never before been done. Congress recognized fully that morally and in accordance with the American sentiment we had taken title to Cuba only as a trustee, and that we were proposing to hold it only until the people of the island formed their own government and made it possible for us to transfer the title to them through some adequate action of Congress. Under the Constitution there was no other possible way of doing it. That action was taken by the Platt amendment to the Army appropriation bill of March 2, 1901. That divesting of title was by act of Congress, and it stands to this day as the only precedent for the United States disposing of any part of its territory to a foreign power.

And it may be noted here that it is wholly immaterial whether the title to the Isle of Pines passed to the United States in the relinquishment of Cuba, as an integral part of Cuba, or as a separate island, under the other clause, to wit:

> Spain cedes to the United States the island of Porto Rico and the other islands now under Spanish sovereignty in the West Indies.

If it were under the first, it was retained in the United States by the Platt amendment, and still remains in the United States.

There is no possible escape from the conclusion that the United States had the title and that it has never constitutionally lost title, and it can not constitutionally divest itself of title by this treaty. We can not afford to ignore this. It is rank political blasphemy to talk to the public about the sanctity of the Constitution and then deliberately violate it in this highest council of the Nation. Moreover, it is wholly immaterial, whether morally or otherwise, we took Cuba from Spain as a "trustee for the Cuban people." A trustee can not get rid of property held in trust by him without a legal conveyance of it; and under the Constitution of the United States this Government can not dispose of any kind of property to which it holds the title, whether territory or anything else, whether held in trust or in its own right, except by act of Congress, as it did in the case of Cuba. Even if the Isle of Pines is to be surrendered, we should do it in a lawful way and not by a revolutionary process. The Constitution of the United States is entitled to be regarded in this country, if it is not elsewhere, as something more than a scrap of paper.

The provisions of the Platt amendment were required to be adopted as an integral part of the Cuban constitution, and that was duly done. The sixth article of this amendment is in these words:

> That the Isle of Pines shall be omitted from the proposed constitutional boundaries of Cuba, the title thereto being left to future adjustment by treaty.

Whether rightfully or wrongfully, the United States was evidently making a claim of title to the Isle of Pines when it adopted the Platt amendment.

Mr. SIMMONS. Mr. President, the Senator just said that we could not dispose of any territory to a foreign power except by act of Congress.

Mr. RALSTON. Yes, sir.

Mr. SIMMONS. I wish to ask the Senator if he holds that the Platt amendment, which authorized the settlement of this controversy with regard to the Isle of Pines, was not an authorization by Congress to the treaty-making power to enter into an agreement to——

Mr. RALSTON. To divest title?

Mr. SIMMONS. To divest title.

Mr. RALSTON. I hold that it was not broad enough to do that, but I will discuss that question at the proper time.

Mr. SIMMONS. The question that occurred to my mind was would it be competent for Congress to delegate the power in that way?

Mr. RALSTON. I think not, but I will come to that later.

Senator Morgan protested vigorously against this article, and moved to amend it by striking out the words, "the title thereto being left to future adjustment by treaty." The discussion was short, as the RECORD discloses. It was in the closing hours of the session, and if the agreed program of the majority was to be carried through, there was no time to lose on amendments. Senator Morgan's amendment was voted down, and the Platt amendment adopted.

In this manner, Mr. President, Cuba came into existence. Her boundaries were fixed and fixed by her own consent. The Isle of Pines was excluded from them, and the title to it left exclusively in the United States. There has been some discussion since then as to the meaning of the clause: "The title thereto being left to future adjustment by treaty." This clause, which is a part of Article VI of the Platt amendment, is claimed to be the authority, which gives the treaty-making power the right to cede the Isle of Pines to Cuba. But this can not be considered an authorization to convey the title to the island. The legal meaning of "adjust" is the same as its ordinary meaning, and does not include any idea of final or conclusive action. Thus, in Statts *v.* Insurance Co., 104 Pac., at page 187, it is said: "To 'adjust' an unliquidated claim is to determine what is due, to settle, to ascertain." In City *v.* Capps, 123 S. W. 160, at page 162, it is said:

> To adjust is to settle or bring to a satisfactory state, so that the parties will agree to the result.

One of the most ordinary uses of the word is in connection with the work of an adjuster of an insurance company, who adjusts, agrees upon, or determines the amount of loss in a case; but he does not pay the loss. That power is located elsewhere.

On the other hand—

> To "dispose of" means to part with; to relinquish; to get rid of; to alienate; to effectually transfer. Connelly *v.* Putnam, 111 S. W. 161, p. 166; Newcomb *v.* Newcomb, 12 N. Y. 603, p. 620; Ironside *v.* Ironside, 130 N. W. 414, p. 416.

In other words, all the Platt amendment authorized the executive power to do was to bring about an adjustment that the executive power thought was fair and submit it to Congress for action—not to the Senate alone.

I think, Senators, there would be quite a different question confronting us if Congress in the Platt amendment had declared on what terms this country would be willing to divest itself of the title to the Isle of Pines, and then had authorized the executive power to negotiate a treaty with the foreign country when those terms were met; but in that case it would be the Congress divesting this country of title to the Isle of Pines. It would be the Congress, and not the executive branch of the Government, fixing the terms on which we would part with title to this island.

Do I make myself clear? I may be wrong in my conclusion, but to me the distinction is as wide as the poles are apart, and under those circumstances Congress would not be delegating any power. It would be exercising the power which it and it alone has to dispose of the title to the Isle of Pines.

There is no question as to what Senator Platt intended by the clause, for on November 5, 1902, he wrote J. C. Lenney, an attorney in Pearcy *v.* Stranahan, 205 U. S. 257, as follows:

> I think it is a very fair question as to whether the cession of Porto Rico and other "islands" embraces the Isle of Pines. I have always maintained that it did, although I recognized the force of the other contention * * * but the Cuban people have claimed that it was always within the administrative jurisdiction of Cuba and belonged to Cuba the same as other adjacent islands * * * I supposed, when I provided that it should be the subject of treaty negotiations, that

unless we could satisfy the Cuban Government that it passed to us in the cession that it would come to us by purchase and that is still my belief. (Doc. 205, p. 249.)

I quote that to show the importance that Senator Platt attached to the United States holding this particular territory, or island.

Senator Platt knew the importance of this island belonging to the United States. In his language—

It will give us the most advantageous point from which to defend the entrance of the Isthmian Canal.

But it is wholly immaterial, for present purposes, what it means. The Constitution of the United States can not be amended or set aside by an act of Congress any more than it can by a treaty. By the Constitution, and by the precedent of Cuba, the only way in which the United States can divest itself of title to the Isle of Pines is by act of Congress. If the Senate should vote to ratify the treaty now before it, it would violate the Constitution which we are all under oath to support.

The Executive may, of course, propose to adjust the title by treaty and may come to an agreement with Cuba to surrender the title, but if so, the only constitutional way in which it can carry such an agreement into effect is by act of Congress. To me, Mr. President, this view is conclusive. But I could not conscientiously become a party to any such undertaking, even by Congress.

PRESENT CONDITION

But I desire to add a few words as to the condition now existing. I am very unfavorably impressed with the facts relied upon in support of this treaty. In answer to the claim that President McKinley considered the Isle of Pines as United States territory and had it placed on the official maps of the United States, the majority report at page 16 quotes three letters from people who had no information on the subject, and says:

The following letters from the Interior and War Departments contain all the information on that subject that it has been possible to gather.

But in the first of these letters, which is from E. A. Hitchcock, Secretary of the Interior, is the statement:

As a matter of information, it may be stated that at the time the inset map of the Isle of Pines was placed on the map of the United States, the Hon. Binger Herman was Commissioner of the General Land Office, and as he is now a Member of the House of Representatives he may be able to supply definite information upon the subject.

Why was not Mr. Herman's testimony sought? And why was it not included at this point? There can be no question that Mr. Herman knew that President McKinley did order the Isles of Pines put on the map of the United States, for he publicly stated so two years earlier, and his statement was preserved in the CONGRESSIONAL RECORD and I shall produce it shortly.

SECOND ARTICLE OF THIS TREATY

Again, the second article of this treaty of 1904 says that the cession of the Isle of Pines to Cuba is "in consideration of the grants of coaling and naval stations in the Island of Cuba heretofore made to the United States of America by the Republic of Cuba." But the lease of the coaling stations, which was negotiated in February, 1903, sets out the "consideration" paid therefor, which was $2,000 a year, and "to enable the United States to maintain the independence of Cuba and to protect the people thereof." Nothing is said in the lease about the consideration, or any part of the consideration therefor, being the Isle of Pines. The majority of the committee argue that:

The treaty was negotiated and sent to the Senate by the President of the United States. His assent to such a declaration, given in the light of a discharge of his official and constitutional duty, is and should be regarded as a conclusive admission against the United States as to the fact recited, namely, that it was understood and agreed between the respective negotiating officials of Cuba and the United States, that in consideration of the grants theretofore made by Cuba to the United States by the treaty with Cuba of February 23, 1903, for coaling and naval stations, the United States would on its part relinquish all title in favor of Cuba to the Isle of Pines. (Doc. 5, p. 10.)

If there had been any such secret compact, why were not President Roosevelt and Secretary Hay asked about it? They were within easy reach. But they remained silent, and if either of them ever gave any light to the public on the subject, it has escaped my attention in the examination I have made of the question we are now considering.

As a Member of this body, I am ready always to show the highest respect for the other branches of government, but we can not close our eyes to the fact that if there were another and secret consideration for coaling stations, its concealment at the time was a fraud on the public. Here are two statements that are in direct conflict, both of them made in treaties within the space of a year. I leave it to some one else to reconcile them. I can not. I am not, however, interested in making any criticism of anyone, but I am interested in an effort to obtain long-delayed justice for American citizens of the Isle of Pines, who have been heartlessly deserted by their country.

GEOGRAPHICAL RELATIONS

The Cubans had urged in support of their claim that the Isle of Pines was "geographically" a part of the Island of Cuba. In support of this claim the majority report brings forward an unsigned and undated "memorandum" from the War Department which includes this statement as to the geographical relation of the Isle of Pines to Cuba, to-wit:

While there is a separation from the mainland by water nearly 30 miles in width, this water is so shallow that the use of the island as a penal colony had to be abandoned, because with certain conditions of wind and tide it was possible for the convicts to wade from the island to Cuba. (Doc. 5, p. 47.)

As a matter of fact, nobody knew anything about the depth of the waters until the Americans charted them and found that while there was a large expanse of shallow water between the two islands, and numerous bars and reefs, there is no possible line of crossing that would not be through miles of water over 10 feet deep.

I repeat, Mr. President, nobody knew anything about the depth of the waters until the Americans charted them and found that while there was a large expanse of shallow water between the two islands, and numerous bars and reefs, there is no possible line of crossing that would not be through miles of water over 10 feet deep. Imagine, if you can, convicts wading across.

[At this point Mr. RALSTON yielded the floor for the day.]

Friday, January 16, 1925

Mr. RALSTON. Mr. President, much is made also by supporters of the claim that the Isle of Pines is geographically part of Cuba, as would seem to appear from a statement by William Edward Hall, an English author, in his treatise on international law; but the work was published in 1895, before the waters separating Cuba from the Isle of Pines had been charted, and his description of these waters is evidently based on reputation rather than knowledge. He apparently realized this himself, for his conclusion is only that "there can be little doubt that the boundary of the land of Cuba runs along the exterior edge of the banks" (p. 129). He says:

Access to the interior gulf or sea is impossible. At the western end there is a strait, 20 miles or so in width, but not more than 6 miles of channel intervene between two banks, which rise to within 7 or 8 feet from the surface, and which do not consequently admit of the passage of seagoing vessels.

But as shown on the American chart, there is an open channel of over 20 feet in depth from Nueva Gerona, on the northeast coast of the Isle of Pines, to the Yucatan Channel, on the southwest coast, which is in actual use by seagoing vessels at present; all of which illustrates the advantage of measuring and charting the depth of the waters instead of guessing at it.

DIVESTING TITLE

But even if it were conceded that the Isle of Pines is geographically a part of Cuba, it would not have any effect on one of the questions now before the Senate, which is, how can the United States Government legally divest itself of title to the Isle of Pines? As to Cuba itself, the precedent has already been established that the transfer must be made by act of Congress and by the express words of the Constitution that precedent is absolutely right. We can not lawfully do it by treaty.

What I want to be understood as saying is that the title to the Isle of Pines came to this Government through the treaty between Spain and the United States, and that the United States has never divested itself of that title, and to do so, or attempt to do so by the treaty under consideration is to fly in the face of our Constitution.

BADLY TREATED

I think, Mr. President, that the American residents of the Isle of Pines have been very badly treated by the United

States. I think an impartial reading of the evidence preserved in this Document 205 will satisfy anybody that there was a radical change of policy on the part of the United States following the administration of President McKinley. I think this evidence shows conclusively that President McKinley recognized the Isle of Pines as the property of the United States and had no intention of parting with it.

On August 14, 1899, Assistant Adjutant General John J. Pershing wrote George Bridges:

I am directed by the Assistant Secretary of War to advise you that this island (Isle of Pines) was ceded by Spain to the United States and is therefore a part of our territory, although it is attached at present to the division of Cuba for governmental purposes. A copy of the Isle of Pines is inclosed for your information and you are advised that the disposition of public lands must await the action of Congress. (Doc. 205, pp. 211, 224.)

The copy of the Isle of Pines referred to was a report made by Capt. Fred S. Foltz to the War Department. (Doc. 205, p. 208, 209.)

On January 13, 1900, Assistant Secretary of War G. D. Meiklejohn wrote to another inquirer in practically the same words as those used by General Pershing. (Doc. 205, p. 212.)

On the official maps of the United States from 1899 to 1902 the Isle of Pines appears as a part of the United States. (Doc. 205, p. 17.) It is, of course, impossible that such things could have occurred while President McKinley lived without his approval. But we are not left to surmise. On December 8, 1903, Representative Crumpacker, of Indiana, introduced a resolution in the House directing the Judiciary Committee to investigate and report to the House whether the Isle of Pines is "territory or other property belonging to the United States," and whether ceding it "without action on the part of Congress is authorized by the Constitution." In the discussion of the resolution Mr. Hermann, of Oregon, who favored the resolution, said:

Of my own personal knowledge I know that it was the last wish of President McKinley, after carefully looking into the question as to the ownership of the Isle of Pines and as to the right we acquired from Spain to that domain, that it should be understood to belong to the United States under the treaty, and he was so emphatic—I may say sensitive—as to that conviction that he gave specific instructions to the department that the Isle of Pines should be noted upon the large cession map of the United States that shows the different acquisitions of public domain to our country from the various sources through which we derive original title, and that the Isle of Pines should be placed there as inuring to the United States under the Paris treaty.

That was done and publication has been made upon each annual issue of that map since that time, and our claim and ownership of the Isle of Pines has thus been proclaimed through one of the great executive departments to all the world, and with the approval, the wish, and direction of the Chief Magistrate of this country. For one I think the conclusion is irresistible as to our right and title to that Province, and I sympathize with the citizens of our Nation who have gone there and acquired property there and have there engaged in various industrial occupations under the assurance of American protection and American control, and, indeed, upon every reasonable interpretation of the Paris treaty, and who are now about to be held to be inhabitants and property owners under Cuban jurisdiction. (CONGRESSIONAL RECORD, December 8, 1903, p. 57.)

Hermann, Mr. President, was Commissioner of the General Land Office from 1897 to 1903, and was in position to have first-hand information, and his statement has never been questioned so far as I know. In fact, there was never a word of answer to the repeated claims of the Americans in the Isle of Pines as to the public assurances of American ownership during President McKinley's life, under which American settlers went to the island and bought lands from Spanish owners, there being, in fact, no public lands worth mentioning on the island. And it was by the industry and thrift of these American settlers that the Isle of Pines, which under Spanish rule had been practically a desert and known only as a refuge for pirates and as a Spanish penal colony, has been developed into one of the gardens of the West Indies. But a change of front came about under a subsequent administration. The official map of the United States was changed. The officials of the War Department dropped assurances that the island belonged to the United States. On May 16, 1902, in connection with the evacuation of Cuba, Secretary Root instructed General Wood:

It is understood by the United States that the present government of the Isle of Pines will continue as a de facto government pending the settlement of the title of said island by treaty, pursuant to the Cuban constitution and the act of Congress of the United States approved March 2, 1901.

On this instruction General Wood indorsed:

The Isle of Pines as it had existed under military government was transferred as a de facto government to the Cuban Republic, pending the final settlement of the status of the island by treaty between the United States and Cuba. * * * As I understand it, the government of the Isle of Pines is vested in the Republic of Cuba, pending such final action as may be taken by the United States and Cuba looking to the ultimate disposition of the island. (Doc. 205, pp. 7-8.)

Senator Morgan said:

But this matter seems to have been misunderstood by General Wood, and his mistake has been very injurious to public and private interests and rights. (Doc. 205, p. 217.)

General Wood did not, however, misunderstand Secretary Root, as is shown by the Secretary's own statement, on November 27, 1905, to Charles Raynard, in these words:

At the time of the treaty of peace which ended the war between the United States and Spain the Isle of Pines was, and had been for several centuries, a part of Cuba. I have no doubt whatever that it continues to be a part of Cuba, and that it is not and never has been territory of the United States.

Here we have the solution of this astounding situation of territory of the United States being under the governmental control of Cuba. Although the Senate had not ratified the proposed treaty; although the Platt amendment, which excluded the Isle of Pines from the boundaries of Cuba, was in full force and effect as a law of the United States; although, as it no longer belonged to Spain and was expressly excluded from Cuba, it could belong only to the United States and could be disposed of only by Congress, this island and its people were deliberately abandoned without any authority, in my judgment, to Cuba. But thank God this act will be recorded in history as the only time the American flag was ever lowered over American territory.

The Congress owes it to itself to repudiate this action, which was nothing short of the usurpation of its functions by the War Department. The United States owes it to itself and to these mistreated American citizens, humiliating though it may be, to say to Cuba:

This action by the War Department of the United States was taken without any authority of law and in defiance of the Constitution of the United States. It is null and void. It is now rescinded.

But it should be said that Mr. Root, as Secretary of War, in a letter dated December 18, 1903, to Senator T. C. Platt, referring to the American citizens on the Isle of Pines, says:

They have a strong equitable claim to have our Government take special pains to see that their rights are protected.

I submit that this treaty does not meet the suggestion of Secretary Root, looking to the proper protection of the equitable rights of the American citizens on the Isle of Pines.

PRECLUDED FROM CLAIMING ISLAND

But the representatives of Cuba claim that the United States is precluded from claiming the Isle of Pines by the decision of the Supreme Court in the case of Pearcy *v.* Stranahan (205 U. S. 257); and they cite in a recent pamphlet entitled "The Title of the Cuban Republic to the Isle of Pines," the opinion of Chief Justice Fuller, in which he says:

In short, all the world knew that it—

The Isle of Pines—

was an integral part of Cuba—

And then he makes a general argument to the effect that the Isle of Pines belonged de jure to Cuba. But our Cuban friends judiciously refrain from printing with this opinion the strong dissenting opinion of Justice White, concurred in by Justice Holmes.

As a matter of fact, the only holding of the court was that the Isle of Pines was de facto under the Government of Cuba, and therefore was "foreign territory," so far as our tariff laws were concerned. That was the only question presented in the case, and was all that the court had any power or right to decide or express an opinion on. The dissenting opinion of Justices White and Holmes is a criticism of the Chief Justice for his obiter dictum concerning the de jure questions. They very truly say:

Any and all expression of opinion concerning the effect of the treaty and de jure relation of the Isle of Pines is wholly unnecessary and can not be indulged in without disregarding the very principle upon which the decision is placed.; that is, the conclusive effect of executive and legislative action.

This is obviously true, because the Chief Justice had based his opinion on the proposition that—

> Who is the sovereign de jure or de facto of territory is not a judicial but a political question, the determination of which by the legislative and executive departments of any government conclusively binds the judges as well as all other officers, citizens, and subjects of that government.

It was not necessary then to give an opinion on a question that was not only not before the court but also not a judicial question, and one over which the court had no jurisdiction. The Chief Justice further says:

> We are justified in assuming that the Isle of Pines was always treated by the President's representatives in Cuba as an integral part of Cuba.

But it has been conclusively shown that President McKinley and "the President's representatives," as long as he lived, always treated the Isle of Pines as an integral part of the United States; that he ordered it so marked on the official maps and made it so plain that it was expressly stated by the official correspondence of the War Department all through the McKinley administration—

> this island was ceded by Spain to the United States, and is therefore a part of our territory, although it is attached at present to the division of Cuba for governmental purposes.

Notice that expression, "Division of Cuba." Division of what? A military division of the United States War Department. That was the only government that existed in Cuba until it was made independent by act of Congress, which expressly excluded the Isle of Pines from the boundaries of the Republic of Cuba.

That the Isle of Pines was not always treated by the President or his representatives as an integral part of Cuba, as assumed by the Chief Justice, is not only shown by the evidence to which I have called attention but also by an affidavit by Hon. Binger Hermann in 1916, and two affidavits establishing that Hon. Cushman K. Davis, who negotiated the treaty of Paris, stated openly and repeatedly that the United States acquired the Isle of Pines by the treaty of Paris, and no doubt he had said so to President McKinley. These affidavits are set out in the plea of the American citizens of the Isle of Pines in a small pamphlet entitled: "In re Treaty of Isle of Pines," and I ask to have them printed in the RECORD as part of my remarks.

[See affidavits at conclusion of Mr. RALSTON'S speech.]

During the administration of President McKinley American citizens had in good faith, relying on direct information from Government officials, bought homes in the Isle of Pines. But the Chief Justice said:

> At the time these people purchased property they understood distinctly that the question of ownership of the Isle of Pines was one pending settlement, and in locating there they took the risks incident to the situation.

Mr. President, does this represent American sentiment? Have we lost the American spirit of 1812, that fought Great Britain to the concession that she should not impress American citizens? Have we lost the American spirit that announced and maintained the Monroe doctrine? In asking these questions I would not have you get the impression that I am unmindful of what has always been our friendly attitude as a nation toward Cuba. Nor would I have you forget that we fought the Spanish-American War to free Cuba—not to enslave American citizens. Nor would I have my Government—the best there is in the world—to forget what compulsory expatriation means to an American citizen.

We have all read that wonderful story, "The Man Without a Country." I remembered some of my friends in the recent yuletide with copies of it. That story is fiction, it is true, but it is great fiction, portraying the metal agony of a man expatriated for his own offense. We have illustrations of the effects of actual expatriation in Poland, Alsace-Lorraine, and the Balkans; but never before has such a thing been attempted by the United States.

The American citizens of the Isle of Pines have been deprived—illegally deprived—of the shelter of their flag for 20 years. For 20 long and weary years their cries have gone up to heaven, while the American people have stopped their ears and coldly passed by on the other side of the traveled way.

And now we are asked to make that 20 years of anguish and heartbreak perpetual. But we shall refuse to do it. We shall refuse to desert 10,000 American citizens who relied on the word of our Government. We shall refuse to condone the usurpation of the powers of Congress. We shall refuse to consent to the violation of the Constitution we are sworn to support, by disposing of the claim and title of the United States to the Isle of Pines by treaty.

In conclusion, Mr. President, as for myself I shall refuse to palter with conscience. I shall refuse to be a party to the abandonment of American citizens, who are entitled to protection by this Nation.

The affidavits referred to by Mr. RALSTON are as follows:

EXHIBIT A

STATE OF OREGON,
County of Douglas, ss:

Binger Hermann, being first duly sworn, deposes and says that—

Following the treaty of Paris at the conclusion of the war with Spain, he was Commissioner of the General Land Office and one of his duties was that of preparing and publishing a large map of the landed area of the United States, upon which was shown the latest public land cessions. Having acquired the Philippines and other island possessions as a result of the war with Spain, he felt that it was his duty to have those cessions placed upon the large Land Office map which he was then preparing, subject to the approval of the Secretary of the Interior; that he had a consultation with President McKinley as to this matter, and he referred particularly, and on his own motion, to the Isle of Pines, and manifested a special interest as to this subject. The President referred to it several times, saying at one point with much force, "Do not forget to place upon that map the Isle of Pines," and as affiant was leaving, with even more emphasis, the President repeated his request and warning, saying, "Now, Mr. Hermann, do not forget to place the Isle of Pines on the map as United States territory;" affiant furthermore recalls that in suggesting to the President that certain people in the United States were contending that we had no constitutional right to acquire the Spanish-American possessions which we claimed under the treaty of Paris, and that many persons made it an issue in some of the public press of the country, he retorted with considerable feeling, in these words, "Issue? It is not an issue; it is an established fact."

That following this interview, affiant immediately called up the chief draftsman of his office and warned him not to overlook a proper place on the map for showing the Isle of Pines as United States territory, and cautioned him in express terms as to the necessity for embracing this possession among the others acquired under our treaty with Spain. This map was duly prepared, approved by the Secretary of the Interior, and published.

BINGER HERMANN.

Subscribed and sworn to before me this 7th day of September, A. D. 1916.

ELBERT B. HERMAN,
Notary Public for Oregon.

My commission expires January 17, 1920.

EXHIBIT C

DISTRICT OF COLUMBIA,
City and County of Washington, ss:

Henry A. Castle, being duly sworn, deposes and says: My legal residence is, and has been for more than 40 years, in the city of St. Paul, Minn.; for 30 years I was on terms of confidential intimacy in personal, official, and political matters with the late Cushman K. Davis, United States Senator from Minnesota, and a resident of St. Paul; that while Senator Davis was in Paris, France, in the autumn of 1898, as one of the commissioners of the United States for negotiating a treaty of peace with Spain, I was serving in Washington as Auditor for the Post Office Department, and maintained at his request a frequent correspondence with him. As showing the confidential nature of his communications with me, I quote the following from a letter, all in his autograph handwriting, dated November 23, 1898:

"I think we are nearing the end of our negotiations, either a treaty or a rupture. It looks to me like a treaty. The Spanish chancellor is changeable and no one can tell what his appearance will be tomorrow. The twenty millions may fix his color. I advised the President by cable against this offer and against paying Spain a dollar. Each of the commissioners wired his opinion on this point, and in mine I stood alone. I hope the President and my associates are right in their view."

During the winter following after Senator Davis's return to Washington I had many conversations with him respecting the incidents of his trip and the provisions of the treaty. He then told me that he did not greatly value the acquisition of Porto Rico, but that he was reconciled to the unnecessary payment of $20,000,000 for the Philippines, as it was expressed, by the fact that we would get title to the Isle of Pines, which has a harbor that would float the navies of the world, and where we could build a naval station which would be the

key to the Gulf of Mexico and the Isthmian Canal. I had but a vague idea of the Isle of Pines, and no knowledge whatever of this great harbor. Hence the statement was vividly impressed on my mind and recollection. I have no interest in the Isle of Pines or acquaintance with its people. I voluntarily state these facts as confirming my belief that Senator Davis understood that the United States was acquiring full title to that valuable possession.

HENRY A. CASTLE.

Subscribed and sworn to before me this 12th day of December, 1908.

[SEAL.] MAUDE H. YATES,
Notary Public.

EXHIBIT D

STATE OF MINNESOTA,
County of Ramsey, ss:

John F. Fitzpatrick, being first duly sworn, deposes and says that he is an attorney at law, and has resided and practiced his profession at St. Paul, Minn., for more than 37 years. For about 15 years before the death of Senator Cushman K. Davis, in 1900, this affiant was very well acquainted with him and often visited him in his home, and during much of the time had an office in the same building with him. Following his return from Paris after the negotiation of the treaty of peace with Spain, in 1898, Senator Davis in a discussion about the treaty told affiant that by the treaty the United States had acquired the Isle of Pines, and that this island would be particularly valuable to the United States for a naval station; that it had a very fine harbor, and would be needed in view of the increasing commerce with the West Indies and that contemplated canal from the Atlantic to the Pacific. Such a canal, he said, would surely be built in the near future, and he thought it would be located across the Isthmus of Tehuantepec, because the French were in possession of Panama Canal and would never succeed in finishing it, but this country could not take it away from them. He favored Tehuantepec as the best route.

He said the Isle of Pines commanded any such canal, and the United States could not afford to let it remain under foreign control. The Senator was very positive about the Isle of Pines coming to the United States and not to Cuba.

JOHN F. FITZPATRICK.

Subscribed and sworn to before me this 15th day of December, 1922.

[NOTARIAL SEAL.] DAVID E. BRONSON,
Notary Public, Ramsey County, Minn.

My commission expires November 24, 1928.

During Mr. RALSTON'S speech,

Mr. WILLIS. Mr. President, the Senator from Virginia [Mr. SWANSON] yesterday in his remarks made a statement that led me to think that he believed Hon. Atlee Pomerene, of Ohio, formerly a distinguished Member of this body, was in favor of the ratification of the pending treaty. I think the Senator from Virginia was mistaken in his understanding of the attitude of the then Senator from Ohio. In order that the record may be kept straight, I ask unanimous consent that there may be printed a brief statement by Senator Pomerene on February 5, 1923, and appearing at page 3041 of the CONGRESSIONAL RECORD of that session.

Mr. SWANSON. I have no objection to that, but, if the Senator will permit me——

Mr. WILLIS. I have not the floor; the Senator from Indiana [Mr. RALSTON] has the floor.

Mr. SWANSON. I did not include that statement in my remarks as they are printed in the RECORD because I left out all interruptions in order that the continuity of my address might not be interfered with.

Mr. WILLIS. If the Senator will permit me, the statement was not made by way of a colloquy, but was in the reference he made to the approval of the committee report by the then senior Senator from Ohio.

Mr. SWANSON. Will the Senator yield to me?

Mr. WILLIS. I will yield if I have the floor, but I think the Senator from Indiana has the floor.

Mr. SWANSON. Will the Senator from Indiana yield to me for a moment?

Mr. RALSTON. Yes.

Mr. SWANSON. I wish to say that Miss Rubin, the clerk to the Committee on Foreign Relations, in pursuance of a request I made to her to give me certain data as to the reporting of the Isle of Pines treaty to the Senate, and as to how the different members of the committee voted, furnished me a memorandum which shows that on December 11, 1922, a vote was taken in the Committee on Foreign Relations on the question of reporting this treaty. I have not looked it up for myself, but this is what is shown by the memorandum furnished to me.

Yeas—Lodge, McCumber, Brandegee, New, Kellogg, Wadsworth, Hitchcock, Williams, and Pomerene; nays, none.

That was the vote as recorded in the committee, taken from the minutes of the committee, as I understand, and furnished me by Miss Rubin, who is now the clerk of the committee.

On February 11, 1924, a vote was taken, and the result of it has been furnished me in the same memorandum:

Yeas—Lodge, Brandegee, Moses, Wadsworth, Pepper, Swanson, Shields, and Robinson; nays, Williams and Pittman.

That is the only statement I made with reference to the Committee on Foreign Relations.

Mr. WILLIS. Of course, I do not question the accuracy of the statement made by the Senator.

Mr. SWANSON. I wish to say that I did not look this up myself, but I asked the clerk of the committee to furnish it to me; and I must say that Miss Rubin is one of the most efficient and competent clerks I know. She is very accurate.

Mr. WILLIS. Of course I do not question the accuracy of the record which the Senator has read. It is to be noted, however, that that was December 11, 1922. Senator Pomerene made his statement in the Senate on February 5, 1923; and in order that the matter may be entirely cleared up I ask that the statement made by him on page 3041 be reproduced in the RECORD at this point.

The PRESIDENT pro tempore. The Chair hears no objection; and that part of the address of Senator Pomerene on the day specified will be printed in the RECORD in connection with the remarks of the Senator from Ohio.

The matter referred to is as follows:

ISLE OF PINES

Mr. POMERENE. Mr. President, if the Senate will bear with me just a minute on a matter which is perhaps not directly in order, on January 3 I offered a resolution calling upon the Secretary of State for certain information with respect to American interests in the Isle of Pines. On January 29 the Secretary responded to that resolution, and his reply has been printed as Senate Document No. 295.

Without taking time to read the communication, it develops, in substance, that there are 10,000 American property holders in the Isle of Pines; that they own 90 per cent of the whole island; that there are 700 Americans now residing permanently on the island; that the citrus fruit groves in that island are worth about $1,000 per acre; that there are 10,470 acres of those groves, valued at about $10,470,000; that there are other lands owned by Americans estimated as worth $11,280,000, making the American holdings in all worth $21,750,000. General Crowder, who was also asked as to the value of those lands, said, in substance, that he thought they did not exceed $15,000,000 in value.

The area of this island is about 800 square miles, or 512,000 acres. Americans own 90 per cent, or 460,800 acres. The other 10 per cent is owned by Cubans and others. Most of that land was acquired by the Americans shortly after the Spanish-American War and under the representation and belief that the Isle of Pines belonged to the United States. There has been considerable contention about it, and it is now an open question, to say the least, as to what Government owns this island.

Whether the title belongs to Cuba or not ought to be finally determined. The State Department has been of the opinion that the island belongs to Cuba. There is a treaty pending before the Senate in executive session virtually quitclaiming to the Government of Cuba the title to this island. Without attempting to discuss this question, I want to submit to the Senate this proposition: With 10,000 Americans owning 90 per cent of the acreage of the island, valued at from $15,000,000 to $21,000,000 and over, should we not, out of deference to the rights of those American citizens, try to secure sovereignty over that island? To that end I submit the following resolution, and ask that it may be read for the information of the Senate.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 433) was read, as follows:

"Whereas there is a dispute as to whether the Isle of Pines is territory of the United States or of Cuba; and

"Whereas a large number of American citizens purchased and acquired land and other property in and on the Isle of Pines under the representations and belief that it was territory of the United States; and

"Whereas it is estimated from the best available sources of information that 10,000 American citizens own in the aggregate 90 per cent of the whole island, or about 460,800 acres, variously estimated to be worth from $15,000,000 to $21,750,000; and

"Whereas only about 10 per cent of the area of said island, or about 51,200 acres, is now owned by Cubans, or others than citizens of the United States: Therefore be it

"*Resolved*, That the President be, and he is hereby, requested to enter into negotiations with the Republic of Cuba for the cession of the Isle of Pines to the United States upon such terms and conditions as may be equitable and just to the Governments and peoples of the United States and of Cuba and to the residents and property holders of the Isle of Pines."

After the conclusion of Mr. RALSTON'S speech,

Mr. BORAH. Mr. President, as I understand there is no one who desires to proceed in the discussion of the treaty, if there is no objection I ask unanimous consent that it be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent that the further consideration of the treaty be temporarily laid aside. Is there objection?

Mr. SIMMONS. I desire to ask the Senator if he will insist upon taking it up again to-morrow?

Mr. BORAH. I want to take it up just as soon as anyone is prepared to go forward. I rather think from the outlook that we shall not get it up again to-morrow unless some one is ready to go forward with the discussion.

Mr. SIMMONS. I wish we might have an understanding that it shall not be taken up before Monday. I myself want to submit some observations, because it is a very serious question and requires study; but I do not think that I would be quite ready to proceed before Monday. I would be glad if the Senator would give us some assurance that he will not call it up again before Monday.

Mr. BORAH. I shall not call it up so as to urge foreclosing anyone who wants to speak.

Mr. CURTIS. I hope that if anyone is ready to speak to-morrow the Senator in charge of the treaty will ask the Senate to proceed with its consideration at that time. Of course, I would not want to force anyone to speak if he was not ready. We have an appropriation bill or two that we can consider this afternoon and to-morrow, so I have no objection to temporarily laying aside the treaty at this time.

Mr. SIMMONS. That is the reason why I suggested having it go over until Monday. I supposed there were appropriation bills and other matters that could be taken up to-morrow. Of course, I could go on to-morrow or even this afternoon, if necessary, but I prefer not to do so.

Mr. BORAH. I am going to ask that the treaty be laid before the Senate at any time anyone is ready to proceed; but, on the other hand, I am going to be reasonable as to anyone who is not ready to proceed. Therefore I ask unanimous consent that the treaty be temporarily laid aside.

The PRESIDENT pro tempore. Is there objection?

Mr. SWANSON. I would prefer to move that we go into legislative session, so that the treaty shall be the unfinished business when we again return to open executive session.

Mr. BORAH. It would be the same thing, anyhow; but I am always willing to agree with my colleagues when it does not make any difference. I move that the Senate proceed to the consideration of legislative business.

The motion was agreed to, and the Senate proceeded to the consideration of legislative business.

PETITIONS AND MEMORIALS

Mr. JONES of Washington presented memorials of sundry citizens of Ridgefield, Camas, Castle Rock, Kelso, and Clarke Counties, all in the State of Washington, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. WALSH of Massachusetts. I ask unanimous consent that the telegrams which I present favoring the passage of Senate joint resolution 160, relative to the immigration of certain aliens, may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the telegrams were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

BOSTON, MASS., *January 8, 1925.*

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

As citizens of Massachusetts and according resolution adopted American House, Boston, last Sunday at convention of 256 Jewish organizations representing 32 cities, we respectfully urge you to support resolution now pending Congress in favor of admission of stranded immigrants above quota. This will be an act of humanity and justice.

Mass Committee American Jewish Congress; Jacob Asher, Worcester; Maurice Caro, Chelsea; Edward Cohen, Cambridge; Louis Coffman, Quincy; Harry Ehrlich, Springfield; Benjamin Evarts, Holyoke; Louis E. Feingold, Worcester; George E. Gordon, Chelsea; Albert Hurwitz, Boston; Samuel Kalesky, Boston; Henry Lasker, Springfield; David R. Radovsky, Fall River; Manuel Rubin, Brockton; S. Sagerin, Pittsfield; Bennett Silverblatt, Lowell; Jos. L. Simon, Salem; Abr. Glovsky, Beverly; Elihu D. Stone, Boston; Louis Swig, Taunton; Jos. Talano, Worcester; Robert Silverman, secretary, 3 Tremont Row, Boston.

TAUNTON, MASS., *January 6, 1925.*

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

We urge your support for the joint resolution providing for admission of a certain number of immigrants now stranded at various European ports holding passports duly viséed by United States consular officers before last July. They have been prevented from sailing because of exhaustion of quotas and new immigration law. This resolution would prevent grave injustice. With your kind support relief may be afforded these unfortunates.

CONGREGATION AGUDAH ACHIM,
H. BARON, *President.*

TAUNTON, MASS., *January 6, 1925.*

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

We urge your support for the joint resolution providing for admission of a certain number of immigrants now stranded at various European ports holding passports duly viséed by United States consular officers before last July. They have been prevented from sailing because of exhaustion of quotas and new immigration laws. This resolution would prevent grave injustice. With your kind support relief may be afforded these unfortunates before holiday recess.

TAUNTON ZIONISTS DISTRICT,
By WM. W. WELLS, *Chairman.*

TAUNTON, MASS., *January 5, 1925.*

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

We urge your support for the joint resolution providing for admission of a certain number of immigrants now stranded at various European ports holding passports duly viséed by United States consular officers before last July. They have been prevented from sailing because of exhaustion of quotas and new immigration law. This resolution would prevent grave injustice. With your kind support relief may be afforded these unfortunates before holiday recess.

JOSEPH KAPLAN,
President Taunton Lodge I, Order Brothers Abraham.

TAUNTON, MASS., *January 5, 1925.*

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

We urge your support for the joint resolution providing for admission of a certain number of immigrants now stranded at various European ports holding passports duly viséed by United States consular officers before last July. They have been prevented from sailing because of exhaustion of quotas and new immigration law. This resolution would prevent grave injustice. With your kind support relief may be afforded these unfortunates before holiday recess.

WORKMAN'S CIRCLE BRANCH (Branch 714),
JACOB REISENER, *Chairman.*
PHILLIP SACK, *Secretary.*

TAUNTON, MASS., *January 6, 1925.*

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

We urge your support for the joint resolution providing for admission of a certain number of immigrants now stranded at various European ports holding passports duly viséed by United States consular officers before last July. They have been prevented from sailing because of exhaustion of quotas and new immigration law. This resolution would prevent grave injustice. With your kind support relief may be afforded these unfortunates before holiday recess.

TOURO LODGE, NO. 814, B'NAI B'RITH,
IRVING BERTMAN, *President.*
WM. J. DANA, *Treasurer.*

ROXBURY, MASS., *December 18, 1924.*

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

Joint resolution has been introduced in Congress providing for admission approximately 8,000 immigrants now stranded at various European ports holding passports duly viséed by United States consular officers before last July. They have been prevented from sailing because

of exhaustion of quotas and new immigration law. This resolution would prevent great injustice. Hope you will support this humane measure.

DAVID A. LOUIE,
Superior Court, Boston, Mass.

BOSTON, MASS., *December 17, 1924.*

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

Urge passing of joint resolution for admission. Approximately 8,000 immigrants stranded in various European ports holding passports duly visèed by United States consular officers before last July.

FELIX VORENBERG.

OMAHA, NEBR., *December 17, 1924.*

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

I am in favor of promptly passing joint resolution providing for admission of immigrants now stranded at European points, holding passports visèed. There are many humane reasons why this resolution should be passed at this time. America can not give a finer example of Christian charity than to relieve these unfortunates at once. I hope that you will give this measure your hearty support.

ARTHUR F. MULLEN.

DORCHESTER, MASS., *January 10, 1925.*

Hon. DAVID I. WALSH,
Senator for Massachusetts, Washington, D. C.:

We, constituents of yours, urge you to vote favorably on emergency immigration bill now pending. People stranded in foreign ports are looking with faith toward these shores in giving them visés. They were given a pledge that they would be received here, and as such our pledge should be redeemed.

ZIONIST DISTRICT OF MATTAPAN.

REPORTS OF COMMITTEES

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (S. 3630) authorizing the Secretary of War to convey to the Federal Land Bank of Baltimore certain land in the city of San Juan, P. R., reported it with amendments and submitted a report (No. 868) thereon.

Mr. BAYARD, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 6303) to authorize the Governor and Commissioner of Public Lands of the Territory of Hawaii to issue patents to certain persons who purchased government lots in the district of Waiakea, island of Hawaii, in accordance with act 33, session laws of 1915, Legislature of Hawaii, reported it without amendment and submitted a report (No. 869) thereon.

He also, from the Committee on Claims, to which was referred the bill (S. 3896) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department, reported it without amendment and submitted a report (No. 870) thereon.

He also, from the same committee, to which was referred the bill (S. 1193) to carry into effect the findings of the Court of Claims in the case of William W. Danenhower, reported it with an amendment and submitted a report (No. 871) thereon.

Mr. WILLIS, from the Committee on Territories and Insular Possessions, to which was referred the bill (H. R. 6070) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within the district of Hamakua, on the island and county of Hawaii, Territory of Hawaii, reported it with amendments and submitted a report (No. 872) thereon.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 2126) for the relief of all owners of cargo aboard the American steamship *Almirante* at the time of her collision with the U. S. S. *Hisko*, reported it without amendment and submitted a report (No. 873) thereon.

BILLS INTRODUCED

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

By Mr. COPELAND:

A bill (S. 3970) granting a pension to Olivia Marie Kindleberger; and

A bill (S. 3971) granting a pension to Harriet I. Gardner; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3972) for the relief of Elie Rivers; to the Committee on Military Affairs.

A bill (S. 3973) granting an increase of pension to Emily Graham (with accompanying papers); and

A bill (S. 3974) granting an increase of pension to Anna Laura Pratt (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3975) for the relief of Homer F. Cox (with an accompanying paper); to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 3976) authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes; to the Committee on Claims.

WARRANT OFFICERS OF THE ARMY MINE PLANTER SERVICE

Mr. FLETCHER introduced a bill (S. 3977) to authorize the Secretary of War to reappoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service, which was read twice by its title.

Mr. FLETCHER. I ask that there may be printed in the RECORD in connection with the bill a letter from the Secretary of War, and that the whole matter may be referred to the Committee on Military Affairs.

There being no objection, the bill and letter of the Secretary of War were referred to the Committee on Military Affairs, and the letter was ordered to be printed in the RECORD, as follows:

Letter from the Secretary of War on the merits of the bill:

WAR DEPARTMENT,
Washington, February 9, 1924.

Hon. JULIUS KAHN,
Chairman Committee on Military Affairs,
House of Representatives.

MY DEAR MR. KAHN: With reference to your letter of December 26, 1923, requesting a report on H. R. 204, a bill to authorize the Secretary of War to appoint and immediately discharge or retire certain warrant officers of the Army Mine Planter Service, I invite your attention to the following:

The Army Mine Planter Service was created by Chapter IX of the act of July 9, 1918 (40 Stat. 881), which authorized for each mine planter in the service of the United States 5 warrant officers and 13 enlisted men. Warrant officers, Army Mine Planter Service, are appointed by and hold office at the discretion of the Secretary of War. Under the provision of section 9, act approved June 10, 1922, the monthly base pay of warrant officers, Army Mine Planter Service, is as follows: Master, $185; first mate, $141; second mate, $109; engineer, $175; assistant engineer, $120. The fact that warrant officers, Army Mine Planter Service, are entitled to longevity pay and to retirement gave them every reason to think that they would hold office as long as their services were satisfactory, and would eventually be transferred to the retired list; a number of noncommissioned officers and civil-service employees with long and credible service accepted appointment as warrant officers, Army Mine Planter Service, with that understanding.

Concurrent with the reduction in the enlisted strength of the Regular Army, there was a reduction in the number of Army mine planters in the service. Warrant officers, Army Mine Planter Service, rendered surplus by this reduction, were employed for a time on vessels of the Quartermaster Corps, and rendered valuable service. But the Army appropriation act approved June 30, 1922, contained this proviso:

"*Provided further*, That within 60 days after the approval of this act the number of warrant officers in the Army Mine Planter Service shall be reduced to 40, and thereafter the number shall not be increased above 40."

This proviso caused the summary discharge of 32 warrant officers, Army Mine Planter Service. These discharged warrant officers have real grounds for feeling that their summary discharge was an unnecessary hardship, and in violation of the implied terms of their appointment. H. R. 204, in effect, applies to these discharged warrant officers the same process of elimination that was applied by the act of June 30, 1922, in reducing the number of commissioned officers of the Regular Army—that is, by discharging with one year's pay those having less than 10 years' service, retiring those with more than 20 years' service with retired pay at the rate of 2½ per cent of active pay, multiplied by the number of years of service, and retiring those with more than 20 years' service with retired pay at the rate of 3 per cent of active pay, multiplied by the number of years of service, maximum retired pay not to exceed 75 per cent of active pay. In order to make this plan effective the Secretary of War is authorized and directed by the bill to reappoint and immediately discharge or retire the 32 warrant officers who were summarily discharged in 1922. The bill further provides that service on Quartermaster Department boats counts for retirement and longevity pay as well as service in the Regular Army.

It is estimated that the cost of the provisions of H. R. 204 would be $36,116.42 the first year, $11,119.62 the second year, and would thereafter gradually be decreased by the death of the retired warrant officers. In the event that favorable action is taken by Congress on H. R. 204, it will be necessary for the War Department to process a supplemental estimate to Congress at some time during the fiscal year 1925 to the amount of $36,116.42, under "Pay, and so forth, of the Army," in order that the provisions of the bill be made effective.

As four of the warrant officers who were discharged in 1922 have since been reappointed warrant officers in the Army Mine Planter Service, and hence need no further relief, it is recommended that the following proviso be added to the bill:

"*Provided further*, That this act shall not apply to any discharged warrant officer, Army Mine Planter Service, who has been reappointed a warrant officer, Army Mine Planter Service."

H. R. 13772, Sixty-seventh Congress, provided for the reinstatement of these discharged warrant officers. In Report No. 1556, Sixty-seventh Congress, fourth session, the Committee on Military Affairs of the House of Representatives recommended the passage of H. R. 13772, but it did not pass, and so far as known it has not been reintroduced in the Sixty-eighth Congress. Some form of relief for these discharged warrant officers seems necessary, and I therefore strongly recommend favorable consideration of H. R. 204, applying to them the same process of elimination that was applied in reducing the number of commissioned officers. The enactment of H. R. 204 would be an act of justice to these discharged warrant officers and would remove the impression that our Government is more solicitous for the welfare of commissioned officers than for warrant officers who were led to believe that they had the same tenure of office and privileges of retirement as commissioned officers.

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.

The War Department will furnish any additional information which may be desired. Should hearings be held by your committee, Maj. Gen. Frank W. Coe, Chief of Coast Artillery, and Lieut. Col. P. T. Hayne, General Staff, will be directed to testify.

Sincerely yours,

JOHN W. WEEKS,
Secretary of War.

AMENDMENT TO RIVER AND HARBOR BILL

Mr. EDGE submitted an amendment intended to be proposed by him to the bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENT TO WAR DEPARTMENT APPROPRIATION BILL

Mr. BROUSSARD (for Mr. ROBINSON) submitted an amendment providing that the Secretary of War be authorized to make a final settlement of all the rights and obligations of the United States in respect of the Picric Acid Plant at Little Rock, Ark., and so forth, intended to be proposed to House bill 11248, the War Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

POSTAL SALARIES AND POSTAL RATES

Mr. McKINLEY (by request) submitted an amendment intended to be proposed by him to the bill (S. 3674) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes, which was ordered to lie on the table and to be printed.

PRESIDENTIAL APPROVALS

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On January 13, 1925:

S. 648. An act for the relief of Janie Beasley Glisson; and

S. 2559. An act to establish an Alaska game commission to protect game animals, land fur-bearing animals, and birds, in Alaska, and for other purposes.

On January 15, 1925:

S. 1782. An act to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE.; and

S. 3053. An act to quiet title to original lot 4, square 116, in the city of Washington, D. C.

HOUSE BILL REFERRED

The bill (H. R. 11472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was read twice by its title and referred to the Committee on Commerce.

URGENT DEFICIENCY APPROPRIATIONS

Mr. WARREN. I move that the Senate proceed to the consideration of the conference report on House bill 11308, the urgency deficiency appropriation bill, and I move the adoption of the report.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate proceed to the consideration of the conference report on the deficiency appropriation bill.

The motion was agreed to, and the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11308) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

Mr. ASHURST. That is a debatable motion, of course.

The PRESIDENT pro tempore. Undoubtedly.

Mr. HARRELD. Mr. President, my attention has been called to the fact that there is an item in the bill appropriating $50,000 to pay the expenses of a commission appointed by the President to inquire into the question of oil supplies or the question of how best to conserve the oil supplies, and to report to the Congress making recommendations as to what should be done.

I would like to know what are the specific duties of the commission for which the appropriation is being made. The oil industry is very much interested in knowing just what they are proposing to do. If they propose to undertake to conserve oil by taking control of the property of private individuals after the Government itself has dissipated all of its own oil reserves, that is one thing. If they propose to report generally, making recommendations for the general good of the oil industry, that is another thing. I would like to ask if the Senator in charge of the conference report can give us any light on that question?

Mr. WARREN. It is pretty difficult to tell what a commission will do after its appointment. I understand that the President has selected the commission, as it is provided, and that the Secretary of War shall be chairman, and that the Secretary of the Navy, the Secretary of the Interior, and the Secretary of Commerce are to be members of the commission.

Mr. HARRELD. I have read the President's message and he does not set out the purpose for which the commission is being created. Specifically I would like to know whether the commission is going to investigate the question of whether or not the oil industry should be regulated by law.

Mr. WARREN. I am sorry to say that the Senator will have to direct his question to some one who knows more about it than I do. It has come to us in the regular way and under the regular provisions. As to what they may do, I, of course, have no knowledge except that I believe, being comprised of those who are a part of the Government and who are members of the Cabinet, they are going to proceed, having in mind what they believe to be the best interests of the country. I do not fear any radical action of any kind and I hope my friend, the Senator from Oklahoma, will have as much confidence as I have in those representing our Government.

Mr. HARRELD. I have all confidence in the commission that has been appointed. Still, the oil industry is rather nervous about it, and they want to know just to what extent the investigation is going to be made and the express purpose thereof. These investigations do not do any good to an industry unless they have a permanent object in view.

Mr. WARREN. Yet we vote for them from day to day in an almost unconcerned manner and with very little debate.

Mr. HARRELD. But speaking for the oil industry, I desire to say that we do not want any monkey wrenches thrown into the present conditions, because they are bad enough at present.

Mr. WARREN. The Senator must know that my withers are as sensitive as his about the oil business, because I happen to represent in part a State which, while it may not be so heavily interested as is Oklahoma in the production of oil, yet I think, perhaps, its people have an even greater interest in the general industry than is felt in Oklahoma.

Mr. HARRELD. My only purpose in asking the question was to try to see if the Senator knew exactly what it is proposed that the Federal Oil Conservation Board shall do, because the President's message is very indefinite on that point.

Mr. WARREN. As the Senator knows, the board has only recently been convened. He also will recall that the Secretary of War has spoken of the work of the board, which I believe was also referred to by my colleague on the committee,

the Senator from Utah [Mr. SMOOT], in the debate a few days ago.

Mr. HARRELD. Speaking for the oil industry, I think I can say that those engaged in it have no objection to a survey being made, but what they are afraid of is the effect it will have upon the industry.

Mr. WARREN. I believe the proposed survey will be in the interest of the oil industry in the view which the Senator takes of that industry. I know that the people of my State, considering its composition, have confidence in the character and in the action which the board will probably take. While the people of Wyoming were very nervous and quite agitated over a previous examination or investigation by the Senate, I assume that that forms only part of the information to be utilized by the board in this instance and that it will not be controlling in any definite way.

Mr. HARRELD. The Senator knows that for two or three years there has been an element here who have been urging legislation of a radical character as affecting the oil business. This movement has given rise to some nervousness in the industry, and that is the reason why I should like to have some assurance of exactly how far it is expected the board will go. I presume, however, that the Senator has said all that he is able to say on that subject.

Mr. WARREN. I will assure the Senator that I have; but I express again my confidence that this provision of the bill has in contemplation just what the Senator would indorse if he had further knowledge concerning it.

Mr. CAMERON and Mr. McKELLAR addressed the Chair.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Wyoming yield?

Mr. WARREN. A motion is before the Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. McKELLAR. I do not want to interfere with the report, if there is going to be any further discussion of it. I wish briefly to refer to another matter.

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Tennessee?

Mr. WARREN. I notice that the Senator from Arizona [Mr. CAMERON] addressed the Chair earlier, and so I will yield first to him.

Mr. McKELLAR. May I ask the Senator from Arizona if he will yield to me for a moment or two?

Mr. CAMERON. Certainly.

PREVENTION OF DISCRIMINATION IN COMMERCE

Mr. McKELLAR. Mr. President, it is not often I find myself in agreement with the chairman of the Republican organization, who now happens to be a Senator in this body, but a few days ago, to be exact, on January 14, 1925, the junior Senator from Massachusetts [Mr. BUTLER] introduced a bill (S. 3927) to promote the flow of foreign commerce through all ports of the United States and to prevent the maintenance of port differentials and other unwarranted rate handicaps. In my judgment that bill is such an equitable bill, such a just bill, that it should be passed by Congress and approved by the President at the earliest possible moment. I am going to read two sections from that bill, as follows:

Be it enacted, etc. That it is hereby declared to be the policy of Congress to promote, encourage, and develop ports and port facilities and to coordinate rail and water transportation; to insure the free flow of the Nation's foreign commerce through the several ports of the United States without discrimination, to the end that reasonable development of the said ports shall not be handicapped by unwarranted differences in transportation rates and charges, and to provide as many routes as practicable for the movement of the Nation's export and import commerce.

SEC. 2. On and after June 1, 1925, it shall be the duty of common carriers by railroad to establish and maintain for the transportation between United States ports on the Atlantic Ocean, the Pacific Ocean, and the Gulf of Mexico, respectively, of all property exported to or imported from any nonadjacent foreign country, rates that shall be the same as between ports on the same seaboard upon the respective classes or kinds of property: *Provided*, That the Interstate Commerce Commission may define the territory tributary to any port or group of ports from and to which the rates and charges applicable to such export and import traffic may be lower than the corresponding rates and charges to and from other port or ports on the same seaboard.

On and after June 1, 1925, it shall be unlawful for any common carrier by railroad to maintain or apply to or from any port in the United States from and to nontributary territory any rate or charge for the transportation of property for export to or imported from a foreign country not adjacent to the United States which is higher than the corresponding rate contemporaneously maintained to or from any other port on the same seaboard, or to prefer any port by the maintenance of port differentials or other differences in rates;

It is hereby made the duty of common carriers by water in foreign commerce, other than tramp vessels, to maintain and apply for the transportation of property imported into or exported from the United States to or from foreign countries not adjacent thereto, rates that shall be the same for transportation from and to all United States ports on the Atlantic seaboard, the Pacific seaboard, and the Gulf of Mexico, respectively;

On and after June 1, 1925, it shall be unlawful for any common carrier by water in foreign commerce to maintain or apply to or from any port of the United States to or from foreign countries not adjacent thereto any rate applicable to the transportation of property imported into or exported from the United States that shall be higher than the corresponding rate contemporaneously maintained to or from any other port on the same seaboard, or to prefer any port by the maintenance of port differentials or other differences in rates.

Mr. President, I shall not now read further from the bill, but the excerpts which I have read show its manifest equity. At a later date I hope to adduce some arguments in favor of the early passage of the bill, but at present I am going to content myself with reading a short editorial from the Washington Herald of to-day. The editorial, "To open all our ports on equal terms," and reads as follows:

Senator WILLIAM M. BUTLER, of Massachusetts, has signalized his entrance into active participation in legislation by proposing a constructive measure that deserves national support.

Senator BUTLER proposes to open all our ports on equal terms as gateways handling the export and import traffic of the great Middle West States.

Of course, they are all physically open now, but an unfair railroad rate structure works to the disadvantage of New York and Boston and to the unfair advantage of Baltimore and Philadelphia. These two cities have lower rail rates than their competitors, while the ocean rates from all north Atlantic ports are the same. Therefore the through cost of shipping was lower via Philadelphia and Baltimore.

Senator BUTLER'S bill orders the railroads to charge the same rates to all ports on the same seaboard; that is, all ports from Portland, Me., to Jacksonville, Fla., and his bill also orders the steamship lines to charge identical ocean rates from all ports on the same seaboard.

It is apparent to any fair mind that this situation is a fair and just one for all concerned.

It gives the western shipper his choice of all routes at the same cost, so that he can always avoid congestion and delay. It puts all competing ports on an even footing and allows the port which gives the best service to get the most business. This, in our opinion, is the American way of settling the wrangling that has been going on between the seaports for 40 years.

Senator BUTLER'S bill is so important that it should come to a vote before the present Congress and it should pass.

Mr. President, I merely wish to add a few words further. Those of us who live in the interior of the country, as I do, have long suffered from the unfair and unequal distribution of port facilities and by reason of the unfair rates to the various ports. Southern ports have also suffered just as badly as have the northern ports. All have suffered. The shippers have suffered, the cities along the seaboard have suffered, and our transportation has suffered.

I am delighted to know that the Senator from Massachusetts took no narrow view of the question, that he did not merely seek to correct the situation so far as his section of the country was concerned, but that he has seen fit in a broad and comprehensive way to do justice to ports all along the Atlantic seaboard. I earnestly hope that his bill will have the approval of Congress and become the law at a very early moment. I thank the Senator from Arizona [Mr. CAMERON] for having yielded to me.

URGENT DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11308) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes.

Mr. CAMERON. Mr. President, my able colleague, the senior Senator from Arizona [Mr. ASHURST], has spoken on the amendment providing for the Yuma Mesa project which was stricken out of the first deficiency bill.

Mr. President, I am sure the conference committee do not fully realize the importance of this amendment. If they did, they would not hesitate a moment in agreeing to its adoption. It is fraught with more real good to the settlers of the Yuma Mesa auxiliary project than all other measures combined pending before the United States Senate.

Yuma, Ariz., is a name to conjure with. It is known in song and story. It has often been referred to as the place where the soldier died, went to the lower regions, but found it so cold down there that he sent back to Yuma for his blankets. That illustrates how warm it sometimes gets in Yuma. But the settlers on that project do not object to having it said that their section is hot, for they have capitalized that splendid Arizona heat. Because of that heat, which really hurts neither man nor beast owing to the absence of humidity, they grow more per acre than is produced by any other section of our country. Because of that heat they cut alfalfa every day in the year, cutting never less than 10 crops per year, with an average yield of a ton and a half per acre per cutting. They grow two crops of milo maize per year, with an average of 2 to 3 tons per acre per crop. Because of that heat all other crops are grown in the same relative proportion, making Yuma the real "Garden of Eden" of the United States.

But, Mr. President, far and away beyond that, Yuma is famed for its grapefruit. According to Government analysis the Yuma Mesa grapefruit has a greater sugar content than any like fruit produced on the American Continent. Not only that but, ounce for ounce and pound for pound, the Yuma Mesa grapefruit has more juice than any grapefruit grown in this country. That puts the Yuma Mesa grapefruit in a class by itself. It is to foster and preserve this now infant industry that my amendment is designed. If the amendment shall be enacted into law—and I confidently believe it will be—those who have engaged in this industry will be saved from utter annihilation, and it is for these sturdy old pioneers that I am now pleading.

The story of the Yuma Mesa reads almost like a novel. It dates back 10 years ago, when Congress enacted the first Yuma Mesa auxiliary act. Those of my fellow Senators who have never viewed the Yuma Mesa can have but little conception of what it looks like. Imagine, if you can, a table-land rising about 100 feet above the adjacent valley, which is almost as level as a billiard table and sparsely covered with greasewood and sagebrush. To look at it in its raw state one would instinctively pronounce it good for nothing except the propagation of jack rabbits, horned toads, rattlesnakes, and Gila monsters. But level it off, apply the waters which can be made available by this appropriation, and it will produce anything needed by man. Plant these barren-looking lands to grapefruit and oranges, and within three years thereafter an abundance of the finest grapefruit and oranges known to the world will be the inevitable result.

In reporting the Yuma Mesa auxiliary bill to Congress the late Secretary Franklin K. Lane characterized these lands as "the only frostless lands in the United States." They now have a Weather Bureau record in Yuma dating back over 50 years, and not once during all that time has a killing frost visited the Yuma Mesa. With that record it is little wonder that Congress very readily passed the first bill. The people of that community were so sure they could make good on these lands that they agreed that the land should be sold at public auction, at a minimum price of $25 per acre for the land and an additional $200 per acre for the construction charges of the pump, the main irrigating canal, and the laterals necessary to irrigate these lands.

Possibly I can best tell the story by reading an argument made by Col. B. F. Fly before the Budget Commission. Colonel Fly represents the Yuma Chamber of Commerce, the Yuma Water Users' Association, and the Yuma Mesa Unit Holding Association. He said:

This bill proposes to appropriate $200,000 out of the reclamation funds for the completion of the first Mesa division of the Yuma auxiliary reclamation project, and for other purposes.

This auxiliary project is being constructed under the provisions of the act of January 25, 1917, as amended by the act of February 11, 1918.

It is unlike any other reclamation project in the United States. Those who know of my personal activities in connection with this project are good enough to call me the "daddy of the Yuma Mesa," and I am as proud of that distinction as President Coolidge is of being called the President of the United States. Let me briefly recite the facts:

The reason why I want to put this argument in the RECORD is so that every Senator may know the facts pertaining to this great reclamation project.

Colonel Fly continues:

The Yuma Mesa is composed of about 47,500 acres of table-lands adjacent to the Yuma reclamation project, being about 100 feet higher than the valley lands. These mesa, or table-lands, are characterized in Government reports as being the "only frostless lands in the United States," and therefore perfectly adapted to citrus-fruit culture. For many years prior to my removing to Yuma many attempts had been made by the far-sighted people of Yuma to induce the Government to construct an irrigation project on these lands, but the matter was never pressed with vigor enough to get the work started, it always being held that it would require additional legislation.

On behalf of the Yuma country I undertook the task of obtaining the necessary legislation. I came to Washington during the 1916 session of Congress, and after almost innumerable conferences with the Arizona State delegation and officials of the Reclamation Bureau we finally agreed on the bill that was enacted January 25, 1917. The bill was introduced in the Senate by Senator ASHURST and in the House by Congressman CARL HAYDEN. Subsequently it was found that it was necessary to amend this act at the next session of Congress, and that necessitated another trip to Washington. Nor was that the only trip I had to make to Washington before the auxiliary project was started.

However, after all surveys had been made and a plot of 6,400 acres of all Government land had been subdivided into 5, 10, and 20 acre tracts, Secretary Lane, under the terms of the act, set December 10, 1919, as the day for the "public auction," I being designated to sell the first lot.

Secretary Lane had announced the terms of the auction sale, which were as follows: 10 per cent of the sale price on the day of the sale; 15 per cent within 60 days thereafter if the sale had received the sanction of Franklin K. Lane, Secretary of the Interior; the remaining 75 per cent divided into three equal annual payments, due and payable one, two, and three years thereafter, with 6 per cent interest on deferred payments.

The land had been appraised by Secretary Lane at $25 per acre, while the estimated costs of construction were placed at $200 per acre, thus making the minimum bid $225 per acre. Under those terms and conditions we sold upward of $1,000,000 worth of land and water rights within 12 hours, averaging $230 per acre, the most phenomenal auction sale of wild desert land ever heard of on the face of the earth.

The auxiliary act requires that all funds derived from the sale of land and water rights must go into the Federal Treasury and be credited to the Yuma auxiliary project and can be used for no other purpose. Construction work was at once begun. An immense pumping plant was erected. Exactly six years after the original bill was enacted we had a great celebration on the Yuma Mesa in honor of the first irrigation water pumped on these matchless and frostless lands. I was the proud "orator of the day." Up to this point those of us who are firm believers in the ultimate success of the Yuma Mesa project thought we had the whole world by the tail and a downhill pull.

Many of the purchasers began planting oranges and grapefruit. Then the financial crash came, and you know what happened to all those who were engaged in farming and horticulture. Payments began to be defaulted; planting almost ceased; those who had not completed their payments had no means with which to meet them, but the 6 per cent interest kept on accumulating, and those who had planted were taxed an abnormal amount to pay the water charges, aggregating about $25 per acre per annum.

The actual cash paid into this Yuma Mesa auxiliary fund stands thus:

121 purchasers of 1,385 acres have paid in full	$318,550
59 purchasers of 740 acres have paid 75 per cent	127,650
74 purchasers of 875 acres have paid 50 per cent	100,625
120 purchasers of 1,645 acres have paid 25 per cent	94,587
Total paid into the Yuma Mesa auxiliary fund	641,412

The difference between this sum total and the original sale price is yet due and unpaid, all of it drawing 6 per cent interest until paid. If the bill is enacted into law, it will give all these delinquents a chance to pay their obligations and retain their lands; but under the present law they can not possibly make the payments, and will, as a matter of course, be compelled to forfeit every dollar they have invested in these lands. But, mark you, up to this good hour not one cent has been expended on this Yuma Mesa project out of either the Federal Treasury or the reclamation funds. Every dollar thus far spent has been contributed by those who invested in these lands. The project is being handled by the Reclamation Service, but with funds provided by the landowners themselves.

The fact that those who have invested in Yuma Mesa lands have already paid over $600,000 in actual cash, and that they stand ready to pay every cent they owe, if given this opportunity, shows their faith in these Yuma Mesa lands. Without doubt it is the most promising of all the reclamation projects. The lands are susceptible of producing more per acre in actual money than probably any other lands

in the United States, for on this particular spot the sun has not failed to shine for the past 50-odd years. It is almost perpetual summertime, 365 growing days every year, with a killing frost absolutely unknown. As a matter of fact, it is really the "Garden of Eden" of the American Continent, more than worthy of every favor the Government can bestow upon it.

But we realize we can not make both ends meet under the present order of things. What we now ask is that Congress shall loan us $200,000 out of the reclamation funds for the purpose of completing the project and helping us to defray the operation and maintenance costs until enough lands can be put under cultivation to wholly pay these costs.

If this bill passes, I have no hesitancy in saying that we will make good. It will give us a breathing spell and give us time to meet our obligations. It will instill new life, new hope into the heart of every man who has put his last dollar in those Yuma Mesa lands. By giving them 10 years within which to pay all they owe I feel morally certain they can and will pay. I would ask no greater boon at your hands than that you recommend the appropriation asked for in this bill. It will be the crowning glory of my life's work to be able to send word back home that "my beloved Yuma Mesa" has been saved. What little I may have done for this Yuma Mesa auxiliary project since my activities began in 1916 has been truly a work of love, without price and without compensation. I want no greater monument erected over me when I am laid to rest on "my beloved Yuma Mesa" than for my friends to be able to say: "He died, as lived, with the patriotic belief that the Yuma Mesa is the greatest citrus-fruit belt on the face of the earth."

Let me beg you to give this measure your most sympathetic and friendly consideration. It deserves your favorable report, and if given you may rest assured that your names shall ever be called blessed.

Dr. Elwood Mead, reclamation commissioner, appeared before the commission with Colonel Fly and gave this amendment his whole-hearted support. The result was that the Director of the Budget has earnestly recommended the enactment of this amendment. It was perfectly apparent to the Budget Commission that unless legislation is enacted a very grave injustice will be done those who have invested in these Government lands.

Mr. President, I want to impress upon the Members of this body that up to this day not a dollar, not even one cent of money, has ever been appropriated out of the Federal or Reclamation Treasury for this Yuma Mesa. Every cent that has been expended has been provided by those who purchased these lands at public auction. They are the ones who have footed all the bills. But, Mr. President, their resources are now about exhausted. They can not longer stand the burden of all these expenses. All they ask is that they be given merely a breathing spell; that they be given time to meet their obligations. Every one of them wants to discharge his obligation, and I assert if this amendment is adopted every one of these purchasers will more than make good.

I demand that they be given this chance. It is not asking that a single cent be taken out of the Federal Treasury, but that $200,000 be advanced from the reclamation fund, a fund that can only be used for reclamation purposes.

The Secretary of the Interior recommends it. The reclamation commissioner recommends it. The Budget Bureau recommends it. Then why not be as just to these people who have invested their money in these Yuma Mesa lands as we have been to others? Why not say to these people: "You are making a brave struggle and we will help you"?

There are ample funds. There is $18,000,000 in the reclamation fund to-day, or there will be on the 30th day of June, 1925, that can not be used for any other purpose, and it can not be used unless Congress passes some law authorizing it. I say to the Senators and the Members of the House of Representatives of the United States that they could not under any circumstances do a more meritorious thing than to acquiesce in this amendment and allow it to remain in the first deficiency bill.

The reclamation officials want this legislation because they know that the Yuma Mesa is the most promising of all our reclamation projects. It will in all human probability produce as much per acre, in dollars and cents, as any other section of the United States, not only in grapefruit and oranges, lemons, limes, dates, figs, and the like but in winter vegetables, early cantaloupes, and watermelons. As I said before, it is the real "Garden of Eden," destined to be a winter resort that will even rival Pasadena or the Florida resorts, for during the fifty-odd years that the Weather Bureau has maintained a station at Yuma the sun has failed to shine but twice during all those years. Indeed, so confident are the people of Yuma that they will have perpetual sunshine that the proprietor of the biggest hotel in Yuma advertises, on a signboard 60 feet long:

Free meals every day the sun doesn't shine.

Mr. President, I could go on and on and on reciting the many virtues of this favored section of our glorious country, but it would only be a repetition of what my colleague said yesterday and what I have said to-day. I want to impress on my fellow Senators, however, this fact: The Yuma Mesa is asking for no raid on the Federal Treasury; it is asking for nothing unreasonable; it is merely asking that we save the investment of these honest pioneers who have invested their last dollar in these Government lands on the Yuma Mesa. They went into the venture when times were much better than they have since been; they fully expected to meet their obligations as they fell due and would gladly have done so had they not been the victims of the great financial depression which has everywhere enveloped agriculture.

Now, let me make a statement which will cover this situation fully, so that no one can be mistaken as to why we are asking for this appropriation. The Yuma Mesa is a "division" of the Yuma (Ark.-Calif.) reclamation project, authorized by special act of Congress approved on January 25, 1917.

Under the terms of this act the Secretary of the Interior was authorized to designate certain lands on the Yuma Mesa as an auxiliary to the Yuma (Ariz.-Calif.) reclamation project. Under this authority Secretary Lane set aside 6,400 acres for this auxiliary project. This acreage was then subdivided into "farm units" of from 5 to 20 acres each, and in accord with the special act these "farm units" were offered for sale at public auction on December 10, 1917. The terms of this auction sale were 10 per cent cash on day of sale, 15 per cent additional within 60 days thereafter if the sale was approved by the Secretary of the Interior, and the remaining 75 per cent divided into three equal annual payments of 25 per cent each, with 6 per cent interest on deferred payments.

By an order issued by Secretary Lane all these lands were appraised at $25 per acre, with an additional $200 per acre estimated for the construction costs, making the minimum bid on these lands $225 per acre. The lands sold at the public auction average $230 per acre, and the auction was considered such a success that the construction of the auxiliary project was begun in October, 1920.

The special act required that the project should be constructed wholly with funds derived from the sale of these lands and water-right appurtenances. Not one cent of Government funds has ever been used in the construction of this project. Up to the present time about $700,000 has been spent. My amendment provides for an appropriation, out of the reclamation funds, of $200,000 for the completion of this meritorious project, all of which is to be repaid into the Treasury within 10 years, with interest at 6 per cent.

When the lands were sold at public auction the country was in its most prosperous condition. It did not seem possible that any one of the purchasers of these Yuma Mesa lands could fail to meet his payments as they became due and payable. But, like all the balance of the country, the readjustment period struck Yuma, and the people who had purchased these lands found themselves sorely oppressed. Many of them were compelled to default in their payments. Some few of them surrendered their holdings after having made one or more payments. But the great bulk of the purchasers held their lands and have made such payments as circumstances permitted. Many of them are in arrears. Unless this legislation is enacted the Yuma Mesa auxiliary project is bound to be written down as a failure, and that must never be.

Mr. President, I have recently visited this wonderful section of our country, and I know of its merits; and I know that if those people can be assisted as we should assist them, as the Government of the United States has promised to assist them, this will in a few years become one of the greatest projects, if not the greatest, in the United States. Beyond question it equals, and I think it exceeds, all other sections in production of citrus fruits. I do not bar Florida or California, or any other section of the country, when I make that statement. I think this should be the most appealing thing to the Members of this body. This project has been approved by the Secretary of the Interior and by the Reclamation Service, and we have at this time $18,000,000 in the reclamation fund, which can only be used for such purposes. Yet, if not loaned here, as provided for by my amendment, this money will be idle while these sturdy pioneers, my friends and neighbors, will perish. How can anyone conceive the idea that we should refuse to loan these people $200,000, to be paid back to the reclamation fund, and to draw 6 per cent interest all the time? Senators, hear me; this can not be tolerated. Those good, honorable farmers must not suffer because of our neglect or stupidity, when, with the stroke of

a pen, so to speak, this rightful loan could be made and these sturdy farmers saved from ruin.

They are not asking for charity. They are not asking for anything inconsistent. Through my amendment they are merely asking this Congress to loan them $200,000 for emergency use on gilt-edge security at the usual banking rate of interest. The limited acreage that has been planted to grapefruit and oranges can not possibly pay the operation and maintenance charges of the entire project, but with my amendment in effect there is no doubt but that the Yuma Mesa auxliary project will become one of the garden spots of the world.

This is the only reclamation project in the United States that has been inaugurated by the Government, consisting wholly of Government lands, that has never had even 1 cent advanced by the Government. It seems only fair and reasonable to these purchasers that they should be given this aid. It will enable them to complete the payments now due. It will enable them to hold their homes, many of whom have invested their last dollar in these frostless lands. It will instill in them new life, new hope, new ambitions, and in the last analysis make them happy and prosperous; but without the aid sought by this amendment, the Yuma Mesa auxiliary project must of necessity prove a dismal failure.

I do not agree with every phase of the fact-finding report, but you will recall its recommendation of this project as feasible in every sense of the word. I do not think any reclamation project in Arizona will ever be a miserable failure if Congress will only do even half of its full duty toward any of them. The Roosevelt project, known as the Salt River project, I think, stands to-day in reclamation circles in a class by itself, the first and best in the whole United States, and I say that if the Yuma project can get the assistance which we are asking for it, it will stand with the Salt River project. Some 200,000 happy people, prosperous and alert, are now there where once the jack rabbit and coyote roamed, because, if you please, of the assistance through reclamation.

Our people everywhere are getting on their feet again, and if you will give them the chance they seek under this appropriation that is all they ask. They certainly are entitled to nothing less. May I not appeal to my friends in the Senate to stand by me in my efforts to save this amendment? May I not hope that you will mete out this small measure of justice due these constituents of mine? This amendment is meritorious in every way, and I can not conceive of anything except its adoption.

Here is an item in this bill to which I would like to call attention. My colleague referred to most everything in connection with this yesterday, and I think he touched on this; but listen to this provision:

Muscle Shoals: For the continuation of the work on Dam No. 2, on the Tennessee River at Muscle Shoals, Ala., $3,501,200.

That is an appropriation to keep up the work on Muscle Shoals. Muscle Shoals legislation has been before the Senate ever since the session opened on the 1st day of December. We passed a bill day before yesterday to take care of Muscle Shoals, and the Lord knows what will become of it under that bill. But I just wanted to bring that to the attention of Senators, so that they might compare that with what we are asking in this amendment I proposed a couple of days ago to the deficiency bill, and, as we all know, it was accepted and passed by this body, went to conference, and met the usual fate.

Senators, we are not trying to raid the Treasury or to get something which we are not entitled to. We are merely asking for a loan, let me repeat, of $200,000 for a worthy people, a mere loan to take care of a situation which the Government has already approved through the Reclamation Service. A loan from that $18,000,000 lying idle, which can only be used as in this instance, and everyone agrees this loan has every possible merit. Congress passed the law so that those people might go on with their work and might invest their money in those lands, and now at this late date, when we have this vast amount of money in our Treasury, I can not understand how any Representative or any Senator can refuse to help carry out a law he voted for back in 1917, for he certainly knew then that situations would arise under that law such as this one, where the Government should not fail in its responsibility. I am appealing to Senators who believe in these great developments that are going on, to give the Yuma project a helping hand. In this great reconstructive area when all lines of industry are recovering, when we are helping all, let us not forget the farmer, for it is his well-being that keeps our country on an even keel. No one questions the right of these worthy farmers to some kind of aid, and my amendment when adopted solves the problem, relieves the situation, saves them from destruction, and protects the Government.

Because of assurances I have just now received from reliable friends who know and thoroughly appreciate the situation that this can and will be properly taken care of at this session, I will for the present withdraw my objection and will allow this report to be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

NAVY DEPARTMENT APPROPRIATIONS

Mr. HALE. Mr. President, I move that the Senate proceed to the consideration of House bill 10724, the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes.

Mr. HALE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Fess	McCormick	Reed, Pa.
Ball	Fletcher	McKellar	Sheppard
Bayard	George	McKinley	Simmons
Bingham	Gerry	McLean	Smoot
Brookhart	Glass	McNary	Spencer
Broussard	Hale	Mayfield	Stanley
Butler	Harreld	Metcalf	Sterling
Cameron	Harris	Moses	Swanson
Capper	Harrison	Neely	Underwood
Copeland	Heflin	Norbeck	Walsh, Mass.
Couzens	Howell	Oddie	Walsh, Mont.
Curtis	Johnson, Calif.	Overman	Warren
Dale	Jones, Wash.	Owen	Watson
Dial	Kendrick	Pepper	Willis
Dill	King	Ralston	
Ferris	Ladd	Ransdell	

The PRESIDING OFFICER. Sixty-two Senators having answered to their names; a quorum is present.

Mr. HALE. Mr. President, in the report accompanying the pending bill there is an error in that certain permanent and indefinite appropriations amounting to about $2,400,000 were added to the items in the bill. The correct figures, therefore, are as follows:

Amount of bill as passed by the House, $286,420,578; added by the Senate, $896,350; amount of bill as reported to the Senate, $287,316,928.

Amount of estimates for 1926, $287,343,928; amount of appropriations for 1925 as carried in the bill, $275,105,067. With three million and odd dollars which was put in the deficiency appropriations for 1925, the total appropriations amounted to $278,175,460.87.

The bill as reported to the Senate exceeds the appropriation for 1925, including the deficiency bill, by $9,141,467.13. It exceeds last year's bill in direct appropriations by $12,218,861. The Senate bill is under the estimates for 1926 by $7,000.

The House has held very extensive hearings on all matters connected with the bill, and the Committee on Appropriations of the Senate considered the reports of those hearings and also held hearings for about a week. I think we have given the bill very careful consideration. We feel that under the provisions of the bill no money will be wasted during the current year and that the Navy can be carried along in satisfactory condition.

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

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Tennessee?

Mr. HALE. I yield.

Mr. McKELLAR. Is there any appropriation in the bill for the elevation of guns on the capital ships of our Navy?

Mr. HALE. There is not.

Mr. McKELLAR. Why is not that provided for?

Mr. HALE. The department has not asked for such an appropriation and the Budget has made no estimate for such an appropriation.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Maine state what has been done in the way of increasing appropriations for the Naval Air Service, if anything?

Mr. HALE. The direct appropriations for the Naval Air Service are substantially the same as last year. We have, however, added an authorization amounting to $4,100,000 to the appropriation so that we can go ahead and order a considerable number of new planes during the coming year.

Mr. WALSH of Massachusetts. Does not the Senator think that something should be done to enlarge and expand our Air Service in the Navy other than what is now being done?

Mr. HALE. I think this additional appropriation will enlarge it to a very considerable extent. We will have very many more planes in the Navy by the 1st of July, 1926, than we will have on the 1st of July, 1925.

Mr. WALSH of Massachusetts. Can the Senator state how many we have now?

Mr. HALE. We have somewhere between 800 and 900 planes now in the Navy. There are 513 at the present time that are actually in condition for use. Certain of those 513 will go out during the year and will be replaced by others that will come in. These appropriations provide for an increase in the number of planes that we will have on hand and in serviceable condition, so that we shall be better off at the end of the next fiscal year than at the end of this fiscal year.

Mr. WALSH of Massachusetts. So that some attention has been given to making appropriations for enlarging the scope of the Naval Air Service?

Mr. HALE. The matter has been very fully gone into both by the House committee and by the Senate committee.

Mr. McKELLAR. Mr. President, I think it was in 1916, if my recollection serves me right, although I will not be absolutely certain about the date, which is immaterial anyway, that a naval program was begun under which by 1926 or 1927 the United States was to have perhaps the largest Navy in the world. The war came on and we continued that program, as I recall, during the war and after the war for a year or two. Some of the greatest battleships ever constructed were authorized to be constructed and were in fact constructed. If the program had been carried out it would have resulted in the United States having first place among the naval powers of the world.

In 1921 there was a change in the administration of our country's affairs, and shortly thereafter the Limitation of Armament Conference was called. As to the good faith of President Harding and those who advised him in calling that conference I have not one word of criticism to offer. I have no doubt that their motives were of the best. As a matter of fact, however, what took place at the conference was entirely different from what most people in this country believed took place.

At that time Great Britain was in this situation: Of course, she knew that America was going to have as large or a larger Navy than Great Britain could possibly build, because the United States had the money and at that time Great Britain was not able to compete with the United States in a naval building program. Naturally, therefore, Great Britain greatly favored a naval conference. I do not say it to her discredit in any way, but when she found herself without funds and that she could obtain by diplomacy what she could not attain by taxation it was to her great credit, and she is to be commended for having looked after her own interests rather than to have let them suffer. In what I am going to say to-day very briefly about that conference, what took place in the conference, and what has since taken place I am going to try to be accurate, but if I make any mistakes I hope those who know the facts better than I do will call it to the attention of the Senate.

The result of the conference was heralded to the world as having put the United States Navy on a basis of equality with the British Navy. The 5-5-3 ratio was heralded to the world. It was understood by everybody. There were few American citizens who did not believe that as a result of the conference not only was naval competition to be removed hereafter but that Great Britain and the United States should in the future be upon terms of absolute equality. I think almost every newspaper in the United States carried that assertion either in its news columns or its editorial columns.

I want to call the attention of the Senate at this time to the fact that that limitation of armament agreement provided for no such thing. I have before me a table of the ships that were reserved to each nation under that agreement, and at this time I ask unanimous consent to insert that table in the RECORD, and then I shall refer to it.

The PRESIDING OFFICER. Without objection, the order will be made.

The table is as follows:

Comparative strength of United States and British navies in regard to tonnage, range, elevation, and speed

UNITED STATES

No.	Name	Tonnage	Maximum range yards	Maximum elevation degrees	Speed
1	West Virginia	32,600	34,500	30	21
2	Colorado	32,600	34,500	30	21
3	Maryland	32,600	34,500	30	21.7
4	California	32,300	30,500	30	21.4
5	Tennessee	32,300	30,700	30	21
6	Idaho	32,000	24,000	15	21.2
7	New Mexico	32,000	24,000	15	21
8	Mississippi	32,000	24,000	15	21
9	Arizona	31,400	21,000	15	21
10	Pennsylvania	31,400	21,000	15	21
11	Oklahoma	27,500	21,000	15	20.5
12	Nevada	27,500	21,000	15	20.5
13	New York	27,000	21,000	15	21.4
14	Texas	27,000	21,000	15	21
15	Arkansas	26,000	24,350	15	21
16	Wyoming	26,000	23,500	15	21
17	Florida	21,800	22,000	15	22
18	Utah	21,800	21,600	15	21

GREAT BRITAIN

1	Hood	41,200	30,300	30	31
2	Nelson [1]	35,000	30,000	30	31.5
3	Rodney [1]	35,000	30,000	30	31.5
4	Ramillies	25,750	24,300	20	23
5	Royal Sovereign	25,750	24,300	20	23
6	Royal Oak	25,750	24,300	20	23
7	Resolution	25,750	24,300	20	23
8	Revenge	25,750	24,300	20	23
9	Valiant	27,500	24,300	20	25
10	Malaya	27,500	24,300	20	25
11	Queen Elizabeth	27,500	24,300	20	25
12	Warspite	27,500	24,300	20	25
13	Barham	27,500	24,300	20	25
14	Benbow	25,000	23,800	20	21
15	Emperor of India	25,000	23,800	20	21
16	Iron Duke	25,000	23,800	20	21
17	Marlborough	25,000	23,800	20	21
18	Renown	26,500	24,300	20	31.5
19	Repulse	26,500	24,300	20	31.5
20	Tiger	28,500	23,800	20	29
21	Thunderer [2]	22,500	23,800	20	21
22	King George V [2]	23,000	23,800	20	21
23	Ajax [2]	23,000	23,800	20	21
24	Centurion [2]	23,000	23,800	20	21

[1] Not yet in commission. Japanese distribution by ships not known.
[2] To be scrapped when the Rodney and Nelson are commissioned.

Effective fleet fire at 23,000–24,000 yards

	United States	Great Britain	Japan
Number effective ships	10	20	10
Number 16-inch guns	24	18	16
Number 15-inch guns	0	100	0
Number 14-inch guns	60	0	80
Number 13.5-inch guns	0	48	0
Number 12-inch guns	24	0	0
Total number guns	108	166	96

Mr. McKELLAR. The agreement was as to the capital ships each nation was to have, and, so far as the purposes of this discussion are concerned, I want it understood that it applied solely to capital ships. There were other matters of minor consequence in the agreement, but, generally speaking, it applied only to capital ships. Remember now that it was heralded as a 5-5-3 ratio; that America and Great Britain stood as 5-5 and Japan 3, the other countries coming on down. Under that agreement America was permitted to have 18 ships of 500,656 tons; Great Britain was allowed to keep 22 ships with a tonnage of 580,450. There is no 5 and 5 in those figures. According to those figures Great Britain had the proportion of 580,450 to America's 500,656. Great Britain could have 22 battleships to America's 18 battleships.

The agreement is to run until 1936. It can not be amended until that date, and it was not even proposed that there should be an equality until that date. Just look at it from Great Britain's standpoint for a moment. What a splendid arrangement it was for her! She would have the supremacy until 1936. Then she would be able to pursue her financial course and enter into a competition of naval armaments if it was desired to do so. It was a splendid agreement for Great Britain, outside of the question of the elevation of the guns, to which I am coming in a moment. Of our ships only 5 out of the 18 had a gun elevation of 30 degrees, and all the remainder of

them had a gun elevation of only 15 degrees. Great Britain had 3 ships with a gun elevation of 30 degrees and 19 with an elevation of 20 degrees. There was no 5-and-5 proportion in that respect.

Great Britain had one ship of 41,200 tons, and I understand the fact to be that Great Britain scrapped a few obsolete ships, while we scrapped new ships; we scrapped all of the great new ships with which we were to put the American Navy in the forefront of the naval powers of the world.

Mr. President, if there were nothing else but these facts which I have mentioned, it would be perfectly apparent that there was no 5 and 5 proportion so far as battleships were concerned between the Navy of Great Britain and the Navy of the United States.

Now, Mr. President, let us consider the question from the standpoint of guns of effective fleet fire at from 23,000 to 24,000 yards, which is the ordinary effective range of guns. The United States had 10 effective guns measured by that yardstick; Great Britain had 20; Japan had 10. As to the number of 16-inch guns, America had 24, Great Britain 18, and Japan 16; number of 15-inch guns, America none, Great Britain 100, Japan none; number of 14-inch guns, Great Britain none, America 60 and Japan 80; number of 13-inch guns, America none, Great Britain 48, Japan none; number of 12-inch guns, America 24, Great Britain none, and Japan none; total number of guns, United States 108, Great Britain 166, Japan 96. There is no 5-5-3 ratio there. In other words, Mr. President, according to these figures, and according to what is now commonly understood and known in this country, America is a poor second instead of being on an equality of 5 and 5 as was proposed, and as was supposed to have been agreed to in the arms conference.

Mr. HALE. Mr. President——

Mr. McKELLAR. I yield to the Senator from Maine.

Mr. HALE. Will the Senator state again the number of guns that America has under the treaty agreement? Did he not state that the United States had 108 guns?

Mr. McKELLAR. I stated the number of effective guns America had at a fire of 23,000 to 24,000 yards. The Senator was out for just a moment. If he had heard what I had to say, he would have known that it was correct.

Mr. HALE. The Senator is referring to a particular range?

Mr. McKELLAR. Yes; and that is the range of from 23,000 to 24,000 yards.

Mr. HALE. I did not hear the Senator's statement to that effect.

Mr. McKELLAR. Of effective guns the United States had 108, Great Britain 166, Japan 96.

Mr. President, all of this goes to show what a splendid trade Great Britain made and what a miserably poor trade the United States made. We spent scores of millions of dollars in building, as I understand, several of the greatest battleships that have ever been upon the waters and we have sunk them in target practice out in the ocean after having built them.

I say, Mr. President, that that agreement was entirely different from what it was expected to be and it was also entirely different from what it purported to be.

I next come to a matter to which I should have first addressed myself, but I wanted to give the general outline of the conference and its results before considering the special provisions.

Mr. President, the limitation of armament treaty was entered into on the 6th of February, 1922. It provides in section 1 under subhead (d), the following:

> No retained capital ships or aircraft carriers shall be reconstructed except for the purpose of providing means of defense against air and submarine attack, and subject to the following rules: The contracting powers may, for that purpose, equip existing tonnage with bulge or blister or anti-air attack deck protection, providing the increase in displacement thus effected does not exceed 3,000 tons (3,048 metric tons) displacement for each ship.

And here is the important part of it—

> No alteration in side armor, in caliber, number, or general type of mounting of main armament shall be permitted except—

I need not go into the exceptions because they are not material to my discussion.

Mr. President, the question of the elevation of guns seems to have been entirely overlooked by those who were negotiating this treaty for America. So far as I have been able to ascertain it was not discussed; but a short time after the agreement was finally ratified by the nations parties to it the Secretary of the Navy, in hot haste, came to Congress and said, "We have found a joker in the agreement"—these are not his words, but they represent substantially the substance of what he meant—"we find that only five of our ships can shoot as far as practically all the Brtish ships can shoot; we are at a great disadvantage; our Navy is not what we thought it was; our guns can not shoot as far. The British ships can lie off 2 or 3 miles out of the range of our guns and sink our ships and we can not reach them." That horrified Congress, for Congress never dreamed that any such condition existed. What did Congress do? It immediately rose to the occasion. Without a word of debate, almost instantly, and I think without opposition upon the part of anybody, on March 4, 1923, about a year after the agreement was first made and shortly after it was ratified, in the third deficiency act, fiscal year 1923, Congress made this appropriation:

> For making such changes as may be permissible under the terms of the treaty providing for the limitation of naval armament, concluded on February 6, 1922, published in Senate Document No. 126, of the Sixty-seventh Congress, second session, in the turret guns of the battleships *Florida, Utah, Arkansas, Wyoming, Pennsylvania, Arizona, Oklahoma, Nevada, New York, Texas, Mississippi, Idaho,* and *New Mexico* as will increase the range of the turret guns of such battleships, to remain available until December 31, 1924, $6,500,000.

As I have said, that provision was adopted without question. Everybody knew that it ought to be adopted, and I think every Member of both Houses assented to it. What was the result? The departments fiddled with it, talked about it with bated breath, were mysterious about it, and about a year later we find the chairman of the Naval Affairs Committee seeking to have that appropriation returned without being used to the Treasury of the United States. Whether it was actually returned by law or whether it was returned by the expiration of the authorization of the appropriation on December 31, 1924, I am not prepared at this time to say, though I think it was returned by law.

Mr. President, why was it returned? There was a great mystery about it. After having been so determined to secure the appropriation, after saying that we were virtually defenseless without the appropriation, why did the department not spend it? As I have said, there was a great mystery about it; but a few days ago——

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Maine?

Mr. McKELLER. I do.

Mr. HALE. If the Senator will allow me, I do not think there was any great mystery about the reason for repealing that appropriation. The appropriation was provided in the deficiency bill because of information that Great Britain had elevated the guns on her battleships since the signing of the treaty, but it was subsequently ascertained that such was not the fact, and the appropriation was thereupon repealed.

Mr. McKELLAR. Mr. President, I want to ask the Senator to examine the RECORD and state if there was any discussion whatsoever or any statement made at that time in either House that Great Britain had elevated the guns of her ships. My recollection is there was no such statement made then, but the first time it was actually made was years afterwards when the report was made by the Secretary of State.

Mr. HALE. I think the Senator is quite right that there was nothing in the House hearings about the matter. However, I understand that the House committee did consider the matter.

Mr. McKELLAR. I remember the question was discussed in the Senate committee, but, if I recall correctly, not a word was said about having increased the range of her guns by elevating them, but that it was necessary for the United States to do so in order to put us on an equality with Great Britain.

Mr. HALE. I think, if the Senator will investigate, he will find that my information is correct.

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

Mr. McKELLAR. Yes; I yield to the Senator.

Mr. KING. In the interest of historical accuracy, although I am much in sympathy with the position of the Senator from Tennessee, I feel constrained to state what I understand the facts to be with respect to the matter which is apparently now in issue between the Senators.

Mr. McKELLAR. No; there is no question now about what the facts are. The only question at issue between the Senator from Maine and myself is whether the facts that are now known to be the facts were discussed in the two Houses of Congress at the time this appropriation was made in 1923.

Mr. KING. Probably I should be compelled to answer the Senator's interrogatory negatively if it were put in that form.

Mr. McKELLAR. Why, of course.

Mr. KING. But, if I may be permitted in the Senator's time——

Mr. McKELLAR. Yes; I am glad to have the Senator make the statement.

Mr. KING. The situation, Mr. President, as I recall the facts—and they are quite distinct in my mind—is this:

There was no discussion, either in the House Committee on Naval Affairs or the Senate Committee on Naval Affairs or upon the floor of the House or upon the floor of the Senate, with respect to the appropriation bill and the item of $6,500,000 for the elevation of our guns. That appropriation was not included in the general naval appropriation bill.

In the closing hours of the session my information is that the Secretary of the Navy, or some representative of the Navy speaking for him, came before the committee of the Senate, and it was in executive session. There was no report of the statement which was made. I could not get, though I asked for it, the statement made by the Secretary or some one speaking in his behalf; but the statement was made that Great Britain was elevating or had elevated her guns. Upon the spur of the moment, without due consideration, in my opinion, without ascertaining the accuracy of the statement made by the Secretary of the Navy or some one speaking for him, a deficiency appropriation was reported to the Senate, the item being for $6,500,000, and it constituted a part of a deficiency appropriation bill which was reported.

I went to the chairman of the committee, the Senator from Wyoming [Mr. WARREN], and stated that with the information I had I was opposed to that appropriation. The Senator stated, in substance—and I am not betraying, I hope, any secret—that information had come to the committee that day or the day before which induced them to make this recommendation; and I stated upon the floor of the Senate, as I now recall, that I was not satisfied with that information, but I would bow to the recommendation of the committee, because, not knowing the facts, I was not in a position to controvert their position.

Within a few days I learned that it was not true that Great Britain had elevated her guns, or, so far as we could learn, that she purposed elevating them. Thereupon I wrote a letter to the Secretary of the Navy stating in substance that I believed that Congress had been imposed upon, and that there was an intimation that the Secretary of the Navy or the Navy Department had been party to that imposition; and I stated that if they persisted in the expenditure of that $6,500,000 I should call attention of Congress to the fact when we reconvened, and that if it had not been expended I should ask that the money be covered back into the Treasury of the United States.

Within a short time after that the Secretary of State, learning that Great Britain had not elevated and so far as he was advised did not purpose elevating her guns, felt constrained to make a public announcement which was in the nature of an apology to Great Britain for the position which had been taken by the Navy Department, and which had eventuated in the appropriation of $6,500,000.

Now, Mr. President—if the Senator will pardon me, and I am trespassing upon his time—there may be a very serious question as to the wisdom or lack of wisdom of elevating our guns; but I felt that it was due to Great Britain to state the facts which led to the failure to expend this appropriation. The appropriation would not have been made at all except for the representations which were made by the Navy Department, and those representations, it was proven, were inaccurate.

I thank the Senator.

Mr. McKELLAR. Mr. President, I am obliged to the Senator for his statement about facts occurring principally before the committee and between him and the Secretary of the Navy. They are very enlightening. They verify what I said just a moment ago about there having been considerable secrecy about the transaction.

Mr. KING. Yes; there was.

Mr. McKELLAR. There was great secrecy about the transaction. They also verify the position which I take, namely, that it was perfectly natural that Great Britain should not want to elevate her guns. They could already shoot from 3 to 5 miles farther than any guns we had except five. That fact gave her a tremendous advantage over us, and we were certainly next to her in the matter of naval armament. Therefore, why should she want to elevate her guns? She did not want to elevate her guns. She wanted to keep the United States from elevating hers; and I call the attention of American citizens who thought we had equality of naval armament with Great Britain when this agreement was signed to the fact that it was shown that we not only did not have equality, but that under the agreement, with our guns shooting from 3 to 5 miles less than the British guns, we were in a deplorable second place in so far as our capital ships were concerned.

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

Mr. McKELLAR. I yield.

Mr. KING. The Senator might also fortify his position by further stating, if he has not done so before I entered the Chamber, that the greater number of Great Britain's ships have the outer hull or blister; and you may flood the blister or the outer hull and list your ships, and thus augment your range.

Mr. McKELLAR. I have already stated that. That is absolutely true. So that, instead of having equality of naval armament, we have a pitiful inequality in naval armament, and it can only be corrected in part by the elevation of the guns——

Mr. HALE. Mr. President——

Mr. McKELLAR. Because we are bound by an agreement until 1936, and that agreement, as I read it, can not be changed until 1936; and, of course, America must live up absolutely to her agreements. If she has made a bad bargain, as I believe she has, she must live up to that bargain; but, in my judgment, she has a right to take advantage of everything within the contract, because the great thing that was contracted for, or supposed to have been contracted for, was equality of the two naval armaments. When we examine the agreement afterward, we find that instead of having equality we have a pitiful second place.

I now yield to the Senator from Maine.

Mr. HALE. Mr. President, I simply wished to know whether the Senator wanted me to correct him when he made statements that were not exactly in line with the figures that I have in my possession.

Mr. McKELLAR. Any time the Senator desires.

Mr. HALE. As far as the blistered ships of England are concerned, they have blisters, I am informed, on only eight of their 22 ships.

Mr. McKELLAR. That was referred to by the Senator from Utah [Mr. KING], and is a matter with which I was not familiar.

Mr. President, when it was found that we had 18 capital ships as compared with Great Britain's 22, and that 13 out of the 18 could not shoot as far as the British ships, the next question arose as to the elevation of our guns.

Capt. Frank H. Schofield, of the United States Navy, about that time prepared a short article on the elevation of guns. My understanding is that Captain Schofield is now a naval attaché at London. He is one of the able and splendid men of the Navy. He has written here—this is an appendix to the Annual Report of the Secretary of the Navy for 1923—an argument that is absolutely conclusive of the right of the United States, under this agreement, to elevate the guns on these 13 ships if she desires to do it; and I am going to take the trouble and the time to read this splendid argument to the Senate.

It is headed:

Appendix C—The Gun Elevation Question. Memorandum by Capt. Frank H. Schofield, United States Navy.

I call the attention of Senators especially to this for reasons which I shall point out a little later.

Foreword: The Sixty-seventh Congress made an appropriation of $6,500,000 to increase the elevation of the turret guns of 13 United States capital ships. Congress was informed erroneously, but with candid intent, that the guns of the British fleet had had their elevations similarly increased. The British Government stated that this information was incorrect. The American Government immediately and unhesitatingly accepted the British statement. The question of the legality of the action contemplated by the appropriation of six and a half millions was not questioned by the British.

As Congress had made the appropriation under the impression that the British guns had been similarly elevated, it was decided to postpone action on increasing the elevation of the turret guns of 13 ships until Congress had again considered the subject.

There has been some agitation in the press, to the effect that it would be contrary to the letter or the spirit of the Washington treaty to increase the elevation of our turret guns. The following paragraphs deal with this question:

The gun-elevation question has two separate and distinct parts:

(1) Is it allowable under the treaty?

(2) Is it worth doing?

This memorandum deals with the first question. This question is a matter of written law—the treaty. The decision of this question must depend upon a correct interpretation of written law. There are two separate laws on the subject, each equally operative, equally conclusive, both intended to express identical ideas. These two laws are

the English version of the treaty for limitation of armament and the French version of the same treaty.

I shall examine the English version of the treaty first, to determine whether or no the elevation of the turret guns on American battleships may be increased without violating the treaty. The following words in the treaty and no others bear on this subject:

"* * * *No alterations in* side armor, in caliber, number or *general type of mounting of main armament shall be permitted* * * *."

The italicized words in the above quotation are the only words in the treaty that bear on the gun-elevation question. Our problem, therefore, is simply to examine what we propose to do in the light of the meaning of these words.

There are five necessary steps in increasing the elevation of the turret guns on the 13 of our battleships that are under consideration. These steps are:

(1) Increasing the size of the gun port opening.

(2) Lengthening the elevating screw so that the breech of the gun may be lowered and raised through a greater distance.

(3) Cutting away some of the plates and framing under the breech of the gun, so that the breech may be lowered farther.

(4) Changing the position of the ammunition hoists slightly.

(5) Making a more powerful counterrecoil system.

Let us consider each step separately.

"(1) Increasing the size of the gun port opening."

The turret guns stick out through holes in the face of the turret. When the guns are pointed at their greatest range—that is, when the muzzles of the guns are elevated—the guns touch or almost touch the top of the hole in the armor through which the guns project. If we wish to point the guns higher, we must lengthen the hole upward, so that the muzzle of the gun may be raised higher.

Question. Is lengthening the hole (port opening) in the front of the turret armor an "alteration in the general type of mounting of main armament"?

Answer. No. The general type of mounting might be the same if all the turret armor were removed. The guns might still be in the same position with the same general type of mounting. The armor is simply protection to the guns, mounts, and crew. No matter how many or how big the holes cut in the amor, the general type of mounting remains the same.

"(2) Lengthening the elevating screw so that the breech of the gun may be lowered and raised through a greater distance."

The elevating screw extends from under the breech of the gun to a part of the gun mount below, where it runs through a nut fixed to the mount. It is connected to an electric motor that turns it in either direction. If the screw turns in one direction, the elevating screw runs up through the fixed nut and its upper end pushes the breech of the gun up, thus lowering the muzzle of the gun; if the screw turns in the opposite direction, it runs down through the fixed nut and pulls the breech of the gun down, thus elevating the muzzle of the gun. If the length of the elevating screw is increased, and if the distance between the breech of the gun and the fixed nut through which the elevating screw travels is increased, it will be possible to raise and lower the breech of the gun through greater distances.

Question. Is the lengthening of the elevating screw so that the breech of the gun may be lowered and raised through a greater distance an "alteration in the general type of mounting"?

Answer. No. It is not a change in type of mounting. The same type of mounting is preserved in making this change, but the capacity for up and down motion of the breech of the gun is increased. A short broomstick is of the same general type as a long broomstick. Size does not alter type.

"(3) Cutting away some of the plates and framing under the breech of the gun so that the breech may be lowered farther."

As guns are now installed in the ships there are various platforms and framings directly underneath the breech of the gun that the breech of the gun comes near to when the muzzle is pointed as high as possible. If we propose to point the muzzle higher, these frames and plates and fittings must have their position changed so there will be a clear road for the breech of the gun when it is lowered for extreme long-range pointing and firing.

Question. Is the cutting away of platforms, frames, and fittings within the turret structure so as to permit the breech of the gun to be lowered farther an "alteration in the general type of mounting of main armament"?

Answer. No. All fittings that would have to be changed in position would still be retained in a modified form and in a modified position. Nothing would be taken away or added to the gun mount that would change its type so far as this particular step is concerned. It is not a change in type of writing desk, for example, if more room is made under the desk so that a fat man can get his legs where a thin man gets them without any trouble.

"(4) Changing the position of the ammunition hoists slightly."

Question. Would this be an "alteration in the general type of mounting of main armament"?

Answer. No. The reply to this question is similar to No. 3, and, in fact, might be included under No. 3.

"(5) Making a more powerful counterrecoil system."

When a turret gun is fired its muzzle is always pointed up some; otherwise the projectile would fall in the water close to the ship. The farther you wish to fire the gun the higher the muzzle must be pointed. When the gun is fired it recoils some little distance back into the turret. Its recoil is stopped by a hydraulic or pneumatic system, reinforced by springs which act as brakes on its recoil. Before the gun can be reloaded it must be shoved forward again into the same position it had at the start. This is done by means of the counterrecoil system, which may be by springs, by air pressure, or by hydraulic pressure.

It is evident that the more the breech of the gun is depressed the more the gun has to be elevated in shoving it back into place after firing. When the gun is level it is just a question of overcoming the friction of the gun in the slide enough to push it forward. When the gun is elevated 10° you must not only overcome this friction but you must push the gun up an incline of 10°. When the gun is elevated 30° you must overcome the friction and in addition lift the gun up an incline of 30°. This requires a considerable increase of power over that required for the 10° elevation. It will therefore be necessary to provide more power to return the gun to loading position after firing, but it will not require a change in the type of the mounting or a departure from established practice in the design in order to accomplish this object.

Question. Is making a more powerful counterrecoil system an "alteration in the general type of mounting of main armament"?

Answer. No. The same type of automobile jack can be used to lift the wheel of a Ford touring car and the wheel of a 5-ton truck. The only difference involved are those of size and power.

From the preceding analysis of the five steps necessary in making changes in our ships to permit of increased elevation of the guns, it is obvious that since no one of these steps involves a change in the general type of mounting of the main armament that the proposal itself does not involve a change of type and that, therefore, it is permissible for us to change the elevation of our guns.

If, however, we should propose installing two turrets for one turret or should take turrets from the center line of the ship and put them on the sides of the ship or should take them from the sides of the ship and should put them on the center line or should take turrets that can not fire over each other and arrange them so they could fire over each other, we would be changing the general type of mounting of the main armament; in fact, we would be making of our ships ships of a decidedly different character. It was this sort of change that the treaty sought to guard against. No such changes as these are proposed or even suggested. We simply propose changes that will enable us to use more effectively and more efficiently the guns and mountings we already have.

We come now to the French version of the treaty and its bearing upon the question under consideration. The following words in the French version of the treaty and no other words in this version bear on this subject:

"*Sera interdit tout changement dans* la cuirasse de flanc, le calibre et *le nombre des canons de l'armament principal, ainsi que tout changement dans son plan general d'installation.*"

The italicized words of the above quotation are the only words in the French version of the treaty that bear on the gun-elevation question. For convenience in discussing their meaning, let us translate these words as literally as possible into English.

"All change in the side armor, the *caliber and number of guns in the main armament, as well as all change in its general plan of installation is forbidden."*

From this translation we can separate out, by italicizing, the words that bear directly on the question under discussion. It will be found that the whole question hinges on the meaning of "general plan of installation of main armament." No stretch of the imagination can make these words mean that any one or all of the five steps above enumerated as necessary for increasing the elevation of our turret guns are changes in the "general plan of installation of main armament." It is perfectly obvious that these words do refer to such changes as are indicated in a paragraph above, namely:

(1) Installing two turrets for one turret.

(2) Taking turrets from the center line of the ship and putting them on the sides of the ship.

(3) Taking turrets from the side of the ship and putting them on the center line.

(4) Placing turrets that can not fire over the other so that one of them can fire over the other, etc.

Such changes would be changing the "general plan of installation of main armament."

So much for the common-sense legal phases of the question.

The public is very generally under the impression that the British Admiralty have stated officially through the proper channels that by their interpretation of the treaty it would be illegal for us to change the elevation of our turret guns as proposed. No such contention has ever been put forward either by the British Admiralty, the British Government, or by any other official in any government signatory to the treaty. This is a categorical denial that can be substantiated by anyone at any time who chooses to make official inquiry either of the State Department or of the Navy Department.

The general intent of the treaty was to grant to each power full right to keep step with material and scientific progress, subject only to specific limitations. Nowhere is there to be found a "spirit" of the treaty that contravenes this right.

Mr. President, that, in my judgment, is an unanswerable argument that America has a perfect right to elevate her guns so as to make them shoot as far as the guns of other nations will shoot. There can be no question about the right.

As I understand it, Japan and France have both elevated their guns since this agreement was entered into, and no objection has been made. No protest was filed by any of the signatory powers, because they are not interested in what those countries may do. But when the American Congress appropriates $6,500,000 to enable us to elevate our guns, we find a protest—a veiled protest, it is true, but a protest, nevertheless—and we comply with that protest.

Mr. President, what was the main purpose of the agreement to limit armaments? It was to stop rivalry in naval armaments. How was it to stop that rivalry? America was about to go further than Great Britain. We were to have a larger Navy than Great Britain, and, in order that armaments might be limited, Great Britain was willing to agree that she and America should have equal-sized armaments, certainly by the end of the year 1936. The main purpose was to put the countries on an equality in naval armaments. Yet, after the agreement was signed and ratified by the powers, it was found that there was a joker in it, and that the guns on 13 out of the 18 capital ships left to us under the treaty could not shoot as far as the British guns by from 2 to 5 miles. Under these circumstances, therefore, a technicality is resorted to to prevent America from being put on an equality with Great Britain.

Mr. President, I am not criticizing Great Britain for entering into that agreement. I am merely sorry that our own officials did not have the foresight to see to it that we were actually put on an equality with Great Britain. I am not criticizing Great Britain in any way. She was looking after her own interests. We should have been looking after ours; but we were not. However, we have the right, under this agreement, to elevate our guns, and there ought to be a provision in this bill appropriating the money necessary to enable us to elevate the guns, so as to put us on an equality with Great Britain, as was originally intended.

The United States being outside the League of Nations, the very best guaranty of peace in the world, it seems to me, would be an equality of naval armaments between America and Great Britain. If they had equal naval armament, neither country would go to war with the other. If there were an equality of naval armament, no other country would go to war without having the approval of one or both of these great nations. So that it seems to me the very best guaranty of peace throughout the world is for America to have a Navy second to no other navy in the World. After having agreed to that in plain language, it is the duty of this Congress to appropriate the money to make the American Navy equal to that of Great Britain, under the terms of this agreement.

What is the excuse offered for not accomplishing that? I now come to the excuse. After all this secrecy; after coming to Congress and getting an appropriation and then not using it; after saying that it was vital to the American Navy to have the guns elevated, how does it come about that the whole program has been stopped, and the money turned back into the Treasury?

I read the letter from Secretary Hughes to the Hon. THOMAS S. BUTLER, of the House of Representatives, of date January 6, 1925, which gives the reason for it. I read from page 1525 of the RECORD of January 9, as follows:

JANUARY 6, 1925.

Hon. THOMAS S. BUTLER,

Chairman Committee on Naval Affairs,

House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your communication on behalf of the Committee on Naval Affairs of the House of Representatives, transmitting House Resolution 387 and requesting that the information therein described should be furnished if not incompatible with the public interest.

The proposed resolution asks for "such data, information, or objections" which the Secretary of State "may have from any foreign government in connection with the modernization of certain capital ships of the United States Navy by increasing the elevation and range of turret guns."

While I understand that the resolution has not been passed, there is no objection to giving to your committee the information desired. The only "data, information, and objections" which the Department of State has received, the elevation and range of turret guns, is as follows:

In a communication under date of March 15, 1923—

Eleven days after the bill appropriating $6,500,000 passed the Senate and became a law—

the British ambassador at Washington reviewed the reports that had been made as to the increase in the elevation of the turret guns of British ships, and made the categorical declaration that no alteration had been made in the elevation of turret guns of any British capital ships since they were first placed in commission.

In subsequent communications from the British ambassador at Washington it has been stated to be the view of His Majesty's Government that an increase in the elevation of turret guns is not permissible under the terms of the naval treaty, with special reference to Chapter II, part 3, section I (d) which prohibits, subject to certain exceptions expressly provided for, any reconstruction of retained capital ships or of aircraft carriers, except for the purpose of providing means of defense against air and submarine attack. As regards the question whether such increase in the elevation of turret guns involves any "reconstruction," it is stated to be the view of the British Government that the increase of the elevation of guns, together with consequential alterations, such as scrapping or replacement of existing fire-control systems, etc., involves considerable "reconstruction" in the fullest sense of the term. The British Government lay particular emphasis upon what is described as a larger aspect of the question—that is to say, that one of the objects of the treaty is to reduce the burdens of competition in armament—and the British Government feels that action by the United States in the elevation of turret guns would tend to defeat this object to a considerable extent. In these circumstances the British Government make an earnest appeal that the Government of the United States should not impose upon the peoples of the countries concerned the burdens of competition in armament which are deemed to result from the execution of the proposal to elevate the turret guns on retained capital ships of the United States, it being considered that, even if arguments can be found in support of the contrary interpretation of the treaty, the effect of carrying out such proposals would be incompatible with its intentions.

Mr. President, I maintain that that statement is at absolute variance not only with the facts, but it is at utter variance with the purpose of the treaty itself. The treaty was to put America on the same basis of ratio with Great Britain and yet when America takes steps to put herself on a basis of equality in naval armament as provided in the treaty we find a protest from Great Britain saying that it will revive competition. In other words, Great Britain has said that we must trust her, but she is not trusting us. As soon as we undertake to avail ourselves of our undoubted province under the treaty, under our unquestioned authority under the treaty, Great Britain immediately protests on the ground that it may be a violation of the treaty, and not being willing to assert that it is a violation of the treaty, she says that it will defeat the purposes of the conference.

What was the purpose of the disarmament conference if not to put us on an equality? Was it the purpose to make Great Britain mistress of the seas for all time to come? Was it the purpose to put the United States in second or perhaps third place among the navies of the world? It had no such professed purpose. That statement was not made at the time. It has not been made since. Great Britain would not make that statement now. Yet when America has the opportunity and proposes that she shall be put upon an equality as provided under the agreement, she is met with a protest from Great Britain.

I read further:

The assurance is repeated that no alteration has been made in the elevation of the turret guns of any existing British capital ships since they were first placed in commission.

Why should she make any changes? They already have hurled their projectiles from two to five miles farther than 13 of our ships. She was at no disadvantage. It would have been money uselessly wasted for her to increase the range of her guns under those circumstances. So it is no answer to the proposition for Great Britain to say that an elevation of her guns has not been made. We know that Japan and France have elevated their guns and so far as I know without any

protest upon the part of Great Britain. Great Britain is not interested in the elevation of the guns of Japan and France. They are not in her class. But when America undertakes to do it she comes in at once and says we may not do it.

I read further:

It was further proposed that the Government of the United States, the Japanese Government, and the British Government (the Governments of France and Italy not being deemed to be directly concerned in view of the exceptions of the treaty) should undertake not to make during the term of the treaty any increase in the elevation of the turret guns of their existing capital ships.

I have been informed by the Japanese Government that it was not the view of the Japanese Government that a change in the gun elevations, which did not require changes of the prohibited sort in the ships themselves, would be a violation of the naval treaty.

Here is the Secretary of State, who is a great lawyer, who sat for a long time upon the bench of the greatest judicial tribunal of the world, who says it is not a violation of the treaty. He says the Japanese Government and the French Government, who are parties to the treaty, do not claim that it is a violation of the treaty. Why should the Congress not do its manifest duty in looking after the defense of the American people by making the appropriation and elevating these guns?

I continue to read from the letter of the Secretary of State:

I may add that, in view of the detailed description given by the Navy Department of the nature of the changes which would be necessary to elevate the turret guns on the capital ships retained by the United States, these changes would appear to be of a minor sort and, in my opinion, would not constitute a reconstruction of the ships within the meaning which should be attributed to the provision of the naval treaty.

We have a perfect right to do it, however, according to the Secretary of State, a former justice of the Supreme Court of the United States. It would put us upon a comparative equality where we are presumed to be on an absolute equality. But he then qualifies his statement by this suggestion:

I am of the opinion, however, that while such changes as would be contemplated in the case of American ships would not constitute a violation of the terms of the treaty, they would tend to evoke the competition which it has been the policy of this Government to mitigate. It may also be stated that, so far as the United States is concerned, the question appears to be of consequence only in relation to certain of the specified retained ships, and these ships under the replacement clauses of the treaty are to be replaced within 10 or 12 years.

I am, sir, your obedient servant, CHARLES E. HUGHES.

Mr. President, the Secretary of State puts it on the ground that if we elevate our guns and put them on an equality with the British guns it would tend to revive competition. How can it do so? Great Britain is not going to violate the terms of the treaty. I say it to her honor and credit that she stands by her treaties, and she ought to permit us to stand by our treaties in the same way and to avail ourselves of every right we are entitled to under that treaty, especially when it is shown that the main purpose of the disarmament agreement was to put us on terms of equality with Great Britain and that this matter of elevation of guns removes us from that position of equality.

Tend to bring about further competition? How can it be, Mr. President? We are limited to 18 battleships, as compared with Great Britain's 22. Why should Great Britain undertake to violate the agreement and compete? I am not in favor of violating any agreement. If we have made a bad agreement, we ought to stand by it like every honest and honorable nation should.

But we have not violated any agreement, and if we proceed to the elevation of these guns we will not have violated any agreement. The Secretary thinks we have not violated any agreement. Two of the signatory powers say we have not violated any agreement, and Great Britain herself does not say we have violated any agreement. She merely calls attention that it might revive competition in armament. There is nothing in that contention. We owe it to ourselves to live by that treaty.

So far as I am concerned, I am perfectly willing, should this appropriation be made, that the matter should be determined by arbitration. We have arbitration treaties with Great Britain, and there is no reason why it can not be determined by arbitration if Great Britain wants it arbitrated. Let us elevate our guns, and then let it be arbitrated, and if it is arbitrated against us, I, for one, will be willing to accept the arbitration decision. At best that is all that Great Britain should ask in this situation.

Mr. President, I am well acquainted with the members of the Naval Affairs Committees of the House and Senate. They are splendid men, all of them. I impute to them no lack of patriotism and no lack of looking after the interests of the country. But I want to say to them that in my judgment they are making a tremendous mistake against their country when they do not provide for the elevation of these guns so as to put the United States in a position of equality with Great Britain, such a position as she occupies and has occupied.

Mr. President, I felt that I owed it to myself to lay this matter before the Congress, and I am going to offer an amendment to the bill at the proper place.

The PRESIDING OFFICER. The Chair would advise the Senator that the Chair understands an agreement was made that committee amendments should be first considered.

Mr. McKELLAR. Very well. I will offer the amendment and ask that it be printed and lie on the table, and I will call it up at the proper time in the consideration of the bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McKELLAR. The amendment which I propose is to insert on page 24, after line 6:

For making such changes as may be permissible under the terms of the treaty providing for the limitation of naval armament, concluded on February 6, 1922, published in Senate Document No. 126 of the Sixty-seventh Congress, second session, in the turret guns of the battleships *Florida, Utah, Arkansas, Wyoming, Pennsylvania, Arizona, Oklahoma, Nevada, New York, Texas, Mississippi, Idaho,* and *New Mexico,* as will increase the range of the turret guns of such battleships, to remain available until expended, $6,500,000.

The PRESIDENT pro tempore. The amendment will lie on the table and be printed.

Mr. McKELLAR subsequently said: I am not sure that the amendment I have offered is now in order, but in order to make it so, it is necessary for me to give notice that I shall present the amendment to-morrow. Under the rules I want to give notice now that I will make a motion to suspend the rules in order that I may offer the amendment.

Mr. GERRY obtained the floor.

Mr. REED of Pennsylvania. Will the Senator from Rhode Island yield to me in order that I make a request? It will not take over a minute.

Mr. GERRY. Certainly, I yield to the Senator from Pennsylvania.

OHIO RIVER BRIDGE BETWEEN AMBRIDGE AND WOODLAWN, PA.

Mr. REED of Pennsylvania. I ask unanimous consent for the present consideration of the bill (S. 3643) authorizing the construction of a bridge across the Ohio River between the municipalities of Ambridge and Woodlawn, Beaver County, Pa. The reason for asking for the consideration of the bill at this unusual time, I will say to the Senate, is that a similar bill is pending on the calendar of the other House for consideration on Monday next, and we are anxious to have this bill take its place in order that the measure may be passed on Monday in the House. To accomplish that purpose the bill must be passed by the Senate to-day.

Mr. KING. Let me ask the Senator whether the bill for which he now asks consideration is in the usual form?

Mr. REED of Pennsylvania. It is in the usual form.

Mr. KING. And it contains the usual restrictions in favor of the Government?

Mr. REED of Pennsylvania. Yes.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill indicated by him.

Mr. HALE. I desire to ask the Senator from Pennsylvania whether the bill for which he asks consideration will take up much time of the Senate? We have an appropriation bill before the Senate now, and I am anxious to make some progress with it.

Mr. REED of Pennsylvania. I think the bill for which I ask consideration can be passed in 30 seconds.

Mr. JONES of Washington. It is an ordinary bridge bill, I understand.

Mr. HALE. Very well. I will make no objection to it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3643) authorizing the construction of a bridge across the Ohio River between the municipalities of Ambridge and Woodlawn, Beaver County, Pa., which had been reported from the Committee on Commerce with amendments on page 1, line 7, after the word

"point," to strike out the words "convenient for travel and not inimical to the free" and to insert "suitable for the interests of"; and on line 9, after the word "navigation," to strike out the words "of said river," so as to make the bill read:

Be it enacted, etc., That the county of Beaver, in the State of Pennsylvania, be, and is hereby, authorized to construct, operate, and maintain a bridge and approaches thereto across the Ohio River between the municipalities of Ambridge and Woodlawn, Beaver County, Pa., and at a point suitable to the interests of navigation, 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. 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.

NAVY DEPARTMENT APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10724) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1926, and for other purposes.

Mr. GERRY. Mr. President, I have listened with a great deal of interest to the remarks of the Senator from Tennessee [Mr. MCKELLAR] in regard to the protests against elevating the guns of certain American battleships. That question, as the Senator from Tennessee and the Senator from Utah [Mr. KING] have pointed out, came before the Senate some years ago. The Navy Department advocated the elevation of the guns, for they believed it would be of benefit to the American ships. They also further stated, as the Senator from Utah has shown, that one of their reasons for making the request was on account of the belief they entertained that the British were also elevating the guns on their ships. However, that was subsequently proven not to be the case. Personally I do not think the latter point is important. The reason for my advocacy of the elevation of the guns of the American battleships is because, in the first place, I do not believe such elevation would be in violation of the treaty; and, in the second place, I think it would put the American Fleet in its proper place among the three great naval powers of the world.

The Secretary of State has lately furnished to the House of Representatives and the Senate of the United States his opinion on this subject. I wish he might have seen fit to have furnished us the information a little earlier. I asked the Naval Committee of the Senate some time ago to request the Secretary of the Navy for that information, but he sent back word that it was a matter which should be taken up with the State Department. I then introduced a resolution, which was reported unanimously by the Foreign Relations Committee of the Senate, and subsequently it was unanimously adopted by the Senate, asking for that information, whereupon the Secretary of State furnished it to the Senate. The Secretary of State, as the Senator from Tennessee has already stated, contends that to elevate the guns on our capital ships would not be in violation of the treaty, but that, in his opinion, "while such changes as would be contemplated in the case of American ships would not constitute a violation of terms of the treaty, they would tend to evoke the competition which it has been the policy of this Government to mitigate."

I agree with the first proposition of the Secretary of State, but I do not agree with his second proposition. The British Government protested against the elevation of the guns on 13 of our battleships on the ground that it would be a violation of the Washington conference treaty, particularly of chapter 2, part 3, section 1.

Mr. President, chapter 2, part 3, section 1, has only this to say in regard to the elevation of guns—and I think I had better read all of paragraph (d)—

No retained capital ships or aircraft carriers shall be reconstructed except for the purpose of providing means of defense against air and submarine attack, and subject to the following rules: The contracting powers may, for that purpose, equip existing tonnage with bulge or blister or antiair attack deck protection, providing the increase of displacement thus effected does not exceed 3,000 tons (3,048 metric tons) displacement for each ship. No alterations in side armor, in caliber, number, or general type of mounting of main armament shall be permitted except—

The the exceptions follow, which are—

(1) In the case of France and Italy, which countries, within the limits allowed for bulge, may increase their armor protection and the caliber of the guns now carried on their existing capital ships so as not to exceed 16 inches (406 millimeters); and

(2) the British Empire shall be permitted to complete, in the case of the *Renown*, the alterations to armor that have already been commenced but temporarily suspended.

Mr. President, I understand that France has elevated the guns of her battleships and that she does not consider such action as violating the treaty.

France and Italy are allowed to increase their armor protection, while Great Britain, with the one exception of the battleship *Renown*, and the United States and Japan are not allowed to do so.

France is allowed to increase the caliber of the guns on her capital ships up to 16 inches. There is nothing there that touches the "number or general type of mounting of main armament." In other words, "general type of mounting of main armament" is an entirely different question from that of the elevation of the guns.

The situation, as I understand it, is this: As the Secretary of State says in his letter, Japan has maintained that the elevation of guns on her battleships is not a violation of the treaty, and, apparently, she will go ahead and elevate her guns. In the case of the United States, the construction of the turrets on her battleships is such that, as the Senator from Tennessee has shown by reading into the RECORD the statement of Captain Schofield, that the elevation of the guns could not be considered a violation of the agreement as being a change in the "general type of mounting of main armament."

Five steps are necessary—and I am not going over this matter very fully because the Senator from Tennessee has already discussed it very thoroughly—to increase the range of our guns. They are as follows:

The first one is simply to cut the gun port a little wider so that when the gun is pressed up it will not hit the top of the housing. The next thing is to lengthen the elevating screw. Certainly neither this nor the first step which I have mentioned would constitute any alteration in the "general type of mounting of main armament." The third step is in the cutting away of some of the plates and frames under the breech, so that when the gun is tipped up the rear end of the gun may be lowered to a greater degree. This also is a very slight change, as is also the change of the position of the ammunition hoists, and is simply putting a rather more powerful engine in the counterrecoil, which is operated largely by compressed air.

I think if anybody will consider for a moment these five minor changes to the turrets of United States battleships he will realize that they can not be considered as alterations of the "general type of mounting of main armament."

Unfortunately for Great Britain, I understand the turrets of her battleships are so constructed that it would be practically impossible for her to make the changes without possibly a breach of the treaty. Whether it would be a breach of the treaty or not I am not prepared to say; but, in any case, it would be very expensive, and up to the present time it has not been necessary for her to do this, as all the guns on her ships have at least an elevation of 20 degrees.

Five of our ships have an elevation greater than this. They have an elevation of 30°. The remainder are 15°; and I intend in a minute to make a comparison of the two fleets; but I will deviate from this subject before going into it more thoroughly to touch on the question of whether, as the Secretary of State has contended, it would tend to evoke competition, which it has been the policy of this Government to mitigate.

Mr. President, in the plan as laid down by the Washington conference there is necessarily a certain amount of competition. Every time the different governments replace their capital ships they strive to build the most efficient and the most modern battleships possible. We have a striking example of that at the present time, where soon there will be added to the British line the *Nelson* and the *Rodney*. These two vessels are supposed to be the latest things in battleships. They will carry nine 16-inch guns, and the newspaper reports assert that these guns will be placed forward, and that the afterdeck will be used for an airplane platform, upon which they can carry their airships, and that there will be no stacks. Of course, the object of having no stacks is in order to allow the airplanes to land on the battleships.

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

Mr. GERRY. In just a moment. If you place stacks on an airplane carrier, the British have found in their experiments that it makes a difference in the air currents and you have difficulty with your airplanes landing on the deck. The ideal airplane carrier apparently is one without stacks. The British, when they place the *Nelson* and the *Rodney* in commission as part of their battleship fleet and retire four of their old vessels, will have entered into competition with us, because they will have tried, and rightly, to build better battleships than we now possess.

I now yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I am interested in what the Senator says about the *Rodney* and the *Nelson* being the most complete and up-to-date and greatest capital ships ever floated, perhaps. I imagine that they are in line generally with the United States war vessel *Washington*, which was recently sunk.

Mr. KING. Superior.

Mr. McKELLAR. The Senator from Utah says that these two ships are superior to the *Washington*. What I want to find out is this: Why is it that these great new ships are added to the British fleet while the *Washington*, which was probably greater than any other one that we have, was sent to the bottom as the target of airplanes? How did that come about?

The Senator is on the Naval Affairs Committee; and I think a great many Americans would like to know why it is that while Great Britain is adding to her capital ships the greatest and strongest and most powerful that were ever put afloat the United States is sending to the bottom of the sea her ships of like kind and character, at great loss to the taxpayers of this country.

Mr. HALE. Mr. President, does not the Senator know that that was all arranged at the time of the treaty and all agreed to by the different countries?

Mr. McKELLAR. If that was all arranged at the time the treaty was agreed to, how in the name of Heaven did anybody ever have the effrontery to talk about a ratio of 5 and 5 as between the United States and Great Britain?

Mr. HALE. I expect to say a word about that later on, when I answer some of the statements that have been made.

Mr. McKELLAR. I am just wondering. I should like to have somebody give a reason. The Senator says it was named in the bond; it was named in the agreement. If this marvelous inequality of naval armament was named in the bond, why in the world did anybody have the effrontery to call that an equality of naval armament?

Mr. HALE. Mr. President, it was not only named in the bond, but it was agreed to by the governments of the various nations. It was agreed to by this body. It was agreed to by the Senator; at least he did not raise his voice against it. Everything that was done in that conference was submitted to the Senate, and we knew exactly what we were doing when we ratified the agreement.

Mr. McKELLAR. The Senator says we knew exactly what we were doing.

Mr. HALE. If we did not, we ought to have.

Mr. McKELLAR. Ah! That is different.

Mr. HALE. We had every chance in the world to know.

Mr. McKELLAR. The Senator certainly never knew anything about the elevation-of-guns question until after the agreement was ratified. That was the joker that neither the Senator nor any other Senator seems to have found.

Mr. HALE. I will answer that later.

Mr. GERRY. Mr. President, the Senator from Tennessee has stated that I said the *Nelson* and the *Rodney* were the two greatest battleships afloat. I am not prepared to make that statement, because I do not know. What I stated was that I presumed they were the greatest battleships that the British Government were able to build. Of course we have nothing but newspaper information on that subject.

Mr. McKELLAR. Mr. President, the Senator says we have nothing but newspaper information on that subject. As a rule, newspaper information is fairly accurate; but, waiving that for the moment, why has not the committee which is supporting this bill information to give us that is accurate? We ought to know, this Government ought to know, the Senate ought to know, what is being done under this so-called equality-of-naval-armaments agreement. Equality! The kind of equality that puts America away down in the second place, and, as some people contend, possibly in the third place in naval armament!

Mr. KING. The Senator must not ask disturbing questions.

Mr. GERRY. Mr. President, I want to say to the Senator from Tennessee that I had a good deal of difficulty in even finding out whether there had been a protest against the elevation of the guns and what that protest was. I should like to say further to the Senator from Tennessee that I do not believe that our naval experts considered for one minute that there was any question but that we had a right to elevate the guns, and I do not see why they should. I think the treaty is perfectly clear.

Mr. McKELLAR. I agree with what the Senator says as to our naval officers' belief about the matter. I think unquestionably our naval officers knew, because they certainly are as good naval officers as there are in the world, and as competent and as efficient. I think they knew. I think they thought they had a perfect right to elevate their guns. I think they thought they were getting under this agreement an equality of naval armaments as between us and Great Britain. They merely did not get it. Those who conducted the negotiations for America were outtraded. That is all there is about it. Our British brethren just simply outtraded them, outgeneraled them. They got by diplomacy what they could not possibly get in any other way, and it looks as if by that same token they are now getting by diplomacy what they can not get in any other way. In other words, they have no right, they virtually admit they have no right, to protest against our elevating the guns; but by the exercise of judicious diplomacy they are keeping us from appropriating money to elevate these guns so as to put our Navy in a position where we can defend our country.

Mr. GERRY. Mr. President, when we agreed to the Washington conference we scrapped 11 capital ships. Four of these were battle cruisers. The rest, as I recollect, were battleships. I will ask the Senator from Maine to correct me if I am in error.

Mr. HALE. That is correct.

Mr. McKELLAR. Mr. President, before the Senator leaves that subject, may I ask him another question?

The PRESIDENT pro tempore. Does the Senator from Rhode Island further yield to the Senator from Tennessee?

Mr. GERRY. I do.

Mr. McKELLAR. Why was it that we scrapped all of our battle cruisers, which were supposed to be faster, and a great many people thought they were better?

Mr. KING. All but two.

Mr. GERRY. Four were scrapped and two we are turning into airplane carriers. We had six at the time.

Mr. McKELLAR. Why did we scrap four, when Great Britain did not scrap any of hers, as I recall? She still has them. She still has her battle cruisers.

Mr. GERRY. I was coming to that in a moment. The Senator from Tennessee should not ask me conundrums as to why the Washington conference did things.

Mr. McKELLAR. I am very curious about why they did.

Mr. GERRY. I have been curious about a good many things in the agreement myself.

Mr. McKELLAR. I am glad to hear it.

Mr. GERRY. But the British retained four battle cruisers among their capital ships. We scrapped four of our battle cruisers and retained two, and turned those two into airplane carriers.

Mr. KING. The work has not been completed. It is in process.

Mr. GERRY. I should say we eventually will turn them into airplane carriers. They are in process of construction now. The Senator from Utah is entirely correct.

The American naval experts have always held, I think, as a naval policy, that the battleship is a more efficient fighting unit than the battle cruisers; and I think the Battle of Jutland very strongly sustained this policy of the American Navy. The battle cruiser, while having greater speed, as the Senator from Tennessee has very well said, has also lighter armament; and while she carries heavy guns, and is able very often to choose her position of attack on account of her speed, yet when she has to give battle I think the preponderance of our naval opinion is sound when it holds that she undoubtedly will have the worst of it, as happened to Beatty's battle squadron in the Battle of Jutland, where he lost two of his battle cruisers.

The British, as I understand, at the time of the Washington conference did not have a sufficient number of modern battleships, and the ratio in that conference was based on tonnage. To make up that tonnage, the British retained 4 of their battle cruisers, and also retained the *Hood*, which was the greatest battleship afloat, and probably one of the greatest fighting ships. At the end of the Washington conference the tonnage that they had was 580,450, as compared to that of the United States of 525,850.

When the *Nelson* and the *Rodney* are added to the fleet, and 4 of the oldest English battleships are scrapped—for

Great Britain at the present time has 22 to our 18, and when the *Rodney* and the *Nelson* are completed she will have 20 to our 18—the tonnage for Great Britain will be 558,950, and for the United States 525,850.

She will still have a slightly superior tonnage. But, more than that, now we have 5 battleships, with an elevation of 30 degrees for their guns. Of these 5 ships, 3 in the *Colorado* class have a speed of 21 knots and eight 16-inch guns, and we have 2 in the *California* class, with a speed of 21 knots, and carrying twelve 14-inch guns. These 5 ships have a range of 30,000 yards plus.

At the present time the *Hood* has a speed of 31 knots, has 15-inch guns, and a range of 30,000 yards. Then there is the *Glorious* class, 2 ships, with a speed of 30 knots, 15-inch guns, and a range of 24,300 yards. Five ships of the *Queen Elizabeth* class, with a speed of 25 knots, 15-inch guns, and a range of 24,300 yards. We, therefore, have 5 ships that can outrange anything the British fleet has, with the exception of the *Hood*.

When the *Rodney* and the *Nelson* are added to the British fleet, they will have 3 ships having as great a range as our 5, and they will have 5 ships of the *Queen Elizabeth* class of much greater range than our 13 remaining ships.

I do not intend to give here all the ranges of the various ships, because tables have been put into the RECORD showing these ranges in the very able address which the chairman of the committee made on the 23d of last May, and I believe they have also been put into the RECORD in the House. I know they have been put into the RECORD two or three times.

Even a casual study shows convincingly that five of our ships compare favorably in range with all the British ships and are equal to three of them, when the *Rodney* and these new ships are added. Our remaining 13 ships are inferior in range to the 17 British ships. It is also fair to state that our armaments are heavier than that of the four battle cruisers, and that the question of speed is not so important as it appears on its face, because in a fleet action a fleet can only operate effectively according to the speed of its slowest ships, and our superior armament, I believe, offsets the superior speed of the British battle cruisers.

It can not but be apparent that the greater range of the total British fleet gives them an undoubted advantage over our fleet, and if we leave out the decision as to what the equality under the 5-5-3 ratio is, basing it solely on tonnage, which apparently was the yardstick used by the conference, and taking into consideration both armament and range of guns, it seems perfectly obvious that we are not equal to the British fleet, and especially will that be the case when the two new ships of the *Rodney* class are added.

There is no doubt that at the present time we are inferior to the British Fleet in capital ships, because we have not yet put the blisters on those of our battleships which require them, nor have we done over six of our older ships and put the proper protection against aircraft upon their decks or changed their boilers so that they can maintain the original speed for which they were built. These improvements, I understand, are to be brought up in another bill at this session, which undoubtedly should be passed. There is no question but that the blisters are necessary. The Senator from Utah has already called attention to how the British utilized those blisters to increase their gun range. The blisters are protection against torpedoes, mines, and bombs and are one of the lessons we learned from the Great War. They are not on these older ships, because the ships were built prior to the time we had the information. The boilers on these six vessels are also old, but can be replaced by boilers that were to be put in some of the ships authorized to be destroyed; and the change of fire control is also easily made. I understand the alterations of these six ships will cost something over $18,000,000. The elevation of the guns would cost $6,500,000.

Apparently there is no question of infringement of the treaty in regard to the deck protection and the improvement of the boilers. In fact, I think that deck protection as set forth in the treaty is permissible. I believe Hon. Ramsey MacDonald, when he was prime minister, raised some question as to whether we had a right to change to oil burners; but that has not been pressed, and I do not think there is any question but that we have the right to do it under the treaty.

When the departments are advocating these changes in regard to construction in the engine room, and torpedo protection, and deck construction, it seems to me rather absurd to say that that is not competitive, but that the elevation of the guns is. The real fact is that the vital thing to insure the equality of our fleet is the elevation of the guns, and I do not think there is any doubt but that both Houses of Congress would be in favor of this elevation if it were not for the fact that the administration is against it.

Mr. President, I have already gone into the question of the competition that must arise every time any nation adds a battleship. I have already shown how France and Italy contend the elevation of the guns is not a violation of the treaty. France has already elevated her guns, and I think Italy has, and Japan claims there is no violation of the treaty in doing that. I do not believe there is any doubt, under those circumstances, but that Japan will elevate her guns. Practically the only country that will not do so will be the United States, and we will be left with 13 of our ships with an elevation of 15 degrees, and all of the British Fleet will have an elevation of 20 degrees or better.

Mr. KING. Mr. President, will the Senator yield for an inquiry?

Mr. GERRY. I yield with pleasure to the Senator from Utah.

Mr. KING. I ask this for information. Does not the Senator think that he has emphasized too much the question of gun elevation? The Senator stated, in substance, that that was one of the vital questions in connection with battleship construction. I make this inquiry in view of the statement made by Secretary Wilbur, and I think possibly by some of the naval constructors, that we deliberately placed the elevation of our guns, except upon the last ships, at 15 degrees, and that we deliberately sacrified speed to weight and tonnage. Apparently the deduction would be warranted, from the statement to which I have just referred, that our naval constructors and the General Board having charge of the construction of battleships and cruisers did not attribute the importance to great range which the Senator from Rhode Island attributes to it, and which Japan and Great Britain evidently attribute to great range.

I would be glad to get the Senator's view upon that question, because it is quite important, if our Navy Department has a mistaken policy. If they deliberately chose a 15-degree angle instead of a 20, that is a question we ought to inquire into. Or is it a subject rather of observation and possible criticism? If that is the wisest thing to do, then we can have no complaint with Great Britain or Japan or France for elevating their guns to an angle of 30 degrees. Not being a naval constructor and making no claim to any scientific knowledge in regard to these matters, I have no opinion. I had assumed that great range was a very important consideration in our naval craft. We always seek range and still greater range. We build big guns in order to get greater range. We put more explosives into our great guns in order to secure greater range. We elevate our guns in order to get greater firing distance. Yet our naval constructors deliberately have chosen a lesser elevation instead of a greater.

Mr. GERRY. Mr. President, I am very glad the Senator from Utah asked that question. I think the answer to it is this, from what I can gather from naval officers, that before the war it was not believed that it would be possible to make the percentage of hits at great range, but with the increased efficiency of fire control and the experience they gathered from the war they found that they were able to make hits at a much greater range than they had supposed possible before the war.

You will find, if you look at the table of the elevation of our guns, that the five ships—three of the *Colorado* class and two of the *California* class, which stand as our latest construction in battleships—have a range of 30 degrees. Those were the ships which were built after the lessons of the war were learned. At the period before the war the English went to 20 degrees. Our ships had 15 degrees.

Apparently our naval officers felt that that was as far as you could go with the elevation and expect accurate shooting. That they have changed their opinion is proven by the latest ships we have built, and I think that is really the Navy Department's answer. There is no question, as I have said before, that the use of heavy armament has always been a policy of the American Navy instead of extreme speed, and I suggest in all fairness that the British did not gain great advantage in a fleet unit from their speed as a great many people supposed, because a fleet must be operated according to the speed of the slowest ships. Fast battle cruisers could use their speed, of course, for scouting, and by getting ahead they would have a better opportunity with their torpedoes; but that is probably offset, when they come in close range, by their not being able to stand the same punishment the battleships could stand. That is one reason why Beatty lost two in the Battle of Jutland.

Two of the older vessels that have to be repaired need better fire control, and undoubtedly they should have it, because when we have not efficient fire control it is very difficult to make hits. I think, if I recollect correctly, that in the battle of the Falkland Islands, where Sturdee sunk Von Spee's fleet, he came against cruisers with his two battle cruisers. Von Spee did not realize when he came to the Falkland Islands that he was going to meet battle cruisers. But he found them lying there, and Sturdee, as the Senator from Utah knows, piped his men to breakfast, increased his speed, and was able to lie out of range and hit the enemy cruisers. Apparently his fire control did not work very well, because I find statements as to battery control, which meant that they were unable for some reason to use their fire control and with it accuracy of fire at long range. Then they closed in, with the result that they came within the range of the enemy's guns and suffered some casualties. In Mr. Churchill's book I think there is a statement showing how much ammunition they used up and how the British sent out additional ammunition for them in case they should meet an enemy returning to port. I am referring to that to show how necessary it is to have modern fire control, so we can get longer ranges for battle.

There is another point to be considered. The real competition that exists between navies to-day is in the destroyers, submarines, and cruisers. What we are most in need of in the way of ships are cruisers. We only have 10 of 7,500 tons. Eight more will come up to be voted for at this session, and that would only give us 18. To be sure they will be very modern, very effective, and a very great fighting factor.

The British, as I recollect, at the time of the treaty had something like 45 cruisers. Of course, those were small cruisers. Great Britain has now under construction 8 light cruisers, 2 of 7,550, 1 of 9,750, and 5 of 10,000 tons each. The rest of the British light cruisers are vessels ranging from 3,500 to 5,550 tons. While undoubtedly when we get these new cruisers we will have a preponderance of 10,000-ton cruisers, yet the fact remains that Great Britain has a great number of very useful light cruisers of 3,500 tons and more—40 or 50 of them. These will be most important in commerce destroying and in general sea action.

Japan has built or is building 25 light cruisers of from 3,100 to 10,000 tons.

There, Mr. President, is the real difficulty and the great competitive feature in the treaty. While the size of light cruisers is limited to a displacement of 10,000 tons, any country has a right under the treaty to build as many as it sees fit. The same is true of the number of submarines and destroyers. Therefore it seems to me that it is certainly straining to construe that the elevation of the guns on our battleships could in any way be considered as a violation of the treaty or of the spirit of it or could tend to increased competition.

Of course, no Senator for a moment would wish us to deviate from what the treaty lays down. American honor comes first. But I think, and our Secretary of State has held, and all the other nations except Great Britain, who is an interested party, have held that it is not a violation of the treaty and that the only question is one of policy as to whether it might stir up competitive construction. For my part I believe it is our duty as one of the great factors of peace to see that our Navy is on a parity with any other navy of the world. In no way can this be construed as competition.

Mr. McKELLAR. Mr. President, before the Senator takes his seat may I ask him whether he would be willing to go one step further and say that he believes the American Navy ought to be made second to none in the world?

Mr. GERRY. I agree entirely on that point with the Senator. I thought I had covered it. The American Navy has always been a great factor in the peace of the world and, as the Senator from Tennessee has said, it should be second to none. It should go shoulder to shoulder with the other nations of the world in advancing civilization.

Mr. McCORMICK. Mr. President, I understand the Senate to-morrow will consider the so-called Isle of Pines treaty in open executive session.

Mr. HALE. I think the Senate is going on with the naval appropriation bill to-morrow. However, if any Senator wants to make a speech on the Isle of Pines treaty, I shall have no objection to laying aside the appropriation bill for that purpose, but I would like to keep the appropriation bill before the Senate. We can lay it aside to take up the treaty, but we would have to go into open executive session to do that. I shall be willing to agree to that at any time to-morrow.

Mr. McCORMICK. Would the Senator from Maine object if we should go into open executive session when the Senate assembles to-morrow?

Mr. HALE. I would like to meet in legislative session and take up the naval appropriation bill, and then at any time the Senator wants to go into open executive session I shall be willing to do so.

Mr. McCORMICK. That is satisfactory. Under those circumstances I desire to give notice that I shall address the Senate on the subject of the so-called Isle of Pines treaty at the first opportunity to-morrow.

Mr. OVERMAN. Mr. President, the people of the State of North Carolina are intensely interested in our Navy and its present condition. Perhaps the people as a whole in no other State in the Union are as greatly interested in the welfare of the American Navy as they. There is a very good reason for this. There has not been a period in our national history when there has not been some North Carolinian in high position in naval circles, and who as a result has contributed to the wide discussion of naval matters among the people of my State. The people of North Carolina have formed their attachment to and interest in the Navy after mature discussion, pro and con, as to the merits of this arm of our national defense. We recall with a great deal of pride that John Paul Jones, who was virtually the father of the American Navy, notwithstanding the nominal positions held by Washington, Arnold, and others, prior to his advent as a great American sea fighter at the early age of 28 years, spent his boyhood days in North Carolina. North Carolinians tell their children about the adventures of the good ship *Ranger* and recount with glowing pride the story of the *Bon Homme Richard*.

Following the Revolutionary period and before the Navy Department was created by act of Congress there were those who represented North Carolina in Congress who fought the idea of creating such a department. On April 25, 1798, Nathaniel Macon, Joseph McDowell, and Robert Williams, all names that grace the pages of North Carolina history, spoke in opposition to such a measure. Since that time we have had five men who have held the office of Secretary of the Navy, and our people have been taught the value and need of a navy as perhaps the people of no other State have. It is an enviable record, Mr. President, and one I believe of which no other State in the Union can boast, that North Carolina has had five Secretaries of the Navy. They are as follows: John Branch, 1829; George E. Badger, 1841; William A. Graham, 1850; James C. Dobbin, 1853; and Josephus Daniels, from 1913 to 1921, the period in which the American Navy reached its zenith in men, equipment, and efficiency. Under the leadership of Josephus Daniels during the World War the splendid accomplishments of the American Navy afforded the theme for song and praises throughout the world. Josephus Daniels held this office longer than any other Secretary of the Navy.

Mr. President, there are 49 rear admirals in the United States Navy to-day, and North Carolina can claim five out of that 49. They are Rear Admiral Edward A. Anderson, Rear Admiral Andrew T. Long, Rear Admiral Thomas Washington, Rear Admiral Archibald H. Scales, and Surg. Gen. Edward R. Stitt, of the Medical Corps. Out of 197 officers who have reached the grade of captain, North Carolina has four, who are Capt. Robert W. McNeely, Capt. Rufus Z. Johnston, Capt. Lyman Cotten, and Capt. Percy Foote. There are 35 ship officers who have reached the rank of commander, and out of these the following are from North Carolina: Adolphus Staton, Louis P. Davis, John J. London, John N. Ferguson, David W. Bagley, William Henry Lee, Hollis M. Cooley, Henry E. Russell, Emmett Gudger, and Walter Sharp. Among the lieutenant commanders in the Navy, we find from North Carolina William Robinson Smith, William Cook Owen, Henry George Cooper, William T. Mallison, Augustus Rieger, Chauncey A. Lucas, Joseph Norfleet, Leslie Jordan, George B. Ashe, Eugene T. Oates, Donald C. Goodwin, Jay Louis Kerley, Robertson Weeks, and Donald Patterson. Among those who are on the retired list from North Carolina are Rear Admiral Victor Blue, Commodore James Philip Parker, Capt. Allen H. Rogers, Capt. James E. Palmer, Commander Archibald Davis, and Commander William Scott Whitted.

The people of my State, Mr. President, are keenly interested in the present condition of the American Navy. We recognize the fact that we are bound by certain treaty obligations to keep our Navy within a given size. While the people of North Carolina are absolutely against any idea of nations racing with each other in the increase of naval armaments, yet they believe in a navy that is in keeping with our national dignity, unsurpassed as a sea-fighting force, capable of maintaining our national honor at home and abroad and protecting American commerce wherever our flag sails. When our representatives went into the armament conference, Mr. President, and agreed upon a certain limitation of naval armament and that our Navy should not be expanded beyond a given size, they also by such action committed themselves to maintain the ratio agreed upon

in that conference. In my opinion, Mr. President, we are obligated to maintain a position equal to that of Great Britain as limited by the arms conference.

I was very much astonished to note that the President of the United States, according to the statement of Secretary of State Hughes, was apparently opposed to the elevation of the guns on certain of our capital ships. To my mind this is an important matter for the American Navy. A capital ship whose gun range is not sufficient to permit it to get within firing distance of its enemy is practically worthless. I wish to insert at this point comparative tables showing the size, elevation, and range of guns on the capital ships in the British Navy, the American Navy, and the Japanese Navy.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The tables are as follows:

Capital ships of the United States (size, elevation, and range of guns)

Ship	Turret guns		Maximum angle of elevation	Range in yards at elevation of—		
	Diameter of bore	Length in caliber		15°	20°	30°
	Inches		*Degrees*			
West Virginia	16	45	30	22,900	27,400	34,500
Colorado	16	45	30	22,900	27,400	34,500
Maryland	16	45	30	22,900	27,400	34,500
California	14	50	30	24,000	28,400	35,500
Tennessee	14	50	30	24,000	28,400	35,700
Idaho	14	50	15	24,000	28,400	35,500
New Mexico	14	50	15	24,000	28,400	35,500
Mississippi	14	50	15	24,000	28,400	35,500
Arizona	14	45	15	21,000	25,100	32,400
Pennsylvania	14	45	15	21,000	25,100	32,400
Oklahoma	14	45	15	21,000	25,100	32,400
Nevada	14	45	15	21,000	25,100	32,400
New York	14	45	15	21,000	25,100	32,400
Texas	14	45	15	21,000	25,100	32,400
Arkansas	12	50	15	23,500	29,400	35,500
Wyoming	12	50	15	23,500	29,400	35,500
Florida	12	45	15	21,600	26,000	32,000
Utah	12	45	15	21,600	26,000	32,000

Capital ships of the British Empire (size, elevation, and range of guns)

Ship	Turret guns		Maximum angle of elevation	Range in yards at elevation of—		
	Diameter of bore	Length in caliber		15°[1]	20°[1]	30°[1]
	Inches		*Degrees*			
Royal Sovereign	15	42	20	19,700	24,300	30,300
Royal Oak	15	42	20	19,700	24,300	30,300
Revenge	15	42	20	19,700	24,300	30,300
Resolution	15	42	20	19,700	24,300	30,300
Ramillies	15	42	20	19,700	24,300	30,300
Malaya	15	42	20	19,700	24,300	30,300
Valiant	15	42	20	19,700	24,300	30,300
Barham	15	42	20	19,700	24,300	30,300
Queen Elizabeth	15	42	20	19,700	24,300	30,300
Warspite	15	42	20	19,700	24,300	30,300
Benbow	13.5	45	20	19,600	23,800	30,000
Emperor of India	13.5	45	20	19,600	23,800	30,000
Iron Duke	13.5	45	20	19,600	23,800	30,000
Marlborough	13.5	45	20	19,600	23,800	30,000
Hood[2]	15	42	30	19,700	24,300	30,300
Renown[2]	15	42	20	19,700	24,300	30,300
Repulse[2]	15	42	20	19,700	24,300	30,300
Tiger[2]	13.5	45	20	19,600	23,800	30,000
Thunderer	13.5	45	20	19,600	23,800	30,000
King George V	13.5	45	20	19,600	23,800	30,000
Ajax	13.5	45	20	19,600	23,800	30,000
Centurion	13.5	45	20	19,600	23,800	30,000

[1] Approximately only. Nelson and Rodney have 30° elevation and range over 30,000 yards.
[2] Battle cruisers.

Capital ships of Japan (size, elevation, and range of guns)

Ship	Turret guns	
	Diameter of bore	Length in caliber
	Inches	
Mutsu	16	45
Nagato	16	45
Hiuga	14	45
Ise	14	45
Yamashiro	14	45
Fu-So	14	45
Kirishima	14	45
Haruna	14	45
Hiyei	14	45
Koneo	14	45

Because of the fact that there is no exchange of information on the part of Japan in the matter of maximum elevation and range in yards it is not possible to give exact data on these points. However, it is generally accepted that the elevation and range correspond to that of the guns of similar character on the ships of the British Empire, and it is known that the Japanese have elevated the guns of their older ships since commissioning.

Mr. OVERMAN. Thus it will be seen, Mr. President, that only five of our battleships have a maximum angle of elevation in excess of 15 degrees, and outside of these five none of these ships has a range in excess of 24,000 yards, while none of the ships of Great Britain has a maximum angle of elevation of less than 20 degrees, and many of her guns outrange our guns, save those on our ships as indicated in the table which I have inserted in the RECORD, and now we are advised that the two ships Great Britain is building will surpass anything that has ever been built in the way of fighting machinery afloat.

It will be noted that we do not exchange information with Japan as to the maximum angle of elevation and the range in gun power, but it will also be noted that the guns on all of her capital ships are either 14-inch or 16-inch with a length in caliber of 45 feet. It is worthy of note, Mr. President, that all the capital ships of the Japanese Navy are first-class fighting ships. As much can not be said for the ships in our Navy. It strikes me as being vitally important that we should raise the elevation of the guns on our ships.

Mr. President, it is time that we took a careful survey of the actual condition of our Navy, and just how it ranks as an efficient fighting force. There is some opinion, and there are strong facts in support of such opinion, that the Amercian Navy ranks third as an efficient fighting force. I have here an article which appeared in the Dearborn Independent on the 10th of January, 1925, which gives a great deal of information as to the present condition of our Navy, and I ask unanimous consent to insert it in the RECORD at this point, omitting the illustrations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Dearborn Independent, January 10, 1925]

WHAT IS THE PRESENT CONDITION OF OUR NAVY?—HAVE THE "OLD FOGIES" OR OUR STATESMEN AND POLITICIANS ALLOWED OUR NAVAL POWER TO RUN DOWN?

(By Stephen Poole)

Why did American naval officers tow the uncompleted battleship *Washington* out to sea and sink her with bombing and target practice?

Is the United States sinking American battleships while other nations who engaged in the 5–5–3 treaty are ignoring the terms of the treaty and destroying only blue prints? Or are other signatories to the treaty faithfully complying with its terms?

What is the condition of the American Navy to-day? Has it been allowed to run down, and are we below our allowance under the treaty terms?

What about the battleship and aircraft controversy? Is the former obsolete and has the advent of aircraft swept it from the seas?

These and similar questions have passed through the minds of American citizens during the past few weeks. There has been a sudden stir of public interest in the condition of our Navy. What is the truth about it?

One thing can be said for our Army and Navy officers: When you approach them seeking proper information, you usually get it. This can not be said for all Government servants in Washington. An Army or Navy officer will give you his answer straight from the shoulder—if the information is permissible, you get it; if not, you are told so.

Only a few days ago I interviewed one of our best-known admirals and put a question to him that involved a criticism of the arms conference treaty. Like a flash he responded: "Sir, naval officers are not responsible for treaties. It is not for us to criticize or commend them. That is a question for the Executive and the Senate. They give us our orders, and it is up to us to obey them."

So much for our alleged danger of militarism. Our officers completely recognize the authority of the civilian servants of the people. Military? Yes. Militaristic? No!

The question of the present fitness of our Navy involves, in the first place, our obligations under the arms conference treaty. There is a sharp division of opinion as to whether a great national mistake was made in the framing of the treaty. However that may be, it should be definitely understood that naval officers did not frame the treaty. They were requested to compile certain data; they doubtless made recommendations, but it is a safe assumption that their recommendations were largely ignored.

The nations entering the treaty limiting naval armament agreed to regulate their naval strength principally in what is known as capital ships, to wit, battleships. (Sometimes battle cruisers are so listed.)

The treaty itself sets forth the names of the ships to be scrapped and those to be retained. Provision is made for replacement of the capital ships retained at the expiration of 20 years, as it is estimated their usefulness would have ceased within that time. It was agreed that the following capital ships could be retained:

United States	Tonnage
Maryland	32,600
California	32,300
Tennessee	32,300
Idaho	32,000
New Mexico	32,000
Mississippi	32,000
Arizona	31,400
Pennsylvania	31,400
Oklahoma	27,500
Nevada	27,500
New York	27,000
Texas	27,000
Arkansas	26,000
Wyoming	26,000
Florida	21,825
Utah	21,825
North Dakota	20,000
Delaware	20,000
Total tonnage	500,650

British Empire	Tonnage
Royal Sovereign	25,750
Royal Oak	25,750
Revenge	25,750
Resolution	25,750
Ramillies	25,750
Malaya	27,500
Valiant	27,500
Barham	27,500
Queen Elizabeth	27,500
Warspite	27,500
Benbow	25,000
Emperor of India	25,000
Iron Duke	25,000
Marlborough	25,000
Hood	41,200
Renown	26,500
Repulse	26,500
Tiger	28,500
Thunderer	22,500
King George V	23,000
Ajax	23,000
Centurion	23,000
Total tonnage	580,450

Japanese Empire	Tonnage
Mutsu	33,800
Nagato	33,800
Hiuga	31,260
Ise	31,260
Yamashiro	30,600
Fu-So	30,600
Kirishima	27,500
Haruna	27,500
Hiyei	27,500
Kongo	27,500
Total tonnage	301,320

Under the terms of the treaty the United States was allowed the completion of two ships of the *West Virginia* class, after which we were obligated to scrap the *North Dakota* and the famous old *Delaware*. This has been done. With these ships scrapped, the total tonnage to be retained by the United States was fixed at 525,850 tons.

The British Empire is allowed the construction of two new ships that will probably be complete in 1926. Upon their completion the four old ships—*Thunderer, King George V, Ajax,* and *Centurion*—are to be destroyed. The two new ships under construction are not to exceed 35,000 tons each. After the scrapping of the four old ships mentioned the total tonnage of the British Empire will be 558,950 tons.

No capital ship is allowed to carry a gun with a caliber in excess of 16 inches.

Aircraft carriers are allowed as follows: British Empire, 135,000 tons; United States, 135,000 tons; Japanese Empire, 81,000 tons.

It will be recalled that this is a five-power treaty, but since the navy power of France and Italy is comparatively small the figures relating to them need not be given here.

The terms of the treaty provided that "a vessel to be scrapped must be placed in such condition that it can not be put to combatant use." It is necessary either to break the vessel up or convert it to target use exclusively.

What about this treaty? Are the signatory powers living up to it? Secretary of the Navy Wilbur, on December 8, 1924, said: "Each signatory power has carried out with scrupulous exactness the treaty provisions."

It is not likely that a responsible official would give such assurance to the American people unless he had most convincing information that it was true.

The United States could not publicly send a representative of our Government abroad to check up on what the other powers are doing. Imagine the indignation that would sweep this country were England or Japan to send an envoy here to take an inventory of our fleet. Nations still maintain some appearance of national honor, and when they give their word for these matters they expect it to be taken. However, we may safely assume that no country is depending absolutely upon what the other says. They have their own avenues of information, which are usually accurate and extensive. So when our Secretary of the Navy makes the statement that other nations are carrying out the treaty provisions "with scrupulous exactness" we may have some confidence in the statement.

Thus it follows that the battleship *Washington*, being listed in the treaty as one of the ships to be scrapped, the time for its scrapping expiring February 17, 1925, no blame attaches to our naval officers for her sinking. Had they waited until the last day they would have had to open her pet cocks, let her fill with water, and sink to the bottom; they would have thrown away an opportunity to increase their technical knowledge as to the value of these post-Jutland ships in resisting attack.

When I discussed the sinking of the *Washington* with a high naval officer, who in his time had sent some of our old ships to the bottom, he said: "Do you suppose that naval officers took any pride in sinking the *Washington*? Some of them had tears in their eyes. I know that I had when I sent some of our old ones down. You must remember that naval officers take great pride in the construction of these ships. It is heartbreaking to destroy one of them. But there is our treaty, and the Navy must not be responsible for its violation. We did not frame the treaty, but we must obey orders and carry out its provisions when so directed."

There were, it is said, valuable lessons learned in the sinking of the *Washington*. Naturally, our officers do not publicly state what those lessons were. Some things, however, can be told. The first news reports that the *Texas* had been firing on the *Washington* for three or four days were inaccurate. The first few days were given over to bomb experimentation. The *Washington* was a post-Jutland type of ship; that is, she was constructed after the battle of Jutland, participated in all the lessons learned in that great naval engagement, and, therefore, had a great many modern improvements. This vessel embodied the latest ideas of naval architects. Were those ideas good ones? The tests made in sinking the *Washington* answered these questions.

In these tests bombs were placed at vulnerable points and touched off, and the effect noted. For instance, there would be placed near a vulnerable point of the ship, below the water line, a bomb of the same pressure and contact as a torpedo striking the ship at that point. Then bombs were placed at various points on the deck, to note the effect of aircraft bombing; bombs of given sizes, corresponding to some naval problem, were touched off in the water at various distances from the ship. Then the air fleet was allowed to make its attack, and this was followed by the guns of the *Texas*. In this way the greatest ship ever constructed was sent to the bottom of the sea. It would be foolish to say that valuable facts were not learned. Of course, our naval officers would have preferred to keep the ship, but, again, we must remember the terms of the treaty. If criticism is justified, then it should be directed against our statesmen who formulated the terms of the treaty.

There is no question that our treaty obligations demand that our naval position shall not exceed a 5-5-3 ratio. We must keep our naval strength down to that. But is there not also the obligation on our part to maintain our ratio? Is it not a duty to keep our naval strength up to our ratio?

What about our condition in this respect? Are we up to our allotment, or have we fallen below it? The treaty gave us the right to modernize some of our older battleships. We shall avail ourselves of this by giving some of our older ships increased deck protection against aircraft, and also by giving them underwater blisters—a "blister" being another hull built over the old one—as protection against torpedoes. These are our privileges and our plans, but they are not yet actualized.

Secretary Wilbur states that "We have not yet availed ourselves of the opportunity to modernize our ships permitted under the treaty and thereby preserve the ratio contemplated."

He also says: "To postpone the modernization of those ships is to gamble upon the chances of war during the next 10 years and to increase the possibility of such war by that degree of unpreparedness."

A bill, introduced last session of Congress, passed, and held up on a motion to reconsider until this session, providing for the necessary modern alterations of six of these ships, has recently been passed by the Senate and sent to the President. It is one important step in the right direction. There is also the question of "blisters" for underwater protection for seven other ships. New legislation is proposed to take care of this matter, and when the work is authorized and completed we shall then be in our proper ration as to capital ships, excepting in the matter of gun elevation.

The bill just passed by Congress also provides for the construction of eight scout cruisers and six river gunboats.

The table given on this page shows the figures as October 1, 1924, which indicate the comparative situation with regard to capital ships.

The figures for the British Empire include the four ships which are to be scrapped in 1926 and the two ships now building to be added to the fleet.

On aircraft carriers, the figures, as of same date, are as follows:

The United States has one ship of 12,700 tons already built, and is building two ships of an aggregate tonnage of 66,000. This will give us three of these ships with a total tonnage of 78,700. Under the treaty we are allowed 135,000 tons in this kind of ships, and no ships in excess of 35,000 tons can be built. We need, therefore, to build two more ships of an aggregate of 56,300 tons to reach our allowance.

The British Empire is in a somewhat better condition with reference to this kind of ships. It has three ships of 48,190 tons already built and is building three ships of an aggregate of 56,300 tons. This will give her six ships with a total tonnage of 104,490. She is allowed 135,000 tons under the treaty, and can therefore build one more ship of 30,510 tons.

The Japanese Empire has one such ship of 9,500 tons already built, is building two more of an aggregate of 53,900 tons, is allowed under the treaty 81,000 tons, and can therefore build one more of 17,600 tons.

The arms conference treaty consigned to the scrap heap some of the greatest ships ever planned, a few of which were actually under construction and others authorized. The United States has scrapped 11 new ships, the latest one being the *Washington*. With the ships that were building, our Navy would have been beyond question the greatest in the world, and other world powers would have had to acknowledge our superiority. The treaty prevented our reaching naval superiority. We are certainly in second place to-day, and, measured as an efficient fighting force, we may even be third.

One thing is felt to be of such vital importance that many serious men feel we must do it, and that is, pass legislation authorizing the elevation of the guns on our capital ships. There has been strong intimation that the British Empire would object on treaty grounds, but such an objection on such grounds would probably be hard to sustain. If the treaty can shackle this Nation in such a matter, we have, indeed, got ourselves into a mix up. As a matter of fact, France has already elevated her guns and no question has been raised. We have the same right.

Summing up we find that on such ships as are limited by the treaty we must put new boilers in some; we must provide antiair-attack deck protection for others; and for some we must provide protection against submarine attack, and on a great many of our ships we must elevate our guns. In other words, we need, in the way of alterations and repairs allowable under the treaty, virtually to build over about half of such ships as constitute the backbone of our fleet. Some of these battleships, in event of protracted war, would not be able to maneuver with the fleet, because their boilers are in such condition that they would not stand sufficient steam pressure to make the speed. A ship that can not keep up with the fleet is practically worthless. It is true we have made temporary repairs on some of the boilers, but there should be nothing temporary about them. They might stand the strain of a navy drill to-morrow and then break down under the strenuous tests of a sea battle.

Next, we need to complete the two aircraft carriers we are now constructing, and build the other two allowed us under the treaty. This would give us a little advantage over the British Empire, although they can still build one more.

We must get along with our worked-over battleships until 1931, when we start gradually replacing them with new ships.

Now, how do we stand with reference to other ships that are not limited under the treaty?

The United States has nine light cruisers of a total tonnage of 67,500 and has one building of 7,500 tons. The bill recently passed authorizes the construction of eight more.

The British Empire has 47 light cruisers of a total tonnage of 223,530 and is building 10 more of a tonnage of 94,850.

The Japanese Empire has 18 light cruisers of a total tonnage of 91,440 and is building 10 more of a total tonnage of 79,565.

Thus the United States is comparatively deficient in light cruisers.

The United States leads in destroyers, with 288 of a total tonnage of 342,086, including 14 light mine layers of the destroyer type. None of these are "leaders," that is, a destroyer in excess of 1,500 tons. Most of these boats were laid down during the World War in an emergency program to combat German submarines, and many of them are of hasty construction. The greater number of them are tied up in navy yards without crews. There are only 109 of these ships in commission.

Our ratio in destroyers stands: United States, 9.77; British Empire, 6.95; Japanese Empire, 3.00.

In fleet submarines—submarines capable of fighting with a fleet—we have three of a total tonnage of 3,318; they are, however, all out of commission due to engine failures. We have four building of 6,375 total tonnage. Another, of the mine-laying type, not yet laid down, is not described, probably for official reasons.

The British Empire has eight fleet submarines built of 16,460 total tonnage and one building of 1,480 tons.

The Japanese Empire has 1 of 1,400 tons and 22 building of 34,310 tons.

Japan is far in the lead with fleet submarines, the United States holding a poor third.

The story is somewhat different in first-line submarines, which might properly be called "coast-defense submarines."

The United States has 44 built of a total tonnage of 38,386 and is building 6 more of 5,436 total tonnage.

The British Empire has 32 built of a total tonnage of 31,030 and 2 more building of a total tonnage of 1,780.

The Japanese Empire has 36 built of 29,764 total tons and 7 building of 6,994 total tons.

We lead slightly in this type.

It will be observed that in numbers and tonnage not limited by the treaty we compare favorably with the other powers, with the exception of fleet submarines and light cruisers. It must be borne in mind, however, that a great many of the vessels, particularly destroyers and fleet submarines, which are listed as part of our strength are not in commission, and the construction of a great many of them is not of the best.

We are behind in our ratio as to personnel. The standing by percentage is as follows:

	United States	British Empire	Japanese Empire
Officers, regular	3.38	3.60	3.00
Enlisted men, regular	3.94	4.28	3.00

This shows that Japan has her full quota, the British Empire is considerably behind its quota, and the United States is still further behind its quota.

What about aircraft? Are the "old fogies" in the Navy preventing the development of aircraft? Is the battleship really obsolete?

Make no mistake, the Navy has—and always has had—an aircraft program and policy. Indefinite charges about the "old fogies" in the Navy have been greatly overworked.

When the Wright brothers made their first flight at Fort Myer, Va., two naval officers—who have since risen to high rank—stood watching, and when the Wrights made that short but successful little flight, one officer turned to the other and said, "The Navy must get busy on this thing." The Navy has been busy ever since, and in a much more intelligent manner than has Congress. Curiously enough, one of the naval officers just referred to is one who is frequently characterized as an "old fogie"!

Remember this, since 1914 the Navy Board has been asking Congress every penny for aviation that it was thought it could get, and usually it has asked for much more than Congress saw fit to appropriate.

Remember this also, since 1908 these "old fogies" have been teaching flying at Annapolis. It is but fair to say that these "old fogies" seem to have been awake long before most of our 110,000,000 Americans. That's their business.

The position aircraft takes in the Navy would require too much space to explain, but, briefly, aircraft is not considered the most important unit in the Navy. Naval officers are not the only ones who contend that the battleship is the backbone of the fleet. The Arms Conference recognized that fact and the treaty was framed along those lines.

The position of the naval officer is: Until something is proved to be of more value and importance, do not discard the battleship.

Major General Patrick, chief of the Army Air Service, recently testified before the House aircraft investigating committee that the attacks on the battleship *Washington* demonstrated that our present type of bombing planes would not destroy a battleship, and that our attack planes are still in the experimental stage and that they will have to be developed to carry more powerful bombs. This should be a sufficient answer to those who claim the airship has replaced the battleship. Our Navy must deal in facts, not in speculative theory.

Naval officers have accurate data and information as to what all known types of aircraft will do. They consider aircraft as an important unit of the fleet, just as is the submarine and the destroyer, but only an auxiliary. The Navy recognizes the fact that we need scouting, fighting, bombing, and observation planes, and that a preponderance of such auxiliaries might turn the tide of battle.

But bear this in mind: A lighter-than-air ship, twice the size of the *Shenandoah*—and such a one has not yet been built—could carry only 25 short tons of weight. The cruising radius of aircraft is not sufficient at present to carry any great amount of ammunition and be a fighting factor any distance at sea.

It is true that at present our Navy is below our treaty allowance. Navy officers are not to blame for that, but those who govern and control appropriations. However, it is also true that the Arms Conference has made it impossible for us to reach a really 5–5–3 basis until we commence—about a decade hence—to replace some of our old ships with new, as provided in the treaty. For 10 years or more we must be below par, navally speaking.

If we are fortunate enough to avoid war in the meantime, well and good.

Scrapped under treaty terms

Power	Old ships		New ships		Total	
	Number	Tons	Number	Tons	Number	Tons
United States	17	267,740	11	465,800	28	733,540
British Empire	24	500,000	None.		24	500,000
Japanese Empire	10	163,312	2	80,979	12	244,291

Power	Retained		Tonnage to be arrived at in 1941	True ratio
	Number	Tons		
United States	18	525,850	525,000	5
British Empire	20	558,950	525,000	5
Japanese Empire	10	301,320	315,000	3

The PRESIDENT pro tempore. The Secretary will state the first committee amendment.

The first amendment of the Committee on Appropriations was, under the subhead "Salaries, Secretary's office, Navy Department," on page 2, line 12, after the word "grade," to insert "unless in unusually meritorious cases the President shall otherwise direct," so as to read:

Secretary of the Navy, $12,000; Assistant Secretary, and other personal services in the District of Columbia in accordance with the classification act of 1923, $146,400; in all, $158,400: *Provided*, That in expending appropriations or portions of appropriations, contained in this act for the payment for personal services in the District of Columbia in accordance with "The classification act of 1923," the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade unless in unusually meritorious cases the President shall otherwise direct.

Mr. KING. Mr. President, before leaving the matter which has been under consideration I wish to make an observation or two. I supposed the Senator from Maine [Mr. HALE] was going to give the promised reply to the Senator from Tennessee [Mr. MCKELLAR] and the Senator from Rhode Island [Mr. GERRY], and I will yield to him for that purpose.

Mr. HALE. I had intended to make a reply, but I understand that there are two or three other Senators who are going to speak on this same subject, and I thought I should like to hear from the others before I made my reply.

Mr. KING. It may be that the Senator would have a chance to make two speeches.

Mr. HALE. Does the Senator from Utah desire to make a speech on this matter?

Mr. KING. No; I merely wish to make an observation.

Mr. HALE. Would the Senator like to make it now?

Mr. KING. I will do so now.

Mr. HALE. Very well.

Mr. KING. Mr. President, there has been considerable discussion as to the treaty and the proper interpretation to be placed upon it. The Senator from Tennessee [Mr. MCKELLAR] has called attention to the memorandum opinion submitted by Captain Schofield to the Navy Department. Captain Schofield's interpretation is that it is not a violation of the treaty for any of the signatories thereto to elevate the guns upon their capital ships. He says that only one clause of the treaty deals with the question of gun elevation. In my opinion his interpretation of this clause is correct. It reads as follows:

No alterations in side armor, in caliber, number, or general type of mounting of main armament shall be permitted except—

And so forth.

The Senator from Tennessee places the same construction upon this provision, but there is a further provision in the same paragraph which some have contended constitutes a restriction upon the signers of the treaty and prevents them from elevating guns upon the capital ships which were in use at the time the treaty was signed.

No retained capital ships or aircraft carriers shall be reconstructed, except for the purpose of providing means of defense against air and submarine attack, and subject to the following rules.

I do not contend, Mr. President, that these words are to be so construed, but in fairness to Great Britain and any other parties to the treaty when this question arises we should consider all pertinent language of the treaty and give the words such interpretation as they clearly call for.

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

Mr. KING. I yield to the Senator.

Mr. MCKELLAR. I agree with the Senator that the entire provisions should be considered in reaching a conclusion as to the proper construction of the treaty, but the Senator will note as to the language that he reads, namely:

No retained capital ships or aircraft carriers shall be reconstructed, except for the purpose of providing means of defense against air and submarine attack, and subject to the following rules.

That there is a colon, indicating a connection with the language under discussion which occurs a little further down. After the colon come the words:

The contracting powers may for that purpose equip existing tonnage with bulge or blister or antiair attack deck protection, providing the increase of displacement thus effected does not exceed 3,000 tons (3,048 metric tons) displacement for each ship.

Then there is a period, and there follows the specific statement to which under the circumstances, as it seems to me, we are brought down, so far as the elevation of guns is concerned:

No alterations in side armor, in caliber, number or general type of mounting of main armament shall be permitted except—

And so forth.

If the elevation of guns shall be an alteration in "main armament," manifestly we would be going counter to the treaty; but if it is not an alteration in "main armament," then we should not be going against the provisions of the treaty. I take it that under the argument of Captain Schofield, which, it seems to me, is unanswerable, unquestionably in elevating the guns there would be no alteration in "general type of mounting of main armament."

Mr. KING. I agree with the conclusion reached by the Senator that there is nothing in the treaty, properly interpreted, that prohibits the United States from increasing the elevation of the guns of its battleships. The only point I am making is that the Schofield memorandum treats only one clause or part of the paragraph under discussion and does not refer to the language in another part of the paragraph upon which Great Britain, or, at least, some speaking for Great Britain, rests the contention that the treaty interdicts the elevation of guns on the capital ships mentioned therein.

Mr. MCKELLAR. Will the Senator yield for just a moment?

Mr. GERRY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. I yield first to the Senator from Tennessee.

Mr. MCKELLAR. I merely wish to suggest that in the note of Mr. Hughes, the Secretary of State, to Mr. BUTLER, chairman of the Naval Affairs Committee of the House of Representatives, he says that Great Britain does not claim that it would be a violation of the treaty, but that she bases her protest on the ground that it would be likely, even though within the treaty, to produce a competition in armaments which it was desired to avoid.

Mr. KING. I appreciate that fact; but I said that there were some speaking for Great Britain, or presuming to speak for Great Britain, who placed the interpretation upon the clause, to which I first called attention, that it prohibits the United States or any signatory of the treaty to elevate the guns upon capital ships.

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

Mr. KING. I yield.

Mr. GERRY. In the remarks which I made a little while ago I had in mind the point the Senator raises, and I read all of paragraph (d).

Mr. KING. I know the Senator did.

Mr. GERRY. Does not the Senator think that the last clause qualifies the general provision contained in the first clause, which ends with a colon? The paragraph reads:

No retained capital ships or aircraft carriers shall be reconstructed, except for the purpose of providing means of defense against air and submarine attack, and subject to the following rules:

There a colon is placed.

Then it goes on to the bulge or blister, and then it goes further and in the last paragraph says:

No alterations in side armor, in caliber, number, or general type of mounting of main armament shall be permitted except—

It seems to me that the last sentence qualifies the first sentence in the paragraph and that the last sentence refers to the turrets, and the main words to be considered there are "general type of mounting of main armament." Does the elevation of the guns on these American ships alter the "general type of mounting of main armament"? If it does not, then it is not in conflict with the entire paragraph.

Mr. KING. Mr. President, if the rules for the construction of statutes are applied—rules which are well known to lawyers and announced by Sutherland on the Construction of Statutes and other great law writers upon statutory construction—the contention of the Senator from Rhode Island is correct. It seems to me that the treaty, having treated of the subject of guns, side armor, caliber, and so forth, exhausts itself with respect to that subject, and it is not permissible to transpose the sentence dealing with these things and attach it to the first provision, which deals with "reconstruction," and thus place guns and side armor in the category of changes which would be dealt with under the head of "reconstruction." However—contrary, as I conceive, to the rules of statutory construction—those who have insisted that we are not permitted to increase the elevation of our guns contend that the first sentence of paragraph (d), which provides against "reconstruction," except for certain purposes, properly interpreted, is an inhibition against the elevating of guns, because, as they urge, that is "reconstruction"; and they argue that if it is "reconstruction" to provide means of defense against air and submarine attack—as, for instance, placing protective decks over the ship or bulges upon the side—then it is reconstruction to change turrets and increase the elevation of guns. Their position is, that to change the elevation of guns is a reconstruction of the ship as much as placing a bombproof deck over the hull of the ship.

I have called attention to this matter in order to place before the Senate the main argument which has been urged against the proposition of gun elevation.

In our relations with other countries our country must be most scrupulous in observing its treaty obligations. Our Government should always be just and fair in construing its laws; but it must observe its treaties with meticulous care, and observe not only the letter but the spirit of such treaties. When a treaty is negotiated, the honor of the Nation is involved in its fulfillment. When it enacts a statute and dealing with its own nationals, if the statute is unjust, it can quickly repeal it. If a false interpretation is placed upon it, as a result of which an injustice is done to its nationals, Congress can speedily protect them and provide pecuniary compensation for losses sustained. When our country deals with other nations and assumes obligations, then every principle of honor demands faithful observance of such obligations. Therefore I should prefer to bend a little backward—if I may be permitted the old expression—in interpreting this treaty and all other treaties, so that it might not be charged that we have done an injustice to a foreign nation. I am willing to give to Great Britain and to other powers the benefit of every fair and legitimate construction that may be placed upon this treaty that would support any position which they take; but, giving them the benefit of every construction, I reach the conclusion announced by Secretary Hughes, and stated so clearly by the Senator from Tennessee, that there is nothing in the treaty to prohibit the United States, if it cares to do so, from elevating its guns upon the capital ships in question.

Mr. McKELLAR. Mr. President——

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

Mr. KING. I do.

Mr. McKELLAR. With all of the statement made by the Senator from Utah as to keeping treaties inviolate I agree to the fullest extent; but I want to ask the Senator if the same obligation does not rest on all the parties to the agreement, and I will answer that question for him, because I know he would say that it does.

Mr. KING. Yes; mutuality.

Mr. McKELLAR. Mutuality. With that understanding of the situation, here is an agreement entered into by five naval powers that there should be an absolute equality or proportion as between the United States and Great Britain as five is to five and as the two fives are to three.

Mr. KING. No; let me qualify that. There is not an absolute agreement as to equality or the maintenance of equality. There is an agreement that such equality as a 5–5–3 ratio provides *may* be maintained, but there is no obligation that either one of the parties to the treaty *shall* maintain the equality in capital ships or other naval craft.

Mr. McKELLAR. The Senator will recall that when this disarmament conference was going on in the city of Washington in the latter part of 1921 and the early part of 1922 it was reported in virtually every report made of this conference that an agreement had been effected which provided for an equality of the American Navy with the British Navy in so far as capital ships were concerned, and generally because they are the key to navies, and the proportion fixed was 5, 5, and 3, and the American people believed that that was the purpose and the result of the agreement. Now, it having been understood by the people of both countries that that was the proposal and that that was the accomplishment of the Naval Armament Conference, does not the Senator think that it ill becomes any nation to be insistent upon an alleged technicality to prevent the very result that it was claimed would come out of that conference?

Mr. KING. Mr. President, in the first place let me say that the construction which the Senator says was placed upon the treaty by the American people, and which the Senator now has placed upon it, I predicted when the treaty was under discussion would be the interpretation placed upon the treaty by the American people. That is one objection I had to the treaty when it was under consideration in the Senate. I then stated that I feared that it would be so construed as to compel the United States at least to maintain a ratio of 5–5–3 in capital ships, even though there was a disinclination upon the part of the American people and Congress to maintain that ratio. I believed that conditions would arise through the development of auxiliary craft, the submarine, the airplane, and other naval weapons of destruction, which would so change naval warfare as to make it unwise for the United States to adhere to the ratio of 5–5–3 in capital ships. I have contended for a number of years that the General Naval Board of our country and the Navy Department have been too strongly wedded to the capital ship. They have glorified the capital ship and disparaged the submarine, bombing and pursuit planes, light cruisers, and the newer weapons and agencies in naval warfare. In 1921 or 1922 a resolution was offered in the Senate inquiring whether we should not suspend for a period of six months further work upon the capital ships, including six large cruisers, then in process of construction. It was believed by many that it was unwise to construct all of the capital ships, 18 in number, as I recall, provided for in the naval program adopted back in 1915. The thought was that that program did not sufficiently take into consideration the developments of the World War or sufficiently emphasize other factors in naval warfare the vital importance of which had been demonstrated in the naval contests between 1914 and 1919.

The resolution was referred to the Committee on Naval Affairs, and I asked that Admiral Sims and Admiral Fullam, as well as other naval officers who could see the imperative necessity of applying the lessons and experiences of the war to our naval construction programs, and who were not content to rest our Navy upon the base of capital ships, be called before the committee to give us the benefit of their judgment and their knowledge upon a subject so important to our country.

Admirals Sims and Fullam gave valuable testimony, and showed the remarkable developments in aerial and submarine warfare, and how impotent capital ships were when not protected and aided by destroyers, torpedo boats, submarines, and aircraft. Their testimony was a sincere and irrefutable argument for the new weapons of naval warfare, for a modern and up-to-date navy, for a radical change in the 1915 naval program, and for a naval policy that was not to be hampered by archaic and mildewed views and principles. I submitted a minority report to the Senate, in which I recommended a suspension of further work upon a portion of the capital ships authorized by the 1915 act, and that suitable submarines and aircraft and other auxiliary craft, which the lessons of the war showed were indispensable in a modern, up-to-date, fighting navy be constructed. I also urged that the United States take the lead in bringing about world disarmament, and condemned the military spirit which was exhibited in our country.

The views which I expressed then were not adopted by the Senate committee. Indeed, I was the only member of the com-

mittee who supported the recommendations for a suspension of work upon the battleships. The committee favored a continuation of the work upon the capital ships, notwithstanding the cost amounted to hundreds of millions of dollars.

Public opinion in the United States did not support Congress in its apparent purpose to spend a billion of dollars or more, on the construction of a Navy—many of the vessels of which would be obsolete when placed in commission. There was a nation-wide demand for a limitation of armaments—for a world conference that would deal with the causes of war, and remove, so far as possible, such causes, and formulate plans to bring about world disarmament, or at least a limitation of land and marine armaments.

The President of the United States made some concession to the public demands, and called the Washington Conference. Its field of operation was unduly restricted and the number of nations invited to participate was limited to five—two Asiatic and three European.

In my opinion, the achievements of the conference must be regarded as disappointing. I shall not, at this time, analyze the work of the conference, or show its effect upon our Navy and our naval policy.

It is sufficient, at this time, to state that it struck at the United States in that branch of its Navy in which it had preponderating strength, both actually and potentially, and obtained no corresponding benefits for the sacrifices which it made. There was no limitation upon submarines, or aerial craft, or mines, or swift cruisers with a tonnage of less than 10,000 tons. One of the results of the conference was to transfer the naval activities of the participating countries from capital ships to other forms of naval craft. It can scarcely be said that the results have proven that the conference was a real and genuine "Limitation of Arms Conference."

It is quite likely, as the Senator states, that the press of the country assumed that the United States was pledged to maintain a capital-ship ratio of 5–5–3.

The Senator insists, if I understand him correctly, that we are compelled to maintain a ratio of 5–5–3 in capital ships. If that is his position, I do not assent to it. If desired, we may do so; we may not transgress the limitations prescribed in the treaty, nor can Japan or Great Britain, with respect to capital ships; but there is no obligation to adhere to the 5–5–3 ratio. We can have a ratio of 5–1–3 or 5–4–3 or 5–2–3—any ratio we please, so long as we do not exceed that fixed by the treaty.

I believe that as the days go by and as scientific investigation goes on we will manifest less devotion to capital ships and more and more we will emphasize the importance of other factors in naval warfare. For the present, however, as I have heretofore said, I think we should maintain the ratio of 5–5–3 in capital ships.

I regret that when the world was ripe for a comprehensive plan limiting armaments and the expenses incident to war preparations, President Harding so limited the number who might participate in the conference and so narrowed the limits within which it might operate. It was not a world conference, and it did not aim at limiting the military and naval activities of the world. There was widespread disappointment at the limitations imposed and the program presented. A world conference was required instead of a conference of three or four or five powers, and a conference which would contemplate not only a limitation in naval armament but a limitation in all forms of armament on land, on sea, under the sea, and in the air.

Undoubtedly there were heartburnings and jealousies upon the part of other nations, because they felt that it was a scheme to unite a few of the big powers of the world into a sort of alliance, notwithstanding leading Senators and many others in the United States had fiercely condemned alliances or any form of association among a few nations. We frittered away the golden opportunity, and we refused and have refused ever since to take a sensible, rational, patriotic course, a course that, dictated by a proper regard for our national welfare, as well as our duty to the great international organism of which we form a part, we have even refused to act in a "consultative" way with the League of Nations or with the commission appointed by it to formulate a plan to reduce military and naval armament and bring about world disarmament.

In my opinion, Congress should request the President of the United States to appoint a commission to confer and act with the commission appointed by the League of Nations to frame a plan for disarmament, and if a statute or joint resolution is required to confer the necessary authority upon the President, we should quickly pass such a measure authorizing him to name a suitable commission of three or five members, to be confirmed by the Senate, to carry out such purpose. That would not take us into the League of Nations nor commit us to its policies, other than those which we might agree relative to disarmament. We could appoint a commission to confer with commissions appointed by fifty-odd nations without being drawn into the League of Nations, or drawn into the political policies or the economic policies, for that matter, of the nations participating in that conference.

Whenever the League of Nations has been mentioned a number of Senators on both sides of the Chamber have "seen red." They have felt that the very integrity of this Nation was being assaulted and that we were about to surrender our sovereignty. To me that view is absurd, if I may be permitted the expression. There are fifty-odd nations of the world to-day seeking some rational basis for international cooperation. They have pleaded with us to cooperate with them in removing the causes of war and in devising some feasible and practical plan to bring about world disarmament. We have spurned their pleas and at times interposed obstacles to their success. There are some among us who are so arrogant that they want the United States to dictate what the rest of the world shall do. They want a conference of the United States, not of the world. There are those who think we are insincere in our constant asseverations that we are for world peace and then refuse to cooperate with organized efforts of more than 50 nations to secure world peace.

Returning to the suggestions of the Senator from Tennessee, I repeat that we are not compelled now to maintain the 5–5–3 ratio. We may maintain it or not, as we please. What we ought to do, and ought to do promptly, is to signify to the world that we still are the friends of peace, that we still desire the triumph of democracy throughout the world and the triumph of justice and righteousness and those enduring principles upon which free government is founded and free institutions rest.

If we did our duty, we would pass immediately a resolution directing that we should cooperate with other nations in bringing about world peace, and if we can not bring ourselves to that just and proper course, we ought certainly to direct the President of the United States to call a world conference—and I would even bring Russia into that conference—for the purpose of formulating plans to secure world disarmament.

I am sure the world would welcome that plan. They look to the United States because of its power, its physical and material power, and I hope its moral power, to lead in world movements for the good of mankind. They look to this Nation, because they see in it the power to take the lead in great world movements for the happiness and the peace of the world. If we fail to act, we may surrender the exalted position which we occupy, and the crown of moral primacy, of world leadership, will be stripped from our brow, and some other nation will proudly and gloriously wear it.

Mr. PEPPER. Mr. President, will the Senator permit me to address a question to him?

Mr. KING. Certainly.

Mr. PEPPER. Does not the Senator think that the ratification of the pending treaty with Cuba concerning the Isle of Pines would be a good practical step to take in the direction of the attainment of the ends of justice which the Senator has so eloquently outlined? It occurs to me that before we engage in great ventures and undertakings in the direction of justice between nations, we ought to do justice to a weak neighbor from whom we are withholding that which is justly hers.

Mr. KING. Mr. President, the question of the Senator can be subdivided. If we have done an injustice to a weak nation, we should be quick to make atonement.

Apropos of the suggestion of our duty to a country which comes within the Latin American designation, may I read to the Senator a plan which I had the honor to suggest, as a member of the platform committee at the Democratic National Convention in June last, and which was inserted in the Democratic platform:

> From the day of their birth friendly relations have existed between the Latin American Republics and the United States. That friendship grows stronger as our relations become more intimate. The Democratic Party sends to these Republics its cordial greeting; God has made us neighbors; justice shall keep us friends.

Mr. President, answering the other part of the Senator's inquiry, I do not think he means we should not seek world peace by cooperating with European powers, because we have a prob-

lem at our door which we have not settled, namely, the disposition of the Isle of Pines. We went to strong nations when we called the international conference to consider important questions. I am sure the Senator from Pennsylvania did not disagree with that step. And it would seem there could be no objection to cooperating with Cuba and all other countries to bring about world peace and to promote means to secure justice between all peoples—great and small—and all States, powerful and weak.

But, recurring to the Senator's question, there are some people even in the United States who feel that our country has not dealt fairly with the Latin American Republics. We have had jingoists in our country and in Congress. They have not always been wise or fair in their judgments passed upon our southern neighbors. We have spoken about the Monroe doctrine in such a way as to offend our friends and neighbors, and have not always treated them with chivalry and courtesy. We should pursue a course that would draw the Latin American States to the United States as with "hooks of steel." There must be no ground to suspect this Nation of imperialistic policies. This hemisphere is dedicated to freedom, to democracy. The spirit of genuine friendship must bind all of its peoples together.

It is said by some that the Platt amendment imposes restrictions upon Cuba which a liberty-loving and self-respecting people would resent. It is charged that we have a protectorate over Cuba and are now seeking to deprive her of a portion of her territory. That is a matter which it is said is involved in the treaty before us. I am sure the United States will deal justly with Cuba in this matter, as it will in all other matters. Unfortunately, there are imperialistic Americans, who would treat some countries in this hemisphere as fields for exploitation.

It is the duty of this Republic, I repeat, to deal justly with Cuba, and if the Isle of Pines belongs to Cuba—and we ought to resolve every doubt in favor of Cuba and not against her—we ought immediately to withdraw any claim of sovereignty and permit Cuba to assert dominion over the Isle of Pines, as she does over the rest of her territory.

Mr. PEPPER. I felt sure that was the Senator's view, or I would not have asked the question, because otherwise we would be in the position of talking on academic questions and doing little on practical ones as they come before us.

Mr. KING. May I say that the Senator's mind and my own—and it is to my honor and credit—run along the same lines on the matter of doing justice to all nations, especially weak nations.

Mr. NORRIS. Great minds always do.

Mr. KING. The Senator from Pennsylvania has a great mind; I make no pretensions for myself.

The statements of the Senator from Pennsylvania remind me of an article I was reading this morning and which I think should be brought to the attention of the Senate. It is entitled "Imperialistic America." It appeared in the Atlantic Monthly for July, and I shall comment upon this article at a more appropriate time. It is an indictment of the alleged imperialism of this Republic and a challenge to patriotic Americans to see that their country shall not infringe upon the rights or sovereignty of the least among the nations of the world.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 2, line 12.

The amendment was agreed to.

Mr. HALE. Mr. President, I have listened with a good deal of interest to the remarks that have been made by Senators, and I think the debate has been profitable. It certainly has been very interesting. The Senator from Tennessee [Mr. McKELLAR] alluded a number of times in his speech to the 5-5-3 ratio and to the fact that we had not maintained our part of it. I think it might be well at this time to say a word about the ratio and just how it was reached. If Senators will turn to page 798 of the report of the conference on the limitation of armaments, they will find the following:

CAPITAL-SHIP RATIO

It was obvious that no agreement for limitation was possible if the three powers were not content to take as a basis their actual existing naval strength. General considerations of national need, aspirations and expectations, policy and program could be brought forward by each power in justification of some hypothetical relation of naval strength, with no result but profitless and interminable discussion. The solution was to take what the powers actually had, as it was manifest that neither could better its relative position unless it won in the race which it was the object of the conference to end. It was impossible to terminate competition in naval armament if the powers were to condition their agreement upon the advantages they hoped to gain in the competition itself.

Based on actual existing naval strength, our experts considered three plans for arriving at a ratio as to capital ships to place before the conference. The first plan was to take the tonnage of the existing ships—the ships already built of each of the powers—and to eliminate all ships that were building and that were projected. Great Britain at the time of the conference had a great many of the older battleships still in commission. On this basis she would have had a navy greatly larger than ours and several times that of Japan. That did not seem to the experts to be a fair basis to take.

Next they considered the question of the ships that were already built, of the ships that were building, and the ships that were projected. At the time of the treaty Great Britain had a large number of old battleships on hand. She had no ships building, and she had projected only four super battle cruisers like the *Hood*, but larger, with a tonnage of very nearly 50,000 tons per ship. These ships were simply projected. We ourselves at that time had a great number of ships—the figures I think have been given this afternoon—both battleships and battle cruisers, that were in the course of building, and some of them were very nearly completed. We had no capital ships projected. Japan had a large number of ships building, though little work had been done on them, and a considerable number of ships projected.

Our building program was far and away ahead of that of any other country as far as completion was concerned. On the basis of taking all ships built, building and projected, Japan would have had a navy practically equal to ours in capital ships and practically equal to that of Great Britain. In view of the existing navies of the three powers at that time this did not seem to be a fair proposition.

The third proposition that was considered, still based on the tonnage of ships, was to take ships that were built and ships that were building, leaving out ships that were projected, and on the ships that were building to allow to each country its percentage of completed work. That was the basis that was finally reached, that gave us the 5-5-3 ratio. That basis was put up by our representatives to the conference and was accepted by them as the ratio that should exist between the three countries, and Italy and France later came in on a basis of 1.75.

Mr. GERRY. Mr. President, I would like to ask the Senator a question, if I may.

Mr. HALE. I am glad to yield to the Senator from Rhode Island.

Mr. GERRY. Of course, when we take into consideration that basis, the American Navy had nearer completion a great number of modern ships, and therefore if we had gone on and carried out our program, in the course of a very few years, one or two years, we would have had the greatest navy in the world.

Mr. HALE. The Senator is quite right. We would have had a Navy that in capital ships would probably have had very nearly twice the strength that Great Britain had.

Mr. GERRY. Therefore when that plan was adopted and the ships were scrapped we made the greatest sacrifice of any country.

Mr. HALE. That is quite true, but I think even at the time when they were settling on the ratio the general idea prevailed that we wanted our Navy to be as nearly as possible equal to that of Great Britain, and this is how we reached the ratio of equality.

Mr. McKELLAR. Who were the naval officers who advised the members of the conference with respect to that matter?

Mr. HALE. Admiral Coontz and Admiral Pratt, two of the most outstanding officers in the Navy.

After getting the basis for a ratio established, the question came up of allocating to the different powers the ships that they were to keep. It was first proposed that all ships that were building be scrapped. Japan, however, was very anxious to include her great battleship, the *Mutsu*, which was almost completed. She made a protest and insisted that that ship be retained. In exchange for the *Mutsu* it was agreed that Great Britain should be allowed to construct two new battleships to replace when completed four of her older ships, and that the United States should have two battleships which were building and almost completed, the *Colorado* and the *West Virginia*.

Mr. GERRY. Can the Senator tell me where the *Hood* came in?

Mr. HALE. The *Hood* was already completed at that time.

Mr. GERRY. But how did the *Hood* happen to be allowed? Was there not some question raised at the time in regard to the *Hood?*

Mr. HALE. All the ships that were already in existence were eligible. It was only as to new construction that the limitation of 35,000 tons was placed on the ships.

Mr. GERRY. But allowing the British to maintain the *Hood* was one reason for the increased tonnage the British had over every other nation.

Mr. HALE. I will come to that later on.

Mr. McKELLAR. How nearly completed was the *Washington* at that time?

Mr. HALE. The *Washington* and the *West Virginia* were practically in the same stage of completion at the time.

Mr. McKELLAR. Then both were completed thereafter, were they?

Mr. HALE. The *Washington* was not completed. The *West Virginia* was completed.

Mr. McKELLAR. Why did they wait from 1922 to 1924 to sink the *Washington?*

Mr. HALE. That I can not say. We were required to do so within a certain time.

Mr. McKELLAR. Was not the *Washington* completed and then sunk?

Mr. HALE. The *Washington* was not completed.

Mr. McKELLAR. It was completed sufficiently to float it out to sea under its own power.

Mr. HALE. It was in an advanced stage of completion at the time of the treaty. So was the *West Virginia.*

Mr. McKELLAR. Has the Senator any information as to why the *Washington* was retained for two years or nearly three years?

Mr. HALE. We were allowed a certain time under the terms of the treaty within which we could scrap the vessels, and the *Washington* was scrapped within that time.

Mr. McKELLAR. The *Washington* was kept for nearly three years.

Mr. HALE. Yes. That was allowed under the terms of the treaty.

Mr. McKELLAR. What new vessels, if any, did Great Britain sink?

Mr. HALE. I said that Great Britain was not building any ships at the time.

Mr. McKELLAR. So she sunk her obsolete ones?

Mr. HALE. She sunk her old vessels.

Mr. McKELLAR. How many of those did she sink?

Mr. HALE. She sunk, I think, 19 of her older battleships.

Mr. McKELLAR. Old vessels?

Mr. HALE. Yes. They were old vessels.

Mr. McKELLAR. They were no longer serviceable?

Mr. HALE. Oh, they were very serviceable. They were vessels she had used during the war.

Mr. McKELLAR. How many did Japan sink? Did she sink any new ones?

Mr. HALE. I think she sunk 10.

Mr. McKELLAR. Ten old ones?

Mr. HALE. Yes.

Mr. McKELLAR. Does the Senator remember how old they were?

Mr. HALE. I do not. I can get the figures for the Senator if he would like to have them.

Mr. McKELLAR. Will the Senator also get and put in the RECORD, if it is convenient to do so, the age of the 19 that Great Britain sunk? Then, the United States sunk how many new ones?

Mr. HALE. We scrapped 15.

Mr. McKELLAR. Fifteen new ones?

Mr. HALE. Oh, no; 15 of the older ships. We had seven battleships and six battle cruisers building. Two of the battle cruisers were turned into carriers.

Mr. McKELLAR. That would make 11 that were sunk. We sunk 11 new battleships and battle cruisers——

Mr. HALE. That were building.

Mr. McKELLAR. Whereas neither Great Britain nor Japan sunk any new ones at all. Is that correct?

Mr. HALE. No.

Mr. McKELLAR. That is disarmament!

Mr. HALE. But Japan scrapped ships that were building.

Mr. McKELLAR. How many?

Mr. HALE. I think she was building seven, and those she scrapped. She had 15 building and projected, and she scrapped all of those that were building, 7 ships.

Mr. McKELLAR. And Great Britain scrapped two or three that were projected?

Mr. HALE. She scrapped four that were projected.

Mr. McKELLAR. Those are the kind of ships that could easily be scrapped. Projected ships are easily scrapped by any nation without any great loss.

Mr. HALE. Of course she had spent some money on those ships and the plans had been drawn. The plan was that we should retain a navy that in capital ships would be substantially equal to that of Great Britain.

Mr. McKELLAR. 5-5-3; that was the great underlying plan?

Mr. HALE. Yes.

Mr. McKELLAR. Now I will ask the Senator if he considers that we have enough battleships?

Mr. HALE. I will do a good deal better if the Senator will allow me to go on with my remarks and come to that later.

Mr. McKELLAR. That is a very grave question. Does the Senator think the United States is on an equality with Great Britain in her battleships?

Mr. HALE. Do I think we are now?

Mr. McKELLAR. Yes.

Mr. HALE. No, I do not.

Mr. McKELLAR. Then the object of the conference has not been accomplished.

Mr. HALE. Will the Senator allow me to continue? If the Senator would like to make my speech for me of course I have no objection.

Mr. McKELLAR. No; the information the Senator is giving me is entirely satisfactory to me and proves what I have said.

Mr. FESS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from Ohio?

Mr. HALE. I yield.

Mr. FESS. I would like to have the Senator's opinion as to how it comes that when the President at the Washington conference proposed to scrap all of the ships that were on the ways and so many old ones, amounting to nearly 900,000 tons, it was applauded throughout the Nation without regard to party, and yet now has become such a serious question of difference? What happened that that which was so generally applauded when it was proposed and accepted has now become a subject of condemnation?

Mr. KING. Our hindsight is better than our foresight.

Mr. HALE. I do not know that it has become a question of general condemnation. Probably the Senator is referring to the question of the elevation of the guns now. I will say something on that in just a moment.

Mr. President, the Senator from Tennessee [Mr. McKELLAR], I think, referred to the tonnage yardstick that was used in deciding the ratio of armament. After we had decided upon the basis of the ratio, as I before stated, we had to decide what ships should be allocated to the different powers that were parties to the treaty. In that allocation of ships tonnage was only one of the elements which was considered. The Senator from Tennessee found fault because we were allowed a tonnage of only 525,000, whereas the British were allowed a tonnage of 580,000. The Senator questioned that arrangement. Everything that had to do with the fighting strength of the battleships allocated was taken into consideration by our experts in making this allotment. We were permitted less tonnage than the British because our ships were newer ships and more powerful ships than were the British ships.

Another matter which has caused comment was that the British were given 4 battle cruisers and 18 battleships, whereas we were given 18 battleships. Our 18 battleships were superior to the 18 battleships of the British and were held to be the equals of the 18 British battleships and 4 battle cruisers. I will say to the Senator from Tennessee that all such matters were taken into consideration. Our experts, who, as I have stated, were among the most outstanding officers in the Navy, were satisfied that the conclusions which were finally reached were fair to this country and did allow us a Navy which in capital ships would be equal to that of Great Britain and on a basis of 5 to 3 with that of Japan. Undoubtedly our experts in naval affairs knew about the value of the elevation of guns; it was no new thing to them. They did not say anything about it simply because they did not conceive that any question could arise as to our right to elevate our guns. That was their belief, that is the Senator's belief, and that is my belief.

Mr. McKELLAR. I am glad to hear the Senator say that, and I wish to ask him a question as to this matter. The Senator stated that I did not take into consideration all of the factors in the equation. I will ask the Senator if it is not true that the battleships of Great Britain exceed in speed the battleships of the United States?

Mr. HALE. Undoubtedly the battleships of Great Britain exceed our ships in speed.

Mr. McKELLAR. Then I ask the Senator if it is not also undoubtedly true that the guns of the battleships of Great Britain exceed in range the guns of the United States ships?

Mr. HALE. I will admit that in respect to certain ships that is certainly true. I am going to say something about that, if the Senator will allow me.

Mr. McKELLAR. In number the British ships also exceed our ships. The British have 22 and the United States have but 18. That is true, is it not?

Mr. HALE. Yes.

Mr. McKELLAR. Then, if the British capital ships exceed those of the United States in number, in range of guns, and in speed, where can any equality come in as to the United States?

Mr. HALE. I will answer the Senator. The United States have a greater number of guns on their 18 battleships than the British have on their 22 battleships and cruisers. In the broadside which our fleet can deliver we have an advantage of approximately 40,000 pounds.

Mr. McKELLAR. Mr. President, the Senator will also admit that the guns, in order to be effective, have to shoot from 23,000 to 24,000 yards? Is that not so?

Mr. HALE. Yes. I am going to speak on that question.

Mr. McKELLAR. Does not Great Britain also have a larger number of guns that can shoot 23,000 yards than America has?

Mr. HALE. She has.

Mr. President, so far as the question of the elevation of guns on our capital ships is concerned, I do not think any argument can be made against it from a military standpoint. Of course, the battle fleet which has the greater number of fast ships and the greater number of long-range guns can keep out of range of its opponents and can deliver its fire unopposed by ships except those which are faster and have a longer range of guns. I do not think there is any question about that; and there is no question that a battle fleet that is faster than its opponent can choose its range and decide what the range shall be, and that is a great military advantage. I will go further than that and say that the battle fleet that has an equal range of guns with its opponent but faster ships has a military advantage, in that it can run in and deliver its broadside and then get out of range whenever it sees fit to do so, and the navy that has the slower ships, to compensate for their lack of speed, should have a greater range of guns than has its opponent. Mr. President, there is evidently a misunderstanding so far as the treaty is concerned.

Great Britain takes the attitude that we have no right, under the terms of the treaty, to elevate our guns, and she has made a formal protest to us. Japan takes the ground that under the terms of the treaty she has a right to elevate her guns, and she has done so. Whether or not that action was taken by her since the signing of the treaty, I can not say, but she has elevated her guns. From the best information that we have, she now has an elevation of 23 degrees on 8 of her ships and of 30 degrees on the other 2, which is far more than we have on the fleet as a whole.

France and Italy are not interested. The statement is made that France has elevated her guns, and I think that is probably true. However, under the terms of the treaty, it is especially provided that she may change her guns at any time when she sees fit to do so, and may replace with guns of a caliber up to 16 inches. This permission to change her guns would undoubtedly allow her to alter the elevation of the guns when changed. I think that is the position that France takes in regard to the matter, and the same statement would be true of Italy. Our own Secretary of State, Secretary Hughes, gives it as his belief that under the terms of the treaty we have the right to elevate our guns and I fully concur with him that we have the right.

I have already, in a previous speech on the floor of the Senate, stated my belief about the advisability of elevating the guns. I should like to see the guns on our ships elevated; I think that it is a necessary thing to do to bring our Navy up to the treaty strength; but Great Britain has made her protest, and I believe that the formal protest of a power party to the treaty is not a matter that can be lightly disregarded by the United States. If we should go ahead and disregard that protest and elevate our guns and later on when the matter was adjudicated should find that we had made a mistake and that our contention was wrong, then we would be held to have broken the treaty, and the whole treaty could be called off by any power a party to it.

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

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

Mr. HALE. I yield.

Mr. McKELLAR. Let me remind the Senator that the Secretary of State denies that there was any protest made on the ground that elevating the guns on our ships would be a violation of the treaty and therefore illegal. The protest, if it may be so considered, was on the ground that the elevation of the guns might provoke competition in armament. Let us assume, however, for the sake of the argument, that Great Britain has filed such a protest as has been suggested. That protest was filed nearly two years ago—on the 15th of next April it will be two years, as I understand—and surely the Government of the United States has had ample time to consider it, and surely the opinion of the Secretary of State, Mr. Hughes, represents the opinion of the Government, and that is that there is nothing in the protest. So when we have it on the high authority of the Secretary of State that a protest has been filed—or that one has not been filed, whichever view the Senator wishes to take—and that he is of the opinion, representing the Government, that the protest is not well founded; that we have a right to elevate our guns; why should we not proceed to exercise the right? The Secretary puts his advice on entirely different ground, and that is that the British view that it might possibly lead to competition in the future alone is considered. It seems to me that the Government has had ample time.

The Senator talks about our making a mistake. Suppose we were to get into a conflict—which I pray God may never come, but suppose we should—and we should lose in the fight because we had not elevated our guns, and therefore had not properly arranged for the protection of our country, we would feel that we had made a lamentable mistake. It is easy enough to correct a mistake; if an arbitration board or committee should hold that we should not have elevated our guns, that mistake could be rectified; but we could not rectify the mistake if we had urgent need for guns of greater elevation and lost on account of not having them.

Mr. HALE. I quite agree with the Senator that the protest should be determined one way or the other; but I say that no action should be taken until it is determined, and I should like to see it determined at the earliest possible moment.

Mr. McKELLAR. Mr. President——

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

Mr. HALE. I yield.

Mr. McKELLAR. What action has the Government taken to have the matter settled? It is an important matter. It is a vital matter. The Senator from Maine has repeatedly said that he did not think there was anything in the contention; that he was in favor of the elevation of the guns. Then, why has the Government been silent for nearly two years when this important matter has been before it?

Mr. HALE. That I can not answer the Senator. However, as I say, I do not believe that we can take any action until this matter has been in some way settled. If we did so, we would jeopardize the whole treaty, and we would find ourselves, if our contention should be held to be wrong, in the position of having scrapped it, of having made for nothing our sacrifices of splendid ships, and of having practically given up the plan for limiting armament; and that I do not think any of us would want to see done.

Mr. President, the British are considered a sportsmanlike people and a fair-minded people. It is perfectly clear that their protest on the elevation of the guns puts us in a position of embarrassment. It prevents us from reaching that equality to which we are entitled, as far as Great Britain is concerned, and it puts us in an even worse position as far as Japan is concerned, since the elevation of her guns is greater than that of Great Britain. It seems to me that, in view of these circumstances, the sportsmanlike thing for our friends the British to do would be to withdraw their protest and relieve us of an embarrassing situation.

Mr. KING. Mr. President, I send to the desk an amendment I intend to offer to the pending bill, which I ask may be read.

The PRESIDENT pro tempore. Without objection the amendment will be read as requested.

The reading clerk read as follows:

On page 51, after line 16, insert the following:

"That the President is authorized and requested to invite the governments with which the United States has diplomatic relations to send representatives to a conference to be held in the city of Washington, which shall be charged with the duty of formulating and entering into a general international agreement by which armaments for war, either upon land or sea, shall be effectually reduced and limited in the interest of the peace of nations and the relief of all nations from the burdens of inordinate and unnecessary expenditures for the provision of armaments and the preparation for war."

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. KING. I also offer another amendment, which I send to the desk, to be printed and lie on the table.

The PRESIDENT pro tempore. The amendment will be stated.

The reading clerk read as follows:

At the proper place in the bill insert the following:

"*Provided*, That no part of this sum and no part of any amount carried in this bill shall be used to keep or maintain any marines in the Republic of Haiti."

The PRESIDENT pro tempore. The amendment will be printed and lie on the table.

LANDS IN KING COUNTY, WASH.

Mr. JONES of Washington. Mr. President, a House bill has come over here and has been favorably reported by the Senator from New Mexico [Mr. BURSUM]. It is now on the President's desk. This bill relates to a right of way that was deeded to King County, Wash., many years ago for the Lake Washington Canal. It was found that it could not be used for that purpose and a new right of way was obtained. This bill permits the city of Seattle to construct a street along this old right of way, and it may be taken over by the United States at any time that it sees fit to do so.

I ask that the bill may be considered at this time.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent for the immediate consideration of House bill 3847, granting a certain right of way, with authority to improve the same, across the old canal right of way between Lakes Union and Washington, King County, Wash. Is there objection?

Mr. McKELLAR. Mr. President, does the bill involve an appropriation of any kind?

Mr. JONES of Washington. It does not.

Mr. McKELLAR. It is just another one of the bills of the Senator from Washington?

Mr. JONES of Washington. One of the very meritorious bills.

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

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

RECESS

Mr. JONES of Washington. Mr. President, if the Senator from Maine does not desire to proceed further with the naval bill at this time, I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to; and (at 5 o'clock and 33 minutes p. m.) the Senate took a recess until to-morrow, Saturday, January 17, 1925, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, *January 16, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our blessed Lord God, we do not come to Thee in fear nor in the spirit of distress, but with a psalm of human thanksgiving, for Thy mercies are ever with us as the bread of life. May every officer and Member of this Chamber have a place in Thy infinite heart which is coextensive with the needs and being of man. Be with us at our weakest point and give hope an aspiration not born of time. Continue to preside over the life and destiny of our homeland. Enoble every citizen with the unselfish spirit that delights to serve. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY BUSINESS

The SPEAKER. Calendar Wednesday business is in order to-day, and the Clerk will call the roll of committees.

REPEALING ACT PROVIDING FOR CHANGE OF ENTRY

Mr. SINNOTT (when the Committee on the Public Lands was called). Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill (H. R. 11356) to repeal the act approved January 27, 1922, providing for change of entry, and for other purposes.

The SPEAKER. The gentleman from Oregon calls up the bill H. R. 11356. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from New York [Mr. SNELL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 11356, with Mr. SNELL in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress approved January 27, 1922, entitled "An act to amend section 2372 of the Revised Statutes," be, and the same is hereby, repealed: *Provided*, That any applications heretofore filed under the provisions of said act may be perfected and patents issued therefor the same as though this act had not been passed.

Mr. SINNOTT. Mr. Chairman, I think a very brief explanation will suffice for this bill. The bill is a departmental measure, introduced by myself at the request of the Secretary of the Interior to repeal an act approved January 27, 1922, which act was also a departmental measure. The act of January 27, 1922, was passed to meet a situation occasioned by the decision of the Supreme Court in the case of Lane against Hoglund, construing the act of March 3, 1891. The act of March 3, 1891, provided that after a lapse of two years from the date of the issuance of the receiver's certificate upon certain homestead and land entries, if there was no pending contest or protest against the entry, the entryman was entitled to a patent. The Interior Department construed that to mean that after a lapse of two years they could serve notice of a contest or a protest that had been pending or filed prior to the lapse of two years. The Supreme Court held that notice must have been served prior to the two years, and, therefore, that notwithstanding the fact that the entryman had not complied with the law he was entitled to a patent. In many of those cases after the first entry had been canceled by the Interior Department the land was subsequently filed upon by other parties who received patents, and the second entryman was subject to a suit by the first entryman to have him declared to be holding the entry as a trustee for the first man. The department at that time reported to us that there were some 40 or 50 cases of that kind that might be taken care of by the act of January 27, 1922, but it has since developed, according to the testimony of the Assistant Secretary of the Interior, that attorneys and others have been gleaning over the records and resurrecting old and stale cases and taking advantage of the act of January 27, 1922, to secure what the department calls a "scripper's right," which right is transferred or sold in various manner to parties desiring to secure public land.

The Secretary of the Interior believes that the act has been greatly abused, and instead of 40 or 50 cases some 150 or 160 cases have been filed. This repeal of the act takes care of the cases filed prior to the passage of the act. The bill comes with the unanimous report from the committee and should be passed.

Mr. TIMBERLAKE. Mr. Chairman, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. TIMBERLAKE. I understand the gentleman to say that when the act of January 27, 1922, was passed the department reported only 40 or 50 cases pending?

Mr. SINNOTT. Yes.

Mr. TIMBERLAKE. And those were cases that the department deemed to be meritorious?

Mr. SINNOTT. They are referred to here in the report of the Secretary of the Interior:

It now transpires that in addition to the equitable cases which occasioned the legislation parties are searching the records and acquiring claims from parties and their heirs in cases of timber-culture and other entries canceled from 15 to 23 years ago and making lieu or scrip selections for other lands, ostensibly in the interest of the original entrymen or their heirs, but quite probably for the benefit of clients or transferees of those who are instigating the filing of the claims. In other words, the act is apparently being made a vehicle of lieu selections somewhat as was the forest lieu act of June 4, 1897, which was repealed by Congress March 3, 1905 (33 Stat. 1264).

Mr. TIMBERLAKE. The opinion of the department is, however, that the meritorious cases had been settled under this act.

Mr. SINNOTT. Yes; they specifically state that.

Mr. TIMBERLAKE. And that the claims now being made are claims which the gentleman is advised have been dug up by attorneys?

Mr. SINNOTT. They say that they are old, stale claims.

Mr. TIMBERLAKE. I have received letters from parties in my district who are affected by this bill, and some have claimed that immediately after the passage of this act they have applied to the department for a patent and on some account have failed to have their patents confirmed.

Mr. SINNOTT. This would not interfere with any of those cases.

Mr. TIMBERLAKE. That is what I wanted to know.

Mr. SINNOTT. The bill provides:

That any applications heretofore filed under the provisions of said act may be perfected and patents issued therefor the same as though this act had not been passed.

Mr. CLARKE of New York. Mr. Chairman, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. CLARKE of New York. What about the equitable estoppel doctrine? Would that apply to any of those claims where by their own acts there has been an estoppel by not asserting the right?

Mr. SINNOTT. A great many of those old claims are guilty of laches. I reserve the remainder of my time.

Mr. RAKER. Mr. Chairman, I rise simply to say that I concur in what the gentleman from Oregon has said. From personal observation I know there have been some cases that ought not to have been allowed.

The department has made a splendid presentation. The committee are unanimous, and I believe it is to the benefit of proper administration that the bill should pass.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. RAKER. I will.

Mr. GARNER of Texas. Everybody being for it, suppose we pass it.

Mr. RAKER. I reserve the remainder of my time.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk again reported the bill.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the bill with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole on the state of the Union, reported that that committee, having had under consideration the bill H. R. 11356, had directed him to report the same back without amendment with the recommendation that the bill do pass.

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

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

PROMOTE MINING OF POTASH ON PUBLIC DOMAIN

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands, I call up the bill H. R. 9029.

The SPEAKER. The gentleman from Oregon calls up the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9029) to promote the mining of potash on the public domain.

The SPEAKER. The bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union for its consideration.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 9029, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9029, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9029) to promote the mining of potash on the public domain.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection.

Mr. SINNOTT. Mr. Chairman, this bill is also a departmental measure, introduced by myself at the request of the Secretary of the Interior to change the law regarding the mining of potash upon the public domain. The object of this bill is really to make the mining of potash conform to and harmonize with the general leasing act. At the present time the law covering potash provides that an applicant may apply for a prospecting permit for 2,560 acres, and on the discovery of potash or related minerals he may obtain a patent for 640 acres. If that be done he secures all the minerals, whether coal, gold, or other minerals, in the 640 acres; also, he may secure his 640 acres and then refuse to work the deposit because the 640 acres belong to him in fee. He may also, and this is one of the things to which the department objects—and this bill has the approval of the Geological Survey, the Bureau of Mines, and the Secretary of the Interior—one of the things they object to is that he may secure the 640 acres in the center of the 2,560 acres, and thereby drain and practically make worthless the remainder of the land. This bill authorizes a permit to explore for potash on 2,560 acres of land, and on the discovery of the potash the applicant is given a lease upon the payment of at least 2 per cent of the quantity or gross value of the output. The bill also provides that the Secretary of the Interior may by proper regulation force the applicant or lessee to a diligent prosecution of the work, a diligent exploration upon the land, and when the potash is discovered compel him to work the deposit. The bill also supplies a defect in the present potash law. There is a good deal of question under the present potash law whether known deposits of potash may be leased. The departmental construction, which has never been tested, is that they may lease, but there is a good deal of doubt regarding the jurisdiction of the Secretary to grant leases upon known deposits.

The bill also provides for the limitation of leases to one lease. There are provisions in the general leasing act adopted in this bill against monopoly, against interlocking stockholders and directors, and all the safeguards in the general leasing act are adopted in this measure. The committee had extended hearings; they had Judge Finney, of the Interior Department; Dr. George Otis Smith, of the Geological Survey, formerly Director of the Bureau of Mines, before us, and the measure has had a great deal of thought in the department, and I believe it is a measure that should be speedily passed.

Mr. COLTON. Will the gentleman yield?

Mr. SINNOTT. I will.

Mr. COLTON. Does this measure in any way affect existing rights which may have arisen under the potash law?

Mr. SINNOTT. No; the existing rights are preserved under this act.

Mr. RAKER. If the gentleman will permit, the amendment to the bill at section 6 protects all existing rights and those provided under the coal and oil leasing bill?

Mr. SINNOTT. This amendment to section 6 was one suggested by the gentleman himself to protect those rights. I reserve the remainder of my time.

Mr. ABERNETHY. Mr. Chairman, I rise in opposition to the bill. Mr. Chairman and gentlemen of the committee, I have sent for the hearings, as this is a very important matter, and I do not seem to be able to get them. I would like for you who are from the cotton-producing States and who are interested in the question of potash to get this bill and study it. This is a very far-reaching piece of legislation, and we had considerable hearings before the Public Lands Committee. We had Judge Finney and Doctor Smith there, of the Department of the Interior.

Now, I asked Director Smith to please explain to me why there was such a hurry about the passage of this bill, which changes the fundamental law with reference to entries of land. I have been unable to get a satisfactory answer from the department.

I want to call the attention of the committee to this point: This bill gives the Department of the Interior absolute power to lease all the potash lands of the country to anybody they see fit to lease them to, up to the amount of 2,560 acres of land per person or corporation. And I want to call the attention of the committee to another thing. Under the present law, as now operated by the department, the potash industry of this country is controlled absolutely by a corporation that is a subsidiary of a South African corporation. It absolutely controls the whole output of potash in this country, as far as it is mined in the United States. So that we have a situation confronting us where the potash industry of the world is controlled by Germany, France, and by a subsidiary of a South African corporation. Now, I say that at this short session of Congress, and when we have heretofore had so much controversy about the leasing situation in the Interior Department—without making any charges against anybody—unless there is some impelling reason why this general legislation should be passed, I can not see any reason why it should be taken up here and passed, with the small membership we have here to-day.

Mr. STEVENSON. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. STEVENSON. Can the gentleman tell us just what this proposed act does, and what the law which it is amending does?

Mr. ABERNETHY. No one in the department seems to know. They seem to think that the law now is not broad enough and does not cover enough, and they want more power down there.

Mr. STEVENSON. What does it cover?

Mr. ABERNETHY. I have not been able to find out. We had Judge Finney before us, and Dr. Otis Smith.

Mr. STEVENSON. Does not the law say what it covers?

Mr. ABERNETHY. This law here gives it absolutely to the department to lease. I want to read to you:

That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, or nitrates of potassium in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall not exceed 2,560 acres of land in reasonably compact form.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. SINNOTT. That is the identical language of the present law. It is merely recopied in here.

Mr. ABERNETHY. I read on:

Provided further, That the prospecting provisions of this act shall not apply to lands or deposits in or adjacent to Searles Lake, Calif., which lands and deposits may be operated by the United States or may be leased by the Secretary of the Interior under the terms and provisions of this act.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield there?

Mr. ABERNETHY. Yes.

Mr. SINNOTT. That paragraph that the gentleman read is also the present law.

Mr. ABERNETHY. I agree that it is the present law. But I want to go on further, to section 3, to show you what it allows the department to do. I read:

That lands known to contain valuable deposits enumerated in this act and not covered by permits or leases shall be held subject to lease by the Secretary of the Interior through advertisement, competitive bidding, or such other methods as he may by general regulations adopt.

Now, the chairman of the committee will say that is in the present law. But whether it is in the present law or is not in the present law, it permits the department, without any competitive bidding at all, to grant an exclusive right as to 2,560 acres of land as a lease for an indefinite period of time without any competitive bidding, without any action as to who else might want to bid on it. As I understand the purpose of the law, it takes away the right of a man to go out there and get a patent to this land, because the department says, if I understand their position correctly, that under the present law as to patenting, which allows only 640 acres, it might otherwise serve to permit a patent as a shoe string.

This law was objectionable to the men who mined for gold, silver, and other minerals, and now they are to be excepted by an amendment to be voted upon later. I have not been able to get the department to tell me the necessity for this act or what hurry there is to get it through, or who is going to mine the potash, or whether we are going to get out from under the potash monopoly that now exists, where we have to rely upon Germany and France on the one hand and on the other hand this subsidiary South African corporation that is now operating in this country, and which corporation controls the mining of potash in this country. I am vitally interested in this potash situation, because we need potash in the section where we grow cotton.

This is far-reaching legislation, and I want to put the House on notice here with reference to it. I confess I do not understand the necessity for it.

I have asked the department to explain to me the real necessity for this legislation at this time, and I have received just general answers to my inquiries.

So far as I am concerned, gentlemen, I can not see the necessity for this legislation, and it looks to me as though there is danger here, and that the Congress may unwisely give to the Department of the Interior the right to lease an exclusive right as to 2,560 acres of land to somebody on some sort of terms such as the Secretary of the Interior may prescribe from time to time, and do it under the theory that it is the best thing for the potash industry.

Mr. COLTON. Mr. Chairman, will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. COLTON. Does not the gentleman consider that an emergency exists, if under the present law absolute title may be acquired to 640 acres in the center of a tract of 2,560 acres, thereby rendering all the rest of the tract practically useless? Is it not unwise to let the situation remain as it is? Is it not a fact that about the only difference betweeen the proposed law and the present law is that this proposed law will place potash under the general provisions of the act of February 25, 1920?

Mr. ABERNETHY. Let me ask the gentleman a question and try to answer his question. Up to the time that the Interior Department accepted your amendment, taking your mining people out from under this proposition, it affected you very seriously?

Mr. COLTON. No; I have favored this legislation from the beginning, but I believe there ought to be an amendment adopted but——

Mr. ABERNETHY. Why then should those in your State be excepted?

Mr. COLTON. Because men ought not to be allowed to lease gold and silver or certain other metals that occur in fissure veins in tracts of 2,560 acres. That is too big a tract to give men when they seek to acquire title to the precious metals under this act, because, perchance, there happens to be a little potash in the land. It is giving too much leeway, and the amendment which I shall propose as a committee amendment prevents the acquiring of lands that contain precious metals in such large tracts.

Mr. ABERNETHY. In other words, as I understand the gentleman from Utah, this legislation did not suit him until he got the department to except the people out in his country?

Mr. COLTON. Oh, no; my State is not excepted and will not be.

Mr. ABERNETHY. Now, of course, I can understand why the gentleman favors it, because it does not affect his people. The people who are interested in his country are not affected.

Mr. COLTON. If the gentleman will permit, that is not so at all. I have been a consistent supporter of this legislation from the beginning.

Mr. ABERNETHY. Then why did you amend it?

Mr. COLTON. The larger part of the potash in my State comes clearly under the provisions of this act. I am only seeking to prevent practical suspension of the general mining laws in certain localities.

Mr. ABERNETHY. I know, but the gentleman found himself in this situation: After the committee had passed this bill and subsequent to the reporting of the bill by the Committee on Public Lands the gentleman found it was going to seriously affect the mining interests in his country, so that the gentleman and Judge Finney, as I understand, got together on an amendment excepting them from the provisions of this act. Now, why did you do that?

Mr. COLTON. If the gentleman will yield——

Mr. ABERNETHY. Certainly.

Mr. COLTON. At the time we passed the bill in committee it was not clear in my mind whether under its provisions people could acquire a lease on the precious metals; a subsequent study showed that that was possible, and I do not believe it should be done. Twenty acres of land is all that can be acquired in one claim now if it is a lode claim; this would give him permission, even where metals occur in fissure veins, if there happens to be potash there, to have a lease on 2,560 acres, and that is too much land to grant to one party.

Mr. ABERNETHY. I want to put this Congress on notice. This legislation is very broad; it is very drastic; it changes the present law as it now exists, and which has been in existence for years and years; it is brought in here at the short session of Congress, and it involves, gentlemen of the committee, the entire potash industry of this country, which at the present time is absolutely controlled by Germany, France, and by a subsidiary of a South African corporation. The department has been unable at any time to give me any satisfactory explanation as to why this legislation should be passed at this time.

Mr. SINNOTT. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. SINNOTT. This bill confines these permits and licenses to citizens of the United States. The foreign corporation which the gentleman speaks of owns land in fee in the United States.

Mr. ABERNETHY. I understand that is so, and that question was brought up when we had Doctor Smith on the stand. I asked him why it was that under the policy as pursued by the department at this time the entire potash control of the United States was under this South African corporation.

Mr. SINNOTT. Will the gentleman yield there?

Mr. ABERNETHY. Why is it?

Mr. SINNOTT. The policy of the department had nothing to do with that; that corporation owned land, bought land in fee, and the department is in no way to blame. Will the gentleman yield for just a moment?

Mr. ABERNETHY. Surely I will.

Mr. SINNOTT. The gentleman will recall the testimony of Dr. Otis Smith in giving his reasons, as found on page 30 of the hearings:

The special potash law does not work well. Now, for what reason? First of all, it grants a patent. That patent privilege in any law we have found in these later years can be abused. You can get water or grass under the pretense that there is some mineral in the land, and we encounter that trouble. There is also the shoe-string possibility, which has been developed in Utah in connection with this particular law, uncompact holdings because they are not selected out of one permit, but the segregation of a number of patents taken from a number of neighboring permit areas.

Giving a patentee under the present law the right to control a large area, and then——

Mr. ABERNETHY. I suppose the gentleman is taking this out of my time. Gentlemen, I want to say for the benefit of the committee that I am not and do not profess to be acquainted with the public land laws of the United States. I am on the Public Lands Committee, but I do not live in a public-land State; and in a running debate with the chairman, who is well qualified to speak on all these matters, I am not able to give you just all the little details as to what is the law, what has been the law, what has been the policy of the department, and all that. But I say this: That I do know that all of a sudden there is a great hurry to pass this legislation, and I want somebody to explain this to the committee, and then if you pass this bill it is up to you and not up to me; I will have relieved myself of the responsibility; I want somebody to explain to the committee the hurry with regard to a bill that has been pending before the Public Lands Committee for quite a while; there is great activity to get it out on the floor and at this short session to get it through.

I asked the department to give me some reason for it, and I want you to listen to exactly what Doctor Smith says in his reason for it and see whether it satisfies your mind; it did not satisfy mine. I am just as vitally interested, and probably more so, in this potash situation than most of the Members, because it is the very life of our fertilizer. I do not want to see these valuable deposits belonging to the United States Government get—as is the case now—into the hands of the monopolistic group now controlled by a subsidiary of a South African corporation.

When we pass this legislation, whom it will be controlled by I do not know.

Now, listen. Here is a question I asked Judge Finney:

Mr. ABERNETHY. Mr. Finney, I want to get the setting of this matter straight in my own mind. I am not prepared to state whether your legislation is good or bad. It may be the very thing that the department needs and I do not want to be put in the attitude of taking issue with the department. I have a very high regard for the gentlemen in charge, particularly Doctor Smith and yourself and the Secretary, and my attitude is not one of captious objection, but this is a far-reaching piece of legislation as I see it, and I am not prepared on such short notice to give it that consideration that I would like to give it, and we have only 53 legislative days left in this session. This is the practical proposition: If you gentlemen are really back of it, as you seem to be—I am just asking this for your own consideration—as to whether or not you think we ought to press it at this session? Unless I could be shown further than I have been shown, I would have to go against the legislation myself, because I do not know anything about it, and it may be the very thing we need.

What I would like to know from Doctor Smith and others is just what areas we have, what are the values and what and where they are.

Mr. FINNEY. I think Doctor Smith could enlighten the committee more than I, because he has more scientific and general knowledge of the subject.

Here is what Doctor Smith says:

Mr. SMITH. Just a word about the emergency. There is a continuing emergency in the fact that we import nine-tenths of the potash that we use.

With regard to the emergency demanding the passage of amendatory legislation or new legislation relating to potash, it was 11 months ago that the Bureau of Mines and the Geological Survey united in a letter setting forth this proposition which bears the date February 1, 1924. We have to start things and keep at them.

With regard to the question that was asked as to whether there should be amendatory legislation or new legislation, that was considered at the time, and we preferred the enactment of a new potash law, as it appeared to involve the fewest complications, and that was the sole reason it was put up in this form. I think we will all agree the simpler way is the better way, when we determine which is the simpler way.

As Judge Finney has said, we found the general leasing law works well. The special potash law does not work well. Now for what reason? First of all, it grants a patent. That patent privilege in any law we have found in these later years can be abused. You can get water or grass under the pretense that there is some mineral in the land, and we encounter that trouble. There is also the shoe-string possibility, which has been developed in Utah in connection with this particular law, uncompact holdings because they are not selected out of one permit, but the segregation of a number of patents taken from a number of neighboring permit areas. So I believe that the law was administered just as carefully as the department possibly could administer it, and that shoestring resulted from a combination of several prospecting permits and the combination of several patents thereunder, but it is a shoestring that results.

You were asking about permits to go across Government land. That is not so much involved here as the right to go across patented land, and such a shoestring area of patented land, of course, can be used not only for monopoly purposes in that particular area, but for taking from under adjacent unpatented land the brines containing potash and other constituents without the need of any lease.

Now, whatever the form of the legislation, we feel that it should not contain the patent privilege. We do feel that the difference in royalty between the general leasing law, which provides for 12½ per cent, and the potash special law, which provides 2 per cent, should be continued, because we do want something that is more conducive, more encouraging to development than anything like a 12½ per cent royalty.

I believe there is one slight difference between the proposed law here and the present special potash law, in that the words "of the quantity" are added, so as to read "not less than 2 per cent of the quantity," instead of simply "2 per cent of the gross value." In that again we hark back, I believe, to the general leasing law, so it conforms in language with the general leasing law.

Now, I want to call the committee's attention to the fact that Utah came under the provisions of this bill and will get out from under it by the committee amendment which my friend the gentleman from Utah [Mr. COLTON] will introduce and which has the approval of the chairman of the committee and the approval of the committee. Why did his State get out?

Mr. SINNOTT. Will the gentleman yield?

Mr. ABERNETHY. Yes.

Mr. SINNOTT. Utah is not exempt from the provisions of this proposed act.

Mr. ABERNETHY. We will see what the amendment provides when we come to it.

There are two or three more pages of this hearing that are just about as enlightening as what I have read from the hearings, and I do not see the real necessity and the real need for this legislation.

Gentlemen, I understand the practical situation here in the House when one lone member of a committee is opposed to a bill, and I understand what it means to be bucking your head against a wall. I want to put you on notice, and I want to give you warning now that this is a far-reaching piece of legislation, and it affects vitally the Southern States and the cotton-growing States. It is going through. But let me tell you that you had better watch this situation. The Members who have to vote on this question should look into it and see what there is back of it. There is something back of this legislation that I do not understand. I am on the committee, and I have tried to get the department to explain to me what it is, but I have never been able to get them to do it. They say it ought to be passed; that it is a good thing; and that the present patent law does not work well. Of course, it does not work well, because it takes it out of their hands, and this proposed law will work well because it puts it in their hands. Under the general law a man could only get 640 acres, but under the proposed law that is now to be passed it permits the Secretary of the Interior, not by competitive bidding, but by such rules and regulations as he cares to make, to lease not 640 acres but 2,560 acres, and gives an exclusive right; and the man who goes there and finds potash, he is the man who gets the first bite at the cherry—in fact, gets the whole cherry—and that is the whole situation.

This is all I know about it, and I think it is all anybody can explain to you. I want the proponents of the bill to give you some satisfactory reason why the bill ought to be passed. [Applause.]

Mr. SINNOTT. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I have listened with much interest to the distinguished gentleman from North Carolina. The gentleman is on the Public Lands Committee, and there is no man in the House for whom I have a higher regard than I have for the gentleman from North Carolina [Mr. ABERNETHY], on account of his ability, his courtesy, and the close attention he gives to all proposed legislation.

May I call your attention to the fact, however, that this character of legislation has been before the House and before the committee for a good many years. Before we entered the war there was legislation pending known as the coal, oil, and gas leasing bill. Then after we entered the war the question of potash became so vital that we took that out of the general leasing bill and passed the act of October 2, 1917, which is an act to authorize exploration for any deposits of potassium. After that, and until the leasing bill, which was approved February 25, 1920, was placed upon the statute books, there was constant work and hearings before the Committee on Public Lands of the House and of the Senate. Conferences were had lasting a month or two, and the bill finally became a law.

The bill included sodium, which is a kindred subject to potassium, with its derivatives. We provide for sodium in the general leasing bill, which is similar to the legislation now pending, with one exception.

Mr. ABERNETHY. Will the gentleman yield?

Mr. RAKER. I yield.

Mr. ABERNETHY. The gentleman is in favor of the amendment which will be proposed by the gentleman from Utah [Mr. COLTON]?

Mr. RAKER. I will answer that in a moment. I will say I am.

Mr. ABERNETHY. I just want to get the gentleman's views on that. Up until that time the gentleman was not certain in his own mind whether this legislation should be passed or not.

Mr. RAKER. I am going to explain that to the committee. With the chairman of the committee, I have been a member of the Committee on the Public Lands and have participated in all its deliberations during the consideration of the leasing bill, the Alaskan bills, and the water power bills. We have spent months upon that work.

When the general leasing bill was under consideration, which was after the phosphate bill of 1917 was enacted, it had in it the same provision as the phosphate bill, which allowed a permit of 2,560 acres and also a patent to one-fourth of the land included in the permit. After a few years it was the judgment of the two Houses and the President that the patent feature was wrong and that therefore it should be changed to a lease. It seems that the public land States under the administration of both parties have found out that the leasing bill works admirably. Now, as to the potash act of 1917, it authorizes a permit of 2,560 acres and then a patent for 640 acres. This bill before the House instead of giving a man a patent of 640 acres permits him, if he discovers a derivative of potassium, to get land under practically the same permit so far as the renting and leasing is concerned in practically the identical language as the present law.

The objection to the patent is—and it was demonstrated before the committee—and before we had that feature of the testimony I could not see the necessity of the amendment—a man obtains a permit of 2,560 acres, and that would give 640 acres for a patent; he would string these 640 acres along in the center of the tract 2 miles long, and leave a part of the land on one side and a part on the other.

Most of the material is in liquid form; he puts a drain in the center and gets the benefit of 2,560 acres, and frequently a larger tract. His neighbor on the north would get a permit for 2,560 acres and then a patent for 640 acres and extend his patent another 2 miles, either stretching along a mile one way and a mile the other, or switch off, and he again absorbs another potash field. So the Government gets no benefit of the balance. It is not really a leasing bill, and therefore four or five men combining can practically monopolize the entire potash field.

Mr. ABERNETHY. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. ABERNETHY. Is it not monopolized by this South African corporation?

Mr. RAKER. I will come to that. What is the name of that corporation? I know it has an American name.

Mr. ABERNETHY. It is a subsidiary of the African corporation.

Mr. RAKER. They monopolize the potash situation in the United States, practically. This legislation would not affect them. They are better off as the law is now; and what we want to do is to pass an antimonopolistic law to bring them under the control where we will get better results.

Mr. ABERNETHY. Let me ask the gentleman, Searles Lake is in the State of California?

Mr. RAKER. Yes.

Mr. ABERNETHY. Will the gentleman explain why Searles Lake was left out?

Mr. RAKER. I will. Searles Lake is in the act of 1917. It is excluded, like it is in this bill. It is a large territory; and if a man was permitted to go in the center and get a patent of 640 acres, he would control the territory for miles and miles. It is a known potash territory, and therefore we permit the Secretary of the Interior to lease the land in Searles Lake that was not owned and patented to private individuals to the end that the Secretary of the Interior leases the public land in known fields. Therefore the Government has been protected, as it is under this bill.

Now let me explain the bill. In addition to the provisions that have been explained, this bill takes up and incorporates the provisions of the general leasing law as to monopoly. There is another provision in the bill that is vital, and that is that no individual corporation or concern can obtain more than one lease in any one State. From the first, potash has only been discovered in public-land States in California, Utah, Wyoming, and Nevada.

The CHAIRMAN. The time of the gentleman from California has expired. The gentleman from North Carolina has 35 minutes remaining and the gentleman from Oregon 43 minutes remaining.

Mr. SINNOTT. Mr. Chairman, I yield five minutes to the gentleman from Utah [Mr. COLTON].

Mr. COLTON. Mr. Chairman, I have such a great admiration for my friend from North Carolina [Mr. ABERNETHY] who is on the Public Lands Committee, that I feel like addressing myself first to the question he has propounded. I believe if he fully understood the facts he would be in hearty sympathy with this bill.

Under the present law a man may acquire a permit for 2,560 acres of land, and when he has discovered and demonstated it is potash-bearing he may acquire a patent for 640 acres of that land. This bill eliminates the patent feature of the law and puts it squarely upon a leasing basis.

Mr. ABERNETHY. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. ABERNETHY. Under this bill the department can give him 2,500 acres.

Mr. COLTON. Under the present law he could get a permit for 2,560 acres. That is a permit to prospect.

Mr. ABERNETHY. Not a desirable lease?

Mr. COLTON. In what way is it undesirable?

Mr. ABERNETHY. Why change it, if it is desirable?

Mr. WINTER. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes.

Mr. WINTER. I think the gentleman from Utah used the word "lease" in his opening sentence when he intended to use the word "permit." If you follow out that idea from the permit to the patented area on to the lease, I think that would straighten out the question of the gentleman from North Carolina [Mr. ABERNETHY].

Mr. COLTON. I perhaps inadvertently used the word "lease" when I intended to use the word "permit." I shall correct it. It has been found that the granting of that patent does not work out well.

Mr. ABERNETHY. Why?

Mr. COLTON. It succeeded in giving men the right to control large areas of land by owning title to small areas, and it succeeds at other times in isolating tracts of land that could be possibly worked for potash. For instance, in my own State a tract of 640 acres will permit the practical draining of large areas of the brine which contains the potash and the magnesium chloride and other kindred substances, and this bill seeks to correct that. So far as its practical application is concerned, this bill protects the rights of the public more than the present law.

Mr. VINSON of Kentucky. I understood from the testimony at the hearing that under the existing law they can take a narrow strip for a long space where the deposit is rich and thereby drain the adjacent territory without having a permit or any title to the adjacent land.

Mr. COLTON. That is exactly what does occur. A reference to the map, which the gentleman from North Carolina has, will show that has been done.

Mr. VINSON of Kentucky. Under the present law this will prevent anything of that kind happening.

Mr. COLTON. Yes. As has been said, it has been shown and I think conclusively proven, that the general leasing act is a good one. When this bill was passed, the leasing policy was in the process of being developed, and the potash act was a war emergency bill. Subsequent experience has shown that it has not worked out well, and this bill simply seeks to put potassium and other kindred minerals under the provisions of the leasing act. I feel there can be no serious objection to that. The question of monopoly is an entirely different question. This bill will tend to prevent rather than protect monopoly.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Certainly; although I have only five minutes.

Mr. ABERNETHY. I shall give the gentleman more time.

Mr. COLTON. Then I gladly yield.

Mr. ABERNETHY. Does not the gentleman think that under this bill it absolutely protects monopoly? In the first place, the man who finds the potash has a right to lease the land. The amount of the royalty is fixed in the bill at the ridiculously low price of 25 cents per acre. The department has to lease him these 2,500 acres. Will the gentleman please explain whether that does tend to aid monopoly rather than to curb it?

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. ABERNETHY. Mr. Chairman, I yield the gentleman five minutes more.

Mr. COLTON. I think all gentlemen understand that the three necessary elements for fertilizer are potash, nitrates, and phosphates. This country has an abundance of phosphates. We are in hopes, of course, that nitrates will be provided at Muscle Shoals. The question arises with reference to potash. I think it can not be successfully contradicted that in the public-land States, for instance in my own State, potash can be produced upon the ground cheaper than it can be produced even in Germany. Where they mine it at a depth of from 2,500 to 3,000 feet, we get the brine containing potash at a depth of a few feet. I am free to state, therefore, that we can produce potash upon the ground more cheaply than it can be produced in Germany. Particularly is that true since we have discovered a process of saving the magnesium chlorides as a by-product.

But there are other obstacles which enter and prevent us competing with the German potash. In the first place, their freight rate by water is much cheaper than ours to the eastern trade or the market centers. It takes a large investment of capital to produce potash. Those who produce it and who produced it during the war discovered at the close of the war that they could not compete with Germany.

Germany brought the price down until they were forced out of business. They have no assurance now that if they start up again the Germans will not lower the price to a point where they can not produce it successfully. This bill permits a lease on the potash land with lower royalties, thereby encouraging the production of potash. I feel we ought to give the department the right to encourage the production of potash in this country, so necessary to the production of cheap fertilizer for the farmers.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. COLTON. Yes.

Mr. BANKHEAD. I see a provision in the bill, in section 3, to this effect:

> In the discretion of the Secretary of the Interior, the area involved in any lease resulting from a prospecting permit may be exempt from any rental in excess of 25 cents per acre for 20 years succeeding its issue, and the production of potassium compounds under such a lease may be exempt from any royalty in excess of the minimum prescribed in this act for the same period.

For how long a period of time are these leases generally made?

Mr. COLTON. I am not able to answer that question.

Mr. BANKHEAD. Can anybody on the committee answer it?

The CHAIRMAN. The time of the gentleman from Utah has again expired.

Mr. ABERNETHY. I will yield the gentleman five additional minutes.

Mr. SINNOTT. Under the leasing act, leases were generally for a period of 20 years, with the right of removal at the end of that time. Of course, the object is to get the leased land worked out.

Mr. BANKHEAD. I want this information. It seems to me that unrestrained discretion on the part of the Secretary of the Interior might afford an opportunity for a lessee of land of this sort to go on it and not really make an effort to develop it for a long period, for 20 years without payment of any royalty, except the minimum of 25 cents an acre.

Mr. SINNOTT. This is merely to encourage development of the poorer class of land. As a rule it is not very profitable to develop these potassium fields, and this gives the Secretary in a proper case a right to give encouragement for some one to go on and develop what looks to be rather poor ground.

Mr. COLTON. May I say to the gentleman that the supply of potash is almost unlimited. What we need to-day is to take steps to encourage its production. In my judgment this law will enable the Secretary of the Interior to make such arrangements as shall encourage men to go upon the ground and invest their money in the production of potash.

Mr. BANKHEAD. I will say to the gentleman the difficulty about that is, although the Secretary might in the first instance be persuaded he was entitled to this thing, it ties up that land for a period of 20 years without the payment of any penalty.

Mr. COLTON. Only 2,560 acres.

Mr. BANKHEAD. That is a considerable area of land down in my section.

Mr. COLTON. I will say to the gentleman, in my State there are 4,000 square miles of this land underlaid with this brine which produces potash, and nobody is producing potash because they have been unable to compete with the German market.

Mr. BANKHEAD. Is there any provision in the ordinary lease of land requiring a certain amount of development work or otherwise the lease would be canceled?

Mr. COLTON. I understand it is always. This comes under the general provisions of the leasing act and under that the Secretary of the Interior always requires an amount of work to show good faith on the part of the lessee.

Mr. RAKER. In other words, that is one reason they want to change from the patent to the leasing. They require in all of these leases an earnest effort, and if they do not develop the leases are canceled.

Mr. COLTON. Yes; under the present law the practice has been to require men to act in good faith and not bad faith.

Mr. BANKHEAD. That is the reason I am making the inquiry that I fear the situation might be to encourage it.

Mr. COLTON. No; I will say the very opposite is the case. They do require good faith in development work under the provisions of the leasing act.

Mr. SINNOTT (reading)—

> Each lease shall contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property.

Now, there are a great many other regulations like that, and also regulations regarding monopoly and in restraint of trade are all adopted from the general leasing act and made a part of this bill.

Mr. COLTON. I understand the gentleman from Nebraska [Mr. HOWARD] is seeking recognition for a question.

Mr. HOWARD of Nebraska. I want at some time or other to speak in opposition to the bill.

Mr. COLTON. I thought the gentleman wanted to ask a question.

Mr. MORTON D. HULL. What is the reason they adopted the figure of 2 per cent as the royalty for these leases rather than any other per cent?

Mr. COLTON. I understand it is simply because a low royalty would encourage production of potash and a higher royalty might have a tendency to discourage its production.

Mr. WINTER. Is it not a fact, upon that point, this present bill carries this same royalty, 2 per cent, as now in the present law?

Mr. COLTON. That is the case.

Mr. ABERNETHY. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. HOWARD].

Mr. HOWARD of Nebraska. Mr. Chairman and gentlemen of the committee, I represent a State which I reckon has more pauperized potash farmers than any other State in the Union. There are none of them in my district. I frankly confess to you that I do not know any more about this bill than the average committeeman has been able to explain to the other committeeman, the gentleman from North Carolina. In the absence of knowledge, I take it for granted that I ought as an individual Member here, required to cast a vote in harmony with the best interest of the whole country, to listen to the words of warning by the gentleman from North Carolina, who warns us that this bill may be fraught with some very dan-

gerous provisions. He said he had asked somebody to explain it to him. He can not get a satisfactory explanation. He has gone into it deeply; he is qualified; he can not understand it; and if he can not, how may I, having no knowledge at all about such matters, be expected to understand it?

Ah, my friends, I am glad this subject of potash came up this morning. I recall the day, out in the potash country of Nebraska, last fall, when one of the most distinguished men in the Nation visited our people, and he talked to us with reference to the science of government, and particularly with reference to good citizenship. I particularly recall hearing that distinguished gentleman say that the meanest enemy of the American Republic was not some long-whiskered Bolshevist from Russia, but rather that he was some American citizen who, under any circumstances, would ever consent to the slightest deviation from the plain provisions of the Constitution of the United States of America. After I heard him talk that way for a while I was under conviction, and pretty soon I became thoroughly converted to his doctrine.

Now, I can not be as evangelistic as my friend from North Carolina [Mr. ABERNETHY], but I can warn you, in the voice of Charlie Dawes, when he said the meanest enemy of the American Republic was a citizen who would ever consent to violate the slightest provision of our Constitution. Charlie Dawes said that. I rather like Charlie Dawes. I like his gospel in that particular direction.

I recall the attention of all the Members of this House at this moment to the fact that we are plainly spitting in the face of the sacred Constitution of our country when we sit here and enact legislation without a quorum of our membership, as required by the Constitution. I protest against this constant violation of the Constitution. I want to be loyal to the Constitution of my country, and I thank Charlie Dawes for giving me the courage sometimes, even at the risk of momentary loss of beautiful friendships on this floor, to suggest that there are not enough of us here present to transact business in harmony with the plain provisions of the Constitution of the United States.

I offer that suggestion now. I do not go any further, but I make the suggestion. [Applause.]

The CHAIRMAN. The Clerk will read the bill for amendment.

Mr. ABERNETHY. Mr. Chairman, I have a few more words to say on this.

The CHAIRMAN. The gentleman from North Carolina is recognized. There are 15 minutes left.

Mr. ABERNETHY. I shall not take up that much time.

Mr. Chairman, I want to call the attention of the committee to page 40 of the hearings on this bill, as follows:

Mr. ABERNETHY. I notice in this pamphlet entitled "Potash in 1923," on page 175 it says:

"The American Trona Corporation, which is a subsidiary of the Consolidated Goldfields of South Africa (Ltd.), London, practically dominates the present American potash industry."

Now, that subsidiary of this African corporation has a lease under the department at the present time?

Mr. SMITH. No; they own some patented land which they have acquired.

Mr. ABERNETHY. How did they become owners of patented land?

Mr. SMITH. They bought out the owners, just as an oil company buys land on which it operates.

Mr. ABERNETHY. Evidently the department has some idea in its mind as to who those lands will go to? Who have you gentlemen been negotiating with up there, if you do not mind telling me, as to this legislation here?

Mr. SMITH. I do not know that anyone has approached the department with regard to this legislation. This has been the effort of the department to get things started in the development of these lands.

Mr. ABERNETHY. You have some people that have been dealing with the department in these matters and whom you hope to interest to the extent of developing this potash industry. Now would you mind telling us who they are?

Mr. SMITH. No; I would not mind telling you if I had any such people in mind. It is an all-comers' proposition, if we can only get them started. The people who have come before the department, I think, at least with respect to the Salduro situation, are men that already have patents on that land that I spoke of.

Mr. ABERNETHY. Well, how about this American Trona Corporation?

Mr. SMITH. They are not interested in this legislation.

Mr. ABERNETHY. Could you lease to them under this act?

The CHAIRMAN. This act confines it to citizens of the United States or corporations organized in the country.

Mr. ABERNETHY. This company has an American name, and this pamphlet says this controls at the present time the potash industry of this country.

Mr. SMITH. They are the only ones that are producing potash in that way. They are not the only producers, however.

Mr. ABERNETHY. Our potash at the present time comes mainly from France and Germany, as I understand it?

Mr. SMITH. Ninety per cent comes from abroad.

Now, Mr. Chairman and gentlemen of the committee, you can see that this legislation is very broad; it is very drastic in its nature. It changes the entire situation as to the potash industry, and there is nothing at all in the hearings that in any way gives any reason or any explanation on the part of the department as to how they hope, by this legislation, to increase the production of potash at all. They say that the present system is wrong, and that they want to fix it so that they can deal in a more elastic manner. I say this legislation is too drastic. It is not necessary at this time, as I see it. I do not think Congress understands it at the present time, and I do not think that the department has satisfied all the members of this committee. We have been digging patiently into this matter, to try to get to the bottom of it, and to see who is behind it, what is behind it, and what is the purpose of the legislation. It takes the power out of the hands of Congress, where it lies now, and puts it into the hands of the Secretary of the Interior, to do as he pleases, under such rules and regulations as he may prescribe; to permit corporations or individuals to take this land for as long a period as 20 years without payment of any royalty at all, except a nominal amount, and it is all proposed to be done in the interest, as they say, of conservation.

Now, Mr. Chairman and gentlemen of the committee, I would like very much to follow the balance of the committee on this legislation, and I wish I could get some satisfactory reason for doing so, because I believe the gentlemen who favor this legislation are honestly trying to do what they can for the potash industry. But it does seem to me that it is too vital and too far-reaching to be passed at this time with the short notice that has been had, and under the unsatisfactory information that has been given to us by the department. Therefore I oppose the legislation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed, under such rules and regulations as he may prescribe, to grant to any qualified applicant a prospecting permit which shall give the exclusive right to prospect for chlorides, sulphates, carbonates, borates, silicates, nitrates of potassium in lands belonging to the United States for a period of not exceeding two years: *Provided*, That the area to be included in such a permit shall not exceed 2,560 acres of land in reasonably compact form: *Provided further*, That the provisions of this act shall not apply to lands or deposits in or adjacent to Searles Lake, Calif., which lands and deposits may be operated by the United States or may be leased by the Secretary of the Interior under the terms and provisions of this act.

With a committee amendment as follows:

Page 2, line 1, after the word "the," insert the word "prospecting."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word.

Mr. DOWELL. I desire to ask the chairman of the Committee on Public Lands the purpose of the word "directed," in line 4 of section 1. This provides for authority to the Secretary of the Interior, and it also directs him. What is the necessity for directing the Secretary of the Interior to do this if it should turn out in his judgment not to be advisable?

Mr. SINNOTT. That merely carries the language of the old act; this is merely a repetition of the old act.

Mr. DOWELL. Yes; but I am still making the inquiry as to the necessity of directing the Secretary of the Interior to proceed under this section and paragraph if in his judgment he should not do so. Why is not the mere authorization sufficient, leaving out direction to proceed?

Mr. SINNOTT. It would grant him a broader discretion if the word were eliminated.

Mr. DOWELL. There would be just this difference: Under the language of the bill he has no discretion.

Mr. SINNOTT. It might be subject to that construction. I have thought of it myself, the same as the gentleman has, and I have had some doubt about the wisdom of using the word "direct."

Mr. DOWELL. It occurs to me that Congress should not in an authorization direct a department to proceed along certain

lines unless they have very specific information as to what is to be done.

Mr. SINNOTT. I have had my doubts, the same as the gentleman has, but, of course, the Secretary can protect himself under the rules and regulations that he prescribes. In the way a Secretary interprets an act of this kind, he has very broad discretionary power.

Mr. DOWELL. But he has no discretion in the matter of executing these permits.

Mr. SINNOTT. This is not a contract; this is a prospecting permit.

Mr. DOWELL. I grant that, but it leads up to the same thing.

Mr. SINNOTT. It might be held under this that the Secretary could not deny a prospecting permit.

Mr. DOWELL. That might be held, but has he any discretion whatever, and is it not necessary that he sign immediately, irrespective of whether he believes it the proper thing to do.

Mr. SINNOTT. The Secretary prepares the rules and regulations, and this is the ordinary language carried in such bills.

Mr. DOWELL. Well, the Secretary could not prepare an unreasonable rule to avoid following the direction of Congress.

Mr. SINNOTT. Well, he does prepare the rules and the regulations. There is a good deal in what the gentleman says, but I would hesitate to change the language, because it has been carried from time to time in all these recent acts.

Mr. RAKER. Will the gentleman yield?

Mr. DOWELL. Yes.

Mr. RAKER. Under the provisions of this bill as it now stands a prospector goes out and in his mine discovers potassium; he comes back and he is entitled to a permit, but if you strike out the word "direct" the prospector is in the air; he would be under the control of some one's discretion and that might result in his being denied the fruits of his efforts and they might go to somebody else. This law is like the law referring to the discovery of gold; the first man is entitled to it if he complies with the law.

The CHAIRMAN. The time of the gentleman from Iowa has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

SEC. 4. That prospecting permits or leases may be issued under the provisions of this act for deposits of potassium in public lands also containing deposits of coal or other minerals on condition that such other deposits be reserved to the United States for disposal under appropriate laws: *Provided*, That if the interests of the Government and of the lessee will be subserved thereby, potassium leases may include covenants providing for the development by the lessee of chlorides, sulphates, carbonates, borates, silicates, or nitrates of sodium, magnesium, or calcium associated with the potassium deposits leased, on terms and conditions, not inconsistent with the sodium provisions of the act of February 25, 1920 (41 Stat. p. 437).

With the following committee amendment:

Page 4, after line 6, insert: "*Provided further*, That the original permittee or lessee, if qualified, shall be entitled to a preference right to lease any other mineral deposits in the land subject to the provisions of this act or the act of February 25, 1920."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. COLTON. Mr. Chairman, I send another committee amendment to the Clerk's desk.

The CHAIRMAN. The gentleman from Utah offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COLTON: Page 4, line 10, after the figures "1920," insert: "*And provided further*, That where valuable deposits of minerals now subject to disposition under the general mining laws are found in fissure veins on any of the lands subject to permit or lease under this act the valuable minerals so found shall continue subject to disposition under the said general mining laws, notwithstanding the presence of potash therein."

Mr. COLTON. Mr. Chairman, inasmuch as this was explained during the colloquy between myself and the gentleman from North Carolina [Mr. ABERNETHY], I do not care to speak further, unless there are some questions to be asked.

Mr. RAKER. Will the gentleman yield?

Mr. COLTON. Yes.

Mr. RAKER. This amendment was recommended by the department and was unanimously agreed upon by the committee?

Mr. COLTON. Yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Utah.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That the act of October 2, 1917 (40 Stat. p. 297), entitled "An act to authorize exploration for and disposition of potassium," is hereby repealed, but this repeal shall not affect valid claims initiated under the provisions of said act of October 2, 1917, so long as the permittee or lessee complies with the law under which his claim was initiated.

With the following committee amendment:

Page 4, line 24, after the word "claims," strike out the words "initiated under the provisions of said act of October 2, 1917, so long as the permittee or lessee complies with the law under which his claim was initiated" and insert in lieu thereof the following: "existent at date of the passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the Chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 9029) to promote the mining of potash on the public domain, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

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

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE BATTLE OF LEXINGTON AND CONCORD

The SPEAKER. Pursuant to House Joint Resolution 259 the Chair appoints as the committee on the part of the House to attend the ceremonies at Lexington and Concord next spring Mr. DALLINGER, Mr. MORTON D. HULL, Mr. GALLIVAN, and Mr. MONTAGUE.

NATIONAL FOREST LANDS

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I call up H. R. 11500.

The SPEAKER. The gentleman from Oregon calls up a bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11500) to amend an act entitled "An act to consolidate national forest lands."

The SPEAKER. This bill is on the Union Calendar and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SNELL in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of March 20, 1922 (42 Stat. L. p. 465), entitled "An act to consolidate national forest lands," be, and the same is hereby, amended by adding the following section thereto:

"SEC. 2. Either party to an exchange may make reservations of timber, minerals, or easements, the values of which shall be duly considered in determining the values of the exchanged lands. Where reservations are made in lands conveyed to the United States the right to enjoy them shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the land as may be deemed necessary by the Secretary of Agriculture; where mineral reservations are made in lands conveyed by the United States it shall be so stipulated in the patents, and that any person who acquires the right to mine and remove the reserved deposits may enter and occupy so much of the surface as may be required for all pur-

poses incident to the mining and removal of the minerals therefrom, and may mine and remove such minerals upon payment to the owner of the surface for damages caused to the land and improvements thereon: *Provided*, That all property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands conveyed to the United States shall be subject to the tax laws of the States where such lands are located."

Mr. SINNOTT. Mr. Chairman, this bill was introduced by myself at the request of the Secretary of Agriculture and the Secretary of the Interior to meet a situation that they often find in making these forest exchanges. Frequently on the land desired to be exchanged for Government land there are easements and many other rights that have been deeded away. Often these easements and certain other rights are owned by parties who can not be located. The forest exchange act requires the Secretary to secure a fee-simple title, and the existence of many of these easements holds up a number of such exchanges. The bill has the approval of both Secretaries, and I feel it does not need a very lengthy explanation.

Mr. WATKINS. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. WATKINS. What action did the committee take on it? Was their action unanimous or was the committee divided?

Mr. SINNOTT. There was unanimous action on the part of the committee. Therefore, Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read the bill for amendment.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. LONGWORTH, Speaker pro tempore, having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 11500) to amend an act entitled "An act to consolidate the national forest lands" had directed him to report the same to the House with the recommendation that the bill do pass.

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

TRESPASS ON COAL LAND

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on Public Lands I call up the bill (H. R. 6713) to define trespass on coal land of the United States and to provide a penalty therefor; and Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That it shall be unlawful to mine and remove coal of any character, whether anthracite, bituminous, or lignite, from beds or deposits in lands of the United States, or in deposits or beds reserved to the United States, with the intent to appropriate, sell, or dispose of the same, and every person who shall violate any of the provisions of this act shall be deemed guilty of misdemeanor and fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 2. Nothing in this act, however, shall interfere with any right or privilege conferred by existing laws of the United States.

Mr. WATKINS. Will the gentleman yield?

Mr. SINNOTT. I yield.

Mr. WATKINS. This bill does not affect the taking of coal from land where the Government has leased it to a party, does it?

Mr. SINNOTT. No; that is taken care of in section 2. This bill is a very brief bill and is also a departmental bill. The department reports that it is very questionable whether one may be punished for stealing coal or for taking coal from the public lands in violation of law, and this bill is to meet that situation.

Mr. WATKINS. I had in mind Alaska. If it was on public land in Alaska and the Government had leased it——

Mr. SINNOTT. Section 2 provides "nothing in this act, however, shall interfere with any right or privilege conferred by existing laws of the United States." An individual may get a permit to take coal for his own domestic use.

Mr. WATKINS. Not only that, but corporations or individuals may have a lease like on the Cunningham tract.

Mr. SINNOTT. It does not interfere with any rights under existing law.

Mr. LEATHERWOOD. What effect, if any, would it have upon a squatter going upon unsurveyed public lands and using coal for his own use?

Mr. SINNOTT. He may obtain a permit to do that.

Mr. RAKER. Will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. RAKER. This bill is simply to prevent a man from going on the public domain and taking the coal and using it.

Mr. SINNOTT. Yes.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11308) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years; to provide urgent supplemental appropriations for the fiscal year ending June 30, 1925; and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the House of Representatives be requested to return to the Senate the bill H. R. 6498, entitled "An act for the relief of May Adelaide Sharp."

AUTHORIZING THE SECRETARY OF THE INTERIOR TO ADJUST CERTAIN DISPUTES IN FLORIDA

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill (H. R. 5204) to authorize the Secretary of the Interior to adjust disputes of claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from incomplete or faulty surveys in township 28 south, ranges 26 and 27 east, Tallahassee meridian, Polk County, in the State of Florida, and for other purposes.

The SPEAKER pro tempore. This bill is on the Union Calendar, and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. SNELL in the chair.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to equitably adjust disputes and claims of settlers, entrymen, selectors, grantees, and patentees of the United States, their heirs or assigns, against the United States and between each other, arising from incomplete or faulty surveys in section 31, township 28 south, range 26 east, and in sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, township 28 south, range 27 east, Tallahasse meridian, Polk County, in the State of Florida, and to issue directly or in trust, as may be found necessary or advisable, patent to such settlers, entrymen, selectors, grantees, and patentees, their heirs or assigns, for land claimed through settlement, occupation, purchase, or otherwise in said described area, preserving, as far as he may deem equitable, to those claimants now in possession of public land the right to have patented to them the areas so occupied: *Provided*, That a charge of $1.25 is to be made for each acre or fraction thereof of Government land patented under this act: *Provided further*, That rights acquired subsequent to the withdrawal of July 5, 1921, shall not be recognized or be subject to adjustment hereunder.

SEC. 2. That the Secretary of the Interior is authorized to accept any and all conveyances of land for purposes of adjustment and to make all necessary rules and regulations in order to carry this act into effect.

Mr. SINNOTT. Mr. Chairman, I yield my time to the gentleman from Kentucky [Mr. VINSON].

Mr. VINSON of Kentucky. Mr. Chairman and gentlemen of the committee, on July 5, 1921, all the public lands affected herein were withdrawn from settlement, location, and sale by Executive order. An examination of the survey in the Department of the Interior shows that the original survey executed in 1853 was grossly in error, and that approximately 1,380 acres was shown as water areas on the official plat of December 12, 1853. The greater part of the town site of Hamilton was in 1853 within the meander line and is designated on the official map as part of Lake Hamilton. There is a town laid out down there containing about 350 people. It has a number of stores, national banks, and a large number of well-built homes.

In the other section of the land affected about 100 acres were omitted, according to the plat survey approved September 30, 1850. It appears from the records now in the department that improvements on the land have been made in entire good faith under the law. This bill is approved by the Secretary of the Interior and he recommends its passage. It is simply correcting an error of two old surveys in 1850 and 1853.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to equitably adjust disputes and claims of settlers, entrymen, selectors, grantees, and patentees of the United States, their heirs or assigns, against the United States and between each other, arising from incomplete or faulty surveys in section 31, township 28 south, range 26 east, and in sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, and 21, township 28 south, range 27 east, and to issue directly or in trust as may be found necessary or advisable, patent to such settlers, entrymen, selectors, grantees, and patentees, their heirs or assigns, for land claimed through settlement, occupation, purchase, or otherwise in said described area, preserving, as far as he may deem equitable, to those claimants now in possession of public land the right to have patented to them the areas so occupied: *Provided*, That a charge of $1.25 is to be made for each acre or fraction thereof of Government land patented under this act: *Provided further*, That rights acquired subsequent to the withdrawal of July 5, 1921, shall not be recognized or be subject to adjustment hereunder.

The committee amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise, report the bill with the amendment to the House, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to; accordingly the committee rose, and Mr. SANDERS of Indiana having taken the chair as Speaker pro tempore, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5204) to authorize the Secretary of the Interior to adjust disputes or claims by settlers, entrymen, selectors, grantees, and patentees of the United States against the United States and between each other, arising from incomplete or faulty surveys in township 28 south, ranges 26 and 27 east, Tallahassee meridian, Polk County, in the State of Florida, and for other purposes, and had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

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

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXCHANGE OF LANDS AND ADJUSTMENTS OF BOUNDARIES IN NATIONAL FORESTS

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill (H. R. 11211) for the inclusion of certain lands in Plumas National Forest, the Eldorado National Forest, the Stanislaus National Forest, the Shasta National Forest, and the Tahoe National Forest, and for other purposes.

The SPEAKER pro tempore. The gentleman from Oregon calls up the bill H. R. 11211. This bill is on the Union Calendar. The House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. SNELL in the chair.

The Clerk read the title to the bill.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. SINNOTT. Mr. Chairman, this is similar to a number of other bills we have had for the exchange of forest lands; land indented into forest boundaries. It has the approval of the Secretary of the Interior. Does the gentleman from California want any time?

Mr. RAKER. I do not.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill as follows:

A bill (H. R. 11211) for the inclusion of certain lands in the Plumas National Forest, the Eldorado National Forest, the Stanislaus National Forest, the Shasta National Forest, and the Tahoe National Forest, and for other purposes

Be it enacted, etc., That within the following-described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national forest purposes may be offered in exchange under the provisions of the act of March 20, 1922 (Public 173, 42 U. S. Stat. L. p. 465), upon notice as therein provided and upon acceptance of title shall become parts of the Plumas National Forest, the Eldorado National Forest, the Stanislaus National Forest, the Shasta National Forest, and the Tahoe National Forest, respectively, and any of such described areas in Government ownership chiefly valuable for national forest purposes and not now parts of any national forest may be added to said national forests, as herein provided by proclamation of the President, subject to all valid claims and provisions of existing withdrawals: (1) To the Plumas National Forest, Calif.: Township 22 north, range 4 east, sections 1, 12, and 13; township 23 north, range 4 east; township 20 north, range 6 east, east half of township; township 26 north, range 6 east; township 27 north, range 6 east; township 20 north, range 7 east; township 21 north, range 7 east; township 26 north, range 7 east; township 27 north, range 7 east; township 21 north, range 8 east, sections 4, 5, 6, 7, 8, 9, and 18; township 27 north, range 8 east; township 24 north, range 9 east, sections 10, 11, 16, 22, 23, and 24; township 27 north, range 9 east, sections 34, 35, and 36; township 23 north, range 10 east, north half of section 1; township 24 north, range 10 east, sections 19, 28, 29, and 36; township 26 north, range 10 east, sections 31, 32, and 33; township 22 north, range 11 east, sections 1 and 2; township 23 north, range 11 east; township 24 north, range 11 east, sections 31, 32, and 33; township 29 north, range 11 east, sections 25 to 36; township 22 north, range 12 east; township 28 north, range 12 east, sections 1, 2, 3, and 12; township 29 north, range 12 east, sections 26 to 35, inclusive; township 21 north, range 13 east, north half of township; township 22 north, range 13 east; township 23 north, range 13 east; township 21 north, range 14 east, sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32; township 22 north, range 14 east, sections 29, 30, 31, and 32; township 23 north, range 14 east, sections 7, 16, 17, 18, 19, 20, 21, 28, 29, 30, and 33; township 25 north, range 16 east, sections 15 and 16; all Mount Diablo base and meridian, California.

(2) To the Eldorado National Forest, Calif.: Township 11 north, range 12 east, sections 25 to 29, inclusive, and 32 to 36, inclusive; township 10 north, range 12 east, sections 1 to 3, inclusive, 10 to 15, inclusive, 22 to 29, inclusive, 32 to 36, inclusive; township 11 north, range 13 east, sections 31 to 33, inclusive; township 10 north, range 13 east; township 9 north, range 13 east; township 8 north, range 13 east, sections 1 to 3, inclusive, 10 to 15, inclusive, 22 to 27, inclusive, 34 to 36, inclusive; township 8 north, range 14 east; township 7 north, range 14 east, sections 1 to 13, inclusive, 16 to 20, inclusive; township 13 north, range 18 east, sections 31 and 32; township 12 north, range 18 east, sections 3 to 11, inclusive, 14 to 23, inclusive, 26 to 34, inclusive; all in Mount Diablo base and meridian.

(3) To the Stanislaus National Forest, Calif.: Township 1 south, range 16 east, sections 1 to 5, inclusive, 8 to 15, inclusive, 22 to 27 inclusive, and 34 to 36, inclusive; township 2 north, range 15 east, sections 1 to 12, inclusive; township 2 north, range 16 east, sections 2 to 10, inclusive, 15, 16, and 21; township 4 north, range 14 east, sections 1, 2, 11 to 14, inclusive, and 23 to 26, inclusive; township 5 north, range 14 east, sections 1, 2, 11 to 14, inclusive, 23 to 26, inclusive, 35 and 36; township 6 north, range 14 east, sections 1 to 4, inclusive, 9 to 16, inclusive, 21 to 28, inclusive, 33 to 36, inclusive; township 7 north, range 14 east, sections 9 to 17, inclusive, and 19 to 36, inclusive; all in Mount Diablo base and meridian.

(4) To the Shasta National Forest, Calif.: Township 36 north, range 5 west, sections 1 to 11, inclusive, and 15 to 17, inclusive; township 37 north, range 1 east, section 1; township 37 north, range 2 east, sections 9 to 16, inclusive; township 37 north, range 3 east, north ¼ section 1, sections 3 to 6, inclusive, sections 9 and 10, 15 and 16, township 37 north, range 4 east, north ½ section 6; township 37 north, range 4 west, sections 4 to 9, inclusive, and 16 to 21, inclusive; township 37 north, range 5 west, sections 1, 11 to 14, inclusive, 23 to 26, inclusive, and 31 to 36, inclusive; township 38 north, range 1 east, sections 11, 12, 13, 14, 23, 24, 25, 26, and 36; township 38 north, range 2 east, sections 1, 2, 3, 5, 7 to 17, inclusive, 19 to 36, inclusive; township 38 north, range 3 east, all; township 38 north, range 4 east, sections 6, 7, 8; township 38 north, range 4 west, sections 1, 2, 3, 10 to 17, inclusive, 20, 21, 22, 27, 28, 29, 31, 32, 33; township 38 north, range 5 west, section 36; township 39 north, range 1 east; township 39 north, range 2 east; township 39 north, range 3 east; township 39 north, range 4 east, sections 30,

31; township 39 north, range 1 west; township 39 north, range 2 west; township 39 north, range 3 west; township 39 north, range 4 west; township 39 north, range 5 west, sections 1 to 12; township 40 north, range 1 east; township 40 north, range 2 east; township 40, range 3 east; township 40 north, range 4 east; township 40 north, range 1 west; township 40 north, range 2 west; township 40 north, range 3 west; township 40 north, range 4 west, sections 2 to 6, inclusive, 10 to 15, inclusive, 19, 22 to 36, inclusive; township 40 north, range 5 west; township 40 north, range 9 west, sections 4 and 5; township 41 north, range 1 east; township 41 north, range 2 east; township 41 north, range 4 east, sections 34, 35, 36; township 41 north, range 1 west; township 41 north, range 2 west; township 41 north, range 4 west; township 41 north, range 5 west, sections 1, 9 to 16, inclusive, and 21 to 28, inclusive, 33 to 36, inclusive; township 41 north, range 7 west, sections 28 and 29; township 42 north, range 1 east; township 42 north, range 2 east, sections 19 to 30 and 31; township 42 north, range 1 west; township 42 north, range 4 west, sections 19 to 30 and 31; township 42 north, range 5 west, section 36; township 43 north, range 1 east; township 43 north, range 1 west; township 43 north, range 2 west; township 43 north, range 3 west, sections 1 and 2, 13 to 16, inclusive, 20 to 24, inclusive; township 44 north, range 1 east; township 44 north, range 1 west; township 44 north, range 2 west; township 45 north, range 1 east, sections 19, 20, 29, 30; township 45 north, range 1 west, sections 19 to 36, inclusive; all Mount Diablo base and meridian, Calif.

(5) To the Tahoe National Forest, Calif. and Nev.: Township 18 north, range 9 east, sections 28 and 29; township 18 north, range 10 east, sections 28, 29, 30, 31, and 32; township 17 north, range 9 east, sections 13, 24, 25, and 36; township 17 north, range 10 east; township 17 north, range 11 east; township 16 north, range 10 east, sections 1, 2, 11, 13, 23 to 27, inclusive, and 29; township 16 north, range 11 east; township 15 north, range 10 east, sections 13, 24, 25, and 36; township 14 north, range 10 east, sections 1, 12, 13, 24, and 25; township 14 north, range 11 east; township 21 north, range 14 east, sections 17, 18, 19, 20, and 29 to 32, inclusive; township 20 north, range 14 east, sections 9, 16, 21 to 24, inclusive; township 20 north, range 15 east; township 20 north, range 16 east; township 20 north, range 17 east; township 19 north, range 15 east; township 19 north, range 16 east; township 19 north, range 17 east; township 18 north, range 15 east; township 18 north, range 16 east; township 18 north, range 17 east; township 18 north, range 18 east; township 17 north, range 18 east; township 15 north, range 18 east; township 15 north, range 19 east, sections 4 to 9, inclusive, 16 to 21, inclusive, 28 to 33, inclusive; township 14 north, range 18 east; township 14 north, range 19 east, sections 4, 5, 6, 7, 8, 9, 16 to 21, inclusive, 28 to 33, inclusive; township 13 north, range 18 east, sections 1, 2, 3, 9 to 16, inclusive, 21 to 28, inclusive, 33 to 36, inclusive; township 13 north, range 19 east, sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32; all in Mount Diablo base and meridian.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. MADDEN having taken the chair as Speaker pro tempore, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 11211, and had directed him to report the same back with a favorable recommendation.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bills H. R. 104, for the inclusion of certain lands in the Eldorado National Forest, Calif., and for other purposes,; 105, for the inclusion of certain lands in the Stanislaus National Forest, Calif., and for other purposes; 106, for the inclusion of certain lands in the Shasta National Forest, Calif., and for other purposes; and 107, for the inclusion of certain lands in the Tahoe National Forest, Calif., and for other purposes, now on the Union Calendar, and which are contained within the bill just passed, be laid on the table.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bills H. R. 104, 105, 106, and 107 be laid on the table. Is there objection?

There was no objection.

TO RESTORE HOMESTEAD RIGHTS IN CERTAIN CASES

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill (H. R. 8333) to restore homestead rights in certain cases.

The SPEAKER pro tempore. The gentleman from Oregon calls up the bill H. R. 8333, which is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from New York [Mr. SNELL] will take the chair.

Accordingly the House resolved itself in the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8333, with Mr. SNELL in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act any person who has heretofore entered under the homestead laws and paid a price equivalent to or greater than $2.50 per acre, lands embraced in a ceded Indian reservation shall, upon proof of such fact, if otherwise qualified, be entitled to the benefits of the homestead law as though such former entry had not been made: *Provided*, That the provisions of this act shall not apply to any person who has failed to pay the full price for his former entry, or whose former entry was canceled for fraud.

Mr. SINNOTT. Mr. Chairman, this gives a right heretofore given under the land laws. This is the right of one who has purchased land on a ceded Indian reservation to have a homestead entry. Of course he has to comply with the law. I do not think any further explanation of the bill is necessary.

Mr. RAKER. That is satisfactory.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk again reported the bill.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. MADDEN having resumed the chair as Speaker pro tempore, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8333 and had directed him to report the same back to the House with the recommendation that it do pass.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

PURCHASE OF PUBLIC LANDS BY RED BLUFF, CALIF.

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill (H. R. 9688) granting public lands to the city of Red Bluff, Calif., for a public park.

The SPEAKER pro tempore. The gentleman from Oregon calls up the bill H. R. 9688. This bill is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from New York [Mr. SNELL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9688, with Mr. SNELL in the chair.

The Clerk read the title of the bill.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SINNOTT. Mr. Chairman, I yield to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, I do not desire to take any time. This bill comes with a unanimous report from the committee, and it is unanimously recommended by all of the departments. It involves merely 80 acres, and it is beneficial to the city of Red Bluff.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. McKEOWN. It will be used for a public park?

Mr. RAKER. Yes.

Mr. McKEOWN. And no obligation is incurred upon the part of the United States?

Mr. RAKER. None whatever.

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to the city of Red Bluff, Calif., in trust, for public park purposes, for the following tract of land, to wit:

The north half of the northeast quarter of section 22, township 29 north, range 2 east, Mount Diablo meridian, Tehama County, Calif.,

upon payment by said city at the rate of $1.25 per acre, subject to all valid existing bona fide right or claim initiated under the land laws of the United States: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the land so granted and all necessary use of the land for extracting the same; that the grant hereby made shall be subject to the provisions of section 24 of the Federal water power act (41 U. S. Stat., pp. 1063-1067, approved June 10, 1920): *Provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and that if the said land shall not be used as a public park, the same shall revert to the United States: *And provided further*, That the patent issued under the provisions of this act shall expressly reserve all the rights in the United States as specified herein.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9688, and had directed him to report the same back to the House with the recommendation that it do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

Mr. BANKHEAD. Mr. Speaker, under the rules of the House would it not be permissible, inasmuch as this committee is going to consider several other bills, to have them all considered together in the Committee of the Whole House on the state of the Union and reported back to the House en bloc? I think that practice has been followed heretofore.

Mr. SINNOTT. Mr. Speaker, it is my purpose from now on to ask unanimous consent to consider most of these bills in the House as in Committee of the Whole House on the state of the Union.

Mr. BANKHEAD. Very well.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO LEASE CERTAIN LANDS

Mr. SINNOTT. Mr. Speaker, I call up the bill H. R. 6710, to authorize the Secretary of the Interior to lease certain lands and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon calls up the bill H. R. 6710, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, upon such terms and under such regulations as he may deem proper, may permit responsible persons or associations to use and occupy, for the erection of bathhouses, hotels, or other improvements for the accommodation of the public, suitable spaces or tracts of land near or adjacent to mineral, medicinal, or other springs, which are located upon unreserved public lands or public lands which have been withdrawn for the protection of such springs: *Provided*, That permits or leases hereunder shall be for periods not exceeding 20 years.

Mr. SINNOTT. Mr. Speaker, this bill was introduced at the request of the Secretary of the Interior so that he might have authority to lease lands adjoining Mineral Springs for bathhouses and hotel purposes. Frequently those accommodations are desired by the general public, and there is no law now authorizing the Secretary to make such leases.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

EXTENSION OF TIME FOR PAYMENT OF PURCHASE MONEY DUE UNDER CERTAIN HOMESTEAD ENTRIES AND GOVERNMENT LAND PURCHASES

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill H. R. 10592.

The SPEAKER. The gentleman from Oregon calls up a bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10592) to amend an act entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak. and S. Dak."

The SPEAKER. This bill is on the Union Calendar.

Mr. SINNOTT. I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SINNOTT. I yield time to the gentleman from South Dakota [Mr. WILLIAMSON].

Mr. WILLIAMSON. Mr. Speaker, under the law which we passed in 1922 what amounted to a four-year extension was granted for the making of payments upon homestead entries and Government-land purchases on the Cheyenne River and Standing Rock Indian Reservations. Under this law many of the payments have been made, but there are still quite a number of settlers and purchasers of Government lands who will be unable to make their payments within the time limit of the present law, and the purpose of this bill is to amend the present law by permitting the Secretary of the Interior, in his discretion, to extend the period in individual cases upon application for an additional period not exceeding two years. I think that is all the explanation necessary to make with reference to the bill.

The bill as originally introduced by me provided for an extension, in the discretion of the Secretary of the Interior, of three years beyond the limit fixed by the present law. The Secretary of the Interior in his report suggested an extension of only one additional year. Upon the hearing the Committee on the Public Lands suggested that the bill be reported out providing for an additional extension of two years, and amended the bill accordingly. I believe a further extension of two years will prove reasonably satisfactory to the persons interested, and therefore have no objection to the bill being amended in conformity with the committee's recommendation.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the former Cheyenne River and Standing Rock Indian Reservations, N. Dak., and S. Dak." approved April 25, 1922, be amended so as to read as follows:

"That any homestead entryman or purchaser of Government lands within the former Cheyenne River and Standing Rock Indian Reservations in North Dakota and South Dakota who is unable to make payment of purchase money due under his entry or contract of purchase as required by existing law or regulations, on application duly verified showing that he is unable to make payment as required, shall be granted an extension to the 1923 anniversary of the date of his entry or contract of purchase upon payment of interest in advance at the rate of 5 per cent per annum on the amounts due from the maturity thereof to the said anniversary; and if at the expiration of the extended period the entryman or purchaser is still unable to make the payment he may, upon the same terms and conditions, in the discretion of the Secretary of the Interior, be granted such further extensions of time, not exceeding a period of six years, as the facts warrant."

The committee amendments were read, as follows:

Page 2, line 8, strike out "1923" and insert in lieu thereof "1925."

Page 2, line 17, strike out "six" and insert "three."

The committee amendments were agreed to.

The SPEAKER. Without objection, the spelling in line 5, page 1, will be corrected.

There was no objection.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

VALIDATING RESTORATIONS TO PUBLIC DOMAIN OF LANDS RESERVED AS NATIONAL MONUMENTS

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill H. R. 11357.

The SPEAKER. The gentleman from Oregon calls up the bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 11357) authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order.

The SPEAKER. This bill is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That whenever, in the opinion of the President of the United States, any lands heretofore or hereafter reserved as national monuments by public proclamation as provided by the act of June 8, 1906 (34 Stat. L. p. 225), are not needed for such purpose, he is authorized to restore same to the public domain by Executive order: *Provided,* That any such restorations heretofore so made are hereby validated and confirmed.

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

WILLIAM WEEKLEY

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill H. R. 6853.

The SPEAKER. The gentleman from Oregon calls up the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 6853) to quiet titles to and in the county of Baldwin, State of Alabama.

The SPEAKER. This bill is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection?

Mr. HILL of Maryland. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question.

Mr. SINNOTT. Yes.

Mr. HILL of Maryland. Under the bill just passed I would like to ask if the President has power to declare, for instance, such a reservation as Fort McHenry a national monument? Can he do that?

Mr. SINNOTT. Not under this bill.

Mr. HILL of Maryland. But can he do it under existing law, to which the bill refers?

Mr. SINNOTT. I would not undertake to say; but I doubt it very much. The law is not fresh in my mind.

Mr. HILL of Maryland. I do not object, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That all the right, title, and interest of the United States in and to the French, Spanish, and British land grants situated within the limits of the county of Baldwin, in the State of Alabama, for which no confirmation has heretofore been granted or no survey made by the United States, be, and the same are hereby, granted, released, and relinquished by the United States to the equitable owners of the equitable titles thereto and to their respective heirs and assigns forever, as fully and completely, in every respect whatever, as could be done by patents issued according to law: *Provided,* That the confirmations granted hereby shall amount only to a relinquishment of any title that the United States has or is supposed to have in and to any of said lands, and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever, the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of the said interest, title, and estate of the United States.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert: "That all the right, title, and interest of the United States in and to section 38, in township 2 north, range 3 east of St. Stephens meridian, containing 138.29 acres, shown on the township plat in the name of William Weekley, preemption certificate D–29, for which final payment was made by Samuel Mims on July 2, 1817, per receipt No. 3793, be, and the same is hereby, granted, released, and relinquished by the United States to the equitable owners of the equitable titles thereto and to their respective heirs and assigns forever, as fully and completely, in every respect whatever, as could be done by patents issued according to law: *Provided,* That this act shall amount only to a relinquishment of any title that the United States has or is supposed to have in and to any of said lands, and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever, the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of Alabama, including the laws of prescription, in the absence of the said interest, title, and estate of the United States."

The committee amendment was agreed to.

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

The title was amended so as to read: "A bill to relinquish the title of the United States to the land in the preemption claim of William Weekley, situate in the county of Baldwin, State of Alabama."

TO CONSOLIDATE CERTAIN LANDS WITHIN THE SNOQUALMIE NATIONAL FOREST

Mr. SONNOTT. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill H. R. 2689.

The SPEAKER. The gentleman from Oregon calls up a bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 2689) to consolidate certain lands within the Snoqualmie National Forest.

The SPEAKER. This bill is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the provisions of the act of March 20, 1922, "An act to consolidate national forest lands," be, and the same are hereby, extended to the following-described lands to the same extent that such provisions would apply were said lands within the exterior boundaries of a national forest:

Township 26 north, range 10 east, sections 1, 2, 3, 10, 11, 12, and 13; township 26 north, range 11 east, sections 17 to 29, inclusive, and sections 34, 35, and 36; township 26 north, range 12 east, sections 13, 19 to 35, inclusive; township 27 north, range 9 east, sections 10 to 15, inclusive, section 22, and north half of sections 23 and 24; township 27 north, range 10 east, section 15, east half of section 16, west half of section 18, south half and northwest quarter of section 19, south half of section 20, south half and northeast quarter of section 21, section 22, and sections 26, 27, 28, 29, 30, 34, and 35, all Willamette base and meridian.

SEC. 2. That all public lands within the foregoing areas are hereby added to and made parts of the Snoqualmie National Forest, subject to all valid adverse rights established prior to the passage of this act.

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

GRANTING CLAIMANTS PREFERENCE RIGHTS TO PURCHASE LAND

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill H. R. 9765.

The SPEAKER. The gentleman from Oregon calls up a bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9765) granting to certain claimants a preference right to purchase unappropriated public lands.

The SPEAKER. This bill is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior, in his judgment and discretion, is hereby authorized to sell, in the manner hereinafter provided, any of those lands situated in the State of Louisiana which were originally erroneously meandered and shown upon the official plats as water-covered areas, and which are not lawfully appropriated by a qualified settler or entryman claiming under the public lands laws.

That any citizen of the United States who, in good faith under color of title or claiming as a riparian owner, has, prior to this act, placed valuable improvements upon or reduced to cultivation any of the lands subject to the operation of this act, shall have a preferred right to file in the office of the register and receiver of the United States land office of the district in which the lands are situated an application to purchase the lands thus improved by them at any time within 90 days from the date of the passage of this act if the lands have been surveyed and plats filed in the United States land office; otherwise within 90 days from the filing of such plats. Every such application must be accompanied with satisfactory proof that the applicant is entitled to such preference right and that the lands which he applies to purchase are not in the legal possession of an adverse claimant.

That upon the filing of an application to purchase any lands subject to the operation of this act, together with the required proof, the Secretary of the Interior shall cause the lands described in said application to be appraised, said appraisal to be on the basis of the value of such lands at the date of appraisal, exclusive of any increased value

resulting from the development or improvement thereof for agricultural purposes by the applicant or his predecessor in interest, but inclusive of the stumpage value of any timber cut or removed by the applicant or his predecessor in interest.

That an applicant who applies to purchase lands under the provisions of this act, in order to be entitled to receive a patent, must within 30 days from receipt of notice of appraisal by the Secretary of the Interior pay to the receiver of the United States land office of the district in which the lands are situated the appraised price of the lands, and thereupon a patent shall issue to said applicant for such lands as the Secretary of the Interior shall determine that such applicant is entitled to purchase under this act. The proceeds derived by the Government from the sale of the lands hereunder shall be covered into the United States Treasury and applied as provided by law for the disposal of the proceeds from the sale of public lands.

That the Secretary of the Interior is hereby authorized to prescribe all necessary rules and regulations for administering the provisions of this act and determining conflicting claims arising hereunder.

The committee amendments were read, as follows:

Page 1, line 10, after the word "who," insert "or whose predecessor in interest."

Page 3, after line 17, insert:

"SEC. 2. That all purchases made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal, oil, gas, and other minerals in the lands so purchased and patented, together with the right to prospect for, mine, and remove the same."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

DESERT-LAND ENTRIES, RIVERSIDE COUNTY, CALIF.

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill H. R. 10143.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 10143) to exempt from cancellation certain desert-land entries in Riverside County, Calif.

The SPEAKER. This bill is on the Union Calendar.

Mr. SINNOTT. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That no desert-land entry heretofore made in good faith under the public-land laws for lands in townships 4 and 5 south, range 15 east; townships 4 and 5 south, range 16 east; townships 4, 5, and 6 south, range 17 east; townships 5, 6, and 7 south, range 18 east; townships 6 and 7 south, range 19 east; townships 6 and 7 south, range 20 east; townships 4, 5, 6, 7, and 8 south, range 21 east; townships 5 and 6, and sections 3, 4, 5, 6, 7, 8, 18, and 19, in township 7 south, range 22 east; township 5 south, range 23 east, San Bernardino meridian, in Riverside County, State of California, shall be canceled prior to May 1, 1928, because of failure on the part of the entrymen to make any annual or final proof falling due upon any such entry prior to said date. The requirements of law as to annual assessments and final proof shall become operative from said date as though no suspension had been made. If the said entrymen are unable to procure water to irrigate the said lands above described through no fault of theirs, after using due diligence, or the legal questions as to their right to divert or impound water for the irrigation of said lands are still pending and undetermined by said May 1, 1928, the Secretary of the Interior is hereby authorized to grant a further extension for an additional period of not exceeding two years.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

DESERT-LAND ENTRYMEN

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill H. R. 10411.

The SPEAKER. The gentleman from Oregon calls up the bill H. R. 10411, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 10411) granting desert-land entrymen an extension of time for making final proof.

The SPEAKER. This bill is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior may, in his discretion, in addition to the extensions authorized by existing law, grant to any entryman under the desert-land laws of the United States a further extension of time of not to exceed three years within which to make final proof: *Provided*, That such entryman shall, by his corroborated affidavit, filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of the irrigation works intended to convey water to the land embraced in his entry, he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as required by law within the time limited therefor: *And provided further*, That the entryman, his heirs, or his duly qualified assignee, has in good faith complied with the requirements of law as to yearly expenditures and proof thereof, and shall show, under rules and regulations to be prescribed by the Secretary of the Interior, that there is a reasonable prospect that if the extension is granted he will be able to make the final proof of reclamation, irrigation, and cultivation required by law.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

LEAVE TO ADDRESS THE HOUSE

Mr. McSWAIN. Mr. Speaker, I prefer a unanimous-consent request, that upon the convening of the House next Monday, January 19, the anniversary of the birth of Gen. Robert E. Lee, Representative STEDMAN, of North Carolina, be recognized for 10 minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the gentleman from North Carolina [Mr. STEDMAN] may address the House for 10 minutes, after the reading of the Journal and the disposal of other business on the Speaker's table, on Monday next. Is there objection?

There was no objection.

GRANTING LANDS TO OREGON FOR A FISH HATCHERY

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill H. R. 9495.

The SPEAKER. The gentleman calls up the bill H. R. 9495, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9495) granting to the State of Oregon certain lands to be used by it for the purpose of maintaining and operating thereon a fish hatchery.

The SPEAKER. This bill is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the following-described premises, to wit: The northeast quarter of the northwest quarter of section 2, township 39 south, range 22 east, of the Willamette meridian, in the State of Oregon, be, and the same are hereby, granted to the State of Oregon for the use of said State in maintaining and operating thereon a fish hatchery: *Provided*, That in case said State of Oregon shall at any time for a period of five years fail to maintain and operate a fish hatchery on said premises, or on some part thereof, then the grant hereinbefore made of said premises to said State shall terminate and said premises, and the whole thereof, shall revert to the United States: *Provided further*, That the Secretary of the Interior is hereby authorized and empowered to ascertain and determine whether or not such hatchery is being maintained and operated on said premises, and if he shall at any time determine that, for a period of two years subsequent to the passage of this act, the State of Oregon has failed to maintain and operate a fish hatchery on said premises, he shall make and enter an order of record in his department to that effect and directing the restoration of said premises, and the whole thereof, to the public domain, and such order shall be final and con-

clusive, and thereupon and thereby said premises shall be restored to the public domain and freed from the operation of the grant aforesaid.

With a committee amendment, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent, as hereinafter limited, to the State of Oregon for the following-described land: The northeast quarter of the northwest quarter of section 2, township 39 south, range 22 east, of the Willamette meridian, in the State of Oregon, for use of said State in maintaining and operating thereon a fish hatchery: *Provided*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same: *Provided further*, That if the State of Oregon shall, for a period of two years, fail to use the land for fish-hatchery purposes, or shall devote the same to other uses, the title thereto shall revert to the United States, and the lands shall be restored to the public domain upon a finding of such failure by the Secretary of the Interior."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

ADDITION OF LAND TO THE OREGON NATIONAL FOREST

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill H. R. 5612.

The SPEAKER. The gentleman from Oregon calls up a bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 5612) to authorize the addition of certain lands to the Oregon National Forest.

The SPEAKER. This bill is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That any of the following-described lands which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of the act of March 20, 1922 (Public 173), and upon acceptance of title shall become parts of the Oregon National Forest:

Township 2 north, range 9 east: Sections 22, 27, 28, 29, 30, 31, 32, 33, 34, southwest quarter northwest quarter, southwest quarter southeast quarter, and southwest quarter of section 35.

Township 1 north, range 9 east: Sections 8, 9, 10, 11; north half northeast quarter, southwest quarter northeast quarter, northwest quarter, north half southwest quarter, section 14; all of sections 15, 16, 17, 18, 19, 20; north half southwest quarter, and northwest quarter southeast quarter of section 21; north half northwest quarter, southeast quarter northeast quarter, south half southwest quarter, southeast quarter of section 22; south half north half and the south half of section 23; all of sections 26 and 27; northeast quarter northeast quarter, south half northeast quarter, southeast quarter northwest quarter, south half of section 28; southeast quarter southwest quarter of section 29; northeast quarter and lots 1 to 11, inclusive, of section 30; southeast quarter northeast quarter, southeast quarter of section 31; all of sections 32, 33, 34, and 35.

With committee amendments as follows:

On page 1, line 7, strike out the word "Oregon" and insert the words "Mount Hood."

On page 2, line 11, after the figures "28" and the semicolon, insert "southeast quarter and."

After line 15 insert a new section, as follows:

"SEC. 2. All public lands within the areas described in section 1 hereof are hereby added to the Mount Hood National Forest and shall hereafter become subject to all laws and regulations applicable to national forests. But the addition of said lands shall not affect any entry or vested right under the public-land laws initiated prior to the passage of this act."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. Without objection, the title will be amended to conform to the text.

There was no objection.

WHITMAN NATIONAL FOREST

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I call up H. R. 9028, a bill to authorize the addition of certain lands to the Whitman National Forest, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon calls up a bill and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That within the following-described areas any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of the act of March 20, 1922 (42 Stat. L. 465), upon notice as therein provided, and upon acceptance of title, shall become parts of Whitman National Forest, Oreg., and any such described areas in Government ownership chiefly valuable for national-forest purposes and not now parts of a national forest may be added to the Whitman National Forest by proclamation of the President, subject to all valid existing entries:

In township 9 south, range 36 east: Section 13, section 24, east half of section 36.

In township 9 south, range 37 east: Sections 19 to 22, inclusive; sections 27, 28, 30, and 31; northeast quarter of section 33; sections 34 to 36, inclusive.

In township 9 south, range 38 east: Sections 31 to 33, inclusive.

In township 9 south, range 39 east: South half of section 8; sections 15 to 17, inclusive; sections 21 and 22; sections 27 to 29, inclusive; sections 32 to 34, inclusive.

In township 10 south, range 37 east: Section 1; north half of section 2; northwest quarter, south half of section 5; sections 6 to 8, inclusive; northwest quarter, south half of section 9; west half of section 15; sections 16 to 22, inclusive; sections 26 to 36, inclusive.

In township 10 south, range 38 east: Sections 1 to 6, inclusive; sections 10 to 14, inclusive; north half, southeast quarter of section 24; sections 25 to 27, inclusive; northeast quarter, east half of northwest quarter, south half of section 28; sections 31 to 36, inclusive.

In township 10 south, range 39 east: Northwest half of section 3; sections 4 to 9, inclusive; sections 17 to 20, inclusive; sections 29 to 32, inclusive.

In township 11 south, range 37 east: Sections 1 to 30, inclusive; sections 34 to 36, inclusive.

In township 11 south, range 38 east: Sections 1 to 30, inclusive; northeast quarter of section 32; sections 33 to 35, inclusive.

In township 11 south, range 39 east: Sections 5 to 9, inclusive; south half of section 10; sections 13 to 28, inclusive; west half of northwest quarter of section 29; north half southwest quarter of section 30; sections 33 to 36, inclusive.

In township 11 south, range 40 east: Sections 16 to 21, inclusive; sections 28 to 33, inclusive.

In township 12 south, range 39 east: Sections 1 to 3, inclusive; sections 10 to 12, inclusive; east half of section 13.

In township 12 south, range 40 east: Sections 4 to 9, inclusive; sections 16 to 18, inclusive.

All of Willamette meridian.

With the following committee amendments:

On page 2, line 4, strike out the word "entries" and insert the word "claims"; and on page 3, after line 3, insert: "In township 11 south, range 35½ east: Section 4."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is now on the engrossment and third reading of the bill.

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

LAND FOR PUBLIC PARK PURPOSES IN LOS ANGELES COUNTY, CALIF.

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands I call up H. R. 9494, a bill to authorize the Secretary of the Interior to issue patent in fee simple to the County of Los Angeles, in the State of California, for a certain described tract of land for public park purposes, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon calls up a bill and asks that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. VINSON of Kentucky. Mr. Speaker, I object.

The SPEAKER. Objection is made. The gentleman from Oregon calls up a bill which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar and the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TREADWAY in the chair.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. SINNOTT. Mr. Chairman, I yield to the gentleman from California [Mr. FREDERICKS].

The CHAIRMAN. The gentleman from California [Mr. FREDERICKS] is recognized.

Mr. FREDERICKS. Mr. Chairman, this bill is for the purpose of permitting Los Angeles County to expend approximately $1,000,000 on the territory described in the bill. Los Angeles County has 650 acres, which it owns in fee simple, adjacent to this property; it has built roads through this property and is making it available for recreation purposes, not only for the people of Los Angeles County, but for the people of San Bernardino County, Riverside County, and, in fact, for all of the southwest. It is an effort to make this land available for the main purpose for which it is valuable. It has the favorable report of the Committee on Agriculture. It sent a man to the ground to make an examination and report. It briefly commends the project and states that the chief use to which the property can be put is the use which is proposed in the bill, namely, that of recreation.

Mr. WINTER. Will the gentleman yield?

Mr. FREDERICKS. Yes.

Mr. WINTER. The gentleman inadvertently used the words "Committee on Agriculture." It has the approval of the Secretary of Agriculture.

Mr. FREDERICKS. Yes; I should have said the Secretary of Agriculture. Los Angeles County, as I said before, is ready and is committed to spend approximately $1,000,000 in making this land available to all the people as a recreation center.

Mr. BANKHEAD. Will the gentleman yield for a question?

Mr. FREDERICKS. Yes.

Mr. BANKHEAD. Of course, this is an outright gift to the city of Los Angeles of this part of the public domain without any consideration.

Mr. FREDERICKS. Well, not quite that. It is the county of Los Angeles and not the city of Los Angeles. The bill protects the county of Los Angeles in the expenditure of the large sum of money which they are spending to make this available as a recreation center for all the people.

Mr. BANKHEAD. Does the gentleman know of any precedent for legislation of this character?

Mr. FREDERICKS. There are many of them. The bill which I originally introduced provided that the Interior Department should sell this land to the county of Los Angeles for $1.25 an acre, and there are abundant precedents for that. However, the department felt it would be better that the department keep final control of this property and that the fee be retained in the Government of the United States, and stated that this was the custom that had been followed in legislation providing for similar uses of national forest lands by the city of Butte, Mont., in the Deer Lodge National Forest, under the act of April 28, 1922 (42 Stat. 501), and also to the town of Globe, Ariz., in the Crook National Forest, under the act of May 29, 1924 (43 Stat. 242). There is no title passing.

Mr. BANKHEAD. As I understood the reading of the caption of the bill, it referred to the title in fee simple.

Mr. FREDERICKS. That is the way I introduced it originally, but that has been amended.

Mr. BANKHEAD. That could not be determined by a reading of the bill and that prompted me to make my inquiry in order to find out whether there were any precedents for this character of legislation.

Mr. RAKER. Will the gentleman yield?

Mr. FREDERICKS. Yes.

Mr. RAKER. The fact is that the Government will still own all the right to the land?

Mr. FREDERICKS. Yes.

Mr. RAKER. The Government simply permits Los Angeles County to develop the land for park purposes?

Mr. FREDERICKS. For park purposes only; yes.

Mr. RAKER. And as long as it does that it can continue to use it?

Mr. FREDERICKS. Yes; it can continue to do that and will police it and protect it from fires.

Mr. RAKER. In addition to that there is no expense to the Federal Government?

Mr. FREDERICKS. There is absolutely no expense to the Government.

Mr. BANKHEAD. If I had known the facts, which were not revealed until I made my inquiry, I would not have asked the question.

Mr. VINSON of Kentucky. Mr. Chairman, I regret very much to be at variance with the distinguished gentleman from California, but it occurs to me there is involved here a departure from the precedents, with the exception of the two cases cited by the gentleman. One of these occurred in 1922, affecting a park near Butte, Mont., and one in 1924, affecting the town of Globe, in Arizona.

This bill as originally drafted sought to secure the title to this 5,000 acres of land in fee simple for recreational purposes upon the payment of $1.25 per acre. Request was made for a report from the Department of the Interior and they, very pertinently, stated they did not think it was feasible to sell this land for $1.25 per acre on account of the value of the land in question; and at this point, it might be well to submit that there are 560 acres of land adjacent to this tract of 5,000 acres that are owned and now being used for park purposes and for which, according to the letter of the Secretary of Agriculture, there was paid $60,000.

To my mind, holding this land in such a status as proposed by this bill is worse than selling it, because, ordinarily when the Government sells lands of this character for such purposes, it retains the title to all the oil, gas, and minerals, with the right to enter upon and extract the minerals therefrom; but under this bill, gentlemen, that right is not reserved. You might have gushers adjacent to it, and the beneficiaries under this bill have the fullest power to use it for recreational purposes under the language of the bill, which I read for your further consideration:

> The Secretary of Agriculture is hereby authorized, in his discretion, upon application by the board of supervisors of Los Angeles County, Calif., to designate and segregate, for recreation development, not to exceed 5,000 acres within the Angeles National Forest, Calif., which, in his opinion, are available for such purposes, and to issue to the said board of supervisors, for the benefit of said county, a free permit authorizing the improvement, maintenance, and use of such lands for free public camp grounds under conditions which will allow the fullest use of the lands for recreational purposes without interfering with the objects for which the national forest was established.

Now, mind you—

> Such permit or permits shall remain in full force and effect as long as the county complies with the conditions therein and maintains the areas so designated as free public camp grounds.

Here are 5,000 acres of the public domain, as far as the title or the use and benefit of any minerals contained under the soil, going out from under the supervision of the Federal Government as long as the conditions referred to in the bill are maintained.

Mr. DRIVER. Will the gentleman yield?

Mr. VINSON of Kentucky. I will.

Mr. DRIVER. As I understand the language of the bill, there is only a permit for recreational purposes exclusively, with the retention of all the rights as to minerals in the Government, and no right of the department to include anything but use of the property for such specific purpose. I so understood the gentleman's reading of the bill.

Mr. VINSON of Kentucky. If the gentleman will permit, there is not a word in here in respect of the right of the Government to develop the land for minerals or any reference to the leasing act at all.

Mr. DRIVER. The authorized permit carries with it all the rights granted under the provisions of the bill. Pardon me just a moment and let me call your attention to this language:

> That the Secretary of Agriculture is hereby authorized, in his discretion, upon application by the Board of Supervisors of Los Angeles, Calif., to designate and segregate for recreational development not to exceed 5,000 acres—

And so forth—

and to issue to the said board of supervisors, for the benefit of said county, a free permit authorizing the improvement, maintenance, and use of such lands for free public camp grounds under conditions which will allow the fullest use of the lands for recreational purposes.

This permit only authorizes them to use it for this particular purpose and in no way grants to this county any rights either to the soil or the minerals under the soil, except as it may pertain to recreational purposes.

Mr. VINSON of Kentucky. I would like to ask the gentleman if this condition might not arise. They contemplate the construction of roads, the construction of lakes, the erection of buildings, and all those things that go toward making a mighty pretty playground; and if, for instance, oil were discovered in that vicinity, and if it were the thought of our Government officials that it would be well to lease these lands and to take the oil therefrom, what rights would have inured in the meantime to the park and to the board of supervisors who have a permit to occupy and use these grounds, in accordance with the language of the bill, in such way as will allow them the fullest use of the land for recreational purposes without interfering with the object for which the national forest was established. That is the only limitation on it.

Mr. DRIVER. Yes; the permit would not in the least convey or lessen the right to other properties in the land. It would only give them such rights as the permit might grant, the right to use the land; it does not conflict with the other rights in the property and the discretion vested in the Agricultural Department would not so authorize.

Mr. BANKHEAD. Will the gentleman from Arkansas, with the permission of the gentleman from Kentucky, yield for a question? I want to get some information on this matter, because it is a rather important one, dealing with 5,000 acres of the public land.

Mr. DRIVER. I yield.

Mr. BANKHEAD. Is it the gentleman's construction that the board of supervisors of this county would have exclusive jurisdiction and control over this property—and by control I mean physical control—or would there be any reservation of authority upon the part of the Government with reference to the management of this land?

Mr. DRIVER. This bill does not permit the Secretary to grant any such rights. It only permits him to issue a permit to the board of supervisors of this county for recreational purposes, saving to this authority, the Secretary of the Interior and the Secretary of Agriculture, under whose administration the land as a national forest is now intrusted, all of the uses of the land except as to the recreational purpose granted under the permit hereby authorized; that is, to authorize the board of supervisors to so use the land.

Mr. BANKHEAD. The gentleman would not anticipate any real conflict of authority as between the two?

Mr. DRIVER. There could not possibly be, because of the limiting language used in authorizing the grant or permit.

Mr. VINSON of Kentucky. It occurs to me that if you have minerals in place—say, coal—before you attempted to excavate and take such minerals from the land, the location of all the tipples, buildings, railroads, and so forth, necessary to take the minerals from the property might conflict directly with the uses granted in this bill.

Mr. McKEOWN. Will the gentleman yield?

Mr. VINSON of Kentucky. Yes.

Mr. McKEOWN. Is it not likely that if oil were to be discovered in adjacent property that the expenditure made by Los Angeles could be taken care of, with no damage being done? It seems to me that it could all be taken care of, and the right to go in and explore for oil by making a provision taking care of that matter. Does the gentleman understand that the Government still retains the right to explore for minerals irrespective of this grant?

Mr. VINSON of Kentucky. It has been my province to endeavor to construe legislation after it was passed. In the oil legislation we find a lot of questions arising that probably were not in the minds of the legislators. This bill allows the fullest use for recreational purposes. I may say that if a limitation was placed in the bill protecting the Federal Government, giving it a right to go on the lands and extract the valuable minerals, I would have no objection.

Mr. RAKER. Will the gentleman yield?

Mr. VINSON of Kentucky. I will.

Mr. RAKER. May I call the gentleman's attention, on page 3, to these lines:

which will allow the fullest use of the land for recreational purposes without interfering with the object for which the national forest was established.

This will allow the national forests to proceed to reforest land and continue its development. To permit the use of land for recreational purposes is it the gentleman's contention that the city of Los Angeles would have any right to the minerals in the land?

Mr. VINSON of Kentucky. Not at all, but it hampers the Federal Government in their right to prospect for, mine, and remove minerals under the land. We have just passed H. R. 9688 granting public lands to the city of Red Bluff, Calif., for a public park, a bill introduced by the gentleman from California [Mr. RAKER], in which he secured the passage of a bill that would cause a patent to be issued to the city of Red Bluff, in California, in trust, for public park purposes. The bill provides for the payment of a sum of money, $1.25 an acre.

Now, 560 acres of land adjoining the tract in this bill sold for $60,000, according to a letter from the Secretary of Agriculture dated January 13, 1925. So they could not get it the regular way. These lands are valuable. The Secretary says in this letter:

The national forest land has a good stand of merchantable timber of medium grade and quality, but its chief value consists of its scenic use in place rather than its utilization for lumbering operations.

It seems to me there is no necessity of having a departure from the rule laid down by the committee to-day. In H. R. 9688 there was a tract of land that goes to the city of Red Bluff, Calif., for park purposes, upon the payment of a sum of money with these significant limitations:

Provided, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the land so granted and all necessary use of the land for extracting the same; that the grant hereby made shall be subject to the provisions of section 24 of the Federal water power act (41 U. S. Stat., pages 1063–1077, approved June 10, 1920): *Provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and that if the said land shall not be used as a public park, the same shall revert to the United States.

Mr. McKEOWN. Will the gentleman yield?

Mr. VINSON of Kentucky. Yes.

Mr. McKEOWN. Is there any provision in the bill that the United States at any time may reenter and take possession?

Mr. VINSON of Kentucky. Not a word, and that is one of my objections.

Mr. McKEOWN. If there was a provision in the bill whereby the United States could reenter and take possession, would the gentleman have any objection to the bill?

Mr. VINSON of Kentucky. If there was an express reservation of the minerals with the right of entry and extraction, I would have no objection to it.

Mr. FREDERICKS. I have no objection to such an amendment, and if the gentleman insists upon it, as far as I am concerned, it may go in.

Mr. RAKER. The gentleman surely does not mean that. There can not be any reservation because the city of Los Angeles will never get a thing on earth except the right to use it for park purposes.

Mr. FREDERICKS. I think the gentleman is correct. Let me explain that situation. The Government is giving or selling or passing title to nothing. The trees that are growing on that land, which were bought by the county of Los Angeles, on the land that is bought, adjacent to it, still belong to the Government of the United States; the minerals belong to the Government of the United States; the right of entry and right of exploitation and exploration all belong to the Government of the United States. Here is what the county of Los Angeles is trying to do. It is trying to create a place where men and women may go to recuperate and recreate, and it is thereby developing an asset that is as valuable to the people of the United States as silver or gold, or coal or oil. We are endeavoring to make this available through the expenditure by the county of Los Angeles of a million dollars of its own money, so that the people can go in there on a tract of land now inaccessible, that is now worth nothing, that can not be entered or used.

Mr. RAKER. In addition to that, this permit under the rules and regulations of the Forestry Department will restrict its use to those purposes, and if that is violated the permit will be canceled.

Mr. FREDERICKS. Absolutely. The only thing granted is to use it for recreational purposes. All else is to be retained in the Government.

Mr. McKEOWN. Will the gentleman yield?

Mr. FREDERICKS. Yes.

Mr. McKEOWN. I am trying to see if we can not straighten this out, because if Los Angeles spends a million dollars for recreational purposes, and then a short time afterwards oil is discovered on adjacent land, the United States would go in and have this land explored for oil, without recompense to the city of Los Angeles.

Mr. FREDERICKS. Oh, we will stand for that. We stand for the fact that we will build roads in there and develop that country, knowing it is the property of the United States. All we ask is that it be given for our use for recreational purposes.

Mr. RAKER. The roads you build will have the same relation to the people of Los Angeles as the other roads.

Mr. FREDERICKS. Yes.

Mr. RAKER. You are building your roads so that everybody may get the benefit out of them.

Mr. FREDERICKS. Yes.

Mr. VINSON of Kentucky. They would get that same benefit if it were under a surface title, just as the gentleman prepared it in the beginning.

Mr. FREDERICKS. I prepared it in the beginning in that way, but the Department of Agriculture felt that it wanted to maintain title to the land, and as all we wanted was an easement, or an opportunity to use it for recreational purposes, I acquiesced in their recommendation.

Mr. McKEOWN. Does not the gentleman believe that if the Government went in now there would not be any payments for money expended, which the county would spend in good faith for the benefit of all the people? It occurs to me that the protection that the county of Los Angeles should have and that the Government should have would be that the Government reserved the right to have the land explored at any time——

Mr. FREDERICKS. Oh, the Government has that right, because it has never parted with it.

Mr. McKEOWN. The gentleman would prefer to do it without any chance for recompense on the part of the county of Los Angeles?

Mr. FREDERICKS. The Government has never parted with that right.

Mr. VINSON of Kentucky. The gentleman will admit that rights would intervene after the granting of this permit. Moneys will be expended toward development——

Mr. FREDERICKS. Expended, however, with the knowledge upon our part that we are spending the money on the land of the United States Government.

Mr. VINSON of Kentucky. Would the gentleman agree to this sort of an amendment: On page 4, after the period, insert words to this effect:

Provided further, That it is expressly understood that there is reserved to the United States all oil, coal, or other mineral deposits found in the land and the right to prospect for, mine, and remove the same.

Mr. FREDERICKS. Suppose we leave off the right to prospect?

Mr. VINSON of Kentucky. That is what I want in there. I have no doubt but that the title to minerals is in the United States, but the express right to go upon and prospect and explore and extract, I think, should be there in view of the expenditure of money for the development of the park and the possibilities of future trouble that might arise.

Mr. FREDERICKS. We want to be able to police the park, to protect it from fire, to keep the peace, to have a force of officers there, and to maintain the park in its highest value as a recreational center. If it is permitted that a man may go on there and commit some depredation under the guise that he is prospecting, and you can not question him as to whether he is prospecting or not, it might prove to be very disagreeable.

Mr. VINSON of Kentucky. He would be prospecting under the Government. The gentleman admits that the Government has the title to the minerals.

Mr. FREDERICKS. Yes.

Mr. VINSON of Kentucky. What good would the title be unless you would have the right to extract the minerals?

Mr. SINNOTT. Of course, this is really going to be a park. It is a public park controlled or regulated by Los Angeles. They are spending the money.

It is somewhat akin to our national parks. In our national parks prospecting for oil is not permitted. It is expressly excluded. The oil mineral act excludes from the national parks. Why not do the same here?

Mr. VINSON of Kentucky. There might be an amendment to the other national park acts permitting that. It seems to me we ought to look to the future and not have our hands tied. The point I make is they do not want to give the Government the right to go and develop for minerals.

Mr. FREDERICKS. I suppose a law could be passed hereafter giving the Government the right to prospect in there for oil if they wanted to or if was thought necessary, but there is no oil there.

Mr. RAKER. Let me ask the gentleman from Kentucky and the gentleman from California, or rather give them an illustration. This bill is passed and the city of Los Angeles takes charge under a permit under rules and regulations of the Forest Service and we must admit to start with that absolute title still remains in the Government, and the Secretary of Agriculture only yields the right to use that for one purpose, and that is for recreational purposes. Now, suppose the city of Los Angeles in developing and improving sinks a well and actually does develop a gusher. Now, is there any doubt on earth but what the Federal Government could take charge of it and handle it?

Mr. FREDERICKS. None in the world.

Mr. RAKER. Is there any doubt——

Mr. VINSON of Kentucky. There is a serious doubt which has been accentuated by the statement of the gentleman from California that he will not agree to an amendment of that character because they do not want the Government to go on this land and develop it for minerals after they have spent thousands of dollars in beautifying it.

Mr. FREDERICKS. The gentleman misunderstood me. I simply said that if such a provision were put in the law it might be used as a subterfuge.

Mr. VINSON of Kentucky. There was a bill before this very committee authorizing the issuance of a patent to the city of Shreveport, La., to lands which were in a lake; they were covered by water. That patent was desired in order to permit this lake to be used in the reservoir water system of the city of Shreveport, and in that bill this very same committee reserved all the minerals and rights of prospecting for and removal of said minerals.

Mr. RAKER. If the gentleman will yield for a question, I want to say to the gentleman I admire his statement before the House, and all he says as to these bills is absolutely true, that it ought to be in all of them because the Government conveys this title and we should reserve the minerals. Now, read this bill. The last sentence reads as follows:

Lands so designated and segregated under the provisions of this act shall not be subject to the mining laws of the United States.

Now, that prohibits any mining by any individual or otherwise. I want to ask the gentleman from California this question that covers the situation. Will he have any objection to striking out that language. Then the Forest Service will have full control.

Mr. FREDERICKS. This bill, of course, was written by the Department of Agriculture.

Mr. RAKER. I realize it.

Mr. FREDERICKS. And it was written after very careful thought on the part of the department, undoubtedly, and that clause is put in—

Lands so designated and segregated under the provisions of this act shall not be subject to the mining laws of the United States.

Mr. RAKER. I call attention to this: Under the present forest and mining laws men may prospect and go upon land for mining purposes, and I apprehend under the other provisions stated, which authorize the Secretary of Agriculture to lease for home purposes tracts of land, when he leases that land no one can go on that for mining purposes, and therefore the provision here——

Mr. FREDERICKS. Will that be satisfactory to the gentleman from Kentucky [Mr. VINSON].

Mr. VINSON of Kentucky. Strike out that and add the usual language, "*Provided*, That there shall be reserved to the United States all oil, coal, gas, and every other mineral deposit found in the land and the right to prospect for the same."

Mr. WINTER. What is the object? Is it not a dangerous precedent to establish to make a reservation in a bill where title does not pass?

Mr. VINSON of Kentucky. I think there are precedents why we should not depart from the faith of our fathers and take up a new form of grant.

Mr. WINTER. Let me make this observation. If the gentleman insists on offering that amendment to this bill, does it not throw doubt upon many other bills upon which we take the general attitude that the Government's title is still good, and would it not throw doubt on bills which have been passed because the particular words of the gentleman's amendment are not contained in those bills?

Mr. VINSON of Kentucky. The terminology with respect to the reservation might not be necessary, but I am thoroughly convinced that the language in there, giving the right to prospect and extract the minerals, should be in this bill to protect the Federal Government.

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. I yield to the gentleman from Oklahoma.

Mr. McKEOWN. I will ask the gentleman if this is not a good illustration: You make a grant here, just as a man leases land for agricultural purposes. All you want in an agricultural lease is a provision that you may lease it for oil and pay damages for the agricultural loss.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. Yes.

Mr. RAKER. The gentleman is a good lawyer. He very well knows that this is not a lease.

Mr. McKEOWN. It is a grant, an easement. You grant them an easement. You give them possession of the property.

Mr. RAKER. Does the gentleman make no distinction between granting of the title of the land and the right to the easement of the land?

Mr. McKEOWN. There is all the difference in the world. Here you grant them the land for an unlimited time. You give them an easement for park purposes, and you can not disturb that park purpose from continuing unless you make a provision now that in the future you may do so.

Mr. RAKER. You could not use this land for agricultural purposes, or for building up a town, or building a reservoir?

Mr. McKEOWN. No.

Mr. RAKER. Or for any other purpose than park purposes and free of expense to the Government?

Mr. McKEOWN. You can use it for that purpose; that is all. But the Government can not, without some reservation here, go in afterwards and grant an oil or mining lease, or a lease for other things.

Mr. RAKER. It ought not to. Whenever they strike oil on that land, the Government can go in and use it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VINSON of Kentucky. Mr. Chairman, I yield to the gentleman from Oklahoma, five minutes.

Mr. McKEOWN. Mr. Chairman and gentlemen, it is a mere grant of possession. You do not grant the right of the land. They do not ask for that. They ask for it for park purposes.

All right. Suppose you grant this to them for park purposes, without any reservation. Suppose that in an adjoining section you find a 5,000-barrel oil well. It is tied up because you can not go in as long as Los Angeles County says it wants to use this for park purposes, without the reservation of a right to go in. It is just like the lease of a piece of land for farming or agricultural purposes without any reservation that you may lease it for oil purposes. A man who has an agricultural lease for that purpose can keep the oil operator out, and so could the county of Los Angeles keep out any who proposed to develop this oil. The way to settle this proposition is not to reserve the mineral under the land, because the Government now has that, and Los Angeles County is not seeking to do that. But there ought to be a reservation here, fair to Los Angeles County and fair to the Government, which will say, "Whenever the Government deems it expedient, it may reenter for the purpose of developing minerals that may be discovered upon payment by Los Angeles County for such damages as they may suffer by reason of this reentry. That is the fair way to dispose of it. That is the way it ought to be done.

Mr. FREDERICKS. Mr. Chairman, I would just like to have the views of gentlemen here on this question as it stands now.

I know that oil is valuable. I know it is desirable to go out and get gold and silver out of the mountains. But I want to say to you gentlemen here, that the county of Los Angeles is proposing to establish there an institution that will build manhood and health. Oil is not everything. If we are going to spend a million dollars on this great tract of land as a health resort, as a place where broken men and women can go for the recovery of their health in the years to come, a place that will be of benefit to our children and grandchildren, let us make it right for that purpose, and protect it for that sort of thing, and let it be what we intended it to be. But if you want it for oil, take it for oil. The question is: Shall we have there a great health-building establishment, built by the county of Los Angeles at a cost to the Government of the United States of not one penny, or shall we open it up so that it may be run over by bootleggers who might go in there under the guise of prospectors, so the place can be given no protection by the police power of the county of Los Angeles?

Mr. McKEOWN. Mr. Chairman, will the gentleman yield there for a question?

Mr. FREDERICKS. Yes.

Mr. McKEOWN. I am in sympathy with the gentleman's proposition in reference to the great purpose of health and recreation. I am in favor of that as against money, because I do not have much money to bother me. But I want to say this to the gentleman: If you want it for that purpose, you ought to say so in your bill, and you should say, "It is granted without any further rights," and let us understand that; because as soon as gold or oil or anything else of value is discovered that stirs people who are greedy, they will go into the park and will pay no attention to your sentiments regarding health. They will pay no attention to that.

Mr. VINSON of Kentucky. Mr. Chairman, I have not been here long, and I am not particularly well acquainted with the Department of the Interior. But this is the first information I ever received that they leased oil lands or land for oil development to criminals and bootleggers and people of that character.

Now, the gentleman says that this recreational park is to be established at no expense to the Government. I grant you that there is no expenditure of money out of the Federal Treasury; but when you take 5,000 acres of land from the public domain I maintain that it is property of value. There are 560 acres of land adjacent to it which was sold and purchased for this identical purpose for the sum of $60,000.

It occurs to me, at the suggestion of the gentleman from California [Mr. RAKER], that in line 24, on page 3, the words, "lands so designated and segregated under the provisions of this act shall not be subject to the mining laws of the United States," should be stricken out, and in order to clarify and in order to show that there is no intent upon the part of the beneficiaries under this bill to deprive the Federal Government of rights which they, on the one hand, say they do not want, and on the other hand say they do not want exercised, it seems to me that language substantially like this should be inserted, and I propose to offer it as an amendment at the proper time. I leave out the reservation as to the minerals, because I admit the title to the minerals under this bill is in the Government, but what I want is the right in the Government to get some benefit from those minerals, and the language which I will propose to be inserted at the end of line 2 on page 4 is as follows:

No right of the United States to prospect for, mine, and remove any oil, coal, or other mineral deposits found in the land is hereby relinquished.

When that is done you will have your 5,000 acres for recreational purposes. You can build there the prettiest playground in America; you can advertise your city; you can build up the health of your youth and our youth; and the Government will be protected.

The CHAIRMAN. The Clerk will read the bill for amendment.

Mr. RAKER. Mr. Chairman, inasmuch as all of the original bill is stricken out, I ask unanimous consent that the Clerk read the amendment and not the original bill.

The CHAIRMAN. The gentleman from California asks unanimous consent that the reading of the main bill be dispensed with and that the amendment be read in its place. Is there objection? [After a pause.] The Chair hears none. The Clerk read as follows:

That the Secretary of Agriculture is hereby authorized, in his discretion, upon application by the Board of Supervisors of Los Angeles County, Calif., to designate and segregate, for recreation development, not to exceed 5,000 acres within the Angeles National Forest, Calif., which, in his opinion, are available for such purposes, and to issue to the said board of supervisors, for the benefit of said county, a free permit authorizing the improvement, maintenance, and use of such lands for free public camp grounds under conditions which will allow the fullest use of the lands for recreational purposes without interfering with the objects for which the national forest was established. Such permit or permits shall remain in full force and effect as long as the county complies with the conditions therein and maintains the areas so designated as free public camp grounds. Lands so designated and segregated under the provisions of this act shall not be subject to the mining laws of the United States.

Mr. VINSON of Kentucky. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. VINSON of Kentucky: Page 3, line 24, after the word "grounds," strike out the balance of line 24, page 3,

and lines 1 and 2 on page 4 and add the following: "No right of the United States to prospect for, mine, and remove any oil, coal, or other mineral deposits found in the land is hereby relinquished."

Mr. FREDERICKS. I am opposed to this amendment, Mr. Chairman and gentlemen. The county of Los Angeles is prepared to spend $1,000,000 to develop this property for all the people if it is turned over to it, but we want to develop it for park purposes and not for mining purposes. We want it for a park.

Mr. BARBOUR. Will the gentleman yield?

Mr. FREDERICKS. Yes.

Mr. BARBOUR. Is not this particular tract of land situated in a section where oil has never been discovered and where oil is known not to exist?

Mr. FREDERICKS. Oil has never been discovered in that section, although it has been fully prospected. There is no possibility of oil being found there.

Mr. VINSON of Kentucky. Will the gentleman yield?

Mr. FREDERICKS. Yes.

Mr. VINSON of Kentucky. What about other minerals?

Mr. FREDERICKS. There are no other minerals there. It has been prospected for years and years.

Mr. VINSON of Kentucky. Does not the gentleman recognize that in the years to come there might be some oil or minerals discovered that you do not know about now?

Mr. FREDERICKS. Coming from an oil country, I know that all things are possible when it comes to looking for oil. But we want to make a park out of this and we are prepared to spend the money to do it. Are you going to let us do it?

Mr. RAKER. Will the gentleman yield?

Mr. FREDERICKS. Yes.

Mr. RAKER. It is intended that this 5,000 acres shall be in one tract, is it not?

Mr. FREDERICKS. In one tract; yes.

Mr. RAKER. Of course, the way the bill reads now it will permit Los Angeles County to get as many tracts as it wants so long as it does not get more than 5,000 acres.

Mr. FREDERICKS. That is designated in the permit by the Agricultural Department.

Mr. RAKER. I know that, but as the bill now stands that would be possible, and I know the gentleman does not intend that?

Mr. FREDERICKS. No.

Mr. RAKER. Of course, that is not involved in this amendment at all.

Mr. SHREVE. May I ask the gentleman just where this property is located that it is proposed to use for a park site?

Mr. FREDERICKS. Well, is the gentleman familiar with the general location?

Mr. SHREVE. Yes.

Mr. FREDERICKS. It is 100 miles east of Los Angeles in the range that Old Baldy is in and that Mount Wilson is in. You go in through Palmdale on a concrete road all the way and the road we are wanting to build or to complete goes right through this tract of land that we are seeking.

Mr. SHREVE. What railroad is near there?

Mr. FREDERICKS. It is not near any railroad. The nearest railroad is the Santa Fe.

Mr. SHREVE. Is the nearest railroad at Bakersfield?

Mr. FREDERICKS. No; San Bernardino, or Barstow; that would be the nearest railroad.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kentucky.

The amendment was rejected.

The CHAIRMAN. The question now comes on the committee amendment.

The committee amendment was agreed to.

Mr. SINNOTT. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 9494) to authorize the Secretary of the Interior to issue patent in fee simple to the county of Los Angeles, in the State of California, for a certain described tract of land for public-park purposes, had directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. VINSON of Kentucky. Mr. Speaker, in view of the fact that this is a departure from precedent and there are 5,000 acres of Government land involved, I make the point of no quorum.

Mr. SINNOTT. I hope the gentleman from Kentucky will not make that point. We have four more bills that we would like to get through with.

The SPEAKER. The gentleman from Kentucky makes the point of no quorum. It is obvious no quorum is present.

Mr. SINNOTT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 28]

Aldrich	Evans, Mont.	Larson, Minn.	Reed, W. Va.
Anderson	Fairfield	Lea, Calif.	Reid, Ill.
Arnold	Favrot	Leavitt	Richards
Aswell	Fenn	Lee, Ga.	Roach
Barkley	Foster	Lehlbach	Robsion
Begg	Frear	Lindsay	Rogers, Mass.
Bell	Free	Linthicum	Rogers, N. H.
Bixler	Freeman	Logan	Rosenbloom
Bloom	Frothingham	Lowrey	Sanders, Ind.
Boles	Fulmer	McFadden	Schafer
Bowling	Funk	McKenzie	Schall
Boylan	Garber	McLeod	Shallenberger
Brand, Ohio	Garrett, Tex.	McNulty	Sites
Briggs	Geran	MacGregor	Smithwick
Britten	Glatfelter	Martin	Snyder
Browne, N. J.	Goldsborough	Michaelson	Stalker
Browne, Wis.	Graham	Miller, Ill.	Strong, Pa.
Brumm	Green	Mills	Sullivan
Buckley	Griffin	Montague	Sweet
Bulwinkle	Hall	Mooney	Swing
Burdick	Harrison	Moore, Ill.	Swoope
Butler	Hastings	Morgan	Thomas, Ky.
Canfield	Hawes	Morin	Thompson
Carew	Holaday	Morris	Tincher
Carter	Howard, Okla.	Nelson, Wis.	Tinkham
Casey	Hull, Tenn.	Newton, Mo.	Tydings
Celler	Hull, William E.	Newton, Minn.	Upshaw
Chindblom	Jacobstein	Nolan	Vare
Clague	Johnson, Wash.	O'Brien	Vinson, Ga.
Clancy	Johnson, Ky.	O'Connell, N. Y.	Voigt
Clark, Fla.	Johnson, W. Va.	O'Connell, R. I.	Ward, N. Y.
Clarke, N. Y.	Jost	O'Connor, La.	Ward, N. C.
Cleary	Kearns	O'Connor, N. Y.	Weller
Collins	Keller	O'Sullivan	Welsh
Connery	Kelly	Oliver, N. Y.	Wertz
Cooper, Ohio	Kendall	Paige	White, Me.
Corning	Kent	Peery	Williams, Mich.
Curry	Kerr	Perkins	Williams, Ill.
Davis, Minn.	Kindred	Perlman	Wilson, Ind.
Dempsey	Knutson	Porter	Winslow
Denison	Kopp	Pou	Wolff
Dickstein	Kunz	Prall	Woodruff
Dominick	LaGuardia	Purnell	Woodrum
Doyle	Lampert	Quayle	Yates
Drewry	Langley	Ransley	Zihlman
Eagan	Larsen, Ga.	Reed, Ark.	

The SPEAKER. Two hundred and forty-eight Members have answered to their names. A quorum is present.

Mr. SINNOTT. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Oregon moves to dispense with further proceedings under the call. Without objection, it is so ordered.

There was no objection.

The doors were opened.

Mr. SINNOTT. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

Mr. VINSON of Kentucky. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Kentucky offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. VINSON of Kentucky moves to recommit the bill to the Committee on the Public Lands with instructions to that committee to immediately report said bill back to the House with the following amendment: Strike out, in line 24, page 3, the words "lands so designated and," and strike out lines 1 and 2 on page 3 and insert: "*Provided*, That no right of the United States to prospect for, mine, and remove any coal, oil, gas, or other mineral on said lands is granted or relinquished."

Mr. SINNOTT. Mr. Speaker, I make the point of order against the motion to recommit that it is not germane to the bill.

The SPEAKER. The Chair sustains the point of order, inasmuch as it seeks to amend an amendment already adopted by the House.

Mr. VINSON of Kentucky. Did I understand the Chair to say it amends an amendment which the House has already adopted. I think the Speaker is in error about that.

The SPEAKER. The House adopted the amendment. There was a bill, and the whole bill was stricken out and an amendment was substituted. The amendment was adopted, and now the gentleman offers a motion to recommit amending that. The question is on the passage of the bill.

The question was taken, and the bill was passed.

The title was amended to read as follows: "A bill to enable the Board of Supervisors of Los Angeles County to maintain public camp grounds within the Angeles National Forest."

VALIDATING PUBLIC-LAND ENTRIES

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands, I call up the bill (S. 2975) validating certain applications for and entries of public lands, and for other purposes.

The Clerk read the title of the bill.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents upon the entries hereinafter named upon which proof of compliance with law has been filed, upon the payment of all moneys due thereon:

Homestead entry, Santa Fe, N. Mex., No. 026282, made by Guadalupe D. de Romero on October 24, 1916, for the west half of the southwest quarter, west half of the northwest quarter, northeast quarter of the northwest quarter, north half of the northeast quarter, and southeast quarter of the northwest quarter, section 17, township 14 north, range 22 east, New Mexico principal meridian.

Additional homestead entry, Las Cruces, N. Mex., No. 017008, made by Joseph S. Morgan on April 1, 1921, for the southwest quarter of section 30, township 17 south, range 10 east, New Mexico principal meridian.

Additional homestead entry, Clayton, N. Mex., No. 028903, made by Allie M. Vickers, widow of James L. Vickers, deceased, on February 2, 1922, for the west half of section 15, township 15 north, range 30 east, New Mexico principal meridian.

Homestead entries, La Grande, Oreg., Nos. 014086 and 015372, made by James A. Wright, for the southeast quarter of the northeast quarter, east half of the southeast quarter, section 13, township 11 south, range 41 east, and lots 2 and 3, southeast quarter of the northwest quarter, northeast quarter of the southwest quarter, and northwest quarter of the southeast quarter, section 18, township 11 south, range 42 east, Willamette meridian.

Homestead entry, Lamar, Colo., No. 025406, made by John Bond on April 18, 1918, for the west half of the northwest quarter of section 29, and the east half of the northeast quarter of section 30, township 21 south, range 42 west, sixth principal meridian.

Homestead entry, Montrose, Colo., No. 012686, made by Mary A. McKee (Mary A. Ryan, deceased) on November 4, 1919, for the south half of the north half and the north half of the south half, section 20, south half of the north half and the north half of the south half, section 21, township 42 north, range 13 west, New Mexico principal meridian.

Homestead entry, Cass Lake, Minn., No. 09951, made by Joseph La Fond on March 9, 1918, for lot 9 of section 17, township 55 north, range 26 west, fourth principal meridian.

Homestead entry, Blackfoot, Idaho, No. 028692, made by Margaret E. Askew (now Margaret E. Tindall) on July 10, 1918, for the north half of section 25, township 9 north, range 32 east, Boise meridian.

Homestead entry, Missoula, Mont., No. 08533, made by Hudson L. Mason on August 24, 1920, for lots 1, 2, 3, 4, 5, and 6, and the south half of the northwest quarter, southwest quarter of the northeast quarter, northwest quarter of the southeast quarter, and northeast quarter of the southwest quarter, section 1, township 7 south, range 15 west, Montana principal meridian.

SEC. 2. That the entries hereinafter named be, and the same are hereby, validated, and the Secretary of the Interior authorized to issue patents thereon upon submission of satisfactory proof of compliance with the law under which such entries were allowed:

Homestead entries, Douglas, Wyo., Nos. 026690 and 026691, made by Peter Peterson on April 20, 1921, for lots 3 and 4 of section 30, and lot 1 of section 31, township 37 north, range 62 west, and the east half of the northeast quarter and the northeast quarter of the southeast quarter of section 20, south half of the northwest quarter and the northwest quarter of the southwest quarter of section 28, township 37 north, range 63 west, sixth principal meridian.

Homestead entry, Douglas, Wyo., No. 030379, made by Orin Lee on December 10, 1921, for the south half of section 17, township 36 north, range 85 west, sixth principal meridian.

Homestead application, Roswell, N. Mex., No. 050381, filed by Robert T. Freeland, for the north half of section 24, township 5 south, range 14 east, New Mexico principal meridian, subject to the provisions of the act of December 29, 1916 (39 Stat. L. p. 862).

Homestead entry, Santa Fe, N. Mex., No. 040823, made by Charley N. Barnhart on August 21, 1922, for the west half of section 12, township 29 north, range 10 east, New Mexico principal meridian.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to allow the following applications to make entry:

Homestead application, Santa Fe, N. Mex., No. 046215, filed by Feles Montoya for lot 1 and the east half of the northeast quarter, section 36, township 13 north, range 3 east, and lot 10, section 31, township 13 north, range 4 east, New Mexico principal meridian, effective March 7, 1923, the date filed, and that the State of New Mexico through its proper officers be, and it is hereby, authorized to select 134.8 acres of surveyed nonmineral, unappropriated, and unreserved public land in lieu of that part of the above-described tract situate in said section 36.

SEC. 4. That homestead entry, 011279, Montrose, Colo., embracing lots 5 to 20, inclusive, section 1, township 48 north, range 8 west, New Mexico principal meridian, may be perfected under the provision of section 2 of the act of July 28, 1917 (40 Stat. L. p. 248), by the legal representatives of Clyde R. Hiatt.

SEC. 5. That Hiram Williams be, and he is hereby, allowed to perfect by acceptable final proof homestead entry, 049024, Roswell, N. Mex., embracing lots 13 and 14, and the east half of southwest quarter of section 6, township 18 south, range 17 east, New Mexico principal meridian, and that the Secretary of the Interior be, and he is hereby, authorized to allow the application, 049025, Roswell, N. Mex., of said Williams, to make an additional entry under section 4 of the stock-raising homestead act of December 29, 1916 (39 Stat. L. p. 862), for lots 5 to 12, both inclusive, and southeast quarter of said section 6.

SEC. 6. That the Secretary of the Interior be, and he is hereby, authorized to issue to Francis W. Woodward a patent for the fractional west half of northwest quarter and the fractional northwest quarter of southwest quarter of section 18, township 28 north, range 6 west, fourth principal meridian, Wisconsin, upon payment therefor at the rate of $1.25 per acre.

SEC. 7. That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to Lukas Zullig and Max Zullig, infant children of Robert Zullig, under homestead entry 06833, Lakeview, Oreg., for the southeast quarter of section 14 and northeast quarter of section 23, township 26 south, range 18 east, Willamette meridian.

SEC. 8. That the Secretary of the Interior be, and he is hereby, authorized to allow Y. Charles Earl, of Blackshear, Ala., to purchase at private sale at the rate of $1.25 per acre, the southeast quarter of southeast quarter of section 23, township 3 north, range 3 east, St. Stephens meridian, Alabama.

SEC. 9. That the Sabine Lumber Co., of St. Louis, Mo., be, and it is hereby, authorized to purchase at private sale, the southwest quarter of southwest quarter of section 23, township 1 north, range 19 west, fifth principal meridian, Arkansas, at the rate of $1.25 per acre.

The Clerk read the following committee amendments:

Add the following paragraphs to the end of section 1, page 3:

"Homestead entry, Bismarck, N. Dak., No. 019975, made by Thomas J. Fox on August 15, 1918, for lot 4 of section 6, township 148 north, range 83 west, fifth principal meridian, and lot 1 of section 1, township 148 north, range 84 west, fifth principal meridian.

"Homestead entries, Helena, Mont., Nos. 020678 and 021942, made by Charles A. Krenich, for the southeast quarter of the northwest quarter, southwest quarter of the northeast quarter, north half of the southeast quarter, and southeast quarter of the southeast quarter, section 30, township 18 north, range 6 west, Montana principal meridian.

"Homestead entry, Glasgow, Mont., No. 051366, made by Karl T. Larson on September 21, 1917, for lot 8 of section 29, lots 5 and 6 of section 28, and lot 2 of section 33, township 28 north, range 53 east, Montana principal meridian, such patent to be issued to the heirs of Karl T. Larson, deceased."

Add the following sections after section 9, page 7:

"SEC. 10. That Richard Walsh, to whom patent issued on July 10, 1922, for a farm unit under the Klamath irrigation project, be permitted to reconvey the land to the United States and to make entry for a farm unit in another division of the project, the amount of the construction charge already paid by said Walsh to be transferred to the new entry.

"SEC. 11. That the Secretary of the Interior is hereby authorized to grant to the Chicago, Milwaukee & St. Paul Railway Co. under the act of March 3, 1875 (18 Stat. L. p. 482), a right of way for its constructed road across the abandoned post, Discovery Bay Military Reservation.

"SEC. 12. That existing entries allowed prior to April 1, 1924, under the stock-raising homestead act of December 29, 1916 (39 Stat. L. p. 862), for land withdrawn as valuable for oil or gas, but not otherwise reserved or withdrawn, are hereby validated if otherwise regular: *Provided*, That at date of entry the land was not within the limits of the geologic structure of a producing oil or gas field.

"SEC. 13. That the Central Pacific Railway Co., upon its filing with the Secretary of the Interior a proper relinquishment disclaiming in favor of the United States all title and interest in or to lot 1 of section 1, township 16 north, range 22 east, Mount Diablo meridian, in the Carson City, Nev., land district, under its primary selection list No. 10, embracing said tract, shall be entitled to select and receive a patent for other vacant, unreserved, nonmineral public lands of an equal area situate within any State into which the company's grant extends; and further, that upon the filing of such relinquishment by said railway company, the selection of the tract so relinquished by the State of Nevada in the approved list No. 13 be, and the same is hereby, validated."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The spelling on page 2, line 4, of the word "additional" was agreed to.

The SPEAKER. The question is on the third reading of the bill.

Mr. McCLINTIC. Mr. Speaker, I would like to ask the gentleman from Oregon a question. These persons are going to return the title of these lands to the Government, and the persons making the return are entitled to file on land in other places. In case they do not exercise that right will they be given scrip which will entitle them to file in the future?

Mr. SINNOTT. No.

The bill was ordered to be read the third time, was read the third time, and passed.

PURCHASE OF CEMETERY SITE FOR KIOWA, COMANCHE, AND APACHE INDIANS

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill (H. R. 10590) authorizing the Secretary of the Interior to sell certain lands to provide funds to be used in the purchase of a suitable tract of land to be used for cemetery purposes for the use and benefit of members of the Kiowa, Comanche, and Apache Tribes of Indians, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to advertise and sell to the highest bidder for cash the southwest quarter of the northeast quarter of section 9, in township 5 north, range 15 west of the Indian meridian, and in Kiowa County, Okla.: *Provided*, That the proceeds derived from such sale shall be used by the Secretary of the Interior in the purchase of a suitable tract or tracts of land to be used for cemetery purposes, near or adjacent to an existing church or mission, or churches or missions, for the use and benefit of members of the Kiowa, Comanche, and Apache Tribes of Indians.

SEC. 2. The Secretary of the Interior is hereby authorized to make rules and regulations necessary for carrying into effect the provisions of this act.

Mr. McCLINTIC. Mr. Speaker, I desire to ask the gentleman a question. I notice that this bill refers to Kiowa County, and I would like some one who has knowledge of this property to make some explanation of the bill.

Mr. THOMAS of Oklahoma. Mr. Speaker, this bill authorizes the Secretary of the Interior to sell 40 acres of land belonging to the Kiowa and Comanche Tribes; land which has been held as a cemetery for the Indians, but which they will not use for that purpose. The Indians desire that the land be sold and the money used in the purchase of other land adjacent to their churches, so that they can use such land for cemetery purposes. They want to exchange it for other land more suitable. This is done at the request of the Indians.

Mr. McCLINTIC. Where is the land located?

Mr. THOMAS of Oklahoma. It is situated in Kiowa County near Rainy Mountain.

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

GRANTING LANDS TO STATE OF WASHINGTON FOR PARK PURPOSES

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill (H. R. 10770) granting certain lands to the State of Washington for public park and recreational grounds, and for other purposes, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause patent to issue to the State of Washington for public park and recreational purposes the following-described tract of unappropriated and public land in said State: The northeast one-quarter of the southeast one-quarter and lot 7, section 32, township 22 north, range 22 east of the Willamette meridian, containing 82.36 acres.

The following committee amendment was read:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent, as hereinafter limited, to the State of Washington for the following-described lands: The northeast quarter of the southeast quarter and lot 7, section 32, township 22 north, range 22 east of the Willamette meridian, containing 82.36 acres, more or less; such lands to be used and occupied solely for public park and recreational purposes: *Provided*, That there shall be reserved to the United States all oil, coal, or other minerals in the land, and the right to prospect for, mine, and remove the same: *Provided further*, That if the grantee shall fail to use the land for park or recreational purposes or shall devote the same to other uses the title thereto shall revert to the United States and the lands shall be restored to the public domain upon a finding of such failure by the Secretary of the Interior."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

ELDORADO NATIONAL FOREST, CALIF.

Mr. SINNOTT. Mr. Speaker, by direction of the Committee on the Public Lands I call up the bill (H. R. 5555) to include certain lands in the county of Eldorado, Calif., in the Eldorado National Forest, Calif., and for other purposes, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon calls up the bill H. R. 5555, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That lot 4 of section 5, township 12 north, range 18 east, Mount Diablo base and meridian, situate, lying, and being in the county of Eldorado, Calif., with the approval of the Secretary of the Interior, be included in and made a part of the Eldorado National Forest, Calif., by proclamation of the President, for the purpose of regulation and improvement, and thereafter be governed, controlled, and used under the same rules and regulations now in force or to be hereafter adopted governing said Eldorado National Forest.

With the following committee amendment:

Line 8, page 1, after the word "President," strike out the rest of line 8, all of lines 9 and 10, and line 1 on page 2, and insert in lieu thereof the following: "to be hereafter administered under all laws and regulations applicable to the Eldorado National Forest: *Provided*, That the addition of this land shall not affect adversely any valid entry or vested right under the public land laws which has been initiated prior to the passage of this act."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. SINNOTT, a motion to reconsider the votes by which the several bills were passed to-day was laid on the table.

ELECTION OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. WHITE of Kansas. Mr. Speaker, I ask unanimous consent to call up for present consideration Senate Concurrent Resolution 25, relating to the election of the President and Vice President of the United States.

The SPEAKER. The gentleman from Kansas asks unanimous consent to call up for immediate consideration at this time Senate Concurrent Resolution 25, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 11th day of February, 1925, at 1 o'clock p. m., pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President pro tempore of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the President pro tempore of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed as they are opened by the President of the Senate all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The SPEAKER. Is there objection?

Mr. CONNALLY of Texas. Mr. Speaker, reserving the right to object, what is the necessity for pushing this through at this time?

Mr. WHITE of Kansas. It is a privileged resolution. There is no special rush. It was reported to the House yesterday.

Mr. CONNALLY of Texas. Has the gentleman consulted with the gentleman from Tennessee [Mr. GARRETT] about the matter?

Mr. WHITE of Kansas. I did.

Mr. CONNALLY of Texas. And he had no objection?

Mr. WHITE of Kansas. He had no objection. I expected Mr. GARRETT to be here and also the ranking minority member of the committee.

Mr. CONNALLY of Texas. The reason I asked the gentleman the question is that I understood the gentleman from Tennessee objected to it the other day.

Mr. WHITE of Kansas. No; the gentleman from Tennessee did not object the other day.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. BRIGGS, for two days, on account of illness in family.

ADJOURNMENT

Mr. SINNOTT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Saturday, January 17, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

797. Under clause 2 of Rule XXIV, a letter from the president of the Georgetown Barge, Dock, Elevator & Railway Co., transmitting annual report of the Georgetown Barge, Dock, Elevator & Railway Co., was taken from the Speaker's table and referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HILL of Washington: Committee on Indian Affairs. S. 994. An act to amend the act of March 3, 1885, entitled "An act providing for allotment of lands in severalty to the Indians residing upon the Umatilla Reservation, in the State of Oregon, and granting patents therefor, and for other purposes"; without amendment (Rept. No. 1210). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on Indian Affairs. S. 1665. An act to provide for the payment of one-half the cost of the construction of a bridge across the San Juan River, N. Mex.; with amendments (Rept. No. 1211). Referred to the Committee of the Whole House on the state of the Union.

Mr. KNUTSON: Committee on Indian Affairs. S. 3036. An act to amend the law relating to timber operations on the Menominee Reservation in Wisconsin; with amendments (Rept. No. 1212). Referred to the Committee of the Whole House on the state of the Union.

Mr. KNUTSON: Committee on Indian Affairs. H. R. 6869. A bill to authorize allotments of lands to Indians of the Menominee Reservation in Wisconsin, and for other purposes; without amendment (Rept. No. 1213). Referred to the Committee of the Whole House on the state of the Union.

Mr. HUDSON: Committee on Indian Affairs. H. R. 7687. A bill conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes; with amendments (Rept. No. 1214). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER: Committee on Indian Affairs. H. R. 7888. A bill to provide for expenditures of tribal funds of Indians for construction, repair, and rental of agency buildings, and related purposes; without amendment (Rept. No. 1215). Referred to the Committee of the Whole House on the state of the Union.

Mr. GARBER: Committee on Indian Affairs. H. R. 11359. A bill to authorize the Secretary of the Interior to issue certificates of competency removing the restrictions against alienation on the inherited lands of the Kansas or Kaw Indians in Oklahoma; without amendment (Rept. No. 1216). Referred to the Committee of the Whole House on the state of the Union.

Mr. MORROW: Committee on Indian Affairs. H. R. 11360. A bill to provide for the permanent withdrawal of a certain 40-acre tract of public land in New Mexico for the use and benefit of the Navajo Indians; without amendment (Rept. No. 1217). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER: Committee on Indian Affairs. H. R. 11362. A bill to authorize an appropriation for the purchase of certain lots in the town of Cedar City, Utah, for the use and benefit of a small band of Piute Indians located thereon; without amendment (Rept. No. 1218). Referred to the Committee of the Whole House on the state of the Union.

Mr. MONTAGUE: Committee on the Judiciary. H. R. 11474. A bill to amend and reenact section 11 of the Judicial Code (36 Stat. L. p. 1127), as amended by the act of June 13, 1918 (40 Stat. L. p. 605), and amended by the act of April 30, 1924 (43 Stat. L. p. 114); without amendment (Rept. No. 1222). Referred to the House Calendar.

Mr. HOWARD of Nebraska: Committee on Indian Affairs. H. R. 11358. A bill to authorize the Secretary of the Interior to cancel restricted fee patents covering lands on the Winnebago Indian Reservation and to issue trust patents in lieu thereof; without amendment (Rept. No. 1226). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HUDSON: Committee on Indian Affairs. S. 1237. An act for the relief of settlers and claimants to section 16, lands in the L'Anse and Vieux Desert Indian Reservation, in Michigan, and for other purposes; with an amendment (Rept. No. 1219). Referred to the Committee of the Whole House.

Mr. HILL of Washington: Committee on Indian Affairs. S. 1705. An act for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33; without amendment (Rept. No. 1220). Referred to the Committee of the Whole House.

Mr. GARBER: Committee on Indian Affairs. S. 3247. An act providing for the payment of any unappropriated moneys belonging to the Apache, Kiowa, and Comanche Indians to Jacob Crew; without amendment (Rept. No. 1221). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 4932. A bill for the relief of Jacob F. Webb; without amendment (Rept. No. 1223). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 10611. A bill to correct the military record of Estle David; with amendments (Rept. No. 1224). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 11206. A bill to correct the military record of John T. O'Neil; with amendments (Rept. No. 1225). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 11660) granting an increase of pension to Frances D. Grishaw; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11606) granting an increase of pension to Catherine Bridgeford; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11647) granting a pension to Amanda Armstrong; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 11648) granting a pension to Fannie E. Myers; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GASQUE: A bill (H. R. 11701) to amend the act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887; to the Committee on the District of Columbia.

By Mr. KNUTSON: A bill (H. R. 11702) granting the consent of Congress to the village of Spooner, Minn., to construct a bridge across the Rainy River; to the Committee on Interstate and Foreign Commerce.

By Mr. REED of Arkansas: A bill (H. R. 11703) granting the consent of Congress to G. B. Deane, of St. Charles, Ark., to construct, maintain, and operate a bridge across the White River at or near the city of St. Charles, in the county of Arkansas, State of Arkansas; to the Committee on Interstate and Foreign Commerce.

By Mr. GARBER: A bill (H. R. 11704) to promote the flow of foreign commerce through all ports of the United States and to prevent the maintenance of port differentials and other unwarranted rate handicaps; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEIDER: A bill (H. R. 11705) to prevent the use of stop watches or similar devices in the Postal Service and guaranteeing to postal employees their lawful rights; to the Committee on the Post Office and Post Roads.

By Mr. FRENCH: A bill (H. R. 11706) to authorize the construction of a bridge across the Pend d'Oreille River, Bonner County, Idaho, at the Newport-Priest River Road crossing, Idaho; to the Committee on Interstate and Foreign Commerce.

By Mr. BOYLAN: Joint resolution (H. J. Res. 323) requesting the President to appoint a minister to represent the Government of the United States at the seat of Government of the Irish Free State at Dublin, Ireland; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GIBSON: A bill (H. R. 11707) granting an increase of pension to Lurana Silsby; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 11708) granting a pension to Joseph D. Killerlain; to the Committee on Invalid Pensions.

By Mr. HUDSON: A bill (H. R. 11709) to provide for the payment of the amount of war-risk insurance to a beneficiary designated by Staff Sergt. Leslie I. Wright, deceased; to the Committee on War Claims.

By Mr. KNUTSON: A bill (H. R. 11710) granting an increase of pension to Edidius J. Fehr; to the Committee on Pensions.

Also, a bill (H. R. 11711) granting an increase of pension to Paulinus G. Huhn; to the Committee on Pensions.

By Mr. MAGEE of New York: A bill (H. R. 11712) granting an increase of pension to Caroline M. Welch; to the Committee on Invalid Pensions.

By Mr. REECE: A bill (H. R. 11713) granting an increase of pension to Elimina C. Stanley; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 11714) granting a pension to Edward H. Van Epps; to the Committee on Pensions.

Also, a bill (H. R. 11715) for the relief of Peter Moreau; to the Committee on Military Affairs.

By Mr. SWOOPE: A bill (H. R. 11716) granting an increase of pension to Elizabeth R. Carlisle; to the Committee on Invalid Pensions.

By Mr. TABER: A bill (H. R. 11717) granting an increase of pension to Harriet J. Webber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11718) placing the name of James M. Wells on the pension roll of the Post Office Department; to the Committee on Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 11719) granting a pension to Susan McDonald; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 11720) granting an increase of pension to Mary E. Hickman; to the Committee on Invalid Pensions.

By Mr. WRIGHT: A bill (H. R. 11721) granting a pension to Texas Hall; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

3472. By Mr. GALLIVAN: Petition of Metropolitan Lithograph & Publishing Co., Boston, Mass., protesting against any increase of rates on souvenir post cards; to the Committee on the Post Office and Post Roads.

3473. Also, petition of Brotherhood Temple, Ohabei Shalom, Boston, Mass., recommending early and favorable consideration of the joint resolution now pending in Congress providing for the admission of approximately 8,000 immigrants now stranded in various European ports; to the Committee on Immigration and Naturalization.

3474. By Mr. GARBER: Petition of Charles West, Tulsa, Okla., asking that the appropriation for the War Department for the civilian military training camps be sufficient for training 40,000 men instead of 29,000; to the Committee on Military Affairs.

3475. Also, petition of Post No. 8, American Legion, Casa Grande, Ariz., urging that the Bursum bill (S. 33) and Lineberger bill (H. R. 6484) be passed early and favorably; to the Committee on Pensions.

3476. Also, petition of residents of Texas and Noble Counties, Okla., to the House of Representatives not to concur in the passage of the compulsory Sunday observance bill (S. 3218) nor to pass any other religious legislation which may be pending; to the Committee on the District of Columbia.

3477. By Mr. KINDRED: Petition of the Merchants' Association of New York, favoring the passage of House bill 11503, authorizing the President in certain cases to modify passport visé requirements; to the Committee on Foreign Affairs.

3478. By Mr. O'CONNELL of New York: Petition of the Merchants' Association of New York, favoring the passage of House bill 11503, authorizing the President in certain cases to modify visé requirements; to the Committee on Foreign Affairs.

3479. By Mr. SPEAKS: Papers to accompany House bill 11686, granting an increase of pension to Elizabeth A. Brown; to the Committee on Invalid Pensions.

SENATE

SATURDAY, *January 17, 1925*

(Legislative day of Thursday, January 15, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, one of its clerks, announced that the House had passed the bill (S. 2975) validating certain applications for and entries of public lands, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the following Senate concurrent resolutions:

S. Con. Res. 25. Concurrent resolution relating to the election of President and Vice President of the United States; and

S. Con. Res. 26. Concurrent resolution to correct an error in the enrollment of the bill (S. 387) to prescribe the method of capital punishment in the District of Columbia.