and other necessary expenses of examinations, $32,000, of which amount not to exceed $20,880 may be expended for personal services in the District of Columbia.

Mr. FLETCHER. Mr. President, about that item, I would like to ask the Senator a question. There is an increase there.

Mr. WARREN. I was about to state that many Senators have left the Chamber in the expectation that we would not proceed with the consideration of the bill after 5 o'clock. I understand there is to be an executive session. I therefore ask leave to have the bill laid aside until to-morrow.

The PRESIDENT pro tempore. The bill will be informally laid aside until to-morrow.

EXECUTIVE SESSION

Mr. WARREN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

COINAGE OF 50-CENT PIECES

Mr. SHORTRIDGE. I ask unanimous consent for the present consideration of the bill (S. 4024) to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the admission of the State of California into the Union.

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

Be it enacted, etc., That in commemoration of the 75th anniversary of the admission of the State of California into the Union there shall be coined at the mints of the United States silver 50-cent pieces to the number of not more than 300,000, such 50-cent pieces to be of the standard troy weight, composition, diameter, device, and design as shall be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment to the amount of their face value.

SEC. 2. The coins herein authorized shall be issued only upon the request of the San Francisco Clearing House Association and the Los Angeles Clearing House Association, or either of them, and upon payment by such associations, or either of them, to the United States of the par value of such coins.

SEC. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for security of the coin, or for other purposes, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

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

RECESS

Mr. JONES of Washington. I move that the Senate take a recess, the recess being under the order previously entered, until noon to-morrow.

The motion was agreed to, and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Thursday, February 12, 1925, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 11 (legislative day of February 3), 1925

COMMISSIONER OF IMMIGRATION

Norval P. Nichols to be commissioner of immigration at port of San Juan, P. R.

POSTMASTERS

INDIANA

Glen P. Witherspoon, Francisco.

KANSAS

William V. Stranathan, Kiowa.

MICHIGAN

Ronald H. Macdonald, Dollar Bay.
Frank Leonard, Hubbell.
Julius P. White, Kearsarge.
Albert Steinen, Painesdale.

MINNESOTA

E. Arthur Hanson, Benson.
Floyd C. Fuller, Grey Eagle.
Bernard O. Stime, Jasper.
Alvin E. Comstock, Lakefield.
John Jacobs, Richmond.
Richard F. Lamb, Slayton.

NEW JERSEY

John A. Carlson, Harrington.
Charles J. Newman, Newfoundland.
Nicholas A. Chasse, South Orange.

NEW YORK

Isabelle M. Arquette, Parishville.

NORTH CAROLINA

Roscoe L. Nicholson, Brevard.
Miles S. Elliott, Edenton.
Travis N. Harris, Troy.
Joe L. Kelly, Watha.
Thomas L. Green, Waynesville.

PORTO RICO

Jose R. Sotomayor, Barceloneta.

WEST VIRGINIA

Osby C. Satterfield, Hopemont.

HOUSE OF REPRESENTATIVES

WEDNESDAY, *February 11, 1925*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Heavenly Father, vouchsafe to keep us this day without sin. May we deeply realize that a mighty fortress is our God, a refuge never failing. Direct us along the widening ways of life that lead to greater vision and broader outlook. Give restraint to all unguarded impulses and encouragement to all good endeavor. Let the breath of our infinitely holy Creator rest upon our country. We praise Thee for Thy providence, as in grateful remembrance the past rises before us in bold and distinct outline. Thou, and Thou alone, didst inspire the chivalry and wisdom of our forefathers which still challenge our intellects and minister to our Republic. May we again rededicate ourselves to the fundamentals of free government on which rests its glory and perpetuity. Be with our President and give rich and abiding blessings to all true and patriotic citizens, and forever keep the bow of promise in our Nation's sky. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE CHIPPEWA INDIANS OF MINNESOTA

Mr. SNYDER. Mr. Speaker, I present a conference report on the bill H. R. 9343, for printing under the rule.

The SPEAKER. The gentleman from New York presents a conference report on a bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 9843) to authorize the adjudication of claims of the Chippewa Indians of Minnesota.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9343) to authorize the adjudication of claims of the Chippewa Indians of Minnesota, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to same with amendments as follows: On page 2, of the Senate engrossed amendment, after the word "have" insert the word "unlawfully"; on page 2, in the fourth line of section 2, strike out the word "lawfully"; on page 5, in the fourth line of section 6, after the word "annum" insert "for a period of not exceeding five years"; on page 6, at the end of line 6, change the colon to a comma

and add "but in no event shall such compensation for the two attorneys or firm of attorneys exceed $50,000"; and the Senate agree to same.

J. W. HARRELD,
CHAS. L. MCNARY,
HENRY F. ASHURST,
Managers on the part of the Senate.
HOMER P. SNYDER,
SCOTT LEAVITT,
CARL HAYDEN,
Managers on the part of the House.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9343) to authorize the adjudication of claims of the Chippewa Indians of Minnesota, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

The House agrees to the language of the Senate amendment with amendments which will protect the Government in every way and we have inserted an amendment limiting the fees of the attorneys for the Indians. The language of the Senate amendment provides for a final settlement of the claims which have been before Congress for a number of years and will wind up the affairs of the Chippewa Indians of Minnesota.

HOMER P. SNYDER,
SCOTT LEAVITT,
CARL HAYDEN,
Managers on the part of the House.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 11280. An act authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3722) to authorize the county of Knox, State of Indiana, and the county of Lawrence, State of Illinois, to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes; had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BALL, Mr. CAPPER, and Mr. COPELAND as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following order:

Ordered, That Mr. CURTIS be relieved from further service on the committee of conference on the bill (H. R. 9343) authorizing the adjudication of claims of the Chippewa Indians of Minnesota, and that Mr. MCNARY be appointed as conferee in his stead.

ENROLLED BILLS SIGNED

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

S. 3722. An act to authorize the State of Indiana and the State of Illinois to construct a bridge across the Wabash River at the city of Vincennes, Knox County, Ind.;

H. R. 64. An act to amend section 101 of the Judicial Code as amended;

H. R. 8550. An act to authorize the appointment of a commission to select such of the Patent Office models for retention as are deemed to be of value and historical interest and to dispose of said models, and for other purposes; and

H. R. 11280. An act authorizing the construction of a bridge across Rock River at the city of Beloit, county of Rock, State of Wisconsin.

LEGISLATION AFFECTING TITLES TO INDIAN LANDS

Mr. HASTINGS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on two bills, H. R. 11851 and H. R. 11052. I ask to extend my remarks separately on those two bills.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HASTINGS. Mr. Speaker, when the subcommittee of the Committee on Indian Affairs, appointed under a House resolution approved June 4, 1924, to investigate certain Indian matters, visited Oklahoma in November, 1924, a number of representative men of that State appeared before the subcommittee and asked to be heard with reference to certain proposed legislation which had for its effect the validation of certain titles and the extension of the statutes of limitations to restricted Indians in Oklahoma, but because of arrangements already made by the subcommittee to adjourn a hearing was set at Washington, D. C., on January 6, 1925. All persons interested in these particular matters were invited to be present at that time.

Accordingly, on January 6, 1925, a large number of leading citizens of Oklahoma, among them some of the best lawyers of the State, came to Washington and appeared before the subcommittee and were given an opportunity to be heard. They presented three questions:

First. An amendment to section 9 of the act of May 27, 1908 (35 Stat. L. 312), with reference to the approval of conveyances by full-blood heirs of their inherited interests in the estates of deceased allottees.

Second. The extension of the Oklahoma statutes of limitations to all suits affecting restricted Indians the same as in other States.

Third. A provision to serve notice upon the United States district attorney of the pendency of any suit wherein a restricted Indian was involved and making the judgment final thereafter as to all parties, including the United States.

At the conclusion of the hearings Chairman SNYDER suggested that the representatives present who had presented the proposed legislation to the subcommittee should take the matter up with the officials of the Indian Bureau with a view of securing their cooperation, suggesting that this was a short session of Congress and that it would be difficult to get legislation through without the assistance of all parties.

Accordingly, conferences were held with the officials of the Indian Bureau, and a bill embodying the suggestions presented to the Committee on Indian Affairs was prepared, and it was reported that while the officials of the Indian Bureau had not formally indorsed it yet they were in sympathy with its provisions, and with some modifications I introduced the bill H. R. 11851.

The first section of the bill amends section 9 of the act of May 27, 1908, and gives jurisdiction in the alternative both to the county court of the county having jurisdiction of the final settlement of the estate and of the county where the land is situated to approve conveyances of full-blood heirs. This would give the full-blood grantors the privilege of going into either county and there should be no objection to this provision. This section also validates conveyances where there is no fraud practiced either upon the court or the Indian. It also provides that this provision should not affect any pending suits and it requires that the approval of such conveyances shall be in open court and effective as judicial decisions.

Section 2 of the bill only extends the statutes of limitations of the State of Oklahoma to all suits wherein restricted Indians are parties. Congress by the act of May 31, 1902, extended the statutes of limitations in all other States to restricted Indians and there is no reason why this provision should not be extended to restricted Indians of Oklahoma. A provision was added to the section that any action where the statutes of limitations had already run, or would run within two years, that suit might be instituted within that time in order to protect any restricted Indians.

By section 3 it is provided that where there is a suit pending, either in the State or Federal court, wherein a restricted Indian is interested a copy of the pleadings may be served upon the United States district attorney, with the privilege to the United States to intervene to protect the rights of the restricted Indians and that thereafter the Government of the United States should be bound by the final decision in the case.

Cases were cited where restricted Indians were parties which had been litigated through all the courts and thereafter the United States, for and on behalf of restricted Indians, had brought an independent suit and the matter again litigated in the new proceedings. Surely there should be no objection to having all parties interested made parties, including the United States, and all questions litigated in a suit pending before the court.

The bill was sent to the Indian Bureau for a report and on February 10, 1925, some three weeks after the bill had been introduced, an adverse report was submitted by the Indian Bureau, and in view of the fact that only a few days of the present session of Congress remain, and in view of the con-

gested condition of legislation, it is suggested that no legislation can be secured without unanimous consent of Congress, and that the matter should go over for consideration at the next session of Congress.

In order that a careful study may be made of the provisions of the bill (H. R. 11851) and of the objections thereto, a copy of the bill and a copy of the report of the Indian Bureau follow:

A bill (H. R. 11851) to amend section 9 of the act of May 27, 1908 (35 Stat. L. p. 312), and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma, and providing for the United States to join in certain actions, and for making judgments binding on all parties, and for other purposes

Be it enacted, etc., That section 9 of the act of May 27, 1908 (35 Stat. L. p. 312), entitled "An act for the removal of restrictions on part of the lands of allottees of the Five Civilized Tribes, and for other purposes," be, and the same hereby is, amended to read as follows:

"SEC. 9. The death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: *Provided*, That hereafter no conveyance of any interest in restricted land inherited by any full-blood Indian of the Five Civilized Tribes in Oklahoma, or acquired by such Indian by will or devise, shall be valid unless approved by the county court having jurisdiction of the settlement of said estate of the said deceased allottee, or by the county court in which the land is situated, and all such conveyances heretofore approved by the county court of the county in which such land is situated are hereby declared valid and of the same force and effect as if approved by the court having jurisdiction of the settlement of the estate of such deceased allottee, except where other such conveyances of the same land from the same grantors have been approved by the court having jurisdiction of the settlement of the estate of such deceased allottee: *Provided further*, That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March 4, 1906, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior for the use and support of such issue, during their life or lives, until April 26, 1931; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from restrictions; if this be not done, or in the event the issue hereinabove provided for die before April 26, 1931, the land shall then descend to the heirs, according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Provided further*, That the provisions of section 23 of the act of April 26, 1906, as amended by this act, are hereby made applicable to all wills executed under this section: *Provided further*, That the validation herein provided for conveyances heretofore made shall not prevent the setting aside of any such conveyance on account of fraud practiced or duress exercised upon any restricted Indian, or fraud practiced upon any court: *Provided further*, That the validation herein provided shall not affect and may not be pleaded in any suit brought before the approval of this act: *And provided further*, That all orders of the county court approving conveyances of such lands shall be in open court and be effective as judicial decisions."

SEC. 2. The statutes of limitations of the State of Oklahoma are hereby made and declared to be applicable to, and shall have full force and effect against all restricted Indians of the Five Civilized Tribes and all members of any other Indian tribe in Oklahoma and against the heirs or grantees of any such Indians, and against all rights and causes of action heretofore accrued or hereafter accruing to any such Indians or their heirs or grantees, to the same extent and effect and in the same manner as in the case of any other citizen of the State of Oklahoma, and may be pleaded in bar of any action brought by or on behalf of any such Indian, his or her heirs or grantees, either in his own behalf or by the Government of the United States, or by any other party for his or her benefit to the same extent as though such were brought by or on behalf of any other citizen of said State: *Provided*, That no cause of action which heretofore shall have accrued to any such Indian shall be barred prior to the expiration of a period of two years from and after the approval of this act, even though the full statutory period of limitation shall already have run or shall expire during said two years' period, and any such restricted Indian, if competent to sue, or his guardian, or the United States in his behalf, may sue upon any such cause of action during such two years' period free from any bar of the statutes of limitations.

SEC. 3. Any one or more of the parties to an action in the United States courts in the State of Oklahoma or in the State courts of Oklahoma to which a restricted Indian of the Five Civilized Tribes or a restricted member of any other Indian tribe in Oklahoma or the restricted heirs or restricted grantees of such Indian are parties, as heirs or restricted grantees of such Indian are parties, as plaintiff, defendant, or intervenor, and claiming or entitled to claim title to or an interest in lands allotted to a citizen of the Five Civilized Tribes or other Indian tribes of Oklahoma, or the proceeds, issues, rents, and profits derived from the same, may serve written notice of the pendency of such suit upon the United States district attorney for the district in which the land is located and the United States may intervene in said cause within 30 days thereafter, and after the service of such notice the proceedings and judgment in said cause shall bind the United States and the parties thereto to the same extent as though no Indian land or question were involved. The notice served on the United States district attorney shall be accompanied with a certified copy of all pleadings on file in the suit at the time the notice is served, and shall be signed by a party to the action, or his or her counsel of record, and shall be served by the United States marshal and due return of service made thereon.

THE SECRETARY OF THE INTERIOR,
Washington, February 10, 1925.

Hon. H. P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: Reference is made herein to H. R. 11851, entitled "A bill to amend section 9 of the act of May 27, 1908 (35 Stat. L. p. 312, and for putting in force, in reference to suits involving Indian titles, the statutes of limitations of the State of Oklahoma and providing for the United States to join in certain actions, and for making judgments binding on all parties, and for other purposes," and to your request for a report thereon.

Under existing law (sec. 9 of the above-mentioned act of May 27, 1908) no conveyance of any interest of any full-blood Indian heir in restricted allotted land inherited by him is valid unless approved "by the court having jurisdiction of the settlement of the estate" of the deceased allottee. The principal change sought to be made by section 1 of the present bill is to the effect that conveyances by full-blood Indians of the Five Civilized Tribes of allotted lands acquired by them by inheritance, will, or devise shall not be valid unless approved by the county court having jurisdiction of the settlement of the estate of the deceased allottee "or by the county court in which the land is situated," and also that all such conveyances heretofore approved "by the county court of the county in which such land is situated" shall be valid and of the same force and effect as if approved by the court having jurisdiction of the settlement of the estate of the deceased allottee.

The validation of conveyances void or invalid under existing law, arbitrarily and without investigation as to whether there was any imposition on the Indian heirs or devisees, might result in their being deprived of their property without just compensation. If any legislation for the purpose of quieting the title derived from Indian allottees of the Five Civilized Tribes should be enacted, provision should be made for an examination as to the merits of each case and an adjudication of each case upon its merits should be had. Even with the provision in the law that the validation of conveyances might be set aside under certain circumstances, it is not deemed that the provisions of the bill are sufficient to fully protect the interests of the restricted Indians in the land involved.

In this connection it may be stated that in many cases the allotment of the deceased Indian or tracts thereof are located many miles away from where the decedent lived and in other counties than the county of residence. No good reason is seen for the proposed change of jurisdiction. A protest against the proposed change of jurisdiction as contemplated in the bill has been received from the principal chief of the Choctaw Indian Nation.

By section 2 of the bill it is proposed that the statutes of limitations of the State of Oklahoma shall be made applicable to and have full force and effect against the restricted Indians of the Five Civilized Tribes and all members of other Indian tribes in Oklahoma, and against the heirs or grantees of such Indians and against all rights and causes of action accrued or accruing to such Indians or their heirs or grantees, to the same extent and effect and in the same manner as in the case of any other citizen of the State of Oklahoma. It is proposed also that the statute of limitations shall apply against the United States acting on behalf of such Indians. It is understood that the effect of this would be to change the present law and make ineffective thereafter a long line of decisions that the statutes of limitations of the State of Oklahoma do not run against a full-blood or restricted Indian in matters affecting his restricted lands.

The proposed law would be to the advantage of present and future purchasers of restricted allotted lands and to the disadvantage of the restricted Indians. In view of the duty of the Federal Government to fully and properly protect the interests of minors, incompetents, and other restricted Indians in their property matters, it is not believed that the statutes of limitations enacted by the State of Oklahoma should apply to or run against the United States acting for or on behalf of its Indian wards.

Section 3 provides a method for making the United States a party to suits in the United States courts in Oklahoma, or in the State courts in Oklahoma, relating to the title to or interest in Indian land. The purpose of section 3 is to provide a remedy for the situation relating to Indian land titles which has arisen by reason of the decision of the Supreme Court of the United States in the case of Privett *v.* United States (256 U. S. 201). While it is recognized that some remedy should be provided, it is not believed that the United States, upon the request of private litigants, should be required or compelled to intervene in cases in the State courts, or should be bound by the decisions of such courts, in cases to which it was not a party in matters relating to restricted lands of members of the Five Civilized Tribes.

Inasmuch as section 3 of the bill relates to judicial procedure, and involves the United States district attorney and United States marshal, it is suggested that the provisions of section 3 be referred to the Attorney General for his views thereon.

Undoubtedly the settlement of the thousands of controversies and of the numerous cases in litigation relating to land titles in eastern Oklahoma is a matter of grave importance not only to the large land-owning Indian population of eastern Oklahoma but to the general citizenship of the State as well, and some legislation should be had to provide for the adjustment of the controversies and litigation over Indian land and for the settlement and stabilization of the land titles if at the same time adequate protection can be given to the Indians whose rights are involved.

This matter will be given further consideration, and some suggestions as to remedial legislation will be furnished you at the earliest practicable date.

In view of the above the enactment of H. R. 11851 is not recommended.

Very truly yours, HUBERT WORK.

Mr. HASTINGS. Mr. Speaker, early in February, 1924, there was published and circulated a pamphlet, prepared by certain persons claiming to represent the Indian Rights Association, and other organizations reflecting upon the courts of Oklahoma, and charging that the estates of restricted Indians in Oklahoma were not properly conserved and protected.

This report was of such a nature as to attract the attention of the Members of the Oklahoma delegation in Congress. The Oklahoma delegation immediately met and sponsored a resolution, introduced by Congressman CARTER, providing for a full investigation of all matters pertaining to Indian affairs which would include the courts and the administration of Indian affairs in Oklahoma.

Hearings were had upon this resolution before the House Committee on Indian Affairs, and all the Members of the Oklahoma delegation appeared in favor of it, and while the Commissioner of Indian Affairs did not oppose the passage of the resolution, and disavowed it and deplored the publicity given to the report hereinabove referred to, yet it was apparent to those who really knew the facts that the data was collected in collaboration with representatives of the Indian Bureau, and it was very clear that none of the cases referred to in the report were known to the representatives of the Indian Rights Association except those brought to their attention by the representatives of the Indian Bureau, and the Members of the Oklahoma delegation knew, of course, that this was done for the purpose of discrediting the courts of Oklahoma in an effort to secure favorable action upon legislation depriving the courts of Oklahoma of jurisdiction in certain Indian matters, and reconferring that jurisdiction upon the Secretary of the Interior.

Soon after publicity was given to the pamphlet a carbon copy of a bill, which afterwards became H. R. 6900, giving additional authority to the Secretary of the Interior in Indian cases, was sent to the Members of the Oklahoma delegation asking that the same be introduced for the consideration of Congress. It was thought that the charges set forth in the pamphlet above referred to would have the effect to stampede Congress and result in the early enactment of this legislation.

In the hearings upon the proposed legislation the same cases were presented and the same arguments made that are contained in the pamphlet of the Indian Rights Association above referred to. In fact, in a large measure the very same language is used, so that no one is deceived as to who inspired the issuing of the pamphlet, and its purpose, and the purpose in publishing it at that particular time.

Notwithstanding the disavowal of the Indian Bureau and its several representatives of their responsibility for the attack upon the courts of Oklahoma, the Annual Report of the Commissioner of Indian Affairs, page 25, recently published, admits their connection with the investigation of these matters in connection with the Indian Rights Association and other organizations in the following language:

Based on numerous statements as to the manner in which the estates of Indians were being handled by guardians and administrators under State jurisdiction, officials of the Indian Service and those connected with outside organizations made an investigation, taking up a large number of cases, and on the strength of these reports legislation was sought with a view of restoring to the Federal Government the complete administration of the estates of these Indians.

All of the members of the Oklahoma delegation knew what the pamphlet was printed for and why it was printed just at that particular time, and knew of the connection of the representatives of the Indian Bureau in Oklahoma with the investigations being made and later embodied in the pamphlet above referred to.

The Governor of the State of Oklahoma tendered the services of the attorney general of the State to the Indian Bureau and stated that he would be directed to cooperate in every possible way with the representatives of the Indian Bureau in an effort to prosecute any person or official in the civil or criminal courts charged with any offense toward an Indian or neglect of duty as an official in the administration of the laws of the State of Oklahoma.

Thereafter the subcommittee of the House Committee on Indian Affairs went to Oklahoma pursuant to the authority granted in a resolution which passed the House on June 4, 1924, reaching Muskogee on November 11, 1924, and remained there for a number of days.

Representatives of the Indian Rights Association and various officials representing the Indian Bureau in Oklahoma were notified when the committee would reach Oklahoma, the scope of its authority, and every opportunity was afforded them to present any proof in substantiation of the charges contained in the abovementioned pamphlet, or any other charges which they had to make reflecting upon the administration of probate matters or other Indian matters in Oklahoma.

Testimony was taken for several days, and there was no testimony adduced reflecting upon the integrity of any judge, either of a county court or any other court in Oklahoma. What criticism there was of Indian matters was directed against procedure and the want of cooperation between the probate attorneys and the courts. It was stated in a few cases that an opportunity was not afforded for the probate attorneys to appear at all times when matters affecting restricted Indians came up for consideration. In a few cases it was stated that this was true when conveyances of lands of full-blood heirs of deceased allottees were up for consideration, and that as a result an adequate price was not at all times received, and there was some criticism as to the appointment of guardians, but there was no charge of corruption against a single judge in Oklahoma.

The chairman of the committee, Mr. SNYDER, voicing the sentiment of the committee, frankly stated during the time the committee remained in Oklahoma, in open session, and in various speeches, that there had been no proof presented to the committee that reflected upon the courts of Oklahoma. All of the probate attorneys in eastern Oklahoma were called before the subcommittee and the Superintendent for the Five Civilized Tribes and his subordinate officials were given an opportunity to present any charges they had to make to the subcommittee, and while there were a few differences of opinion as to whether or not this or that guardian should or should not have been appointed, and in a few cases that there was not full cooperation on the part of the county courts, but in no case was there any accusation to the effect that the courts in Oklahoma were corrupt.

The members of the subcommittee in informal conferences, appreciating that the judges of the county courts were honest and faithful, believed that the procedure might be amended by Congress so that an opportunity might be afforded the representatives of the Indian Bureau in Oklahoma, the superintendent of the Five Civilized Tribes, the probate attorneys, the field clerks, or any other representatives, to appear before the various courts as a matter of right when matters affecting restricted Indians were up for consideration, and that this would be helpful to the courts and to the Indian.

Congress appropriates annually approximately $40,000 for the compensation of probate attorneys, and they are expected to appear on all proper occasions on behalf of restricted Indians. Of course, all courts welcome assistance in doing justice in all matters brought to the attention of the courts on behalf of everyone, whether Indian or white.

Keeping in mind the informal conferences that were had by the members of the committee and the things it was thought

should be corrected, I prepared and introduced a bill (H. R. 11852) embodying the matters suggested by the various members of the committee.

Section 1 of the bill regulates procedure in the approval of conveyances of land by full-blood heirs of deceased allottees and requires the petition to be filed at least 10 days in advance, notice to the superintendent for the Five Civilized Tribes, and gives the right to the probate attorneys to appear before the courts and see that a fair value is paid for the land. The proceedings are to be had upon certain days, the money paid in open court, and in event the county court believes that there should be some supervision over any sum paid that it was to be disbursed under the order of the county court. Surely no one can read this section but who will agree that it is legislation in the interest of restricted Indians.

Section 2 provides for the approval of agricultural, grazing, and hay-cutting leases on restricted lands of Indians for more than one year by the county court of the county where the land is located. There was much testimony submitted to the committee to the effect that the leasing of lands for agricultural purposes was greatly abused in that overlapping leases, particularly in the southern part of the State, were made in large numbers, and that titles were clouded, and this was one of the evils brought to the attention of the committee. This section seeks to remedy this evil, and should be considered in connection with section 4, which makes it unlawful to record, or cause to be recorded, any deed or lease not made and approved in accordance with the provisions of the act. This would make it a Federal offense punishable by fine and imprisonment, and would stop the clouding of titles. Surely everyone will agree that this is legislation in the interest of the restricted Indian.

Section 3 only requires that all orders of the county court shall be made in open court and shall be effective as judicial decisions. Our courts now hold these orders to be ministerial acts. This section seeks to remedy that situation.

Section 5 provides that when an application is made for the appointment of a guardian, notice shall be given to the superintendent for the Five Civilized Tribes and the probate attorney or other Federal representative who may appear on behalf of any restricted Indian, minor or adult, with all the rights of any other attorney before said court, and no more. There was some criticism that as to adult Indians an effort was made to have those of large estates adjudged incompetent, and in order to avoid that criticism a provision was incorporated in section 5 permitting the sole question of whether or not the adult Indian is incompetent under the Oklahoma law to be removed to and decided by the Federal court. This section was furiously assailed before the committee, and it was stated to the members of the committee that this took away a large part of the jurisdiction of the Secretary of the Interior, and that the Secretary disputed the right of the local courts in Oklahoma to appoint guardians. Of course, every lawyer in Oklahoma knows that this is not true and they know that the local courts have the authority to appoint guardians, both for minor restricted Indians and incompetent adult restricted Indians. Many members of the committee, however, are not familiar with the laws of Oklahoma and have been misled by misrepresentations of this kind.

On February 3, 1925, the Supreme Court of Oklahoma, in the case of Lytle et al. *v.* Fulotka et al., held as follows:

> The probate courts of the State of Oklahoma have jurisdiction to sell the inherited lands of incompetent adult full-blood Indians of the Five Civilized Tribes. It is contended that section 6 of the act of May 27, 1908, grants jurisdiction to the probate courts of the State of Oklahoma only in the case of minor allottees. Said section is limited by its terms to minors and minor allottees, but the probate courts of this State and former Indian Territory have habitually exercised probate jurisdiction not only over the estates of minor allottees, but of minor heirs as well. (Yarhola *v.* Strough, 64 Okla. 195, 166 Pac. 729.) Section 6 of such act is not the source of jurisdiction of the probate court of the State of Oklahoma over the estates of Indian minors. It is merely declaratory of the law as it had existed since the passage of the act of April 28, 1904, if not before. By that act it was provided:
>
> "And full and complete jurisdiction is hereby conferred upon the district courts in said Territory in the settlement of all estates of decedents, the guardianships of minors and incompetents, whether Indian, freedman, or otherwise."
>
> Thus, full probate jurisdiction was granted to the district courts of Indian Territory over the estates of decedents, minors, and incompetents, "whether Indian, freedman, or otherwise." (Morrison *v.* Burnett, 154 Fed. (C. C. A.) 617; Jennings *v.* Wood, 192 Fed. (C. C. A.) 507; Robinson *v.* Long Gas Co., 221 Fed. (C. C. A.) 398; Cowles *v.* Lee, 35 Okla. 159, 128 Pac. 688; Wellsville Oil Co. *v.* Miller, 44 Okla. 493, 145 Pac. 844.)
>
> Upon the admission of the State into the Union this jurisdiction was, by virtue of the constitution an enabling act, conferred upon the probate courts of the State. Congress recognized the jurisdiction of the probate courts over the estates of incompetents by section 2 of the act of May 27, 1908, when, in providing for the leasing of restricted lands for oil and gas, it added this proviso:
>
> "And provided further, that the jurisdiction of the probate courts of the State of Oklahoma over lands of minors and incompetents shall be subject to the foregoing provisions."

Section 5, of course, conferred no additional jurisdiction upon the courts of Oklahoma, but enabled the probate attorneys to be present and represent restricted Indians.

Section 6 authorizes the probate attorneys to be present when all matters affecting restricted Indians come up in the courts, including the allowance of claims of fees of attorneys, guardians, or administrators, and gives them the right to introduce testimony, cross-examine witnesses, and take appeals the same as any other attorney. If the courts are honest, as declared by the chairman of the committee on a number of occasions and found by the full committee in its final report, and if the probate attorneys are efficient and zealous, and if given the opportunity, as this section would give it to them, to appear in all cases on behalf of restricted Indians, they could be of great assistance in seeing that their rights are protected. Generally speaking, the provisions of the bill only regulate procedure and give the representatives of the Superintendent for the Five Civilized Tribes, or the Indian Bureau, the right to be present and to have matters affecting restricted Indians heard in open court, and gives them the right of appeal, but gives them no more rights than any other attorneys in the courts. This is all they are entitled to, and this is all any reputable attorney wants or should have. This is all that any court would permit, and this is all that any court having any self-respect should permit. The court should welcome all assistance; and as long as the courts of Oklahoma are treated with respect, and as long as the representatives of the Government appear in a respectful manner, and not in a disrespectful manner, cooperation may be secured.

Permit a personal reference, if I may: I was for years national attorney for the Cherokees and had frequent occasion to appear in a number of the courts of eastern Oklahoma. I was given no more rights than any other attorney, and I never felt that I was discriminated against on a single occasion. It is as incumbent upon the representatives of the Federal Government to demean themselves respectfully toward the courts of Oklahoma as it is for the courts to recognize and treat with courtesy and respect the representatives of the Federal Government. Abuse of the courts and threats of superior power of the Federal Government are not conducive to a better feeling between the courts and the probate attorneys.

There are a very large number of splendid men and women employed in the Indian Service in Oklahoma and throughout the Nation, many of them I have known for years. I can not too highly commend them personally or their work. They have with an unselfish zeal greatly contributed to the Indian Service at a remuneration much smaller than in other branches of the Government service. The courts of our country are entitled to the confidence and respect of the entire citizenship. While the courts extend courtesy to the members of the bar, it should always be remembered that those in the Government service are not entitled to and should not expect any greater consideration than any other reputable attorney before the court. When this is understood and thoroughly made known to some employees of the Government a better spirit of cooperation will prevail and they will appreciate the necessity of making every effort to cooperate with the courts of the State. The county courts of eastern Oklahoma serve the people of that part of the State. There were 101,506 enrolled members of the Five Civilized Tribes; 85 per cent of them are unrestricted and many of the courts have been presided over by members of the tribe since statehood, and other members of the tribe occupy places on the district bench and the Supreme Court Commission of Oklahoma. These courts serve the unrestricted members of the tribes. If they can be trusted to administer the probate affairs of the two and one-half millions of people of Oklahoma, including 85 per cent of the Indians in eastern Oklahoma, surely no one can doubt but what they should administer the affairs of the very few restricted Indians who live and vote in that State. Under existing law all restrictions will be removed on April 26, 1931. We must not enact legis-

lation that will create a prejudice against them and destroy them.

The Department of the Interior is making a determined effort to secure the enactment of legislation that would give the Secretary of the Interior practically all of the power now exercised by the probate courts of Oklahoma. The people of Oklahoma may rest assured that as long as I am in part their Representative I shall oppose such legislation and they may rest assured that no additional authority will be conferred upon the Secretary of the Interior over members of the Five Civilized Tribes with my vote. The people of Oklahoma and of every other State, both now and for all time heretofore, have always detested long-distance government. It is always abused. It leads to all kinds of suspicion that certain persons claiming to have "influence" can secure certain favors in the matter of the approval of contracts or claims or other matters coming up for consideration. The atmosphere in Washington and in Oklahoma is now surcharged with charges and countercharges that a certain favored few claim to have "influence" sufficient to secure favorable action upon matters pending before the Indian Bureau. The testimony recently taken before the investigating committee shows that enormous fees, not for services performed but for "influence," have been paid, and this testimony further shows that everyone having a claim of any consequence is intercepted with the suggestion that if favorable action is to be hoped for, it would be well that the services of certain persons be availed of. The people of Oklahoma will not stand for this and neither will the people of any other State when the facts are made known. The sooner this is recognized the better.

There is no place in the scheme of our Government for arbitrary power. We instinctively rebel against it. If the people make a mistake and elect either an incompetent or an unworthy county judge public attention will soon be focused upon him and the mistake corrected at the next election, but this is not true of heads of bureaus or employees occupying responsible positions under them. Our Government is so large and we have so many different bureaus and so many different employees that it is next to impossible to secure the removal of these officials and the people therefore must suffer from the arbitrary acts and injustices done by them until there is a change of administration.

The rumor is current that it is the hope of certain persons in Oklahoma, who advocate reconferring additional authority upon the Secretary of the Interior, to have a policy adopted of appointing trustees for adult full-blood Indians to supervise and manage their estates under the department instead of guardians under the supervision of the local courts. I do not agree with such a policy. These trustees would not be under the civil service but would be partisan and scandals would in the end necessarily grow out of it. There should be no partisanship in the Indian Service.

It must be remembered that the Five Civilized Tribes have a century of civilization behind them. During this time they had their own governments, enacted and administered their own laws, appropriated and disbursed their own funds, and managed their own affairs, tribal and individual, and in considering legislation affecting them they should not be classed as reservation Indians.

The first agreements looking to the winding up of their affairs were made in 1897, nearly 28 years ago. With the coal and asphalt deposits sold and their claims against the Government adjudicated, as is provided for in the jurisdictional bills enacted during the present Congress, their affairs could and should be speedily wound up and all of their funds distributed. I favor this at the earliest possible date and to their best advantage. No additional legislation is needed. It is a question of administration and this should be expedited. The coal and asphalt deposits should be offered for sale at an early date.

I yield to no man in my earnest desire to be of service to the Indian. I have tried to be constructively helpful on all Indian legislation, and this Congress has enacted more beneficial legislation than any other Congress in the history of the Nation. The record is most commendable. A great many bills have been passed and enacted into law, including jurisdictional bills for each of the Five Civilized Tribes—the Delawares, the Poncas, the Kaws, and the Wichita and affiliated bands.

I have endeavored in the bill (H. R. 11852) to have these matters tried out in the local courts and in open court, where the light of publicity may be focused upon every transaction, and where there can be no concealment of any detail and where the newspapers may publish every constructive criticism of every act of all officials, whether employee of the Government or State official. No one need fear honest criticism. The bill affected only the restricted Indians and the restricted property of restricted Indians, and was clearly in their interest. I challenge any real friend of the Indian to point out a provision not in his interest.

During the closing days of Congress the calendar is always congested and consideration of bills can only be secured as to those measures unanimously reported.

In view of the fact that there has been more or less wide publicity given to this bill and the report I am appending hereto a copy of the bill and the report of the Interior Department, which does not discuss the terms of the bill, but recommends the passage of H. R. 6900, which was to confer upon the Interior Department practically all of the jurisdiction now exercised by the courts of Oklahoma:

A bill (H. R. 11852) for the protection of the lands and funds of restricted Indians of the Five Civilized Tribes, regulating the approval of conveyances of full-blood heirs, the approval of leases, and the appointment of guardians, and for other purposes

Be it enacted, etc., That in all conveyances of any interest in restricted land, inherited by any full-blood Indian of the Five Civilized Tribes in Oklahoma, or acquired by such Indian by will or devise, the petition for the approval of a deed to such land shall be verified by one or more grantors and shall contain the following information:

The names of all grantors and grantees; the description of the land to be conveyed; the character and extent of the interest to be conveyed; the roll number, if any, and quantum of blood of the grantor and decedent; the permanent residence of the decedent at the time of death; and the relationship of each grantor to the decedent and the names and relationship to the decedent of each heir who is not a grantor.

Said petition must be filed at least 10 days before the date of hearing and a copy served upon the Superintendent for the Five Civilized Tribes, or his local representative, either in person or by registered letter, mailed the day said petition is filed.

The county court shall establish a date upon which all petitions for the approval of deeds to such lands shall be heard, which date may be at least twice monthly. At the hearing the court shall take the testimony of disinterested witnesses to establish the value of the lands to be conveyed, the interest of the grantor or grantors, and the United States probate attorney, or other representative of the Superintendent for the Five Civilized Tribes, may appear as counsel for the grantor or grantors, with all of the rights and privileges of any other attorney. The attendance of the grantor or other person to testify in such matters may be required in like manner as if his testimony were to be heard in a civil action. The court may decline to approve any deed when, in his judgment, the price is not commensurate with the fair value of the land, or the grantor is not an heir of the deceased: *Provided*, That the county court may authorize the sale and conveyance of any such land for cash, or one-fourth cash and the balance in annual installments of one-fourth each, with interest on the deferred payments at the rate of not less than 6 per cent per annum: *Provided further*, That in all sales on deferred payments such deferred payments shall be secured by first mortgage upon the lands conveyed. All money paid or received for such lands shall be paid in open court and remain under the supervision of and be disbursed by order of the county court as in the case of a minor. No deed which was executed within 30 days of the date of the death of the decedent shall be of any validity or be approved by any county court.

SEC. 2. No lease for agricultural, grazing, or hay-cutting purposes, of restricted lands of allottees of the Five Civilized Tribes, shall be made for a period longer than five years, and in no case beyond April 26, 1931, and regardless of the term of such lease, in excess of one year, no such lease shall be of any validity unless approved by the county court of the county in which the land is located, and the same must be approved in open court and after notice to the Superintendent for the Five Civilized Tribes or his local representative.

SEC. 3. All orders of the county court with reference to the approval of the conveyances of such lands, or the leasing of allotments, or of inherited interests in such lands, shall be in open court, and be effective as judicial decisions.

SEC. 4. It shall be unlawful for any person to record, or cause to be recorded, any deed, lease, mortgage, or other encumbrance, upon lands of full-blood Indians, which has been secured within 30 days subsequent to the death of the allottee, or not approved, as provided in section 1 of this act, or record or cause to be recorded any lease for agricultural, grazing, or hay-cutting purposes, either upon the allotment or inherited land of restricted Indians not approved by the county court, as provided in section 2 of this act, and any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than $500, nor more than $1,000, and may, in the discretion of the court, be imprisoned for a period of not more than 90 days.

SEC. 5. That when an application is filed for the appointment of a guardian of a restricted Indian of the Five Civilized Tribes, either minor or adult, notice of the same shall be served upon the Superin-

tendent of the Five Civilized Tribes, or his local representative, and the United States probate attorney, or other representative of the Superintendent for the Five Civilized Tribes may appear and represent said minor or adult and have all the rights before said court, including the right of appeal, that any other practicing attorney may have in such case: *Provided*, That in any case where an application is made for the appointment of a guardian of an adult restricted Indian, where the value of his allotment or the estate involved exceeds $25,000, the same, upon motion of either party, shall be removed to the United States District Court for the Eastern District of Oklahoma, and the said court shall assume jurisdiction and proceed to hear the same under the laws of the State of Oklahoma which for said purposes are hereby adopted, and in the event a guardian is directed to be appointed the same shall be remanded to the county court for further proceedings and administration.

SEC. 6. In all cases involving the approval of deeds to such lands or in the appointment of guardians for restricted Indians, as in this act provided, or in the allowance of claims, or fees either of attorneys, guardians, or administrators, the probate attorney, or other representative of the Superintendent for the Five Civilized Tribes shall have the same right to appear, introduce testimony, and cross-examine witnesses, as other attorneys, and of appeal from any decision of the county court to the district court, with the right of appeal to the supreme court of the State, as in other cases provided.

SEC. 7. The provisions of this act shall be in full force and effect for the protection of any restricted Indian during the time the restrictions have not been removed from such Indian by the Secretary of the Interior or by law.

SEC. 8. The words "restricted Indian" as used in this act shall be defined to be an Indian of the Five Civilized Tribes in Oklahoma, of one-half or more Indian blood, from whose lands or property the restrictions have not been removed by the Secretary of the Interior or by law.

SEC. 9. All acts or parts of acts in conflict with this act are hereby repealed.

THE SECRETARY OF THE INTERIOR,
Washington, February 5, 1925.

Hon. H. P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: Reference is made herein to H. R. 11852, entitled "A bill for the protection of the lands and funds of restricted Indians of the Five Civilized Tribes, regulating the approval of conveyances of full-blood heirs, the approval of leases, and the appointment of guardians, and for other purposes," and to your request for a report thereon.

The act of May 27, 1908 (35 Stat. L. 312), provided that the probate courts of Oklahoma should have jurisdiction over the persons and property of minor allottees, except as otherwise specifically provided, and that full-blood Indian heirs might alienate their inherited Indian lands with the approval of the county courts. Because the department has been deprived of jurisdiction in the matter, and the Indians themselves have been inexperienced or incompetent, by far the greater proportion of the unrestricted property of the members of the Five Civilized Tribes has been alienated by the Indian allottees or their heirs.

H. R. 11852 contains requirements and provisions intended for the protection of the interests of the Indians in their matters before the county or probate courts. It is believed, however, that the interests of minors, incompetents, and other restricted Indians of the Five Civilized Tribes can be best protected and conserved by providing for closer supervision on the part of the Federal Government.

In this connection, reference is made to H. R. 6900. The evidence obtained by the department through its investigation of the condition of affairs among the Five Civilized Tribes, and especially in the matter of the probate and administration of Indian estates, is believed to be amply sufficient to justify the conclusion that legislation along the lines of H. R. 6900 providing for Federal supervision and control is necessary for the better protection and conservation of the restricted Indians of the Five Civilized Tribes. In my letter of March 8, 1924, to you, the enactment of H. R. 6900 was recommended.

In view hereof, and of my above-mentioned letter of March 8, 1924, to you, the enactment of H. R. 11852 is not recommended.

Very truly yours,

HUBERT WORK.

THE PUBLIC PAY BILL

Mr. HOWARD of Nebraska. Mr. Speaker, I ask unanimous consent to make some remarks and put them in the RECORD on the subject of the public pay roll.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD on the subject of the public pay roll. Is there objection?

There was no objection.

Mr. HOWARD of Nebraska. Mr. Speaker, on several occasions in recent times a Member of this House has quoted the chairman of the great Appropriations Committee as authority for the statement that on the Government pay roll in Washington alone there are 30,000 absolutely unnecessary employees. The statement astounds me, and yet it must have been made by the distinguished authority, because I have heard that statement made to his own ears, and he has not denied its authenticity.

The staggering fact must be apparent to every observing citizen that we have too much Government—too many people who draw salary from a public treasury which must be maintained only by the contributions of the many who do not draw substance from that treasury. Everybody recognizes the evil situation, but instead of doing something to lessen the number of Federal employees, the rule of action runs in the direction of increasing the number of those who live and thrive by substance drawn from the country's treasury. Has this present Congress made a move to curtail the number of Federal employees? On the contrary the Congress has provided for many additional employees, and is still considering the creation of new boards and commissions and bureaus, with attendant armies of employees.

Just now I have been reading the best newspaper editorial of the year on this important subject. It appeared a few days ago in the recognized leading newspaper of the great Missouri valley—the Daily World-Herald, published in Omaha, Nebr. That editorial is an argument so strong and so needed in these days of governmental inefficiency that I here present it entire, and in full belief that a careful reading of it must open the eyes of every reader to the hideous and fast-growing evil of our altitudinous public pay roll. Under caption "The public pay roll," the editorial follows:

Do you know for what single item Uncle Sam spends the biggest chunk of the taxpayers' money?

No; you are wrong. It isn't to pay for the war. It is to meet the pay roll—to defray the cost of Federal officials and employees.

"The heaviest single item of our expenditures," said President Coolidge recently, speaking to the department and bureau chiefs at Washington, "is the Government pay roll." He described it as a "staggering total."

And that total, as the President gave it in even figures, is $1,680,000,000—more than a third of all the money the Government spends.

Fifteen years ago, in 1910, the Federal Government spent for all purposes $726,000,000. That included, besides salaries and wages, the entire cost of the Army and Navy, the support of all the great departments with their ramifications into every community, internal improvements, and everything for which we levy taxes.

To-day we are spending more than twice that sum just to meet the pay roll.

Every time we create a new Federal activity we create new officials, boards, bureaus, commissions, to administer it. Then for all these we have to create subofficials, agents, inspectors, employees, and flunkies of sundry varieties. Every such body, once created, spreads out and grows. Every one of them is constantly demanding more help and better pay.

Centralization, bureaucracy, cost money. They cost just oodles of money. And the poor devils of citizens, who are regulated and supervised and policed and tutored and guided and prohibited, have to pay for having it done to them.

We are the most "verboten" people not only of this but of any other age. We are ridden by more laws and officials than were ever dreamed of in any other country. And we pay for them a sum that would bankrupt any other nation that ever existed.

That is not an extreme statement. Before the World War broke out our own country was amazed and distressed over European militarism. Europe itself complained that every peasant, every laborer, had to "carry a soldier on his back." The burden, all the world cried out, was intolerable. Yet the United States Government last year met a pay roll greater than the combined cost of all the armies and navies of Great Britain, Germany, France, Italy, Russia, and Austro-Hungary for the fiscal year 1912–13. And this takes no account of the pay rolls of the States, the cities, and the other smaller units of government, which are constantly increasing both in number of employees and in the size of their salaries.

The militarism of the worst army-ridden nations of Europe, at the very height of the evil, was inconsequential by comparison with the American public pay roll of to-day.

Is it strange that enlightened public sentiment is calling a halt? Is it strange that the States, with virtual unanimity, are rejecting

the child labor amendment by overwhelming votes, that Mr. Coolidge's own demand for a Federal department of education falls on deaf ears, and that the popular clamor directed against Congress and the legislatures is no longer for more laws, further extensions of governmental activities, but for sanity, retrenchment, and reform?

The cry, for the most part, seems to be meeting with little or no response. Despite Mr. Coolidge's recommendation for a reduction in the number of "superfluous employees" there are more names on the Federal pay roll than there were a year ago. Governor McMullen has added a number of high-paid officials to the Nebraska pay roll. And our State legislature is flooded as usual with freak bills and fad bills calling for more law, more regulations, more penalties, and more employees to enforce them. The chances are that many of them will be enacted.

But the day of reckoning is coming. The revulsion against bureaucracy, centralization, commission government, meddling, and autocratic government is on every hand apparent. It is breeding a demand for a return to the ways of Jeffersonian simplicity, Jeffersonian economy, Jeffersonian liberty, and local self-government that if not met by the sadly demoralized party that Thomas Jefferson founded will be met by a new party organized for the occasion. And that party, new or old, will sweep the country. The United States of America was not created either to eat itself to death with taxes or smother itself with law.

I call particularly the attention of Democrats to the closing paragraph in the foregoing article. Some might hasten to the conclusion that it was written by some progressive, one who is willing to see the death of the Democratic Party; but the fact is it was written by the editor of a great newspaper owned by a very distinguished Democrat—one whose nomination for President of the United States has been earnestly advocated by some of the strong Democratic leaders of the Nation in recent years.

I refer to Hon. Gilbert M. Hitchcock, late a United States Senator from Nebraska, a Senator who was often referred to as the "right hand" of President Wilson during the second term of that President. After voicing his splendid demand for the overthrow of bureaucracy and for a return to Jeffersonian simplicity in government, Senator Hitchcock's great newspaper editorially serves notice that if the mad reign of bureaucracy in government can not be overcome by any other means that it will be met and conquered by a new political party organized for the occasion.

While accepting and fully indorsing the view here expressed by Senator Hitchcock's newspaper, my personal judgment is that the organization of a new party may not be necessary for the accomplishment of the needed end. I believe it is possible that our present bureaucratic ideals in government may be done away, and the Jeffersonian ideals again enthroned by a reorganization of the Democratic Party more quickly than by the organization of a new political party. It must be admitted that the Democratic Party needs reorganizing. It can and ought to be reorganized. The plan of reorganization should contemplate an amalgamating of the people of the great agricultural South with those of the great agricultural West for the purpose of challenging the claimed right of New England to dominate the political and governmental policies of the Republic.

Does this savor of sectionalism?

Well, if it does then blessed be sectionalism! If the West and South shall be impelled and compelled to form a political and economic alliance against the domineering New England, their action will not be the creation of a sectional issue, but, rather, the act of resisting a sectional decree long ago presented and of late vigorously applied in affairs of Federal Government by the politicians of New England, fostered and favored by the barons of tariff and kindred spoliators of the masses of the American people under the protecting guardianship of the Government at Washington. Once again, if any shall complain that a political alliance between the peoples of the great agricultural West and South shall be equivalent to raising a sectional banner, once again I shall say: Blessed be sectionalism!

DEPORTATION OF ALIENS

Mr. HOLADAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the deportation bill, which was passed yesterday.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the deportation bill. Is there objection?

There was no objection.

Mr. HOLADAY. Mr. Speaker, the immigration acts of 1917 and 1924, which now appear to represent the settled policy of this Government, have made it possible, to a great extent at least, to limit the entry into this country of undesirable and dangerous aliens. This bill will materially assist the immigration authorities in further preventing the entry of such aliens, and provides methods whereby those already unlawfully in the United States and those who may hereafter unlawfully enter or seek to enter the country may be deported.

The principal reason for deporting undesirable aliens is to promote the maintenance of law and order in our country and to afford protection and opportunities for development to all the people residing in our country, aliens and citizens alike. No class of people suffer more from the actions of undesirable and law-breaking aliens than does that great body of worthy and deserving aliens residing in our midst who in good faith are contributing to the welfare of the country and are in large numbers attempting to become citizens of the United States. Unworthy conduct and flagrant disregard of the laws of our country on the part of a very small percentage of the aliens residing in the United States, unfortunately but certainly, tend to create a prejudice in the public mind against all aliens. Therefore, the deportation of that small percentage of undesirable aliens will redound to the benefit of the worthy and deserving aliens in the country to an equal, if not greater, degree than to that of our own citizens.

Since the passage of H. R. 11796 in this House, by a vote of 213 to 39, I have made a careful study of the objections that have been made to this bill by all of the gentlemen who opposed the bill on this floor or by extension of remarks and also have given careful consideration to the minority committee report filed by the gentleman from Illinois [Mr. SABATH] and the gentleman from New York [Mr. DICKSTEIN].

I am unable to find in the RECORD any objections that have been raised to any provision in this bill that is not contained in the minority report. The gentlemen signing the minority report are able men with long legislative experience and their well-known attitude on the general question of the regulation of immigration warrants me in the belief that they have raised every possible point in opposition to this measure.

As the minority report sets forth in regular order their objections to the various provisions of the bill, it is my purpose to answer these objections in the order in which they have been put forth in the minority report. The gentlemen signing the minority report before setting forth their objection to this measure asked four questions, namely: How and in what way will this bill assist in preventing the entry of undesirable and dangerous aliens? Why were the quota restrictions of the 1924 immigration act not extended to Mexico, Canada, and South and Central American Republics? Why does the bill fail to include provisions that would prevent the desertion of alien seamen? Why were the five and three year limitation periods removed?

I shall answer the first question later in my remarks after we have considered the provisions of the bill.

The advisability of extending in this bill the quota restriction provisions of the 1924 immigration act, to Mexico, Canada, and South and Central American Republics was not considered by the committee for the reason that this measure is a deportation measure. The advisability of extending the quota provisions of the 1924 immigration act to any or all of the countries mentioned will be considered in connection with the amendment of the 1924 immigration act.

The advisability of placing in this bill provisions that would strengthen the present law with reference to preventing the desertion of alien seamen was given careful consideration by your Committee on Immigration and Naturalization. There is perhaps need of legislation covering this particular point, but as such amendments immediately entwine themselves around the maritime industry of our country the committee felt that this particular question was deserving of further consideration.

In answering their fourth question as to why the five and three year periods of limitation were removed I desire to call to your attention the status of the present law.

The minority report, page 5, cites section 1043 and 1044 of the Revised Statutes of the United States to the effect that "under our laws the most heinous crime, other than murder, would be outlawed in three years," but it does not State that the next following section, 1045, provides that "nothing in the two preceding sections shall extend to any person fleeing from justice." The inadmissible alien who has concealed his true status at the time of entry or who has eluded examination or inspection and sneaked into the country would seem to place himself in a position analogous to the criminal fleeing from justice. In neither case can there be any good reason why he

should be rewarded with forgiveness and security merely because of the lapse of a brief statutory period during which he may be able to evade the officers of the law.

With reference to the words "any person fleeing from justice," as used in 1045, it is said in Streep *v.* United States (160 U. S. 128 at 133):

> It is unnecessary * * * to undertake to give an exhaustive definition of these words; for it is quite clear that any person who takes himself out of the jurisdiction, with the intention of avoiding being brought to justice for a particular offense, can have no benefit of the limitation, at least when prosecuted for that offense in a court of the United States.
>
> In order to constitute a fleeing from justice, it is not necessary that the course of justice should have been put in operation by the presentment of an indictment by a grand jury, or by the filing of an information by the attorney for the Government, or by the making of a complaint before a magistrate. It is sufficient that there is a flight with the intention of avoiding being prosecuted, whether a prosecution has or has not been actually begun.

If there is ever to be any adequate enforcement of the immigration laws, which have been enacted in response to an overwhelming popular demand, adequate measures must be provided for the deportation of aliens who come to this country in violation of those laws. When the knowledge comes to them in their own lands that they must either come to the United States in accordance with our laws or run the risk of being deported whenever found, it is safe to say that few will resort to illegal entry. Why should our Government, in specified cases where it has been decided to be contrary to the interests of the country for an alien to enter, say, in one breath, "Thou shalt not come," and in another, "But if you do come and manage, by hook or crook, to slip in unlawfully, and keep the proper officers from finding you for three years or five years, we will recognize that you have as firm a right to remain as your brother who entered the country lawfully or as an American citizen." Such a policy, we submit, is wrong in principle and an indefensible position for a self-respecting people to take.

An alien who has unlawfully made his way into this country is barred under our naturalization laws from ever becoming a citizen. Such an alien, under the three and five year periods of limitation, may surreptitiously remain in this country for a sufficient length of time to secure a status that will save him from deportation, but at the same time he is barred from ever becoming an American citizen. We believe that any considerable number of such aliens in this country would be and is a menace to the best interests of our Nation.

If an alien has been in the United States for such a long period of time that it would be unconscionable, as some claim, to deport him, why has he not applied for citizenship? What special privilege can be claimed for this class of aliens that will entitle them to exemption from the penalties imposed upon those that violate the laws of our country?

I quote from the minority report:

> To make our position clear with what we term unnecessarily harsh provisions of this bill we will set forth our views and objections in the order in which they appear in the bill.

This bill in paragraphs 1 to 14, both inclusive, of section 19 sets forth 14 separate and distinct causes for deportation. The minority report specifically objects to 10 of the 14 causes for deportation set forth in the bill, and I wish to consider these objections in the order in which they are made, which is the order in which the provisions objected to appear in the bill.

TEN OBJECTIONS IN MINORITY REPORT

Objection No. 1 is to paragraphs 1, 2, and 3 of section 19 of the bill. The causes for deportation established in these three paragraphs are in substance contained in the present law, and the objection is not made so much to the grounds for deportation established in these three paragraphs as to the fact that the limitation periods have been removed. The answer to their question No. 4 as to why the limitation periods were removed fully cover their first objection.

Objection No. 2 is to that particular provision of paragraph 4 of section 19 of the bill, which throws upon an alien who is a public charge the burden of proof of showing that he is a public charge from causes having arisen subsequent to his entry.

Under the present law when an alien is arrested on the ground that he is a public charge the burden of proof is upon such alien to show if he is to avoid deportation that he has not become a public charge on account of reasons that existed prior to his entry into this country. The only change in this class of cases is the removal of the time limit, and in no other class is the desirability of its removal more apparent.

The practice is prevalent on the part of many persons to care for such of their friends or relatives as come within these classes until the expiration of the five-year period, and thereupon turn them out to be cared for by public institutions when they can no longer be deported under existing law on the ground of being a public charge.

Objection No. 3 is to paragraph 5 of section 19. As explained above, no change is made as to the burden of proof in a deportation proceedings under this paragraph. This is in part a new provision to make deportable an alien "who, from causes not affirmatively shown to have arisen subsequent to entry into the United States, is an idiot, imbecile, feebleminded person, epileptic, insane person, person of constitutional psychopathic inferiority, or person with chronic alcoholism." It surely can not be seriously contended that any alien described in this paragraph is a desirable addition to any community.

Objection No. 4 is to paragraph 6 of section 19, which provides for the deportation of any alien who is convicted and sentenced to imprisonment for a term of one year or more. The present law provides that the conviction and imprisonment for one year must be for a crime involving moral turpitude, while this bill removes all reference to moral turpitude. The term "moral turpitude" is somewhat indefinite, and has been subjected by the various courts to different interpretations. Surely an alien who has been regularly convicted in a court of record and sentenced to imprisonment for one year or more should be deported without any quibbling as to whether his offense involved moral turpitude.

In practical operation this change is not likely to affect a large number of aliens, as most offenses for which an alien will be sentenced to imprisonment for one year or more have been considered offenses involving moral turpitude.

HABITUAL OFFENDERS

Objection No. 5 is to paragraph 7 of section 19, and provides a new cause for deportation. This paragraph is as follows:

> An alien who is convicted of any offense—committed after the enactment of deportation act of 1925—for which he is sentenced to imprisonment for a term, which, when added to the terms to which sentence under one year or more previously convicted of the same or any other offense—committed after the enactment of the deportation act of 1925—amounts to 18 months or more.

This provision is intended to provide a method whereby this country may be relieved of the presence of the habitual petty offender. The Department of Labor cites the case of one alien, for instance, who has been convicted for various violations of law on some 39 occasions, but he can not be deported because of the time limitations and one-year sentence limitation in the present law.

An alien who is an idle, dissolute fellow, habitually guilty of petty offenses, is not a desirable addition to any community.

The minority report in their objection to this provision say that it may cause the deportation of an alien who has been—

> guilty of merely a high-grade misdemeanor or an offense of a technical character, or a first offense or the result of a lack of familiarity with local conditions.

While I am not able to understand just what kind of an offense a "high-grade misdemeanor" is, I presume that the gentlemen refer to some offense that merits a very light degree of punishment.

You gentlemen will remember that any conviction referred to in this paragraph must be in a court of record. I presume that the "highest grade misdemeanor" would merit in a court of record at least a sentence of 10 days. However, before this alien can be deported he must have been found guilty of 53 more "high-grade misdemeanors" before the sum total of his imprisonment will furnish sufficient grounds for deportation. If he is guilty of a "fair-grade misdemeanor" and receives a sentence of 30 days, he will not be deported until he has committed 17 more "fair-grade misdemeanors" and receives a sentence of 30 days for each. If he has been convicted of a "low-grade misdemeanor" and receives a sentence of six months' imprisonment, he will not be deported until he receives two more six-month sentences. I can not understand where the provisions of this paragraph can be called "harsh and cruel." On the other hand, I am inclined to believe that we are not adequately protecting the interests of our country by pursuing such a lenient policy toward the habitual criminal.

Objection No. 5 is also to paragraph 8 of section 19, where the penalty of 18 months provided for in paragraph 7 is cut to 12 months for the repeated violation of State and national

prohibition laws. In a comparison of the 18 months and 12 months provisions of paragraphs 7 and 8 I am inclined to believe that the difference in penalty would better have been equalized by lowering the 18 months penalty in section 7 to 12 months rather than by raising the 12 months penalty in paragraph 8 to 18 months.

Objection No. 6 is to paragraph 9 of section 19, which provides for the deportation of "an alien who was convicted, or who admits the commission prior to entry, of an offense involving moral turpitude." This provision is substantially the same as the present law and the mode of proceeding would be exactly the same as in such cases under existing law. There is no justification for the objections advanced in the minority report.

WHITE SLAVE ACT

Objection No. 7 is to paragraph 10 of section 19, which provides for the deportation of an alien who has violated or conspired to violate the white slave traffic act or the Federal antinarcotic laws, whether or not convicted of such violation or conspiracy. The minority report says: "In other words, a person may have been arrested or indicted for a violation of these acts and may have been acquitted by a court or a jury, yet he may be deported if an immigrant inspector desires him to be deported." It is hardly necessary to point out that the statement is inaccurate. The desire of an immigrant inspector in any case is wholly immaterial. What is essential to secure deportation is to prove that the alien has violated or conspired to violate one of these acts, and it is the judgment of the committee, in which we believe the public will heartily agree, that where this has been proven in any case the alien ought to be deported. With the new provisions in the proposed bill guaranteeing notice and hearing to an alien in deportation proceedings, together with the rules of the department which always gives the alien the right to be represented by counsel, an alien will be afforded ample protection.

If it is proven that an alien has committed one of these offenses, in an executive proceeding, the alien should be deported without regard to delays and reversals on technicalities and failures to prosecute incident to unusual legal proceedings. The principal is not new or extraordinary. Under the existing law an alien who is found practicing prostitution or engaged in the business of prostitution is deported after the fact is established in an executive proceeding. The committee maintains that the violator of the white slave traffic act belongs in the same class as the prostitute and that the same principle and practice should be extended to the violator of the antinarcotic laws because of the incalculable damage they are inflicting upon the country and the difficulty in securing convictions in this class of cases. The fear of blackmail, we submit, is unfounded. It is unlikely that these provisions would enhance any existing liability to blackmail which, of course, exists with respect to any violation of law.

Objection number 8 is to that provision on pages 9 and 10 of the bill that—

> no alien shall be deported unless before the issuance of the order of deportation he was afforded an opportunity to be heard after notice upon the grounds stated in the order of deportation.

The specific objection to this paragraph is that no explicit provision has been made affording the alien the right to be represented by counsel at such hearing. It should be pointed out that the present law undertakes to afford the alien no guaranty whatever against administrative abuse. In the present law there is no provision for notice or hearing or for the alien to be represented by counsel but, as a matter of practice, the department does, by regulation, afford to the alien these various safeguards. This bill will specifically give, by law, these safeguards to the alien which the present law does not give. Subdivision D of rule 18 of the immigration rules prescribed by the Commissioner General, and approved by the Secretary of Labor, gives the alien the right to be represented by counsel, and there is nothing in these provisions which has the effect of changing or which is intended to change, this practice. On the other hand, the writing into the law of a provision guaranteeing notice and hearing, carries with it the implication that the alien is to be afforded the right to be represented by counsel. It is unnecessary to clutter up a statute by setting forth all of the minute details of procedure when a general provision is used, as in this bill, which inadequately includes them.

The minority report very properly admits that deportation proceedings are not "criminal prosecutions" and then argues, notwithstanding, that a provision in the Constitution, applicable only to criminal prosecutions (the sixth amendment), is applicable in "spirit" to a deportation proceeding. It has been decided so many times as to render citations superfluous that Congress has plenary power to enact laws for the expulsion of aliens whose presence in the country is deemed to be dangerous or undesirable, that proceedings for deportation in such cases are not criminal prosecutions in any sense and that the alien is not therefore entitled to constitutional protections afforded in such cases.

WHERE DEPORTED

Objection No. 9 is to section 20, which provides that if aliens entered from foreign contiguous territory, they may be deported to such territory or to the country of which they are citizens or subjects, or to the foreign port at which they embarked for such territory irrespective of whether they have acquired a domicile in such territory. The minority report suggests that this would permit an alien who had acquired a domicile in Mexico or Canada 5 or 10 years ago to be deported to his old country or to the foreign port from which he came. It is safe to assume that the Secretary of Labor will exercise a reasonable discretion under the power vested in him by this provision and that an alien who has been a bona fide resident of a foreign contiguous country for a long number of years will undoubtedly be deported to his home in such country unless it appears that he would probably return again to the United States, in which case it is only right and proper that he should be deported to the country of which he is a citizen or subject or to the foreign port from which he embarked. The Department of Labor has been seriously handicapped in many cases by undesirable and dangerous aliens claiming that, due to the brief period required for the establishment of a domicile in the foreign contiguous territory, they must be deported back to such territory.

The result is that these aliens immediately reenter the country illegally, and deportation therefore becomes entirely ineffective. If these aliens are deported, however, to their own country, it is likely that they will not find it so easy to return. Then, again, the contingency must be provided for where the foreign contiguous country refuses to accept a criminal alien that we are deporting, on the ground that although he may have acquired a domicile there he is not a citizen or subject of such foreign contiguous country. So that if we fail to make a provision such as has been made in section 20, we will be unable to rid ourselves of such aliens in a case of this kind.

Objection 10 is to section 8, on page 20 of the bill, which makes it a felony for an alien, after having been once deported, to again enter the United States. This we believe to be a wise provision, that will be exceedingly helpful in the enforcement of our immigration law. If an alien is deported to a European port, he can immediately reship for America, and if apprehended the only penalty that he will draw will be a second free ride across the ocean. This provision does not apply to an alien who has been denied admission to the United States but only applies to an alien who has been arrested in the United States and deported for causes specified by law. There is a clearly defined line of demarcation between an alien who has been arrested and deported and an alien who has merely been denied admission.

On page 9 of the minority report the following language is used:

> It is a matter of common knowledge that there were many who sought to enter the United States who were deported because on the very day on which they arrived the quotas from their countries were exhausted.

The penalty provided in the paragraph under discussion does not apply to the aliens mentioned in the quoted part of the minority report, because those aliens were not arrested and deported from the United States but were simply refused admission to the United States.

Before finishing these remarks I wish to refer to the statements of the gentleman from New York [Mr. CELLER] contained on page 3614 of the CONGRESSIONAL RECORD for Wednesday, February 11, 1925. The gentleman says:

> Mr. Speaker, I agree with most of the provisions of the deportation act—H. R. 11796. * * * I am opposed to those provisions of the bill now being considered by this committee which provides for immediate deportation of aliens who have been convicted more than once for any violation or of conspiracy to violate the Volstead Act. * * * Is it not time to leave off harassing the alien? Should we not let them work out their own salvation with a little less drastic interference?

I hope the gentleman in considering what he terms "drastic interference" will remember that, as heretofore pointed out, no alien will be deported for a violation of the Volstead Act until the combined length of sentences of imprisonment imposed

for one or more violations of the Volstead Act will have amounted to at least one year. I believe that one year in this country is a sufficient length of time to allow an alien bootlegger to "work out his own salvation." If he has not been able "to work out his own salvation" within that period he should be given an opportunity in his native land.

You will recall that near the beginning of my remarks I promised to answer later the first of the four questions propounded in the minority report. That question was, "How and in what way H. R. 11796 will materially assist in preventing the entry of undesirable and dangerous aliens?" It does not require any stretch of imagination whatever to perceive that the enactment of this bill making an alien who has entered illegally, deportable at any time, excluding permanently from the United States any deported alien, and making it a felony for any deported alien to enter or attempt to enter the United States, will obviously and necessarily assist in preventing the entry of undesirable and dangerous aliens.

May I say in conclusion that the Committee on Immigration and Naturalization spent weeks and months in the investigation of facts and the formulation of each of the provisions in this bill? The committee held open hearings, extending over a considerable number of weeks, and heard all who asked to be heard, both for and against any of the provisions of this bill. The committee also had the advice and the benefit of the experience of the Secretary of Labor, the Commissioner General of Immigration, and various other gentlemen closely connected with the enforcement of our immigration and deportation laws.

We believe that no provision in this bill will, in the least, work a hardship on any worthy and law-abiding alien who is legally in the United States. We believe that it will be a positive benefit to those aliens as well as a positive benefit to all the citizens of the United States, both native and foreign born.

CALENDAR WEDNESDAY

The SPEAKER. To-day is Calendar Wednesday.

Mr. ROBSION of Kentucky. Mr. Speaker, I call up the unfinished business of the House.

Mr. BLANTON. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that no quorum is present. The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed, the Sergeant at Arms directed to bring in absentees, the Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 61]

Andrew	Edmonds	McKenzie	Schall
Berger	Evans, Iowa	McNulty	Sherwood
Brand, Ohio	Favrot	Merritt	Sites
Britten	Fitzgerald	Miller, Ill.	Sullivan
Buckley	Gilbert	Miller, Wash.	Swing
Burdick	Graham	Moore, Ill.	Swoope
Butler	Griest	Morin	Taber
Carew	Harrison	Nelson, Wis.	Vare
Clark, Fla.	Hawley	O'Brien	Wefald
Collier	Humphreys	Perkins	Wertz
Collins	Johnson, W. Va.	Porter	Winslow
Corning	Kendall	Prall	Wolff
Croll	Kent	Quayle	Wood
Crosser	Kindred	Rathbone	Woodruff
Cummings	Langley	Reed, Ark.	Woodrum
Curry	Lankford	Roach	Wurzbach
Davey	Larson, Minn.	Rogers, Mass.	Yates
Dominick	Lee, Ga.	Rogers, N. H.	Zihlman
Eagan	Lindsay	Rouse	

The SPEAKER. Three hundred and fifty-five Members have answered to their names, a quorum.

Mr. LONGWORTH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

NEW IMMIGRATION ACT WORKING WELL

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the deportation bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, the new immigration act, signed by the President on May 26, 1924, is working well. Most statements to the contrary are made by interested persons with ulterior motives. Figures covering the operation of the law during its first six months, from July 1 to December 31, 1924, have just become available. They show, first of all, that the net increase to our population through immigration from every source, including Canada and Mexico, was but 97,389 for the first six months of the fiscal year.

Gross immigration for the six months was 231,368.

Immigrant aliens, as distinguished from nonimmigrant, numbered but 147,737.

Emigration during the same period amounted to 133,979.

At this rate the total immigration for the current fiscal year will be one-half of the figures for last year, perhaps less than one-half.

Mexican immigration has been reduced 60 per cent.

Canadian immigration has fallen off more than 38 per cent.

We are deporting more than twice as many undesirable aliens as heretofore.

It seems to me, Mr. Speaker, that these results quite definitely proclaim the merit of the law and give us cause for gratification. When we realize that the grand total of immigration for the fiscal year ended June 30, 1924, under the 3 per cent 1910 census quota law, was 879,302, or more than seven-eighths of a million, and that the grand total this year will be well under half a million, we can get a quick picture of the effectiveness of the new restriction. When we realize further that of this year's grand total more than one-third will be made up of the nonimmigrant classes, such as returning aliens, visitors, and so forth, it will be seen that the influx of immigration has indeed been notably checked.

Of strictly immigrant aliens, we have admitted during the past six months only 147,737. Compare this figure with last year's admission of 706,896, and we note an absolute reduction of almost 60 per cent. In addition, the quality is grading up noticeably, due principally to the overseas questionnaire.

Mr. Speaker, in time past there has been much discussion of the technicalities of our immigration laws, and much sympathy has been worked up in favor of aliens who have been debarred by their operation. I am happy to inform the House that few, if any, of the criticisms which quite justly were aimed at the former quota law can honestly be directed toward the immigration act of 1924.

Instead of counting aliens as they arrive at our gates, thus putting a premium on racing steamships and causing great distress to those who failed to arrive "within the quota," we now cause immigrants to be counted at our consulates overseas. In fact, we do not count the immigrants in person at all, but we count the "immigration visés" as provided by the law, and by limiting their issuance we keep a steady check on the immigration movement.

Thus an alien contemplating settlement in the United States need be put to but slight inconvenience. He files his application for immigration visé at the nearest American consulate, and when favorable action thereon is taken he has ample time to attend to all his necessary business before taking ship. He has an absolute assurance that so far as the numerical restriction is concerned he can not be debarred when he reaches an American port.

I am informed by officials of the State and Labor Departments that this system is working out splendidly; that there is practically no friction or confusion, and very few, if any, insoluble questions have arisen.

SOB STORY CASES

Notwithstanding this condition there have been charges published in the press which have misled some sections of the public and which may have caused some embarrassment to officials of the executive departments. For instance, in a western newspaper I find an editorial as follows:

THE BABE WHO CAME ALONE

As time goes on the crudities and injustices of certain provisions of the immigration law, which bears the name of ALBERT JOHNSON, as chairman, become more apparent.

The sentiment of the Nation is overwhelmingly in support of the principles of the restriction of immigration, but the present law should be amended to prevent incidents like the following:

Some time ago a woman physician of prominence sought permission of the American consul in London to come to America to join the staff of a New York hospital. She was a scientist of repute as well as a physician of standing. She had a child a little more than 2 years old. The consul gravely informed this highly desirable immigrant that she could come because of her profession, but the babe could not enter "because the quota was exhausted." Confronted by this stupidly rigid rule, she was forced to leave her baby in London and come here herself. The other day the baby came along in the care of the stewardess of the steamship *Olympic*.

A law which permits such technicalities to become commonplace should be amended. It must have been loosely drawn to be so grotesque as to permit such things. The great danger is that these repeated

incidents will so shock the heart and conscience of the American people that unless they are remedied and humanity and common sense prevail the whole principle of restrictive immigration may be jeopardized.

When this statement was called to my attention I referred it to the Commissioner General of Immigration, who was able to identify the case and made reply as follows:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, February 28, 1925.

Hon. ALBERT JOHNSON, M. C.,
House of Representatives, Washington, D. C.

DEAR MR. JOHNSON: Referring to your letter of February 10, 1925, transmitting the inclosed newspaper clipping, let me say that Commissioner Curran has forwarded the following report relative to this case, which, I think, will fully explain the situation:

"I am returning bureau file No. 55442/827, and with it I am inclosing verification of landing in the case of Masjadoba Kuselevic, who arrived on the steamship *Majestic* June 24, 1924. She was admitted on primary inspection as a member of a recognized learned profession.

"At the time of her entry the Gottlieb decision had been set aside by the Supreme Court, and the children of members of exempt classes were not admitted as exempt. This doubtless explains the refusal of the consul to give Mrs. Kuselevic a visé for her infant daughter Sofia.

"Sofia, 2½ years old, native of Latvia, arrived on the steamship *Olympic* January 17, 1925, second cabin. She traveled from England in care of a stewardess and upon arrival at this port was sent immediately to the hospital for observation. On the 19th she was certified to be suffering from whooping cough. Her mother came to this office that day with a letter from the health commissioner of New York, in which he said he was willing that the child be brought to New York City and placed in the Second Avenue Hospital or to Doctor Kuselevic's home. The child was thereupon discharged to her mother the same day."

Very truly yours,

W. W. HUSBAND,
Commissioner General.

Now, Mr. Speaker, such a situation as that which this editorial and letter discuss could not arise under the present immigration law. That it did arise under the former statute is a matter to be regretted. Yet the law was not wholly to blame, for something may be said concerning the peculiar nature of a mother who would leave a babe of 2½ years to journey alone across the ocean. Under the new law it is quite unlikely that a woman in the status of this one could obtain a nonquota immigration visé. We now have no exemption for the "learned profession" class as such. But if she did obtain a nonquota visé her child would be entitled to the same classification. And if she could come to this country only as a quota immigrant, it is certain that no consul would issue her a quota visé until he could accommodate the child likewise.

THE QUESTION OF FAMILIES

In this connection permit me to speak briefly of suggestions which have been much discussed relating to the desire that the immigration law be modified so as to unite the families of aliens in the United States. It is pointed out that alien males are in a position of hardship because their wives can not have nonquota status, and that various aliens want their children, parents, brothers and sisters, and even their cousins, admitted outside the quotas "to unite families."

My position in this matter is simply this, that I should like to see all families united, but I have found, thus far, no means by which such unions can be effected without defeating the very purpose of the immigration act of 1924.

To paraphrase a famous remark, "The only way to restrict is to restrict." This we have done. I do not now see how we can defy the entire country by modifying our restriction in any important degree. It might be possible to admit wives and minor children of those men who were here for a certain length of time prior to July 1, 1924, but if that is attempted a demand will be made for the admission of brothers and sisters, fathers and mothers, uncles, aunts, and cousins. In fact, whenever the question of admitting close relatives has been before the Immigration Committee, with a view to the admission of wives and children, the proposal has been wrecked by demands for the admission of all other relatives, including cousins. Cousins, of course, mean about all of Europe.

That this is so is proved by a study of the lists of names of those holding passport visés in excess of 1923–24 immigration quotas when the new law went into effect July 1, 1924, and who to the number of about 10,000 are clamoring for special legislation which will admit them. Of 2,400 listed by the American consul at Bucharest, not 2 per cent were wives and children of aliens domiciled in the United States. The majority were "cousins" and "brothers-in-law." A study of the names at Libau showed about the same.

If we admit all of these classes of relatives, what degree of restriction will remain?

UNITED STATES DOES NOT DIVIDE FAMILIES

As a matter of fact, members of aliens' families are not absolutely barred to-day. They are simply deterred by the quota restriction. Some are entering the country every day. Some will reach here next month; some next year.

In the meantime it may be said that the law puts no obstacle in the way of emigration. If an alien wants to unite with his family, there is nothing to prevent such union in the country from which he came. No alien comes here except by his own initiative. Our Government does not separate any alien from his family. His coming and his separation from family always are voluntary on his part, and in most cases with full knowledge of the probable difficulties. It follows that we are under no obligation to conform our governmental policies to his desires or alter our statutes to suit his convenience.

Having adopted the policy of restricting immigration, to the entire satisfaction of a vast majority of our people, and having found no formula by which the union of alien families can be accomplished without defeating our own intention and desire, I am convinced that discussion of material changes in the law along these lines is futile unless a commensurate additional restriction is made elsewhere.

This is not to say that the law should not and must not be amended. It is likely that experience will show some modifications to be necessary. It may be that some specific exemptions or extra quotas can be provided to take care of cases of exceptional hardship. My mind will always be open to reasonable suggestions looking to the humanitarian aspects of the problem. But I am certain that if we are to continue to enforce a restrictive policy we may as well realize now, rather than later, that any important broadening of the nonquota classes is an impossible proposition.

At present, if an alien relative can not come in nonquota status, he may come as a quota immigrant. If such a quota immigrant can not come immediately, he may come eventually. The bar is not absolute. Our policy is not exclusive.

CONTIGUOUS AND ADJACENT TERRITORY

Another aspect of the immigration problem to which much attention has been paid in the public press and elsewhere is that of restrictions, or the lack of restrictions, upon the entrance of natives of the Western Hemisphere. Under the temporary quota law which expired June 30, 1924, we admitted without quota limitation not only persons born in countries of North and South America but also Europeans who had lived in those countries for a period of five years. Our neighbor states, therefore, became in a sense viaducts or side roads by which excluded aliens from the Old World could escape the hardships of the percentage barrier. This condition encouraged a considerable immigration from contiguous territory, and there was much outcry against an arrangement which, it was said, barred worthy aliens from Europe while admitting persons of doubtful worth from this hemisphere.

It is my belief, Mr. Speaker, that the immigration act of 1924 has practically cured this situation. Recently announced statistics show that the immigration decrease from all the nonquota countries of the Western Hemisphere is 48 per cent. During the six months ended December 31, 1924, these countries have sent us only 94,404 immigrants, as compared with 359,471 during the fiscal year ended June 30, 1924. For the six months' period Canada and Newfoundland have sent us only 64,672, as compared with 209,288 during the previous fiscal year. The decrease is 38 per cent. During six months immigration from Mexico has been 19,100, which is a 60 per cent reduction from the last fiscal year's record of 93,889.

There are valid reasons for this very satisfactory showing, of course. The immigration act of 1924 requires the observance of certain formalities not required by the former statute. The alien applicant for immigration visé, even though he comes in nonquota status, must file a written application at an American consulate and present considerable proof of his good character and worth. While it is impossible to ascertain how many natives of contiguous countries find themselves barred by this requirement, I think it may be taken for granted that the number is large, and that under a different arrangement the influx from Canada and Mexico, particularly the latter, would be much greater.

Another thing: Mere residence in contiguous territory, or in a country of the Western Hemisphere, does not now give a European nonquota status, as under the temporary quota law. Nationality is determined by country of birth. A European,

though resident in Canada or Mexico, if not entitled to nonquota status or nonimmigrant status, falls into the quota class and is charged to the quota of the country in which he was born. Our neighbor states, therefore, can no longer be channels for convenient evasion of the numerical restriction.

This being so, I am not yet convinced that any real necessity has arisen for the imposition of a quota limitation upon aliens coming to the United States from countries of the Western Hemisphere. The figures demonstrate the effectiveness of the restriction imposed by the immigration act of 1924. An additional barrier, in the form of a quota, might effect a further reduction numerically, but at the same time it would make more difficult the already embarrassing problems presented by surreptitious entry, or "alien bootlegging." In other words, quotas for Mexico and Canada might decrease the number of legal admissions, but they would make even more difficult than at present the task of guarding the 7,000 or more miles of land boundaries north and south of the United States. There is involved also the further proposition that we must not put in jeopardy the present good feeling between ourselves and our neighbors. Immigration quotas for Canada and the Latin American countries might prove to be both irritating and embarrassing. Operation of the immigration act of 1924 shows there is no necessity for them at present.

THE NEW BORDER PATROL

In this connection, it may be said that one of the most important developments in the immigration problem was the establishment last year of the immigration border patrol. This force, authorized and appropriated for by Congress in June, 1924, now consists of 200 men on the Canadian border and about 250 men on the Mexican border. These are picked men, uniformed, armed, and mounted when necessary. They are selected through competitive civil-service examinations, and although some time has been required to collect a force of the exact type needed, for they must be sturdy and courageous outdoor men, and on the Mexican border they must have a working knowledge of the Spanish language, I am informed that the results already obtained from their work have been exceptionally worthy of note. Thus far this border patrol has not only checked the surreptitious entry of many aliens, but it has given important assistance to other arms of the Government, and has aided the enforcement of the customs, narcotic, and liquor laws. I am convinced that this will be a most important arm of the Federal service and will become—as indeed it has already become—an important factor in the solution of the immigration question. The only thing necessary to its satisfactory functioning is the enactment of a provision now pending before the House to give these patrolmen the right to make arrests. With such an authority the force will be able to do what I am sure the American people want it to do; that is, stop absolutely the smuggling or "bootlegging" of unwanted aliens across the land borders.

IMPROVEMENTS AT ELLIS ISLAND

Another matter of administration to which I desire to direct attention is the improvement of the immigration station at Ellis Island. For several years this plant, which receives more immigrants daily, monthly, and yearly than all our other stations put together, has needed extensive repairs and rearrangement. Thanks to the reduction of the immigrant stream, brought about by the new restrictive law, these improvements for the first time have become possible.

Citizens who have not seen Ellis Island during its busy season will be unable to appreciate the problem which confronted officials of the Immigration Service in contemplating needed alterations. Readjustment of the physical equipment was practically impossible when arrivals were numbering nearly 2,000 every day.

Now that the immigrant stream has been reduced in size, many much-needed repairs have been and are being made. Congress appropriated $326,000 for this work, and expenditure of this sum is providing new dormitories, new detention rooms, new dining room, and laundry equipment. Walls are being tiled, a library is being gathered, and everything possible is being done to meet the physical and mental requirements of the immigration laws. Not only will alien arrivals be made more comfortable, but the enforcement of the statute will be expedited and made more efficient. Hereafter no alien need dread detention at Ellis Island. It will in no sense resemble a prison, and there will be no cause for criticism of our Government's arrangements for the care of new arrivals. I feel that much credit for this good work is due the able commissioner of immigration at Ellis Island, Hon. H. H. Curran, who has worked early and late not only to enforce the laws but to assist the Immigration Committee to appreciate and solve the problems they present.

FIGURES CONCERNING EMIGRATION

In the recently published data relating to admissions and departures may be found figures which show that the exodus of aliens from the United States to certain countries has overbalanced the immigration from them. This is one of the healthiest signs of the times and one which speaks volumes for the merit of the new immigration law.

The countries that received back more persons than they sent us are Bulgaria, Czechoslovakia, Greece, Hungary, Italy, Lithuania, Poland, Portugal, Rumania, Spain, Yugoslavia, Armenia, China, India, Japan, Persia, and Syria. During the six months' period ending December 31, 1924, this exchange of persons meant an excess of emigration over immigration of approximately 32,000. At the same time the countries of northern and western Europe, from which we drew the substantial immigrant stock of the nineteenth century, sent us a considerable population gain. Germany sent 20,419 quota immigrants and 5,006 of the nonquota and nonimmigrant classes. Irish Free State immigration is next in importance, showing 11,832 quota immigrants and 3,123 others arriving.

ORIENTAL EXCLUSION

It will be of interest to citizens of the Pacific Coast States to know that the exclusion provisions of the immigration act of 1924 affecting persons ineligible to citizenship, notably orientals, have shown their efficacy in an unmistakable way. The statistics just issued state that only 453 Japanese of the immigrant class have entered the country in the six months' period ended December 31, 1924. This marks a reduction of almost 90 per cent in the Japanese influx. As illustrative of the situation, I give the exact figures affecting both Chinese and Japanese aliens:

	Fiscal year ended June 30, 1924				6 months, July–December, 1924			
	Immigrant	Nonimmigrant	Emigrant	Nonemigrant	Immigrant	Nonimmigrant	Emigrant	Nonemigrant
Chinese	4,670	9,843	3,736	9,172	1,304	4,401	1,828	3,638
Japanese	8,481	7,217	2,120	9,623	453	1,436	627	4,391

The important fact shown by these figures is that the exclusion provision of the law is functioning as Congress intended it to function. Further, I believe the figures demonstrate the validity of the contention urged when the law was being considered, namely, that the so-called gentlemen's agreement did not raise the barrier against Japanese immigration which its authors contemplated.

Another interesting fact is that dual control of Japanese immigration, which a year ago a high official of the American Government thought would be more efficacious as a barrier than any absolute exclusion measure, is quite definitely proven unnecessary.

During the time of the operation of the gentlemen's agreement, despite the original intent of that understanding, the influx of Japanese continued at a considerable rate. Since its abrogation Japanese immigration has dropped to a negligible figure. At the same time the new law has closed some loopholes in the Chinese exclusion act, as is shown by the 45 per cent reduction in immigration from China. In these results I believe there is cause for gratification. Substantially, they mean that the colonization of unassimilable races in the United States, and particularly along our Pacific coast, has been brought to an end.

It should be understood, however (and the figures impressively show it), that practically all persons of the Japanese race who have legitimate reasons for entering the United States may come in freely. The law is applicable only to those who seek admission for permanent residence. That the Japanese themselves appreciate this fact is shown by the publication in Nichi Bei, a Japanese dialect newspaper of San Francisco, on November 28, 1924, of the following article:

About four months have passed since the new American immigration law, which so aroused public opinion in the old country, went into effect. But the immigration law, which at first was thought to be very severe, has turned out to be very mild and smooth in its application. According to recent advices from the old country this new immigration law which seemed to be very severe proves to be such in regard to laborers only; but students, traders, and members of mercantile houses find it even easier than under the gentlemen's agreement, and are coming to America in large numbers. In the municipality of Tokyo alone upward of 600 students, officials, and merchants have already come, and the number throughout the entire country is said to be exceedingly large.

In the case of students who live in the interior all they have to do is to secure in advance permission for entering previously designated schools in America. In the case of mercantile houses it has become comparatively easy. Persons who are visiting America for purposes of observation or on business may remain six months; if necessary the time can be extended.

But in the case of students, since it has been made obligatory upon the heads of the institutions attended by Japanese to report details with regard to attendance, graduation, etc., to the Secretary of Labor, the sons of rich men will not be permitted as hitherto merely to register in college for the amusement. Furthermore, the question how to deal with "ghost students" who never even show their faces at schools and a number of other riddles in connection with the new immigration law remain to be cleared up. "But," says Mr. Akamatsu, the chief of the bureau of immigration, "after all, in many respects going to America has become easier."

THE DEPORTATION BILL

Mr. Speaker, there are many phases of the alien problem in the United States which remain yet to be considered by Congress.

We have pending now, and hope to pass soon, the alien deportation bill—H. R. 11796. If we enact this measure, we shall be able summarily to deport many persons who never should have been admitted to the country in the first place, or who since admission have demonstrated their undesirability.

I shall not discuss this measure now, except to state my opinion that almost all well-informed citizens favor more strictness in dealing with aliens who are a menace or a burden to our citizenry. Under existing statutes an alien, after being in the country five years, can not be deported for commission of a single crime or for unlawful entry or for becoming a public charge. The pending bill would remove this five-year limitation and would also eliminate the vague and uncertain test of "moral turpitude" in criminal cases and substitute therefor the test of conviction and sentence for a definite term. It would make provision also for jail sentences for aliens who enter the country unlawfully, and would provide deportation for aliens who connive with others to break the immigration laws. This is a most important measure, is much needed, and should be enacted.

In addition to the deportation problem, we have the problem of correcting certain inequities in the naturalization laws. We expect to consider also the advisability of perfecting a practicable plan for registration of aliens. These are the next questions to be taken up by the Committee on Immigration and Naturalization. I believe the country expects us to deal with them as soon as possible.

EFFICIENT OFFICIALS

I believe, further, Mr. Speaker, the majority of the people will be content if we undertake no modification of the immigration act of 1924, which day by day is justifying itself more and more. The Department of Labor and the Bureau of Immigration, under the patriotic, capable, and conscientious administration of Hon. James J. Davis, Secretary of Labor, Hon. E. J. Henning and Hon. Robe Carl White, Assistant Secretaries, and Hon. W. W. Husband, Commissioner General, are enforcing the law in a manner worthy of great praise. Our consuls overseas, under the extraordinarily excellent direction of Hon. Charles E. Hughes, Secretary of State, and his Assistant Secretaries, are doing magnificent work. Theirs is a tremendous responsibility, and that it is being carried out with credit to the Government and the people of the United States is shown by the testimony of one of our most loyal and efficient public servants, Hon. H. H. Curran, commissioner of immigration at the port of New York, who, in a recent article, said:

As an affirmative performance the immigration act of 1924 has already done great good to our country, and it gives promise of doing more. The immigrants who come to us are now fewer and better. Arriving at a rate of a thousand a day, their quality, at least thus far, is as much finer than that of the old immigration as their quantity is smaller. At Ellis Island this is a thing that we see with our own eyes, a thing that we know. We hope it will continue.

STATISTICS FOR FIRST SIX MONTHS OF NEW LAW

Mr. Speaker, I append three tables, which I believe will give the inquiring mind a general view of the immigration situation at the present time. In explanation of the first one, let me say that the quotas fixed for oriental and African countries, under the provisions of the law, are available only to persons eligible to citizenship, as, for instance, an Englishman or a German who happens to be born in China or Japan. It will be noted that quota admissions from these countries have been very small, 18 of them showing none at all. The tables are as follows:

Aliens admitted to the United States under the immigration act of 1924, from July to December 31, 1924, by country or area of birth, as specified

Country or area of birth	Annual quota	Number admitted		Total admitted, July to December, 1924
		Charged to quota, July to December, 1924	Not charged to quota, July to December, 1924	
QUOTA COUNTRIES				
Afghanistan	100		2	2
Albania	100	46	145	191
Andorra	100		4	4
Arabian peninsula	100	3	2	5
Armenia	124	5	43	48
Australia	121	88	1,596	1,684
Austria	785	343	550	893
Belgium [1]	512	275	807	1,082
Bhutan	100			
Bulgaria	100	72	67	139
Cameroon (British)	100			3
Cameroon (French)	100			
China	100	51	5,444	5,495
Czechoslovakia	3,073	1,245	1,057	2,302
Danzig	228	132	17	149
Denmark	2,789	1,100	1,108	2,208
Egypt	100	52	60	112
Esthonia	124	57	30	87
Ethiopia (Abyssinia)	100			
Finland	471	209	630	839
France [1]	3,954	1,765	3,531	5,296
Germany	51,227	20,419	5,006	25,425
Great Britain and Northern Ireland [1]	34,007	14,593	20,082	34,675
Greece	100	59	1,076	1,135
Hungary	473	201	500	701
Iceland	100	42	5	42
India	100	26	291	317
Iraq (Mesopotamia)	100	6	17	37
Irish Free State	28,567	11,832	3,123	14,955
Italy [1]	3,845	1,044	7,524	8,568
Japan	100	1	1,711	1,712
Latvia	142	67	108	175
Liberia	100		3	3
Lichtenstein	100	8	1	9
Lithuania	344	142	421	563
Luxemburg	100	47	56	103
Monaco	100			4
Morocco	100	6	13	19
Muscat (Oman)	100		3	3
Nauru (British)	100			
Nepal	100		1	1
Netherlands [1]	1,648	649	1,198	1,847
New Zealand	100	48	552	600
New Guinea	100		1	1
Norway	6,453	2,945	1,611	4,556
Palestine	100	5	212	217
Persia	100	38	57	95
Poland	5,982	1,803	1,591	3,394
Portugal [1]	503	237	702	939
Ruanda and Urundi	100			
Rumania	603	271	634	905
Russia, European and Asiatic	2,248	986	1,352	2,338
Samoa, western	100	3	4	7
San Marino	100			
Siam	100		17	17
South Africa	100	72	140	212
Southwest Africa	100	17	35	52
Spain [1]	131	78	2,323	2,401
Sweden	9,561	4,332	2,043	6,375
Switzerland	2,081	924	1,212	2,136
Syria and the Lebanon	100	44	389	433
Tanganyika	100			
Togoland (British)	100			
Togoland (French)	100		1	1
Turkey	100	68	449	517
Yap and other Pacific Islands	100	1	4	5
Yugoslavia	671	292	647	939
Total	164,667	66,749	70,215	136,964
NONQUOTA COUNTRIES				
Canada			63,284	
Newfoundland			1,388	
Mexico			19,100	
Cuba			5,539	
Dominican Republic			479	
Haiti			115	
Canal Zone			53	
Independent countries of Central and South America			4,446	
Total			94,404	
Grand total	164,667	66,749	164,619	[2] 231,368

[1] Including colonies, dependencies, or protectorates.

[2] Does not include 1,324 aliens from quota countries, who arrived prior to June 30, 1924, and were admitted after that date.

Aliens admitted to the United States under the immigration act of 1924, during the six months ended December 31, 1924, by classes, as specified

	Admissible classes	Number admitted
Nonimmigrants under—		
Section 3 (1)	Government officials, their families, attendants, servants, and employees.	833
Section 3 (2)	Temporary visitors for—	
	Business	7,597
	Pleasure	9,776
Section 3 (3)	In continuous transit through the United States.	12,768
Section 3 (6)	To carry on trade under existing treaty..	123
	Total nonimmigrants	31,097
Nonquota immigrants under—		
Section 4 (a)	Wives of United States citizens	957
Do	Unmarried children (under 18 years of age) of United States citizens.	708
Section 4 (b)	Residents of the United States returning from a temporary visit abroad.	35,024
Section 4 (c)	Natives of Canada, Newfoundland, Mexico, Cuba, Haiti, Dominican Republic, Canal Zone, or an independent country of Central or South America.	94,353
	Their wives	256
	Their unmarried children (under 18 years of age).	91
Section 4 (d)	Ministers of religious denominations	431
	Their wives	181
	Their unmarried children (under 18 years of age).	324
Do	Professors of colleges, academies, seminaries, or universities.	141
	Their wives	41
	Their unmarried children (under 18 years of age).	24
Section 4 (e)	Students	991
	Total nonquota immigrants	133,522
Quota immigrants under section 5.		66,749
	Grand total admitted under the act..	231,368

Increase or decrease in population by arrival and departure of aliens during the 6 months ended December 31, 1924, by races or peoples and sex.

Race or people	Admitted			Departed			Increase (+) or decrease (−)
	Immigrant	Nonimmigrant	Total	Emigrant	Nonemigrant	Total	
African (black)	479	1,152	1,631	612	1,209	1,821	−190
Armenian	248	129	377	66	81	147	+230
Bohemian and Moravian (Czech)	960	610	1,570	909	587	1,496	+74
Bulgarian, Serbian, and Montenegrin	271	345	616	875	325	1,200	−584
Chinese	1,304	4,401	5,705	1,828	3,638	5,466	+239
Croatian and Slovenian	248	225	473	690	318	1,008	−535
Cuban	501	4,459	4,960	694	5,600	6,294	−1,334
Dalmatian, Bosnian, and Herzegovinian	27	117	144	211	277	488	−344
Dutch and Flemish	1,597	1,533	3,130	658	1,506	2,164	+966
East Indian	28	56	84	57	45	102	−18
English	29,614	18,483	48,097	4,959	20,444	25,403	+22,694
Finnish	343	652	995	196	725	921	+74
French	13,608	4,475	18,083	653	2,313	2,966	+15,117
German	24,917	6,552	31,469	1,699	4,865	6,564	+24,905
Greek	453	1,111	1,564	4,547	1,006	5,553	−3,989
Hebrew	4,975	1,557	6,532	167	530	697	+5,835
Irish	21,020	3,692	24,712	943	2,642	3,585	+21,127
Italian (north)	890	1,742	2,632	3,695	2,480	6,175	−3,543
Italian (south)	2,031	5,555	7,586	16,095	6,034	22,129	−14,543
Japanese	453	1,436	1,889	627	4,391	5,018	−3,129
Korean	9	8	17	20	25	45	−28
Lithuanian	160	275	435	333	263	596	−161
Magyar	490	492	982	526	405	931	+51
Mexican	11,397	7,236	18,633	1,406	862	2,268	+16,365
Pacific Islander	1	7	8	3	13	16	−8
Polish	1,479	803	2,282	2,143	1,417	3,560	−1,278
Portuguese	317	745	1,062	2,788	943	3,731	−2,669
Rumanian	234	274	508	766	487	1,253	−745
Russian	786	605	1,391	393	417	810	+581
Ruthenian (Russniak)	456	23	479	45	24	69	+410
Scandinavian (Norwegians, Danes, and Swedes)	10,132	4,913	15,045	1,890	3,447	5,337	+9,708
Scotch	15,177	4,445	19,622	1,712	3,883	5,595	+14,027
Slovak	251	108	359	414	211	625	−266
Spanish	332	2,696	3,028	3,336	2,375	5,711	−2,683
Spanish American	1,174	2,107	3,281	684	2,094	2,778	+503
Syrian	217	432	649	288	271	559	+90
Turkish	36	72	108	112	53	165	−57
Welsh	648	358	1,006	58	157	215	+791
West Indian (except Cuban)	157	810	967	278	1,023	1,301	−334
Other peoples	317	264	581	255	286	541	+40
Total	147,737	84,955	232,692	57,631	77,672	135,303	+97,389
Male	80,838	49,897	130,735	45,500	50,615	96,115	+34,620
Female	66,899	35,058	101,957	12,131	27,057	39,188	+62,769

CLARENCE W. SESSIONS

The SPEAKER. Without objection, the bill (H. R. 11826) to provide for an additional judge for the western district of Michigan will be laid on the table, a similar Senate bill (S. 4056) having passed the House last evening.

There was no objection.

RECESS

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that the House stand in recess, subject to the call of the Speaker.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the House stand in recess, subject to the call of the Speaker. Is there objection?

There was no objection.

Accordingly (at 12 o'clock and 40 minutes p. m.) the House stood in recess.

AFTER THE RECESS

At 12 o'clock and 57 minutes p. m. the House was called to order by the Speaker.

COUNTING THE ELECTORAL VOTE

At 1 o'clock p. m. the Doorkeeper, Mr. Bert W. Kennedy, announced the President pro tempore and the Senate of the United States.

The Senate entered the Hall, preceded by their Sergeant at Arms and headed by the President pro tempore and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The PRESIDENT pro tempore took his seat as the presiding officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The PRESIDENT pro tempore. Gentlemen of the Congress, the two Houses of Congress, pursuant to the requirements of the Constitution and the laws of the United States, are now in joint session for the purpose of opening the certificates and ascertaining and counting the votes of the electors of the several States for President and Vice President. Under well-settled precedents the reading of the formal portion of the certificates which have been presented to the President of the Senate will be dispensed with unless demand therefor shall be made. After it is acertained that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The Chair is but repeating an observation made years ago by a distinguished Vice President of the United States, and renewed since that time until it has become traditionary for these cases, when it suggests that there should be no manifestation of approval or disapproval on the part of the galleries or on the part of the Members of the joint session as the counting proceeds, inasmuch, as that distinguished Vice President said, as we are engaged in a solemn and important duty imposed upon us by the Constitution of the United States, and that it should be discharged with dignity and in silence.

The tellers heretofore appointed will take their places at the desk.

The tellers took their places at the desk.

The PRESIDENT pro tempore. The Chair hands to the tellers the certificate of the electors for President and Vice President of the State of Alabama, and they will count and make a list of the votes cast by that State.

Mr. JEFFERS (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that John W. Davis, of the State of West Virginia, received 12 votes for President, and Charles W. Bryan, of the State of Nebraska, received 12 votes for Vice President.

The PRESIDENT pro tempore. If there be no objection, the Chair will omit in the further procedure the formal statement just made, and will open in alphabetical order the certificates showing the votes of the electors in each State, and the tellers will read, count, and announce the result in each State as was done with respect to the State of Alabama.

There was no objection.

The tellers then proceeded to read, count, and announce, as was done in the case of Alabama, the electoral votes of the several States in an alphabetical order.

The PRESIDENT pro tempore. Gentlemen of the Congress, the certificates of all the States have now been opened and read and the tellers will make final ascertainment of the result and deliver the same to the President pro tempore of the Senate.

The tellers delivered to the President pro tempore of the Senate the following statement of the result:

The undersigned, SELDEN P. SPENCER and WILLIAM H. KING, tellers on the part of the Senate, and HAYS B. WHITE and LAMAR JEFFERS, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the 4th day of March, 1925:

Electoral votes of each State	States	For President			For Vice President		
		Calvin Coolidge, of Massachusetts	John W. Davis, of West Virginia	Robert M. La Follette, of Wisconsin	Charles G. Dawes, of Illinois	Charles W. Bryan, of Nebraska	Burton K. Wheeler, of Montana
12	Alabama		12			12	
3	Arizona	3			3		
9	Arkansas		9			9	
13	California	13			13		
6	Colorado	6			6		
7	Connecticut	7			7		
3	Delaware	3			3		
6	Florida		6			6	
14	Georgia		14			14	
4	Idaho	4			4		
29	Illinois	29			29		
15	Indiana	15			15		
13	Iowa	13			13		
10	Kansas	10			10		
13	Kentucky	13			13		
10	Louisiana		10			10	
6	Maine	6			6		
8	Maryland	8			8		
18	Massachusetts	18			18		
15	Michigan	15			15		
12	Minnesota	12			12		
10	Mississippi		10			10	
18	Missouri	18			18		
4	Montana	4			4		
8	Nebraska	8			8		
3	Nevada	3			3		
4	New Hampshire	4			4		
14	New Jersey	14			14		
3	New Mexico	3			3		
45	New York	45			45		
12	North Carolina		12			12	
5	North Dakota	5			5		
24	Ohio	24			24		
10	Oklahoma		10			10	
5	Oregon	5			5		
38	Pennsylvania	38			38		
5	Rhode Island	5			5		
9	South Carolina		9			9	
5	South Dakota	5			5		
12	Tennessee		12			12	
20	Texas		20			20	
4	Utah	4			4		
4	Vermont	4			4		
12	Virginia		12			12	
7	Washington	7			7		
8	West Virginia	8			8		
13	Wisconsin			13			13
3	Wyoming	3			3		
531		382	136	13	382	136	13

SELDEN P. SPENCER,
WM. H. KING,
Tellers on the part of the Senate.
HAYS B. WHITE,
LAMAR JEFFERS,
Tellers on the part of the House of Representatives.

The PRESIDENT pro tempore. Gentlemen of the Congress, the report of the tellers of the votes cast by the electors in all the States as delivered to the President pro tempore of the Senate is as follows:

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 531, of which a majority is 266.

Calvin Coolidge, of the State of Massachusetts, has received for President of the United States 382 votes.

John W. Davis, of the State of West Virginia, has received 136 votes.

Robert M. La Follette, of the State of Wisconsin, has received 13 votes.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 531, of which a majority is 266.

Charles G. Dawes, of the State of Illinois, has received for Vice President of the United States 382 votes.

Charles W. Bryan, of the State of Nebraska, has received 136 votes.

Burton K. Wheeler, of the State of Montana, has received 13 votes.

The announcement of the state of the vote by the President pro tempore of the Senate, just made, is, under the Constitution and laws of the United States, deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the 4th day of March, 1925, and will be entered, together with a list of the votes so cast and ascertained, on the Journals of the Senate and the House of Representatives.

Gentlemen of the joint session, the purpose of this meeting having been accomplished, the joint session is now dissolved and the Senators will return to the Senate Chamber.

The Senate (at 1 o'clock and 40 minutes p. m.) retired from the Hall, and (at 1 o'clock and 45 minutes p. m.) the Speaker resumed the chair and called the House to order.

PACIFIC COMMISSARY CO.

Mr. STRONG of Kansas. Mr. Speaker, I present a conference report on the bill S. 2357 and ask that the same be printed in the RECORD under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 2357. An act for the relief of the Pacific Commissary Co.

The SPEAKER. Ordered printed under the rule.

MILK BILL, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I ask to take from the Speaker's table the bill S. 2803 to insist on the House amendments, and to agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from Maryland asks to take from the Speaker's table, to insist on the House amendments, and to agree to the conference asked by the Senate on the bill which the Clerk will report by title.

The Clerk read as follows:

An act (S. 2803) to regulate within the District of Columbia the sale of milk, cream, and ice cream, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will announce the conferees.

The Clerk read as follows:

Mr. REED of West Virginia, Mr. LAMPERT, and Mr. BLANTON.

CALENDAR WEDNESDAY

The SPEAKER. To-day is Calendar Wednesday; the Clerk will call the roll of committees.

When the Committee on Mines and Mining was called,

SUSPENDING REQUIREMENTS OF ANNUAL ASSESSMENT WORK ON CERTAIN MINING CLAIMS, ETC.

Mr. ROBSION of Kentucky. Mr. Speaker, I wish to call up the unfinished business, which is House Joint Resolution 142.

The SPEAKER. The gentleman from Kentucky calls up the unfinished business (H. J. Res. 142), which the Clerk will report by title.

The Clerk read as follows:

House joint resolution (H. J. Res. 142) to suspend the requirements of annual assessment work on certain mining claims for a period of three years.

The SPEAKER. This joint resolution was being considered in the House as in Committee of the Whole House on the state of the Union.

Mr. ROBSION of Kentucky. Mr. Speaker, I wish to offer an amendment, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, strike out the figures "1924" and insert "1925."

The amendment was agreed to.

Mr. ROBSION of Kentucky. Mr. Speaker, I move the previous question on the joint resolution and amendments to final passage.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Has the Committee on Mines and Mining any further business?

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. There is so much confusion we can not hear what is transpiring. Has the Chair announced the passage of the joint resolution which the Mining Committee had on call?

The SPEAKER. He has.

Mr. CONNALLY of Texas. Is it in relation to radium?

The SPEAKER. The Chair is not advised——

Mr. ROBSION of Kentucky. The joint resolution passed was in relation to radium.

Mr. SEARS of Florida. And they are now looking up another bill.

Mr. CONNALLY of Texas. Mr. Speaker, I make the motion to reconsider.

The SPEAKER. The gentleman from Texas moves to reconsider the vote by which the joint resolution was passed.

Mr. DENISON. Mr. Speaker, I move to lay that motion on the table.

The SPEAKER. The gentleman from Illinois moves to lay that motion on the table.

The question was taken, and the Speaker announced the ayes seemed to have it.

On a division (demanded by Mr. CONNALLY of Texas) there were—ayes 57, noes 52.

Mr. CONNALLY of Texas. Mr. Speaker, I ask for tellers.

Tellers were ordered.

The House again divided, and the tellers (Mr. ROBSION of Kentucky and Mr. CONNALLY of Texas) reported that there were—ayes 80, noes 87.

Mr. LONGWORTH. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. It is clear there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 145, nays 156, not voting 130, as follows:

[Roll No. 62]

YEAS—145

Ackerman	Foster	McFadden	Shreve
Aldrich	Free	McKenzie	Simmons
Anderson	French	McLaughlin, Mich.	Sinnott
Bacharach	Fuller	McLaughlin, Nebr.	Smith
Bacon	Garber	McLeod	Snell
Barbour	Gibson	MacGregor	Snyder
Beers	Gifford	Magee, N. Y.	Speaks
Begg	Green	Manlove	Sproul, Kans.
Bixler	Guyer	Mapes	Stalker
Browne, Wis.	Hadley	Merritt	Stephens
Brumm	Hall	Michener	Strong, Pa.
Burdick	Hardy	Miller, Wash.	Summers, Wash.
Burtness	Haugen	Mills	Sweet
Burton	Hawley	Moore, Ohio	Swing
Cable	Hersey	Moores, Ind.	Swoope
Chindblom	Hickey	Morgan	Taylor, Tenn.
Christopherson	Hill, Md.	Murphy	Temple
Cole, Iowa	Hoch	Nelson, Me.	Thompson
Colton	Hudson	Newton, Minn.	Tilson
Connolly, Pa.	Hull, Iowa	Newton, Mo.	Timberlake
Cooper, Ohio	James	Nolan	Tincher
Cooper, Wis.	Johnson, S. Dak.	Paige	Tinkham
Cramton	Johnson, Wash.	Parker	Underhill
Dallinger	Kearns	Patterson	Valle
Darrow	Kelly	Purnell	Wainwright
Davis, Minn.	Ketcham	Ramseyer	Watson
Denison	Kiess	Ransley	Welsh
Dickinson, Iowa	King	Rathbone	White, Kans.
Dowell	Knutson	Reece	White, Me.
Dyer	Kopp	Reed, N. Y.	Williams, Ill.
Elliott	Kurtz	Reid, Ill.	Williamson
Fairchild	Leach	Richards	Winslow
Faust	Leatherwood	Robinson, Iowa	Winter
Fenn	Leavitt	Robsion, Ky.	Wyant
Fish	Lineberger	Sanders, Ind.	
Fitzgerald	Longworth	Sanders, N. Y.	
Fleetwood	Luce	Seger	

NAYS—156

Abernethy	Connery	Hastings	McSweeney
Allen	Cook	Hayden	Major, Ill.
Allgood	Crisp	Hill, Ala.	Major, Mo.
Almon	Cullen	Hill, Wash.	Martin
Arnold	Davey	Howard, Nebr.	Mead
Aswell	Davis, Tenn.	Howard, Okla.	Milligan
Bankhead	Deal	Huddleston	Minahan
Bell	Dickinson, Mo.	Hudspeth	Montague
Black, N. Y.	Doughton	Hull, Tenn.	Mooney
Black, Tex.	Drewry	Jacobstein	Moore, Ga.
Bland	Driver	Jeffers	Moore, Va.
Blanton	Eagan	Johnson, Tex.	Morehead
Box	Evans, Mont.	Jones	Morrow
Boyce	Fisher	Jost	O'Connell, R. I.
Boylan	Fulbright	Kerr	O'Connor, La.
Brand, Ga.	Fulmer	Kvale	O'Sullivan
Briggs	Gallivan	LaGuardia	Oldfield
Browne, N. J.	Gambrill	Lanham	Oliver, Ala.
Browning	Gardner, Ind.	Lankford	Oliver, N. Y.
Buchanan	Garner, Tex.	Larsen, Ga.	Park, Ga.
Bulwinkle	Garrett, Tenn.	Lazaro	Parks, Ark.
Busby	Garrett, Tex.	Lilly	Peery
Byrns, Tenn.	Gasque	Lowrey	Quin
Canfield	Geran	Lozier	Ragon
Cannon	Glatfelter	Lyon	Rainey
Carew	Goldsborough	McClintic	Raker
Carter	Greenwood	McDuffie	Rankin
Clancy	Griffin	McKeown	Rayburn
Cleary	Hammer	McReynolds	Romjue
Connally, Tex.	Harrison	McSwain	Rubey
Salmon	Steagall	Thomas, Okla.	Wefald
Sanders, Tex.	Stedman	Tucker	Weller
Sandlin	Stengle	Tydings	Williams, Tex.
Schafer	Stevenson	Underwood	Wilson, Ind.
Schneider	Sumners, Tex.	Upshaw	Wilson, La.
Sears, Fla.	Swank	Vinson, Ky.	Wilson, Miss.
Shallenberger	Tague	Ward, N. C.	Wingo
Sites	Taylor, W. Va.	Watkins	Woodrum
Smithwick	Thomas, Ky.	Weaver	Wright

NOT VOTING—130

Andrew	Doyle	Lehlbach	Sabath
Anthony	Drane	Lindsay	Schall
Ayres	Edmonds	Linthicum	Scott
Barkley	Evans, Iowa	Logan	Sears, Nebr.
Beck	Fairfield	McNulty	Sherwood
Beedy	Favrot	MacLafferty	Sinclair
Berger	Frear	Madden	Spearing
Bloom	Fredericks	Magee, Pa.	Sproul, Ill.
Boies	Freeman	Mansfield	Strong, Kans.
Bowling	Frothingham	Michaelson	Sullivan
Brand, Ohio	Funk	Miller, Ill.	Taber
Britten	Gilbert	Moore, Ill.	Taylor, Colo.
Buckley	Graham	Morin	Thatcher
Butler	Griest	Morris	Tillman
Byrnes, S. C.	Hawes	Nelson, Wis.	Treadway
Campbell	Holaday	O'Brien	Vare
Casey	Hooker	O'Connell, N. Y.	Vestal
Celler	Hull, Morton D.	O'Connor, N. Y.	Vincent, Mich.
Clague	Hull, William E.	Peavey	Vinson, Ga.
Clark, Fla.	Humphreys	Perkins	Voigt
Clarke, N. Y.	Johnson, Ky.	Perlman	Ward, N. Y.
Cole, Ohio	Johnson, W. Va.	Phillips	Wason
Collier	Keller	Porter	Watres
Collins	Kendall	Pou	Wertz
Corning	Kent	Prall	Williams, Mich.
Croll	Kincheloe	Quayle	Wolff
Crosser	Kindred	Reed, Ark.	Wood
Crowther	Kunz	Reed, W. Va.	Woodruff
Cummings	Lampert	Roach	Wurzbach
Curry	Langley	Rogers, Mass.	Yates
Dempsey	Larson, Minn.	Rogers, N. H.	Zihlman
Dickstein	Lea, Calif.	Rosenbloom	
Dominick	Lee, Ga.	Rouse	

So the motion to lay on the table was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. Madden with Mr. Tillman.
Mr. Treadway with Mr. Kincheloe.
Mr. Thatcher with Mr. Bloom.
Mr. Beedy with Mr. Ayres.
Mr. Butler with Mr. Casey.
Mr. Scott with Mr. Crosser.
Mr. Lampert with Mr. Doyle.
Mr. Crowther with Mr. Hawes.
Mr. Wood with Mr. Johnson of Kentucky.
Mr. Yates with Mr. Taylor of Colorado.
Mr. Fredericks with Mr. Sabath.
Mr. Zihlman with Mr. O'Connor of New York.
Mr. Funk with Mr. Linthicum.
Mr. Graham with Mr. Lea of California.
Mr. Frothingham with Mr. Vinson of Georgia.
Mr. Dempsey with Mr. Barkley.
Mr. Perkins with Mr. Bowling.
Mr. Magee of Pennsylvania with Mr. Collier.
Mr. Brand of Ohio with Mr. Morris.
Mr. Woodruff with Mr. Drane.
Mr. Boies with Mr. Gilbert.
Mr. Sproul of Illinois with Mr. Hooker.
Mr. Watres with Mr. Sherwood.
Mr. Phillips with Mr. Spearing.
Mr. Freeman with Mr. Humphreys.
Mr. Holaday with Mr. Pou.
Mr. Sears of Nebraska with Mr. Kunz.
Mr. Campbell with Mr. Byrnes of South Carolina.
Mr. Rosenbloom with Mr. Wolff.
Mr. Griest with Mr. Buckley.
Mr. Andrew with Mr. Kindred.
Mr. Taber with Mr. Lindsay.
Mr. Vare with Mr. Clark of Florida.
Mr. Wertz with Mr. O'Connell of New York.
Mr. Kendall with Mr. Corning.
Mr. Anthony with Mr. Johnson of West Virginia.
Mr. Vincent of Michigan with Mr. Kent.
Mr. Wason with Mr. Lee of Georgia.
Mr. Britten with Mr. Celler.
Mr. Williams of Michigan with Mr. McNulty.
Mr. Clague with Mr. Logan.
Mr. Wurzbach with Mr. Collins.
Mr. Michaelson with Mr. O'Brien.
Mr. Curry with Mr. Prall.
Mr. Lehlbach with Mr. Croll.
Mr. MacLafferty with Mr. Dickstein.
Mr. Cole of Ohio with Mr. Cummings.
Mr. Morin with Mr. Quayle.
Mr. Porter with Mr. Dominick.
Mr. Fairfield with Mr. Rogers of New Hampshire.
Mr. Rogers of Massachusetts with Mr. Favrot.
Mr. Edmonds with Mr. Rouse.
Mr. Frear with Mr. Reed of Arkansas.
Mr. Roach with Mr. Sullivan.
Mr. Perlman with Mr. Berger.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONNALLY of Texas. What is the vote just recorded?

The SPEAKER. The Clerk is counting it now; the Chair does not know.

Mr. CONNALLY of Texas. It is rather an unusual delay.

Mr. BLANTON. Mr. Speaker, I make the point of order that a recapitulation is only made where it is requested after the vote is announced.

The SPEAKER. The Chair overrules the point of order. The Chair will state it is not a recapitulation.

Mr. BLANTON. It is an unusual delay, and I have been here for eight years.

The SPEAKER. And it is a pretty close vote.

Mr. BLANTON. I have never seen it occasioned before.

The result of the vote was announced as above recorded.

The SPEAKER. The motion to lay on the table does not prevail, and the question is on the motion of the gentleman from Texas to reconsider the vote by which the bill was passed.

The question was taken, and the Chair announced the noes seemed to have it.

Mr. CONNALLY of Texas. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 73, noes 86.

Mr. CONNALLY of Texas. Mr. Speaker, I ask for the yeas and nays. The gentleman from Ohio [Mr. LONGWORTH] seems to have time enough to call the roll, so we might as well have it called again.

The SPEAKER. The gentleman from Texas demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is on the motion to reconsider the vote whereby the bill was passed.

The question was taken; and there were—yeas 155, nays 144, answered "present" 3, not voting 129, as follows:

[Roll No. 63]

YEAS—155

Abernethy	Dickinson, Mo.	Lanham	Romjue
Allen	Doughton	Lankford	Rubey
Allgood	Doyle	Larsen, Ga.	Salmon
Almon	Drane	Lee, Ga.	Sanders, Tex.
Arnold	Driver	Lowrey	Sandlin
Aswell	Eagan	Lozier	Schneider
Bankhead	Evans, Mont.	Lyon	Sears, Fla.
Barkley	Fisher	McClintic	Shallenberger
Bell	Fulbright	McDuffie	Sherwood
Black, N. Y.	Fulmer	McKeown	Sites
Black, Tex.	Gallivan	McReynolds	Smithwick
Bland	Gambrill	McSweeney	Spearing
Blanton	Gardner, Ind.	Major, Ill.	Steagall
Bowling	Garner, Tex.	Major, Mo.	Stedman
Box	Garrett, Tenn.	Martin	Stengle
Boyce	Gasque	Mead	Stevenson
Boylan	Geran	Milligan	Sumners, Tex.
Brand, Ga.	Glatfelter	Minahan	Swank
Briggs	Goldsborough	Montague	Tague
Browne, N. J.	Greenwood	Mooney	Taylor, Colo.
Browning	Griffin	Moore, Ga.	Taylor, W. Va.
Buchanan	Hammer	Moore, Va.	Thomas, Ky.
Bulwinkle	Hastings	Morehead	Thomas, Okla.
Busby	Hayden	Morris	Tucker
Byrns, Tenn.	Hill, Ala.	O'Connell, R. I.	Underwood
Canfield	Hill, Wash.	O'Connor, N. Y.	Upshaw
Cannon	Hooker	O'Sullivan	Vinson, Ky.
Carew	Howard, Nebr.	Oldfield	Watkins
Carter	Howard, Okla.	Oliver, Ala.	Weaver
Clancy	Huddleston	Oliver, N. Y.	Wefald
Cleary	Hudspeth	Park, Ga.	Weller
Connally, Tex.	Hull, Tenn.	Parks, Ark.	Williams, Tex.
Connery	Jeffers	Peery	Wilson, Ind.
Cook	Johnson, Tex.	Quin	Wilson, La.
Corning	Jones	Ragon	Wilson, Miss.
Crisp	Jost	Rainey	Wingo
Cullen	Kincheloe	Raker	Woodrum
Davis, Tenn.	Kvale	Rankin	Wright
Deal	LaGuardia	Rayburn	

NAYS—144

Ackerman	Denison	James	Nolan
Aldrich	Dickinson, Iowa	Johnson, S. Dak.	Paige
Anderson	Dowell	Johnson, Wash.	Parker
Andrew	Elliott	Kearns	Patterson
Bacharach	Faust	Kelly	Ramseyer
Bacon	Fenn	Ketcham	Ransley
Barbour	Fish	Kiess	Rathbone
Beedy	Fitzgerald	Kopp	Reece
Beers	Fleetwood	Kurtz	Reed, N. Y.
Begg	Foster	Lampert	Richards
Bixler	Free	Leach	Robinson, Iowa
Browne, Wis.	French	Leatherwood	Robsion, Ky.
Brumm	Frothingham	Leavitt	Sanders, Ind.
Burdick	Fuller	Lineberger	Sanders, N. Y.
Burtness	Garber	Longworth	Shreve
Burton	Gibson	Luce	Sinclair
Butler	Gifford	McFadden	Smith
Cable	Green	McLaughlin, Nebr.	Snell
Campbell	Guyer	McLeod	Speaks
Chindblom	Hadley	MacGregor	Sproul, Ill.
Christopherson	Hall	Magee, N. Y.	Sproul, Kans.
Clague	Hardy	Manlove	Stalker
Clarke, N. Y.	Haugen	Mapes	Stephens
Cole, Iowa	Hawley	Merritt	Strong, Kans.
Colton	Hersey	Michener	Strong, Pa.
Connolly, Pa.	Hickey	Miller, Wash.	Summers, Wash.
Cooper, Ohio	Hill, Md.	Mills	Swing
Cooper, Wis.	Hoch	Moore, Ohio	Swoope
Dallinger	Hudson	Moores, Ind.	Taylor, Tenn.
Darrow	Hull, Iowa	Morgan	Temple
Dempsey	Hull, William E.	Nelson, Me.	Thatcher
Thompson	Treadway	Watson	Williamson
Tilson	Underhill	Welsh	Winslow
Timberlake	Vincent, Mich.	White, Kans.	Winter
Tincher	Wainwright	White, Me.	Woodruff
Tinkham	Watres	Williams, Mich.	Wyant

ANSWERED "PRESENT"—3

Ayres	McLaughlin, Mich.	Mansfield

NOT VOTING—129

Anthony	Fredericks	McNulty	Rouse
Beck	Freeman	McSwain	Sabath
Berger	Funk	MacLafferty	Schafer
Bloom	Garrett, Tex.	Madden	Schall
Boles	Gilbert	Magee, Pa.	Scott
Brand, Ohio	Graham	Michaelson	Sears, Nebr.
Britten	Griest	Miller, Ill.	Seger
Buckley	Harrison	Moore, Ill.	Simmons
Byrnes, S. C.	Hawes	Morin	Sinnott
Casey	Holaday	Morrow	Snyder
Celler	Hull, Morton D.	Murphy	Sullivan
Clark, Fla.	Humphreys	Nelson, Wis.	Sweet
Cole, Ohio	Jacobstein	Newton, Minn.	Taber
Collier	Johnson, Ky.	Newton, Mo.	Tillman
Collins	Johnson, W. Va.	O'Brien	Tydings
Cramton	Keller	O'Connell, N. Y.	Valle
Croll	Kendall	O'Connor, La.	Vare
Crosser	Kent	Peavey	Vestal
Crowther	Kerr	Perkins	Vinson, Ga.
Cummings	Kindred	Perlman	Voigt
Curry	King	Phillips	Ward, N. Y.
Davey	Knutson	Porter	Ward, N. C.
Davis, Minn.	Kunz	Pou	Wason
Dickstein	Langley	Prall	Wertz
Dominick	Larson, Minn.	Purnell	Williams, Ill.
Drewry	Lazaro	Quayle	Wolff
Dyer	Lea, Calif.	Reed, Ark.	Wood
Edmonds	Lehlbach	Reed, W. Va.	Wurzbach
Evans, Iowa	Lilly	Reid, Ill.	Yates
Fairchild	Lindsay	Roach	Zihlman
Fairfield	Linthicum	Rogers, Mass.	
Favrot	Logan	Rogers, N. H.	
Frear	McKenzie	Rosenbloom	

So the motion to reconsider was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Williams of Illinois with Mr. Kindred.
Mr. Kendall with Mr. Byrnes of South Carolina.
Mr. Cramton with Mr. Kent.
Mr. Sweet with Mr. McNulty.
Mr. Davis of Minnesota with Mr. Ward of North Carolina.
Mr. Miller of Illinois with Mr. Morrow.
Mr. Zihlman with Mr. Kerr.
Mr. Newton of Missouri with Mr. Garrett of Texas.
Mr. Reid of Illinois with Mr. Bloom.
Mr. Purnell with Mr. Davey.
Mr. King with Mr. Harrison.
Mr. Sinnott with Mr. Casey.
Mr. Dyer with Mr. Lazaro.
Mr. Murphy with Mr. Drewry.
Mr. Perkins with Mr. Jacobstein.
Mr. Yates with Mr. Logan.
Mr. Phillips with Mr. McSwain.
Mr. Wason with Mr. Vinson of Georgia.
Mr. Brand of Ohio with Mr. Lillie.
Mr. Fairchild with Mr. O'Connor of Louisiana.
Mr. Simmons with Mr. Tydings.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I desire to vote. I was standing in the doorway leading to the cloakroom, but how far inside I was I do not know. I heard the roll call, but I did not hear my name, although I was listening for it.

The SPEAKER pro tempore. The gentleman can answer whether he was present and listening when his name was called.

Mr. McLAUGHLIN of Michigan. Well, Mr. Speaker, I vote "present." I am not particular about voting, anyway.

Mr. BLANTON. Mr. Speaker, the gentleman from Texas [Mr. MANSFIELD] asked me to send a page for him in time to vote. I sent a page, but the page was a little slow in getting the gentleman here, so I think the gentleman ought to be permitted to vote.

The SPEAKER pro tempore. Was the gentleman from Texas present and listening when his name was called?

Mr. MANSFIELD. I was evidently in the lobby.

The SPEAKER pro tempore. The gentleman does not qualify.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is now on the passage of the bill.

Mr. CONNALLY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONNALLY of Texas. Has debate expired on the bill?

The SPEAKER pro tempore. Yes. The previous question has been ordered.

Mr. WINGO. Mr. Speaker, a motion to recommit is in order, is it not?

The SPEAKER pro tempore. A motion to recommit is always in order before the passage of a bill.

Mr. WINGO. Mr. Speaker, I think this bill should go back to the committee for amendment, and I move to recommit the bill to the Committee on Mines and Mining.

Mr. ROBSION of Kentucky. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Arkansas [Mr. WINGO] to recommit the bill to the Committee on Mines and Mining.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 83, noes 75.

Mr. LONGWORTH. Mr. Speaker, I object to the vote on the ground that there is not a quorum present.

Mr. WINGO. Mr. Speaker, is not that a little dilatory? We had a quorum here a moment ago.

Mr. CONNALLY of Texas. Mr. Speaker, I make the point that a quorum has just been developed and no business has been transacted since that time.

Mr. BLANTON. And it is a filibuster.

The SPEAKER pro tempore. The Chair will count.

Mr. SEARS of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. A point of order of no quorum has been made, but the gentleman from Florida will state his parliamentary inquiry.

Mr. SEARS of Florida. The Speaker ruled yesterday that when a quorum had developed on a roll call the point raised by the majority leader was not in order.

Mr. CHINDBLOM. Mr. Speaker, that is always a question of fact.

The SPEAKER pro tempore. The Chair made a careful count of those who voted and there was not a quorum, but the Chair will count all gentlemen who are in the House. [After counting.] One hundred and sixty-five Members are present, not a quorum.

The Clerk will call the roll. The question is on the motion to recommit.

The question was taken; and there were—yeas 161, nays 145, not voting 125, as follows:

[Roll No. 64]

YEAS—161

Abernethy	Doyle	Larsen, Ga.	Rayburn
Allen	Drane	Lee, Ga.	Romjue
Allgood	Drewry	Lilly	Rubey
Almon	Eagan	Linthicum	Sanders, Tex.
Arnold	Evans, Mont.	Lowrey	Sandlin
Aswell	Fisher	Lozier	Schneider
Ayres	Fulbright	Lyon	Sears, Fla.
Bankhead	Fulmer	McClintic	Shallenberger
Barkley	Gallivan	McDuffie	Sherwood
Bell	Gambrill	McKeown	Sinclair
Black, N. Y.	Gardner, Ind.	McReynolds	Sites
Black, Tex.	Garner, Tex.	McSwain	Smithwick
Bland	Garrett, Tenn.	McSweeney	Spearing
Blanton	Garrett, Tex.	Major, Ill.	Steagall
Bowling	Gasque	Major, Mo.	Stedman
Box	Geran	Mansfield	Stengle
Boyce	Glatfelter	Martin	Stevenson
Boylan	Goldsborough	Mead	Sumners, Tex.
Grand, Ga.	Greenwood	Milligan	Swank
Briggs	Griffin	Minahan	Taylor, Colo.
Browne, N. J.	Hammer	Montague	Taylor, W. Va.
Browning	Hastings	Mooney	Thomas, Ky.
Bulwinkle	Hayden	Moore, Ga.	Thomas, Okla.
Busby	Hill, Ala.	Moore, Va.	Tucker
Byrnes, S. C.	Hill, Wash.	Morehead	Tydings
Byrns, Tenn.	Hooker	Morris	Underwood
Canfield	Howard, Nebr.	Morrow	Upshaw
Cannon	Howard, Okla.	O'Connell, R. I.	Vinson, Ky.
Carew	Huddleston	O'Connor, La.	Watkins
Carter	Hudspeth	O'Connor, N. Y.	Weaver
Clancy	Humphreys	O'Sullivan	Wefald
Cleary	Jeffers	Oldfield	Weller
Connally, Tex.	Johnson, Tex.	Oliver, Ala.	Williams, Tex.
Connery	Jones	Oliver, N. Y.	Wilson, Ind.
Cook	Jost	Park, Ga.	Wilson, La.
Corning	Kerr	Peery	Wilson, Miss.
Crisp	Kincheloe	Quin	Wingo
Cullen	Kvale	Ragon	Wright
Deal	LaGuardia	Rainey	
Dickinson, Mo.	Lanham	Raker	
Doughton	Lankford	Rankin	

NAYS—145

Ackerman	Burton	Denison	Gibson
Aldrich	Butler	Dickinson, Iowa	Gifford
Anderson	Cable	Dowell	Green
Andrew	Campbell	Elliott	Guyer
Bacharach	Chindblom	Fairchild	Hadley
Bacon	Christopherson	Faust	Hardy
Barbour	Clague	Fitzgerald	Haugen
Beck	Cole, Iowa	Fleetwood	Hawley
Beedy	Colton	Foster	Hersey
Beers	Connolly, Pa.	Fredericks	Hickey
Begg	Cooper, Ohio	Free	Hill, Md.
Bixler	Cooper, Wis.	French	Hoch
Boies	Cramton	Frothingham	Hudson
Bramm	Dallinger	Fuller	Hull, Morton D.
Burtness	Darrow	Garber	Hull, William E.
James	Mapes	Robinson, Iowa	Timberlake
Johnson, S. Dak.	Merritt	Robsion, Ky.	Tincher
Johnson, Wash.	Michener	Sanders, Ind.	Tinkham
Kelly	Miller, Wash.	Shreve	Treadway
Ketcham	Mills	Simmons	Underhill
King	Moore, Ohio	Snell	Vaile
Kopp	Moores, Ind.	Speaks	Vincent, Mich.
Kurtz	Morgan	Sproul, Ill.	Wainwright
Lea, Calif.	Nelson, Me.	Sproul, Kans.	Watres
Leach	Newton, Minn.	Stalker	Watson
Leatherwood	Nolan	Stephens	Welsh
Leavitt	Paige	Strong, Kans.	White, Kans.
Lineberger	Parker	Strong, Pa.	Williams, Ill.
Longworth	Patterson	Summers, Wash.	Williams, Mich.
Luce	Peavey	Sweet	Williamson
McLaughlin, Mich.	Purnell	Swing	Winter
McLaughlin, Nebr.	Ramseyer	Swoope	Woodruff
McLeod	Ransley	Taylor, Tenn.	Wyant
MacGregor	Rathbone	Temple	Zihlman
Madden	Reece	Thatcher	
Magee, N. Y.	Reed, N. Y.	Thompson	
Manlove	Richards	Tilson	

NOT VOTING—125

Anthony	Favrot	Logan	Salmon
Berger	Fenn	McFadden	Sanders, N. Y.
Bloom	Fish	McKenzie	Schafer
Braud, Ohio	Frear	McNulty	Schall
Britten	Freeman	MacLafferty	Scott
Browne, Wis.	Funk	Magee, Pa.	Sears, Nebr.
Buchanan	Gilbert	Michaelson	Seger
Buckley	Graham	Miller, Ill.	Sinnott
Burdick	Griest	Moore, Ill.	Smith
Casey	Hall	Morin	Snyder
Celler	Harrison	Murphy	Sullivan
Clark, Fla.	Hawes	Nelson, Wis.	Taber
Clarke, N. Y.	Holaday	Newton, Mo.	Tague
Cole, Ohio	Hull, Iowa	O'Brien	Tillman
Collier	Hull, Tenn.	O'Connell, N. Y.	Vare
Collins	Jacobstein	Parks, Ark.	Vestal
Croll	Johnson, Ky.	Perkins	Vinson, Ga.
Crosser	Johnson, W. Va.	Perlman	Voigt
Crowther	Kearns	Phillips	Ward, N. Y.
Cummings	Keller	Porter	Ward, N. C.
Curry	Kendall	Pou	Wason
Davey	Kent	Prall	Wertz
Davis, Minn.	Kiess	Quayle	White, Me.
Davis, Tenn.	Kindred	Reed, Ark.	Winslow
Dempsey	Knutson	Reed, W. Va.	Wolff
Dickstein	Kunz	Reid, Ill.	Wood
Dominick	Lampert	Roach	Woodrum
Driver	Langley	Rogers, Mass.	Wurzbach
Dyer	Larson, Minn.	Rogers, N. H.	Yates
Edmonds	Lazaro	Rosenbloom	
Evans, Iowa	Lehlbach	Rouse	
Fairfield	Lindsay	Sabath	

So the motion to recommit was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Fenn with Mr. Tillman.
Mr. Kearns with Mr. Davis of Tennessee.
Mr. McFadden with Mr. Woodrum.
Mr. Smith with Mr. Parks of Arkansas.
Mr. Seger with Mr. Driver.
Mr. Kiess with Mr. Buchanan.
Mr. Burdick with Mr. Salmon.
Mr. Kendall with Mr. Kent.
Mr. Winslow with Mr. Tague.
Mr. White of Maine with Mr. Hull of Tennessee.

The result of the vote was announced as above recorded.

The doors were opened.

MINING LAWS OF ALASKA

Mr. ROBSION of Kentucky. Mr. Speaker, I call up the bill (H. R. 4148) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. BLANTON. Mr. Speaker, I raise the question of consideration.

The SPEAKER pro tempore. The question is, Shall the bill be considered?

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 115, noes 6.

So the bill was ordered to be considered.

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. 4148) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes, with Mr. SANDERS of Indiana in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4 of the act of Congress of August 1, 1912, section 129d Compiled Laws of Alaska, entitled "An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes," be amended to read as follows:

"SEC. 4. That no placer mining claim hereafter located in Alaska shall be patented which shall contain a greater area than is fixed by law, nor which is longer than three times its greatest width as determined by a transverse line drawn within the lines of the claim and at right angles to its longest side: *Provided*, That where any isolated

parcel of placer ground lies between and adjoins patented claims on all of its sides and is not over 1,320 feet in length this dimensional restriction shall not apply."

Mr. ROBSION of Kentucky. Mr. Chairman, I yield 10 minutes to the gentleman from Alaska [Mr. SUTHERLAND].

Mr. SUTHERLAND. Mr. Chairman and gentleman, in 1912 Congress enacted a law providing that placer mining claims in the Territory of Alaska could not be admitted to patent if the length was more than three times as great as the breadth.

These claims are located in parallelograms, and in order to obtain patent to such a mining claim it must be 20 acres or less. It can not be in excess of 20 acres, and, accordingly, when claims are located by the method of pacing off and locating corner posts very often an area is taken in excess of the 20 acres. Consequently, in throwing off these fractions during the surveying process, a long fraction is left which would be represented in the vacant place between the two copies of reports that I hold in my hand. In many instances the length of these fractions is so much greater than the breadth that it is impossible to have them patented under the law.

I have here a diagram of a section of mining territory in the vicinity of Nome, Alaska. I call the attention of those who can see the diagram at this distance to the long fraction here between two claims. The length of that claim in proportion to its breadth is such that if it were attempted to patent it, it would have to be divided into 14 different sections; that is, they would have to make 14 different entries to secure patent to this fraction, while if the pending bill passes it could be admitted to patent by dividing it into two parts; in other words, it would require two patents.

Mr. WINGO. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. WINGO. How many acres is in that particular piece the gentleman speaks of?

Mr. SUTHERLAND. This particular piece, I would judge, has about 7 or 8 acres, probably.

Mr. WINGO. And you say there would have to be 14 different entries on account of the proportional dimensions?

Mr. SUTHERLAND. Yes; it is so very long in proportion to its breadth.

Mr. WINGO. While I have the floor may I ask the gentleman another question. As I recall, the proviso is the new law.

Mr. SUTHERLAND. Yes.

Mr. WINGO. The first line of section 4 is "that no placer mining claim hereafter located in Alaska shall be patented." In other words, this change that we make would be like the original law and would apply to the locations made after the passage of this act.

Mr. SUTHERLAND. No; not necessarily—to locations that have been made in the past or at any time.

Mr. WINGO. No; the language is "no placer mining claim hereafter located."

Mr. SUTHERLAND. That is the language of the act of 1912.

Mr. WINGO. I understand, and if it said "that hereafter no placer mining claim located in Alaska shall be patented," that would be one thing, but the language is "that no placer mining claim hereafter located in Alaska," and the point I want to get at is whether this is going to affect existing claims or is it intended to apply to claims located after the passage of this act.

Mr. SUTHERLAND. It is intended to apply to claims that have been located in the past and will be located in the future and to cover the location of claims generally.

I will say further to the gentleman from Arkansas that when this act passed in 1912 there were many locations made prior to that date that have come into patent since then.

Mr. BLANTON. Will the gentleman yield?

Mr. SUTHERLAND. I yield to the gentleman from Texas.

Mr. BLANTON. The gentleman, of course, is in favor of the law which prevents more than 20 acres from being patented under one filing. This protects the property of the people and prevents it from being gobbled up by monopolies.

Mr. SUTHERLAND. Yes.

Mr. BLANTON. The gentleman's bill, the way it reads, will permit a piece of land that lies between other claims to be patented so long as its length is not over 1,320 feet. What is the length of a piece of land?

Mr. SUTHERLAND. The length of a claim?

Mr. BLANTON. What is the land's length?

Mr. SUTHERLAND. One thousand three hundred and twenty feet by 660.

Mr. BLANTON. What are these tracts of land in length as compared with the breadth or width?

Mr. SUTHERLAND. In the case of placer mines, two-thirds.

Mr. BLANTON. Here is a piece of land; how would you tell whether it went north and south or east and west?

Mr. SUTHERLAND. The cardinal points are immaterial. The longest direction would be the length.

Mr. BLANTON. Is that so in land measurements?

Mr. SUTHERLAND. I presume so, I am not an engineer.

Mr. BLANTON. Sometimes it is, and sometimes it is not. There are certain old surveys, certain Spanish surveys, where the length is not always the longest line of the survey.

Mr. SUTHERLAND. That may be where the length is located on the meridian.

Mr. BLANTON. You could have a piece of land 1,330 feet one way and the other angle, the width would be such that it might embody more than 20 acres. It could embody half a section.

Mr. ROBSION of Kentucky. As defined by the Department of the Interior length is considered the longest side.

Mr. BLANTON. Can the gentleman show us that law or rule?

Mr. ROBSION of Kentucky. That is the way it is administered and so declared. The length is three times its width.

Mr. COLTON. Will the gentleman yield?

Mr. SUTHERLAND. Yes.

Mr. COLTON. In reply to the question raised by the gentleman from Arkansas [Mr. WINGO], the language which he called attention to is the existing law, and we are amending that section so that it does not disturb that language; it simply adds a proviso on page 2.

Mr. WINGO. Does the gentleman think that what the committee intended changes the rule of grammatical construction or legal interpretation?

Mr. ROBSION of Kentucky. No; what is intended to reach is that people have gone into that country and located claims; you do not have to follow the north and south and east and west directions. They are located, perhaps, in a valley of some stream, and these irregular locations have left long strips of land between that have not been located, and when you get 20 acres it would be more than three times a certain width in length, and in no case can a claim occupy more than 20 acres. It is to enable the locator to take up these small scraps of land that are located between the claims already located.

Mr. WINGO. If the gentleman will permit me, I did not raise the question the gentleman is talking about. I am talking about whether the grammatical construction or the legal interpretation of existing law is changed. The bill says "that no placer mining claim hereafter located in Alaska shall be patented," and so forth.

Mr. ROBSION of Kentucky. This can only apply to the little scraps of land to be hereafter located and surveyed.

Mr. WINGO. I think that is true, but the gentleman from Alaska said that it would apply to those located heretofore.

Mr. BURTNESS. It has been impossible to locate these claims under the law.

Mr. WINGO. My friend did not hear the proposition laid down by the gentleman from Texas. He said that frequently the longest part of a thing was the shorter, and that is typical of the mining business when you get into it.

Mr. GREENWOOD. This applies only to Alaska and not to the general laws of the United States?

Mr. SUTHERLAND. This applies only to Alaska.

Mr. ROBSION of Kentucky. Mr. Chairman and gentlemen of the committee, I want to add a little to what the gentleman from Alaska has said. This matter was submitted to the Department of the Interior and the Department of the Interior reports to our committee that this amendment to the law is necessary. There are many of these little scraps of land situated between claims that have been properly and regularly located, that are as one to three—three times as long as they are wide. But these little scraps of land are irregular in shape and some may be ten times as long as they are wide, and yet do not contain as much as 20 acres. The department thinks that this amendment is necessary in order that these little parcels of land may be located and taken up.

Mr. WINGO. Will the gentleman yield?

Mr. ROBSION of Kentucky. Yes.

Mr. WINGO. The gentleman is chairman of the committee, and he seemed to concur a while ago with my ingenious friend from Texas, that frequently in his country the length of a piece of land was shorter than the width, and a look on the

face of the gentleman from Kentucky indicated that that was true in Kentucky. [Laughter.]

Mr. ROBSION of Kentucky. No; down in Kentucky the length is the longer dimension.

Mr. BURTNESS. This can not possibly increase the amount of land over 20 acres?

Mr. ROBSION of Kentucky. No; there can not possibly be more than 20 acres in any claim.

Mr. BURTNESS. This proviso does not cover that in any way. It simply refers to the dimensional restrictions and not to the acreage restriction.

Mr. ROBSION of Kentucky. We left the law with respect to the acreage restriction remain as it is.

Mr. BURTNESS. That is what I understood, but the point was raised by somebody that possibly they could get more than 20 acres.

Mr. ROBSION of Kentucky. Mr. Chairman, I move that the committee do now rise.

Mr. BLANTON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. BLANTON. Yes.

The CHAIRMAN. The gentleman is entitled to recognition.

Mr. BLANTON. Mr. Chairman, we ought to be careful about these apparently insignificant bills that we are now so frequently called upon to hurriedly pass. I imagine that there is not much danger in this bill since our friend from Alaska [Mr. SUTHERLAND] has so ably explained it. But sometimes a bill looks and reads very insignificant and gets by the committee and onto the floor and passes the House, when it is of serious importance. For instance, take this radium bill on which we had to back up a few moments ago. That was being passed just for the benefit of two organizations in Pittsburgh. The House backed up on it. The House would not go further on it.

Then there was another little bill that seems to have affected Pittsburgh, which looked insignificant, which passed here about a week ago. After closely questioning the proponent of it, I did not think it affected a very large interest in the country, and yet I am reliably informed that the little bill that our friend from Kentucky called up and passed the other day without any opposition will put $226,800 into the pockets of a company owned by our Secretary of the Treasury, Mr. Mellon. He and his company have 18,000 cases of liquor, I am reliably advised, that are affected by that bill and they get a refund of $12.60 a case by the provisions of the bill, and if you will figure the 18,000 cases at $12.60 per case, you will see that it amounts to $226,800 that will be refunded to them.

Mr. KINCHELOE. Is the gentleman referring to the famous Overholt distillery?

Mr. BLANTON. That may be one of them. We had better watch these bills carefully. The Congress will adjourn in about 20 days, and every kind of a measure that anybody can think of is going to come before us to be hurriedly passed, and the Chairman will simply say that without objection the bill be considered as engrossed and read a third time, read the third time, and passed. We must be on the watch.

Mr. DOWELL. Mr. Chairman, I make the point of order that the gentleman is out of order.

Mr. BLANTON. I had concluded, and was just about to take my seat, so I beat the gentleman to it.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 4 of the act of Congress of August 1, 1912, section 129d Compiled Laws of Alaska, entitled "An act to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes," be amended to read as follows:

"SEC. 4. That no placer-mining claim hereafter located in Alaska shall be patented which shall contain a greater area than is fixed by law, nor which is longer than three times its greatest width as determined by a transverse line drawn within the lines of the claim and at right angles to its longest side: *Provided*, That where any isolated parcel of placer ground lies between and adjoins patented claims on all of its sides and is not over 1,320 feet in length this dimensional restriction shall not apply."

Mr. ROBSION of Kentucky. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ROBSION of Kentucky: Page 2, line 3, after the word "patented," insert the words "or validly located."

Mr. ROBSION of Kentucky. Mr. Chairman, I think those words are necessary to further restrict the operation of this amendment so that it can not reach out and apply to any land except it lies between land already patented or validly located claims.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

Mr. ROBSION of Kentucky. Mr. Chairman, I move that the committee do now rise and report the bill back to the House 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 Mr. TILSON having resumed the chair as Speaker pro tempore, Mr. SANDERS, 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. 4148) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes, and 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. ROBSION of Kentucky. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

On motion of Mr. ROBSION of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

SALE OF CERTAIN LANDS IN PITTSBURGH, PA.

Mr. ROBSION of Kentucky. Mr. Speaker, I call up the bill (H. R. 2720) to authorize the sale of certain lands in Pittsburgh, Pa.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. ROBSION of Kentucky. Yes.

Mr. BLANTON. This bill involves a valuable piece of property in Pittsburgh, Pa. There is absolutely no provision in the bill to safeguard the Government's interests. If it is going to be sold, why did not the committee insert a provision that it is to be sold after due advertisement and sold at public auction?

Mr. ROBSION of Kentucky. We have in the bill an amendment which we think will better safeguard the interests of the Government than the suggestion of the gentleman from Texas.

The SPEAKER pro tempore. The gentleman from Kentucky calls up the bill (H. R. 2720) to authorize the sale of lands in Pittsburgh, Pa. 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 Iowa, Mr. DOWELL, 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. 2720) to authorize the sale of lands in Pittsburgh, Pa., with Mr. DOWELL in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell at not less than its appraised value and convey by his deed as such Secretary that certain parcel of land belonging to the United States situate in the fourteenth ward of the city of Pittsburgh, county of Allegheny, and State of Pennsylvania, and particularly described as follows:

Beginning at a stone monument on the line of land of the United States and land of the National Tube Co., being south 2 degrees 23 minutes 15 seconds east, a distance of 91 feet from Forbes Street and the northeast corner of the said property of the United States; thence south 2 degrees 23 minutes 15 seconds east 58.89 feet to a stone monument, being a corner common to land of the United States and the tract now being described; thence north 87 degrees 36 minutes 45 seconds east 66.71 feet to a point on the line of land of the United States and land of the National Tube Co.; thence north 50 degrees 41 minutes 15 seconds west 70 feet to a concrete monument, being a corner common to the land of the National Tube Co. and the tract as now being described; thence north 52 degrees 26 minutes 15 seconds west 20.80 feet to a stone monument, being the point of beginning, containing 1,966.04 square feet.

With the following committee amendment:

Page 2, line 18, after the word "feet," strike out the period and insert a colon and add: "*Provided*, That such sale shall be made on such terms and conditions as will protect the uses of the Government to property adjacent thereto as to light and other easements."

MESSAGE FROM THE SENATE

The committee informally rose; and Mr. TILSON having taken the chair as Speaker pro tempore, 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 amendment of the House of Representatives to the bill (S. 2357) for the relief of the Pacific Commissary Co.

The message also announced that the President pro tempore had appointed Mr. JONES of Washington and Mr. FLETCHER members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Department of Commerce.

SALE OF LANDS IN PITTSBURGH, PA.

The committee resumed its session.

Mr. ROBSION of Kentucky. Mr. Chairman and gentlemen of the committee, in 1923 the Government made an appropriation to buy a small piece of land in Pittsburgh for the purpose of erecting a mine-experiment station. We paid for that land, I believe, $28,000, and it contains less than one-half acre. One of the moving causes for the purchase of this piece of land was that a private concern was erecting an experiment station and it was felt by the Bureau of Mines and the Department of the Interior that they would erect a building that would cut off the light of our experiment station building. But since we bought that piece of ground arrangements have been made whereby this tube concern will erect its buildings so as not to interfere with the Government's buildings at that place. Here is the little spot, represented on the map, of the piece of ground which was bought [illustrating]. It contains about 900 square feet, about one-tenth of the whole tract of the land we bought. You will notice here to the left is the land of the Government and to the right is the land of this tube concern, and we have a little triangular piece of land running up in that direction. Now, this bill proposes to give the Secretary of the Interior authority to sell that little triangle of land to this tube concern. You will note that it squares up the Government's piece of land and makes it more regular in shape. The Secretary of the Interior has reported to our committee that since we have made the arrangement with this tube concern in the erection of its building that that little piece of land is absolutely unnecessary for the uses of the Government, and that it will be of great service to the Government and to the mine-experiment station to have this tube concern erect this experiment station there, and the Secretary of the Interior advises your committee that the piece of land ought to be sold and the money covered into the Treasury as it is of no use there now to the Government.

Mr. GREENWOOD. Will the gentleman yield?

Mr. ROBSION of Kentucky. I will.

Mr. GREENWOOD. Does the gentleman know whether the Government will sell it for less than it paid for it or not?

Mr. ROBSION of Kentucky. No; it is provided in the bill that the land can not be sold for less than its appraised value.

Mr. GREENWOOD. It leaves a space between the triangular piece and the Government building that is occupied at the present time?

Mr. ROBSION of Kentucky. This other building we have located on this piece of land on that piece of ground, and that leaves a little triangular strip in there that we bought simply for the purpose of keeping the Tube Co. from erecting a high building there and shutting off the light of our building, and now, since that has been arranged, they will not erect a building on that piece, that land is unnecessary for us.

Mr. ROMJUE. Will the gentleman yield?

Mr. ROBSION of Kentucky. I will.

Mr. ROMJUE. Does the gentleman know about what price the land is expected to be sold for?

Mr. ROBSION of Kentucky. The thought was with the committee that it ought to be sold at public auction, but since it is located here at a place where no one would be interested in buying it except this tube concern, and that would put the Government at the mercy of the tube concern, there would be no bidder there, because we cut it off on one side and the tube concern on the other side.

Mr. ROMJUE. May I ask whether the prospective purchaser——

Mr. ROBSION of Kentucky. Now, we provide that it can not be sold by the Secretary of the Interior for less than full appraised value.

Mr. ROMJUE. Well, has the committee any information about what the actual value is at the present time?

Mr. ROBSION of Kentucky. We paid $28,000 in 1923 for 18,000 square feet or more, and this is a part of it. This is about 1,900 square feet of that 18,000 square feet.

Mr. BLANTON. Nearly 2,000 square feet.

Mr. ROBSION of Kentucky. I believe it is 1,910 square feet, and this is about one-ninth.

Mr. ROMJUE. I understand by the bill it can not be sold for less than the Government paid?

Mr. ROBSION of Kentucky. No; I understand the value has appreciated, and on a fair appraisement of it the Secretary of the Interior reports we will likely sell at a profit.

Mr. ROMJUE. Since the prospective purchaser is known, can not you determine about what they would be willing to pay? Has there been any effort to do that?

Mr. ROBSION of Kentucky. I took it up with the department this morning and they said they would rely on the provisions of the bill, that they are bound to have a full, fair appraised value for the property.

Mr. COOPER of Wisconsin. I notice in line 4 on the first page that it is proposed that this property shall not be sold at less than its appraised value. Who is to make the appraisement?

Mr. ROBSION of Kentucky. The Secretary of the Interior——

Mr. COOPER of Wisconsin. The State authorities do not appraise Government property for purposes of taxation, because it is not taxed. Now, who has appraised this property?

Mr. ROBSION of Kentucky. It has not been appraised.

Mr. COOPER of Wisconsin. Who is to appraise it?

Mr. ROBSION of Kentucky. The Secretary of the Interior makes the sale. It would follow that he has the appraisal of the property.

Mr. COOPER of Wisconsin. That is not an appraisal in the ordinary sense of the word. That is simply selling it at a price, in the discretion of the Secretary of the Interior.

Mr. ROBSION of Kentucky. No. Appraisers will be selected and sworn and will make their appraisement in writing. That is what you call a legal appraisement.

Mr. COOPER of Wisconsin. Who is to appoint the appraisers?

Mr. ROBSION of Kentucky. The Secretary of the Interior will appoint them.

Mr. COOPER of Wisconsin. How many appraisers?

Mr. ROBSION of Kentucky. We have a Federal statute which provides for the appraisal of property.

Mr. ROMJUE. Does the gentleman know whether or not the Secretary of the Treasury is interested in the Tube Co.?

Mr. ROBSION of Kentucky. The Secretary of the Treasury has nothing to do with the sale of this property. It is under the direction of the Secretary of the Interior.

Mr. ROMJUE. In other words, the bill provides for the Secretary of the Interior to sell, but as a matter of fact has not the Secretary of the Treasury an interest in this Tube Co. property which has proposed to buy the property?

Mr. ROBSION of Kentucky. I do not understand that he is the party that has the selling of it.

Mr. ROMJUE. I am asking it.

Mr. ROBSION of Kentucky. I do not know. Gentlemen, you must assume that the responsible members of the Cabinet have some honor, and I assume that the Secretary of the Interior is a man of honor and integrity, and that he is not going to dispose of the land at less than its fair value.

Mr. ROMJUE. Even though we assume that the Secretary is a man of honor, we might legitimately make inquiry. I am not reflecting on the Secretary of the Interior, but I was asking whether or not any other member of the Cabinet was interested.

Mr. ROBSION of Kentucky. I do not understand that he has any interest.

Mr. ROMJUE. That is, the Secretary of the Treasury?

Mr. ROBSION of Kentucky. I have no knowledge of it.

Mr. ROMJUE. Have you any intimation of it?

Mr. ROBSION of Kentucky. I have no intimation. The Secretary of the Interior, knowing that he has a piece of ground there that is bringing no return to the Government——

Mr. ROMJUE. It might increase in value.

Mr. ROBSION of Kentucky. It can not increase in value. There are only two persons that could use it, the tube con-

cern and the Government. Our lands are on one side and the tube concern's lands are on the other side. But it is certainly the duty of the Secretary of the Interior, and the duty of any other department head, when he sees that there is some property for which the Government has no use, and it is costing money for its upkeep, to dispose of it, and it certainly ought to be turned into money and the money turned into the Treasury.

Mr. ROMJUE. Provided you can turn it in at a profitable price. I understand the gentleman says it has increased in value.

Mr. ROBSION of Kentucky. The head of the Bureau of Mines thinks it has increased, and that a fair appraisal price will bring more than it cost us.

Mr. LAGUARDIA. If the appraisal is made, and the sale is made, is it going to be sold for cash? There is no danger that they will take the bonds or certificates of indebtedness of this company in lieu of cash?

Mr. ROBSION of Kentucky. Oh, no.

Mr. GREENWOOD. As I understand, this experiment station is under the management of the Bureau of Mines?

Mr. ROBSION of Kentucky. Yes.

Mr. GREENWOOD. And that they have made the recommendation to the committee that this piece of land is of no particular utility to the Bureau of Mines, and they have made an arrangement with this concern whereby it will not in any way destroy the value of the adjoining property in its usage?

Mr. ROBSION of Kentucky. Yes. The head of the Bureau of Mines says that the tube concern is putting in an experiment station there, a great institution, next to ours, which will not only not injure our station but will be of very great benefit to the Bureau of Mines in its work.

Mr. GREENWOOD. That recommendation comes from the Bureau of Mines?

Mr. ROBSION of Kentucky. Yes. We might say that it is provided for in the amendment, and it is hedged about so that the Government will be protected in its use of its part of the land, because it was bought for that purpose, and we do not want to lose the benefit for which we bought the land.

The CHAIRMAN. The gentleman from Kentucky has consumed 13 minutes.

Mr. BLANTON. Mr. Chairman, I ask for recognition.

The CHAIRMAN. Is any member of the committee opposed to this bill?

Mr. GREENWOOD. I think not.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman and gentlemen of the committee, here is the situation: The Bureau of Mines has a plant in Pittsburgh. This Tube Co. was threatening to erect a high building that would cut off the light from our plant. In order to protect the Government's property against the designs of the Tube Co. the Bureau of Mines had Congress appropriate $28,000 to buy this tract of land lying in between, so as to prevent the light from being shut off.

Now, here is a bill that proposes to do just what we sought to protect ourselves from happening. Remember that $28,000 was spent to prevent the Government against the Tube Co. Now the Tube Co. wants a piece of this land, and here is a bill to let them buy it; not to sell the land at a competitive sale, not to let it bring what the public is willing to pay for it, but the gentleman from Kentucky will not deny that if we pass this bill this land will be sold to this Tube Co. It is already arranged.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield there?

Mr. BLANTON. Yes.

Mr. ROBSION of Kentucky. There is no doubt about that.

Mr. BLANTON. That is exactly what I said. You will not deny it. We are together on that.

Mr. ROBSION of Kentucky. There is no other purchaser there.

Mr. BLANTON. The gentleman from Kentucky says "there is no other purchaser there." How does he know it? Of course, if we keep this sale secret, nobody else will want to buy it; but if you will put an advertisement in the Pittsburgh papers that the Government has this plat of ground for sale and that the Tube Co. wants it and that the Government bought it to protect itself from the Tube Co., but because the Tube Co. wants it nevertheless and the Government has decided it does not need it any longer and is willing to let the Tube Co. buy it, and it is to be sold on a competitive basis, I will guarantee that somebody else will want it and will bid on it if they knew about it.

We ought to give the public the right to bid for it. That is the way to sell public property and that is the way to sell Government property. We should permit everybody to bid for it. [Applause.] I get applause even from the only sitting Member of his new party from New York [Mr. LAGUARDIA]. [Laughter.]

Mr. STEVENSON. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. STEVENSON. This bill will be read under the five-minute rule, will it not?

Mr. BLANTON. Yes.

Mr. STEVENSON. Does the gentleman propose to offer an amendment embodying the suggestion he has made?

Mr. BLANTON. Yes. But I am willing to vote for an amendment which I hope the gentleman from South Carolina will draw, because he can beat me in drawing amendments.

Mr. STEVENSON. I can not draw it, but I will take pleasure in voting for such an amendment if the gentleman offers it, because I agree with him.

Mr. BLANTON. I am going to offer such an amendment. I want to say that our friend from Kentucky [Mr. ROBSION], who is usually careful and sagacious, has been a little neglectful in reporting this bill. I asked him why he did not protect the Government's interest and he said they had added an amendment at the end of the bill which does protect the Government's interest. But it does not fully protect the Government. What does it do? Is it an amendment providing that there shall be a competitive sale? No; it does not provide that. If you will read the bill you will find that he has added to the end of the bill a provision which merely provides that when selling this land some care shall be taken to see that the rest of the Government's property, which is left, shall not be damaged. That is all it provides, but so far as the land to be sold is concerned there is no protection whatever given to it and to its value.

Why should not the Committee on Mines and Mining protect the Government's interest, I ask the gentleman from Kentucky? When they bring bills like this into the House for us to vote on, I want to know that the Government's interest is being protected, and I am going to be a little careful in the future about voting for their bills if they do not have clauses in them which will protect the Government's interest. [Applause.] I get even a little applause from the Republican side. Even Republicans believe in protecting the Government's property. Will the gentleman from Kentucky accept such an amendment?

Mr. BRUMM. No; the committee will not.

Mr. BLANTON. The gentleman apparently representing the interests of Pittsburgh says the committee will not accept such an amendment.

Mr. BRUMM. I am not from Pittsburgh. That is a fiction which was invented by some gentleman on your side this morning.

Mr. BLANTON. Well, our friend was so anxious to get his Pittsburgh radium bill passed that I just imagined he was representing the interests of Pittsburgh. I beg his pardon.

Mr. BRUMM. I am not.

Mr. BLANTON. But I must say that when the gentleman is in favor of a bill he is a splendid supporter of it, because he came mighty near putting that radium bill over on the House. He had it passed once, and I commend him for his zeal and his energy. He is a good worker all right. Why will not the gentleman from Kentucky accept such an amendment? Why should not this land be sold at competitive sale?

Mr. ROBSION of Kentucky. I have tried to explain that to the gentleman, and, of course, I am not responsible for his lack of understanding.

Mr. BLANTON. How does he know that the gentleman from Texas has not reached the proper understanding of the matter?

Mr. TILSON. Will the gentleman explain what anyone, outside of the Tube Co. or the Bureau of Mines, could possibly do with this small triangle of land? Will the gentleman please explain of what value this land would be to anybody else?

Mr. BLANTON. Well, that is just a supposition. Many people might want it.

Mr. TILSON. But will the gentleman please explain that to us? Of what value could it be to anybody else?

Mr. BLANTON. There is an innate desire in the breast of almost every human being, especially those who come from the old countries to this country, to own and possess land. They want to be landowners, especially people who come from abroad. It is the desire of every man to own a piece of land, and this is valuable land. It cost the Government $28,000, and why should

there not be some people in Pittsburgh who would be willing to buy this part of it? They might want it just the same as the Tube Co. Suppose there is not anybody else there who wants to buy it. Grant that for the sake of argument. Should we not pursue the wise policy concerning Government property of putting a provision in here providing that this land shall be sold on a competitive basis, after due advertisement, and if there is no competition we have not hurt anything, but we have safeguarded the Government's interest. We are merely trustees for the people back home. As their interest here is involved, we are their trustees, and we ought to see that their rights are protected, and I am going to offer such a safeguarding amendment when the bill is read under the five-minute rule.

Mr. Chairman, I reserve the balance of my time and yield 10 minutes to the gentleman from New York [Mr. LAGUARDIA].

Mr. LAGUARDIA. Mr. Chairman, this proposition brings before us the matter of policy in disposing of Government property. I want to say from my own observation that we legislate for the disposal of Government property with a recklessness that makes the proverbial inebriated seafaring gentleman look like a piker. The gentleman from Texas [Mr. BLANTON] is correct in the stand that he takes that this property ought to be sold in open market at public auction; but, gentlemen, I want to call your attention to the fact that in a day or so you will be asked to authorize the Secretary of War to sell $1,000,000 worth of property and to turn over $109,000 in cash and to take in exchange the worthless bonds of the Authority of the Port of New York.

I am glad this discussion came up. I am going to insert in the RECORD the history of the Authority of the Port of New York. I suppose when the measure comes up Saturday, or as soon as a rule can be obtained, there will be just a few of us here on the floor and it will be jammed through, and another $1,000,000 worth of property will be given away.

Gentlemen, you propose here to sell land back to the very people that you bought it from in order to protect yourselves from them.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. LAGUARDIA. I yield.

Mr. ROBSION of Kentucky. After we had taken that step and had protected ourselves, that forced the Tube Co. to go further over and get other property and locate its buildings beyond us so they would not interfere with us.

Mr. LAGUARDIA. And I suppose you will get the necessary easements in your deeds to protect against that situation?

Mr. ROBSION of Kentucky. Yes.

Mr. LAGUARDIA. That is at least businesslike. There is a color of some business prudence in this proposition, but the matter I am interested in, along the same line, disposal of Government property which was acquired during the war and is now no longer necessary, is quite different. In the case I refer to the disposition is not for cash but for bonds and there is nothing back of the bonds. Neither the State of New York nor the State of New Jersey is back of them, and what business man ever heard of taking a 100 per cent mortgage on a piece of property that you are conveying, and yet a rule is going to be given for this bill.

Mr. Chairman and gentlemen, I desire to call the attention of the committee to H. R. 7014 and S. 2287 now on the Consent Calendar, and for which efforts are being made to obtain a rule for special consideration. This bill authorizes the Secretary of War to dispose of the Hoboken Shore Line Railroad to the so-called Port of New York Authority and to take in payment in lieu of money the bonds of the port authority, the price being fixed, I believe, at $1,000,000. Lest any of my colleagues should be under the impression that the port authority, constituted as it is by members appointed by the State of New York and the State of New Jersey, has back of its bonds the guaranty of either of these States or any of the municipalities therein, I want to here give a brief outline of its history.

The Port of New York Authority was started in 1917 to gather information and prepare a plan for a unified development of the port. A preliminary appropriation of $25,000 was made by the State of New York and $17,500 was made by the State of New Jersey. It made a report to the legislatures of the two States under date of January 26, 1918, in which the chief recommendation was a further appropriation of $400,000 by the two States to make further investigations for a period of two more years. Further appropriations in the sum of $100,000 for each State were made in each of the two succeeding years, in all a total of $400,000 as requested by this body. A lengthy report in the nature of a legal brief was submitted on the legal aspects of investigation, consisting of 140 printed pages, under date of December 2, 1918. Another report was made consisting of 213 printed pages under date of April 8, 1919. Another report consisting of 65 printed pages was made under date of December 16, 1920. In 1921 this body requested the legislatures of the two States to create it as a corporate body known as the port authority of New York. In that year they were given $200,000 more for a still further report, which was to be in the nature of a specific engineering plan. It presented such a plan to the legislatures of the two States in 1922 in a report consisting of over 400 large printed pages. This plan was named the "comprehensive plan." It is an engineering plan with engineering and vague financial features for the future development of the port of New York. It provided for the creation and construction of certain clearly defined port facilities. So that there could be no question of Federal constitutional law as to the validity of the agreement between the two States with respect to this plan, legislation was requested of Congress authorizing and approving the contract, which was passed by the Congress of the United States. This is the only approval which the Federal Congress has given to this body or its plan and the only interest which it has in it, namely, to grant the consent which, under the Federal Constitution, is required of Congress to validate any treaty between the States. When it is claimed that Congress has approved the plan as an engineering or financial plan or when it is claimed that by reason of such Federal legislation Congress became a party to the creation of the port authority or in any way responsible for it, that argument is far-fetched, to say the least. The only purpose of congressional legislation was to indicate that so far as Congress was concerned it had no objection to the agreement between the States.

Now, the reason for the action of the legislature in spending money for the creation of this body and giving it such powers was because of the representation of the members of the port authority and its staff that it could create all these new public utilities set forth in the comprehensive plan without the financial assistance of the States, thus relieving the public treasuries of the States and municipalities involved of any further drain in connection with the creation of new public improvements. This was the great argument which was advanced by the proponents of the port authority in favor of its creation. The members of the two legislatures, harassed by importunities from innumerable directions for appropriation for this and that public improvement, were only too glad to seize upon what seemed to be an avenue of escape which would relieve them from the pressure of people seeking money from the public treasury for various so-called improvements.

The many facilities were to be paid for by the port authority by the issuance and sale of its own bonds which were to be secured by mortgage, presumably on the utilities which were created as a result of the sale of the bonds. At the request of the port authority and to aid in the sale of the bonds they were made tax exempt. The assurance by the port authority, that it could and would promptly engage in its plan of development without expense to the States, was urged by it and accepted by the legislatures of the States of New York and New Jersey as the chief reason for clothing it with the very wide powers which were conferred on it. In its report dated December 2, 1918, on page 138, it says:

> The capacity of the new port authority, as a body corporate or politic, to borrow money is not limited, therefore, by the constitutional limitations on the borrowing capacity of the State of New Jersey or the city of New York.

In its report dated April 14, 1919, the first sketch of the constitution of the port authority is set forth and on page 59 we find a provision giving power to the port authority—

> to borrow money and secure the same by bond or by mortgages upon any property held or to be held by it.

This was the provision which was finally included in article 6 of the agreement between the States which created the port authority which became chapter 154 of the laws of 1921 of the State of New York. Exactly similar legislation was adopted by the State of New Jersey.

At the time the constitution of the port authority was approved by the legislature in 1921 and again in 1922, when its specific engineering plan, known as the comprehensive plan, was approved, the engineering and financial features of this program were opposed by many men of importance and wide experience. Some of the features were declared to be economically unsound and impracticable. From a financial point of view the whole scheme was pronounced completely impossible of execution for the simple reason that it depended upon the ability of a political body to engage in a vast engineering en-

terprise of a speculative character, entirely upon borrowed capital, which capital was to be obtained by this political body for such speculative purposes only on the promise to return for the risk a legal rate of interest.

Everybody knows that no matter how high his reputation or intelligence and integrity and no matter how sound and conservative his plans no individual banker or financial institution will on the request of such a borrower lend him money to build a home to the extent of 100 per cent of the cost. The limit of the loan would be 60 per cent or 70 per cent of the cost. This fact is obvious, elementary, and universally known. How much less likelihood is there, therefore, that a political body, the subject of every political wind that blows, completely without credit and with only an office full of second-hand furniture for assets, with no experience in the operation of great port facilities or knowledge thereof, with an uncertain tenure of office and strong local opposition on the part of the city of New York to its plan, could ever think of borrowing either the entire cost of construction of such speculative facilities or any substantial part thereof.

Such were the predictions which were generally made as to what would happen to the port authority. Its history since the time it was given power which it requested proves the complete accuracy of this prediction. Eight years have elapsed since it was launched on its career of voluminous reports, barrels of blue prints, a multitude of promises, and tons of conversation. Four years have elapsed since the specific plan to which it finally gave birth was duly adopted by the Legislatures of the States of New York and New Jersey. Since then and despite the many loud protestations that with the grant of power it would act promptly, not one single patriot in all these United States has been found willing to take a chance on a bond of the port authority.

Not one bond has been sold. Not one shovelful of earth has been turned to mark the commencement of a single work of construction of the many which were so generously promised. Over $1,000,000 has been paid by the taxpayers of New York and New Jersey to this body and this large sum placed at the disposal of the port authority and spent by it has produced nothing but reports, blue prints, promises, conversation, and dreams. A substantial part of its budget has been used by it for newspaper publicity under the sweet sounding title "Director of information." The newspapers have been flooded with articles prepared by the port authority in which it praises itself. Commercial organizations and civic bodies have been "worked" for resolutions of indorsement and approval and as everyone knows how easy it is to get resolutions from the average civic association on almost any subject, such resolutions have been forthcoming in large numbers. The truth of the matter is that the port authority is a tremendous success for every purpose except the one for which it was created and that is to sell its bonds and use the proceeds thereof to create specific port facilities as outlined in its specific plan of development prepared by it and approved by the legislatures. On this last point it has proved to be one of the greatest "gold bricks" ever sold to any considerable part of the American public.

An interesting side light on the port authority is found in an analysis of its pay roll for the last half of December, 1923, in the State of New York wherein it appears that this organization which should be essentially an engineering organization for an engineering purpose was the proud possessor of five engineers and nine secretaries, as well as three clerks, two publicity agents, three stenographers, and five statisticians. About two years ago, August 21, 1923, an effort was made to interest the leading financial interests of the city of New York in the sale of port authority bonds. A "breakfast" was held to which were invited a great many representatives of financial houses. After the "breakfast," prepared statements of the great success of the effort were handed out to the newspapers in which it was made to appear in the head lines that the financiers had assured the port authority $200,000,000 for the development of the comprehensive plan.

A careful scrutiny, however, of the prepared press statements indicated in small type at the end of the story about "breakfast" that the hard-hearted financiers present quietly advised the port authority that they would not be interested in their bonds unless payment of principal and interest was guaranteed by the States. In other words, what they were after was not port authority bonds, which apparently to them were so much "paper," but what they wanted were State bonds guaranteed by the public credit. Such a guaranty is prohibited by the Constitution of the State of New York and even if it were legal it would amount to a sale of State bonds, and thus instead of relieving the States of additional bonded indebtedness so generously promised and assured by the port authority, the carrying out of its plan would only add another indebtedness. Thus the grand scheme of the port authority falls to the ground, and that being so the fact should be promptly recognized. While it is true the port authority fizzle has not as yet done any harm except the waste of the moneys heretofore appropriated to it, the menace lies in the fact that its loud promises of relief when it could give no relief and its constant effort to widen the scope of its authority will from now on have the tendency to discourage or prevent the development of port facilities by other means which are within the bounds of practicability. The port authority has finally recognized that its financial scheme is a joke and it is therefore now industriously engaged in agitating the plan of having the States advance 25 per cent of the cost of the improvements while the port authority would sell bonds to private lenders for 75 per cent of the improvements. The State, however, to have a second mortgage subordinate to the lien of the private lender. This proposition is not only unconstitutional and illegal in the State of New York, but has been met with a cold reception on the part of the legislature and of Governor Smith.

Thus it appears that the port authority has been refused credit, first, by private lenders, and then by the States whose agency it is. It is therefore industriously seeking some way to make a market for its bonds and it develops the ingenious idea of unloading a million dollars worth of its "bonds" on poor old Uncle Sam. The proposition to buy the Hoboken shore road for a million dollars in port authority bonds, described by Secretary Weeks as "paper," is nothing more than an attempt to get the Federal Government, which is not responsible for or interested in the port authority, to pull the port authority out of a financial hole in which it has involved itself, after the States who have created it have refused to give any assistance.

The States of New York and New Jersey would certainly not think of buying a million dollars worth of port authority bonds or taking them in exchange for specific assets. Private financiers have refused to do it, having no confidence in the port authority as a financial structure, so why should the Federal Government be called upon to finance the port authority with a million dollars, having no security other than the port authority's own promises to pay them, if it should be fortunate enough to be able to do so. If these bonds are worth anything, even when secured by a first mortgage on the utility which is sold, why does not the port authority sell the bonds to the public and give the cash to the Federal Government? The very fact that if can not do so indicates how worthless the bonds are.

It is true that if it defaults in payments of interest—and the only source for such interest would be the earning power of the utility itself—then the Federal Government could foreclose and take the property back, but in such a contingency that Congress will undoubtedly be bombarded by resolutions, objections, memorials, and what not, from these same civic bodies, not to be too hard on the poor old port authority, but that the "public interest" requires that the port authority be given the railroad, because it is the "agency" of the two States and the Federal Government. If the Federal Government is foolish enough to take these bonds in exchange for the railroad, it is only a matter of time when it will have the pleasure of kissing both the railroad and the bonds good-by. This outcome will happen if the Federal Government is so foolish as to take port authority "paper" for a real asset.

Another interesting side light on the port authority is the great care which it took very early in its existence to persuade the legislatures that until the revenues from the operation conducted by the port authority are adequate to meet all expenses, the legislatures should pledge themselves to provide appriations every year of $100,000 each for "salaries" and other administrative expenses. This the States agreed to do, and did do most faithfully and are still doing, because, sad to relate, the port authority has yet to earn its first nickel, although it has been in operation for a long period of time. It seems now, however, that not only will the legislatures not lend their credit to this body but they are getting tired of being called on for these annual appropriations of $100,000 each for "salaries" and other administrative expenses. And the port authority is finding increasingly cold receptions when their annual request is made for appropriation, because the leaders in both legislatures in both States expected that long before this something more than promises would be forthcoming. The last report of the port authority to the legislatures of the two States reads just exactly like its first. In other words, there is nothing in it but promises of what this body is going to do some day in the future.

To give an idea of the constant reaching for new power on the part of this port authority let me read the remarks of State Senator Lusk made in the State Senate Chamber at Albany, N. Y., in May, 1924, when amendments to the port authority law were being considered. Senator Lusk is by no means a Progressive. He is of that brand of conservative Republican that most of my colleagues from up-State New York belong. Yet even Senator Lusk could not stand for the repeated demands for power by this group seeking to get hold of every terminal facility in and around the harbor of New York, to have every railroad at their mercy, every means of transportation under their control, and then for the pickings. This is what the conservative State Senator Lusk said:

I haven't got any great amount of interest in this. It seems to me the thing is humorous. In 1921 when we enacted this port authority law at the solid and unanimous request of every representative from New York City we put in this provision, that no property now or hereafter vested in or held by either State, or by any county, city, borough, village, township, or other municipality, shall be taken by the port authority without the authority or consent of such State, county, city, borough, village, township, or municipality.

In other words, on the representations and at the request of the members from New York City, unanimously expressed to us, we put in that provision. Now, this bill entirely wipes it out. On page 8 of this bill, in the first part of the bill, they provide for an investigation.

They provide for a most sweeping investigation, and any member of this port authority, or anyone whom they may designate, can investigate any person who resides inside of the city of New York.

They can investigate the mayor, the board of estimate and apportionment, all the different authorities in New York City, just as far as they wish, and when they get through investigating, if they feel that any of the utilities—if they determine that any of the utilities which are used by the city of New York should be used by any of these railroad companies, or any other companies, they can make an order, and the use of these utilities is taken out of the hands of New York.

AT PORT AUTHORITY MERCY

That is found on page 8, running down there about—well, beginning at line 6, down to line 16. I have looked up the definition of a common carrier in the old act. I have looked up the definition of a railroad company in the old act, and there is not any question but what this bill entirely revises the policy that we adopted and puts the city of New York in its transportation facilities entirely at the mercy of the port authority.

Not only that, but on page 9 there is another beautiful provision whereby the port authority can say to New York City: We want you to make a joint terminal. And they can make New York City take the terminal where those ferryboats land. With all these railroad companies they can create a joint terminal.

As I say, I have no interest in it. If the representatives from New York want to entirely revise their policy, if they want to put it in the hands of this port authority, which is an up-State authority and will continue to be, and there is a bill in here that gives the mayor of the city of New York the power to appoint a majority of that body, all well and good.

However, there is not a man that does not know that street-car lines and docks and everything else come under this because of the definition of a railroad company. Now, if you want to turn them over to the port authority, turn them over.

Now, I want to read an editorial from the Standard Union, of Brooklyn, of February 10, 1924, commenting on the speech made by the Hon. H. Edmund Machold, then speaker of the Assembly of the New York State Legislature, before the Board of Trade and Transportation, in which Speaker Machold voiced his opposition to the port authority and their entire plan. Again, Speaker Machold is not of my school of politics. He, like Senator Lusk, is a conservative in every sense of the word. The Brooklyn Standard Union is without doubt the leading Republican paper in the State of New York, and hear what it says about the port authority:

THE PORT AUTHORITY'S CREDIT

Speaker Machold's explosives were neatly packed in his straightforward and forcible address Friday to the board of trade and transportation and, though calmly received by his audience, may yet blow the lid off highly important matters. He put his finger with unfailing accuracy on the weak heart with which the hybrid cross fertilized port authority was born, and exposed the fatal defect in its financial construction. That its responsible promoters and backers can have been ignorant of the situation implies several things so unpleasant or despicable that it is better not to mention them. Not since the late Mr. William Micawber went out of business has any reputable capitalist or optimistic promoter believed that he could raise money by selling anticipated profits or build public works of great magnitude by discounting the dividends which they are expected to earn. If there is as much difference between this sort of finance and that which Doctor Cook, of unsavory memory, practiced, it is difficult for the naked and unprofessional eye to detect. Of course, no sane banker or institution would touch that sort of alleged security.

But the speaker's words contain a bearing far more important than is involved in the future of any merely local or bi-State enterprise. The port authority head is that of the camel and once it is fairly in the public tent and treasury the whole herd and all the other animals of the desert will come trooping in, the constitutional bar forbidding the legislature to loan more than $1,000,000 State credit to any one object will be broken down and every scheme which politicians, promoters, and profiteers may have the nerve to try to unload on the public and the taxpayers of the State will have free course and fair sailing. Speaker Machold should come to New York oftener and talk longer.

The State Bulletin, published by the New York State Association, an independent, nonpartisan state-wide civic organization for constructive legislation and responsible and economical government, as late as in its issue of January, 1925, gives friendly advice to the port authority as follows:

FRIENDLY ADVICE TO THE PORT AUTHORITY

The port authority needs a lot of jacking up. Since we acted the part of the candid friend a year ago and received the usual thanks for this service, the health of this agency and its standing in the community have not improved. It is weaker now in membership, its staff work is uncoordinated and without proper executive direction, and its financing scheme is no nearer demonstrating its soundness. A thick fog of talk, briefs, and literature obscures what is going on and befuddles the public, which has been waiting with increasing impatience for several years for something to happen. The plan to issue improvement bonds secured by the improvements themselves is certainly sound enough, when applied to the development of something visible which the State owns to begin with like water power; but it is yet to be shown that this scheme works where there is nothing available at the start but public rights and interests and public control over private or semi-public corporations located in two States and many municipalities.

If the Staten Island bridges projected by the port authority attract private capital without a guaranty of interest by the State, the financial plan may yet work out, but greater improvements are pressing, and if the port authority can not make them private capital will do so on a franchise basis. In that case the port authority should supervise and regulate the franchises, and this may yet be the proper rôle for this department and its place in our Government economy.

In the meantime, the port authority should get itself a first-rate executive officer, talk less, and get down to brass tacks. Otherwise the people may get sick of it.

All of this, of course, is not surprising to me. I was a member of the board of estimate and apportionment of the city of New York in 1920 when the matter was first before the city authorities, and I had occasion then to study the plans, to observe its proponents, to watch them when they were on guard, and to notice them when they were off guard. It was plain to me then that they had no definite plan, were following a hit-and-miss course, and were simply waiting for something to drop in their lap. Nothing has dropped so far, and here they are asking you to give them not only a million dollars of property, but also over a hundred thousand dollars in cash for nothing. I repeat, for nothing. In the beginning of the activities of this so-called authority it was apparent that its purpose was a scheme to get, first, supervisory power on all port matters and then actual control of port property. That some of these individuals were in close contact with groups of railroad interests at the time, and are to-day, is no secret. Many of its first friends are rapidly seeing the scheme in its true light and are withdrawing their interest and support. The port authority is daily losing the confidence of previous supporters. All of these facts should be considered by the Members of the House at this time when this body, having sought every possible way of raising money, now come and seek to give its worthless paper to the United States Government for valuable property and good United States money.

I have before me the annual report of the Port of New York Authority, dated January 24, 1925, which has just been received, and which I understand has been sent to the Members of the House. I simply want to call the attention of my colleagues that the various photographs contained in this report printed on excellent and expensive paper, showing belt lines, railroad tracks, warehouse sites, railroad yards, sidings, terminals, and bridges, not one of these improvements was built by the port authority, is owned, or now operated by them. Let me make that clear. The port authority can take no credit for any of these improvements, and a Member looking through

this report in the course of a day's work might gain the impression that the port authority is something alive and something real. Nothing is further from the fact. It owns nothing. It does nothing. Of course, the diagrams of suggested universal freight station and the maps, in other words the paper work, designs, and sketches, that is the creation of the port authority. In fact, they are specialists in paper work. All they have done to date is diagrams, blue prints, sketches, pictures, and reports, and wasted the money of the taxpayers of New York and New Jersey. Not one of the improvements in existence and operating to-day pictured or described in the annual report was built, is owned, or operated by the port authority, and has absolutely nothing to do with it. I hope I have made that clear.

It is not necessary to take my interpretation of what this bill will do; just let me read what the port authority itself says the bill will do, and I am reading from page 25 of the report I have just referred to:

> The port authority to pay to the War Department $1,000,000 of its 30-year 4 per cent gold bonds, in exchange for which it was to receive the lease, physical properties, and equipment of the railroad, including the water-front properties, exclusive of the back lands; in addition, it proposed to pay for materials and supplies on hand at the time of transfer the bonds of the same description for the amount of the inventory thereof, and for cash on hand at the time of transfer (estimated as of August 31, 1923, at $109,549) bonds of the same description in such principal amounts as, at 4 per cent interest, would be the equivalent of 4½ per cent return upon the actual cash.

Not only are we asked to turn over the property worth over a million dollars but in addition this propertyless, penniless agency desires to take something over a hundred and nine thousand dollars in good United States money in exchange for its bonds of doubtful value, figured at 4½ per cent interest. Can you beat it?

As a warning and anticipating default in interest and principal payments, the port authority says, on page 26 of its report:

> In making this proposal the port authority realized, and it still realizes, that the offer was not warranted on the basis of treating the Hoboken Shore Line as a business proposition. The income and earning capacity of the road during its entire existence would not justify the price of $1,000,000 which constituted the terms of sale.

In other words, you have been given warning right now that they can not earn enough to pay the interest on 4 per cent, and when the first default is made they will call your attention to this fact. Then the report continues:

> The larger justification for the purchase is to be found in the fact that there is no other public agency that will make it, and we believe that property of such potential value to the shippers and receivers of this port should not be allowed to go into private hands. There is every indication that until such time as this property can be made to fit in with the future requirements of the port there will be a substantial annual deficit.

Now, with no other source of income in the whole world, with both States specifically relieved of all obligations, with the very law which created this port authority stating in as clear a language as could possibly be written that the port authority had to be self-sustaining, that no appropriation would be given to the port authority by both States for purchase or maintenance of property, with its statement before you that there will be a deficit, are you going to turn over a million dollars' worth of property and $109,000 cash for the admittedly worthless bonds offered?

Then, the report says, "But if, as we hope," mark you, get the "hope," and that is all that this agency has been doing, is hoping and spending money, "this road is operated in conjunction with belt line 13, we are credibly informed that it should then be self-sustaining." Who informed them so credibly? Some lawyer seeking to hang onto a good thing and some railroad companies wanting to get something for nothing.

In closing I desire to appeal to my colleagues to give this matter consideration. Before voting for either the House or Senate bill to consider what a precedent the passage of either bill would establish. If the United States Government is to take the worthless bonds of a port authority, the next step will be the sale of Government property for the unsecured bonds of private corporations.

As I have stated, there is nothing to prevent the Secretary of War, under existing law, to dispose of this property to the port authority, but let this boastful organization pay for it in good money. I realize that the politics of the situation are rather involved. I realize, too, that differences between groups of railroads are likewise involved. I submit that under the law the Secretary of War has authority to dispose of this property in the same manner and under the same conditions that hundreds of millions of dollars in Government property has been disposed of, and that we should not be called upon to make an exception in this case and to rehabilitate an entirely repudiated and seemingly bankrupt port authority.

Gentlemen, I hope, as a matter of policy, the amendment offered by the gentleman from Texas will be adopted. I do not think it will affect the sale in this particular instance, but let the word go out to the world that we finally have come to our senses and that we are going to stop giving Government property away; that no favorite son or special interest can come in and give worthless bonds for good property and hard cash. I bespeak the interest of my colleagues to examine the two bills I have referred to and to do me the kindness of reading the history of this port authority, which I am putting in the RECORD. It is a repudiated, penniless, worthless, political combine which has spent $500,000 in making blue prints and reports without a bit of property in its possession, without any credit back of it, and yet they have the audacity to come here and ask you for $1,000,000 worth of property and $109,000 in cash and offer you bonds that every banker in New York and New Jersey has refused to take.

Mr. LOZIER. Will the gentleman yield?

Mr. LAGUARDIA. I yield to the gentleman.

Mr. LOZIER. Is it not a fact that business and stock-jobbing interests of the city of New York have been engaged for months in a propaganda to produce this result and get this Government property by this scheme for securities of the kind the gentleman has referred to?

Mr. LAGUARDIA. And do you know why? First, they had a breakfast and the bankers were there, and their little lawyer, who is the port authority counsel, made the offer. "Will you take our bonds?" They said, "What is back of them?" You know bankers are not giving money away. They asked, "Is the State of New York or New Jersey back of them?" "No; because the law that created this commission specifically provided that the credit of the State should not be obligated." "Have you got any property?" "No." That ended the bankers taking the bonds. What do they want to do now? They want to get this Government property in Hoboken and make the Government take a 100 per cent mortgage, and then go out with this 100 per cent mortgaged property and dump more bonds on the public. It is a scheme that is outrageous, dishonest, and I hope the Members will vote it down Saturday when it comes before the House.

Mr. HUDSPETH. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. HUDSPETH. Is this a private corporation the gentleman is describing here?

Mr. LAGUARDIA. No; this is an authority created by the act of the Legislatures of New York and New Jersey, and the treaty was approved by Congress.

Mr. HUDSPETH. And you state it has no assets?

Mr. LAGUARDIA. No.

Mr. HUDSPETH. Have you not blue-sky laws in New York?

Mr. LAGUARDIA. The gentleman must understand that they were not supposed to hold any property. Their function was a supervisory one, to supervise the traffic of the port and to work out methods and plans to coordinate terminals and interport communication.

Mr. HUDSPETH. I understood the gentleman to say they held themselves out as being worth $500,000.

Mr. LAGUARDIA. They have spent $500,000, which was appropriated.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. Is there not also involved the fact that they propose to put on a line of trucks that will congest the streets of your metropolitan city to a degree that has never been done before?

Mr. LAGUARDIA. That is one of their plans. They have 57 varieties of plans. They will do anything that the Erie Railroad tells them. It is just a fight among the railroads. The Lackawanna Railroad has offered to pay the Government a million dollars for the property. The Erie and other roads do not want the Lackawanna to have it. So we are asked to give it away to the port authority which in turn will be and is lead by the nose by the very same railroad interests.

Mr. BLANTON. How did such a bill as this come to be reported and get on the calendar?

Mr. LAGUARDIA. It is on the calendar, and I hope the gentleman will be here when it comes up and I hope I will have the help of my energetic friend from Texas [Mr. BLANTON] to defeat it.

Mr. BLANTON. I have it marked. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. ROMJUE].

Mr. ROMJUE. Mr. Chairman, I want to call the attention of the committee to what will be the result if you enact this legislation unless amended. First, you propose to sell a piece of property for which the Government paid $28,000. The discussion and evidence disclose that since the purchase by the Government it has enhanced in value. No one favoring the passage of this bill has indicated anything other than that there is only one concern in a position to buy it. They tell you that it is adjoining to the Tube Co. and that it is impracticable to open the matter up for public sale. They say the Tube Co. is the only concern that can really be in the market for purchase. Let us assume that their argument is correct and see what the situation is. The bill undertakes to empower the Secretary of the Interior to dispose of Government property to whom? To this tube concern, and I am reliably informed that another member of the President's Cabinet is interested in this tube concern. So the effect is that you have one member of the Cabinet who, by this law, will sell to another member of the Cabinet a piece of property that is owned by the United States Government.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. ROMJUE. Yes.

Mr. ROBSION of Kentucky. Will the gentleman state from what source he gets his information that the Secretary of the Treasury is interested in this company?

Mr. ROMJUE. I heard a remark made a moment ago that Mr. Mellon ought not to expect a transaction of this kind to take place. Will the gentleman say——

Mr. ROBSION of Kentucky. Does the gentleman think it is fair to base his argument on flying rumors?

Mr. ROMJUE. I will be the judge of whether the rumor is flying or not. Does the gentleman deny that Mr. Mellon is interested in the Tube Co.?

Mr. ROBSION of Kentucky. I have no information on the subject.

Mr. ROMJUE. Do you deny it?

Mr. ROBSION of Kentucky. I have no information on that matter at all.

Mr. ROMJUE. I will tell the gentleman that I am strongly of the opinion that Mr. Mellon is interested in the tube concern. Moreover, you have a known purchaser, according to your own theory—you say that the Tube Co. is the only practicable purchaser of this Government property. If that be true we know the owner, and we know the only prospective purchaser is the Tube Co. Is there any reason why the Government should not know now, in advance, what the Tube Co. is willing to pay for this property?

Mr. STEVENSON. Will the gentleman yield?

Mr. ROMJUE. I will.

Mr. STEVENSON. Would it not be a practical thing to put the price in the bill, and then they could not fix a price below that which was contained in the law?

Mr. ROMJUE. Yes; the committee ought to have made some investigation, and may have done so, as to the real value of this property, and then it ought to be stated in the bill that below that sum the property could not be sold. But the bill provides that it can be sold at the appraised value, and you only have, you say, one prospective purchaser. I submit that there is no way in the world by which you can prevent the appraisement being made which may very likely be unfair, or at least questionable, and we ought not to pass legislation disposing of Government property which leaves the matter open to question.

Mr. ROBSION of Kentucky. The gentleman from Missouri is engaged in the practice of law. Does he not know that practically in every court an order for a sale will not permit that sale to be made if it brings less than two-thirds of the appraised value?

Mr. ROMJUE. Yes; sometimes three-quarters.

Mr. ROBSION of Kentucky. And we go further—this bill will not permit the title to pass unless it brings the full appraised value. Does the gentleman see where, under all the circumstances, the Government could expect to get more than the appraised value for the property?

Mr. ROMJUE. It is very likely that we might get more; but when the gentleman reminds me that it is customary to sell property through the various courts of the country sometimes for two-thirds, sometimes for three-quarters of the appraised value, I want to say that I am aware of such a procedure in the courts of the country and the law and the circumstances under which they are sold usually pertain to public sale. Here this is practically a private sale. Why, you say that nobody can buy this except the tube concern. I submit in a case like that, that in all fairness to the Government, if we know who the only practical purchaser is, we ought to know in advance what he is willing to pay for it.

Mr. ROBSION of Kentucky. Mr. Chairman, I desire to use two or three minutes to answer some questions propounded by the gentleman from Texas. We must look at the reason of this thing. Why did we get this piece of ground? It was to protect us from the action of some person who owned next to us. If we threw this open and had a public sale, and somebody else would bid upon it, what might happen? This little triangular piece of ground is entirely surrounded by the Government's property and by the Tube Co.'s property, but suppose some other person would come in there under the plan suggested by some gentleman and buy it and then erect a building there contrary to the desires of the Government, and create a nuisance right there. The Government has spent a lot of money in establishing its buildings and its station and its lawns, and it is concerned who will be its neighbor. It means something as to who will be your neighbor. It is not like the Government owning some piece of land that is not so surrounded. Then I would favor a public sale. So that the only person who can bid would be this tube concern, and the Secretary of the Interior says the fact they are establishing a bureau of investigation there and will be in the same work as the Government will mean something of advantage to the Government, and they will not interfere with the use of the Government's property.

I yield 10 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY. Mr. Chairman, it has been suggested by some one that eternal vigilance is the price of liberty. That is true, but this eternal suspicion of every plan for proper cooperation with American business does not mean constructive action. We have had a debate which has been based upon a misunderstanding of this entire proposition. Nobody is going to make any tainted money out of this sale of unused land. On the contrary, a great expenditure of money is going to be made for the general welfare. That work is going to be done by some of those who have been condemned here. The Bureau of Mines station in Pittsburgh is the central mine-rescue station for all the coal mines of that great State, and also of Ohio. A large sum has been spent by the Government in preparing the rescue station to help solve the problems of mine explosions. I went out into that district not long ago to inspect the mine which is owned and operated by this bureau. I saw the work they are doing on coal-dust explosions and it was an inspiring experience. They have saved hundreds of lives by experiments for the prevention of coal-dust explosions.

The National Tube Co. has been working with the Bureau of Mines on ore dust explosions, and other dangers and losses in industry, and has spent hundreds of thousands of dollars on that work. The metallurgical engineer of the National Tube Co. is Mr. Speller, who wrote the publication I hold in my hand and which was put out by the Bureau of Mines. He gave it his time and attention for many months. Now, Mr. Chairman, what is the situation here? We bought a parcel of land there for $28,000. At the edge of the square is a triangular piece that juts out. The square is left entire by the sale of this triangle, and we are not selling any land which is needed by the bureau. That triangle juts into the property owned by the National Tube Co. What is it going to do with the property? It is going to erect a research laboratory dealing with corrosion in metals, and other industrial research problems, which will cost a very large sum. On the other side of that lot is the Carnegie Institute's research laboratory, which cost a million dollars or more. Near that institution is what is known as the Mellon Institute for Industrial Research. Mr. Mellon, who has been attacked here, has given many millions of dollars for the building of the institution from which he does not directly derive a single cent. It has done incalculable good in chemistry, in research work as to the analysis of chemical compounds of various kinds. It has done wonderful work. Mr. Mellon gave the institute free to the people of the Nation. That Mellon Institute with the Carnegie Institute and this Tube Co. laboratory and the Bureau of Mines makes up one of the finest research laboratory plazas in the United States. The proposition here is to cooperate with that great forward-looking program. We are not

going to take a single dollar from the Government. We are going to dispose of the land in question for full value and for a most worthy purpose.

Mr. ROMJUE. Mr. Chairman, will the gentleman yield?

Mr. KELLY. Yes.

Mr. ROMJUE. In view of the splendid address of my friend, does he not think it might be well to give the property away?

Mr. KELLY. I believe it would be justifiable and a benefit to all concerned, but we are not proposing any such thing.

Mr. ROMJUE. If we sell, we ought to sell it at a fair price.

Mr. KELLY. We will sell at a fair price.

Mr. ROMJUE. I believe in doing charity, but when I do charity I want to know that I am doing charity, and when I sell I want to get a good price.

Mr. KELLY. We will get full value or no sale. This bill was introduced at the request of Doctor Bain, the Director of the Bureau of Mines. He asked me to introduce it, and said its enactment would be a service to the Bureau of Mines and to the entire country. I was very glad to comply with his request. I did not think it would bring such suspicion as has been expressed, and I feel a great deal of that suspicion is due to misunderstanding.

Mr. BLANTON. Will the gentleman yield?

Mr. KELLY. I will yield to the gentleman from Texas.

Mr. BLANTON. The gentleman's idea is that this million-dollar building that the Tube Co. is going to erect on that land the Government is going to sell will be for the benefit of the Government?

Mr. KELLY. For the benefit of the country as a whole.

Mr. BLANTON. Well, now, it is not just a little piece of triangle; it is a fairly good, little lot; it is over 2,000 square feet.

Mr. KELLY. I hope the gentleman will not interrupt me; the gentleman has his own time——

Mr. BLANTON. I yield to the gentleman two minutes, because I do not wish to take the gentleman's time.

Mr. KELLY. This land is a triangle that contains about 1,966 square feet. It is absolutely useless for any legitimate purposes except those of the National Tube Co. It will be sold at a fair appraisal, and the National Tube Co. is willing to pay every dollar it is worth.

Mr. HUDSPETH. Will the gentleman yield?

Mr. KELLY. I will yield to the gentleman from Texas.

Mr. HUDSPETH. The gentleman states that if it is put out by competition, as I understand, the property would not bring anything, but the bill says it shall be sold for not less than the appraised value, and so that would bring something.

Mr. KELLY. Certainly. The provision is not less than the appraised value, and that protects the price. The work that is going to be done there is going to be done not simply because it will bring dollars into the great tube plant at McKeesport, where they make more tubes than any place in the world, but this is an extension of research work which they are trying to carry on for the ultimate benefit of every metal industry in America. I feel that it is justifiable for us to take this action when the Committee on Mines and Mining urges us to do so, when there will be such beneficial co-operation and when we can assure a chance to add this building to that great plaza of research institutions which will be of such help to the industries of America.

Mr. COLTON. Will the gentleman yield?

Mr. KELLY. I yield.

Mr. COLTON. Will the building which the National Tube Co. are going to build interfere in any way with the use of the Government property?

Mr. KELLY. Not in the slightest; but it will help the Government. When it is completed we will have a great array of research laboratories, each one cooperating with the other; we will have a great practical cooperation. It seems to me that the Government ought to be very glad to advance such a project.

Mr. BOYLAN. Will the gentleman yield?

Mr. KELLY. I will.

Mr. BOYLAN. Is it not a fact the Government had to buy this land to protect its light and air from the Tube Co.?

Mr. KELLY. It paid $28,000 for this piece in between its own building and the building planned by the Tube Co.

Mr. BOYLAN. By selling part of this land, do not we put ourselves in a position again of having a building come in and encroach upon the light and air?

Mr. KELLY. No. If you will look at the blue print, you will understand that situation better. It is a little piece of land jutting out from a vacant lot, and it has no connection with our Bureau of Mines building.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. KELLY. I will.

Mr. BRIGGS. Has the gentleman any idea of what this piece of property is valued at?

Mr. KELLY. This whole piece of property cost $28,000, and this little triangle, which covers about one-ninth of the whole area, I imagine would be worth about one-ninth of the amount.

Mr. BLANTON. It is worth $50,000.

Mr. KELLY. It is not worth anything save to the Bureau of Mines and the Tube Co. It is not going to be a special privilege granted to one concern. It is going to be helpful to the research work done in America, and we will get a large return on the investment in such cooperation. I believe we ought to do it without hesitation; at the same time protect the Government as provided in the bill.

Mr. BLANTON. Mr. Chairman, I yield 10 minutes to the gentleman from South Carolina [Mr. STEVENSON].

The CHAIRMAN. The gentleman from South Carolina is recognized for 10 minutes.

Mr. STEVENSON. Mr. Chairman, I come to the discussion of this bill without any prejudice against anybody concerned with it at all. We are trustees for the American people, and we are proposing to sell that piece of property that belongs to them. In the course of my practice of the law a good many times I have been trustee and executor, and have acted in other capacities along that line, and I have never found that it is a bad thing to have an unprejudiced valuation of what I had to sell. In fact the law of every State requires something of that kind.

Now what do we find here in regard to this? I think a very simple amendment could remove the real objections to this bill. The bill provides—

> That the Secretary of the Interior be, and he is hereby, authorized to sell at not less than its appraised value that parcel of land—

And so forth. Now what appraisement is referred to? Who is to make it? Where is there any provision here for any appraisement? Is there any provision for an unprejudiced method of appraisement by disinterested people familiar with real estate matters in the city of Pittsburgh, where this property is? Not at all. It is left absolutely in the air. There is no provision for any appraisement to be made which would be worth anything at all.

They may say "The Secretary of the Interior may appraise it." That is what the law always condemns; that is, to allow the man who is given the power to sell somebody else's property, to himself name the price at which it shall be sold. The appraised value is always determined by an unprejudiced appraisement by people who are disinterested and who are familiar with that kind of thing.

Oh, but they say, "It will be a wonderful benefit to that country." Gentlemen, we are not buying benefits; we are selling land, and if you are going to do it you have got to sell it in a businesslike way. I have heard people on the other side of the House talking about doing business in a businesslike way. They had at one time a slogan to the effect, "We want more business in Government and less of Government in business."

The rule in force in every State and jurisdiction in this country is that when an executor or administrator of an estate sells property he must sell it at the price fixed by the court, or sell it where everybody can bid on it, or dispose of it by sale where the appraisement is made by disinterested people. They say, "The Secretary of the Interior may do this." I am fed up on the Secretary of the Interior doing things. We had a little deal of this kind out in California, and also in Montana or Wyoming, known as the Teapot Dome and the Elks Hills Reservation, by the Secretary of the Interior. I am not in favor of permitting him to name the value of the property we are going to sell. "I don't want the same dog to bite me twice."

Oh, they say, "It will not do to sell this property to any other concern, because they might build structures there that would obstruct the light and interfere with the Government."

Now, let us look at the bill for a minute.

Mr. LEAVITT. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. LEAVITT. Teapot Dome is in Wyoming and not in Montana.

Mr. STEVENSON. I accept the gentleman's correction. They did not have one in Montana or it would have gone with Teapot Dome through the dealings of the former Secretary of the Interior.

They say the Government might get somebody there who would build something that would obstruct the light. Let us

look at the bill a minute and see whether there is anything in that. The committee itself has recognized that and has safeguarded it by inserting this amendment:

Provided, That such sale shall be made on such terms and conditions as will protect the uses of the Government to property adjacent thereto as to light and other easements.

If you can protect it against this eleemosynary institution that is going to reform the world and bring the millennium in the coal mines you can certainly protect it against any other purchaser just as well, and if you insert that in the bill you can put it up and sell it to the highest bidder. It seems to me that is a very easy way of protecting the Government's interests.

It has been stated over and over that this property, or a large part of it, was bought within the last two years, and you can easily guard the sale of it by inserting after the words "not less than its appraised value"—and you ought to provide that the land shall be appraised by three disinterested real-estate men in that territory—the words "and shall not be sold at less per square foot than was paid for it when it was bought two years ago." If you insert that language then you will have some restriction and some safeguard.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. CONNALLY of Texas. This property, no doubt, will be worth more to the National Tube Co. than to anybody else.

Mr. STEVENSON. I think so.

Mr. CONNALLY of Texas. And would not that company pay more for the land?

Mr. STEVENSON. If they did not, they would not get the property, if it was mine and I was selling it.

Mr. CONNALLY of Texas. And that is the natural assumption.

Mr. STEVENSON. Yes; that would be the natural assumption.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. ROBSION of Kentucky. I did not catch the wording of the suggested amendment about the appraisal of the land.

Mr. STEVENSON. It should be provided in the bill that the land must be appraised by three disinterested real-estate men of the vicinity where the property is to be sold.

Mr. ROBSION of Kentucky. There would be no objection to that, but I think that would be done under the law as it now stands.

Mr. STEVENSON. There is no provision in the bill for having the appraisement made in that way.

Mr. ROBSION of Kentucky. As I say, I think it would have to be done in that way under the law.

Mr. STEVENSON. Will the gentleman give a little consideration to that suggestion?

Mr. ROBSION of Kentucky. I do not object to that amendment.

Mr. STEVENSON. Then I think there should be a provision in the bill providing that the land shall not be sold for less per square foot than it cost the Government.

Mr. ROBSION of Kentucky. I might have some objection to that, because the Secretary of the Interior feels it can be sold at a profit.

Mr. STEVENSON. I hope it can be sold at a profit, but certainly you want to have something in the bill providing for that. This is a business transaction and is not a matter of charity.

Mr. ROBSION of Kentucky. I think that is in contemplation by the bill.

Mr. STEVENSON. But the contemplation of the bill and the language of it seem to be a good deal apart. The language of the bill is absolutely barren of any protection against the incursion of people who may want to speculate on this Government property at the expense of the people.

Mr. WILLIAMSON. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. WILLIAMSON. Could not the gentleman's suggestion be met by adding after the words "appraised value" the words "as fixed by three disinterested persons to be appointed by the President"?

Mr. STEVENSON. Yes. I think that would fix the appraisement but then there should be added the words "at not less per square foot than it was purchased for."

Mr. ROBSION of Kentucky. I think the appraisers should be appointed by the Secretary of the Interior.

Mr. STEVENSON. I do not care who appoints the appraisers, but I think a disinterested board of appraisers should be provided for in the bill.

Mr. LONGWORTH. Might I suggest that inasmuch as the chairman of the committee has indicated his willingness to accept those amendments that we proceed with the reading of the bill.

Mr. BLANTON. Is the chairman willing to accept the amendment I submitted to him?

Mr. TILSON. Mr. Chairman, will the gentleman yield? It seems to me the proposed amendment of the gentleman from Texas would land us in trouble.

Mr. LONGWORTH. I was not referring to that amendment.

Mr. TILSON. The proposed amendment of the gentleman from South Carolina [Mr. STEVENSON] it seems to me is all right.

Mr. BLANTON. The amendment I have proposed is similar to the amendment we have put in every bill of this nature.

Mr. TILSON. This is the very kind of case where an amendment of that kind should not be put in.

Mr. BLANTON. Mr. Chairman, I yield myself two minutes.

The gentleman from Connecticut [Mr. TILSON] indicates that if we sold this property by advertisement and at a competitive sale somebody might buy the property for the purpose of attempting to place a nuisance on it. It is admitted that the Tube Co. is going to build a $1,000,000 building on the property. Nobody else could do more than build a building on it and if the Tube Co. is going to build a building on it, anyone else that bought it could not do more.

Mr. KELLY. Will the gentleman yield?

Mr. BLANTON. In just a moment. You never lose anything by protecting the interests of the people with safeguards. This property should be advertised and should be sold at competitive sale with the right reserved in the Secretary of the Interior to reject any and all bids, and that is all my amendment provides. I do not care to take up any further time. I am going to offer the amendment and let the House vote on it.

The bill was read for amendment.

With the following committee amendment:

Page 2, line 18, after the word "feet," insert a colon and the following: "*Provided*, That such sale shall be made on such terms and conditions as will protect the uses of the Government to property adjacent thereto as to light and other easements."

The committee amendment was agreed to.

Mr. ROBSION 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. ROBSION of Kentucky: On page 1, line 4, after the word "value," insert "as fixed by three disinterested landowners to be appointed by the Secretary of the Interior, and at a sum not less than its original cost to the United States."

Mr. STEVENSON. Per square foot. You are not selling the exact property.

Mr. WILLIAMSON. Yes; it is the same property.

Mr. ROBSION of Kentucky. I think the language of the amendment is all right and will cover it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 1, line 4, after the word "sell," insert the following: "After due advertisement at competitive sale, with the right reserved to reject any and all bids."

Mr. BLANTON. Mr. Chariman, I ask recognition. If this amendment is adopted, this property will be sold like all other Government property should be sold—after due advertisement. This puts the buying world in Pittsburgh on notice that it is going to be sold. The Tube Co. will buy it in. They will pay more than anybody else, but this will give somebody else the right to bid on it.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. CONNALLY of Texas. Does not the gentleman think his amendment ought to provide how much advertisement there shall be?

Mr. BLANTON. Due advertisement is a term well understood in law. It is so well understood that the courts have already construed that due advertisement means proper advertisement that will put the buying public on notice. The courts

have construed that term and you do not have to put it in in detail.

This is the exact language that has been placed in every bill where Government property has been sold since I have been here where the membership have tried to protect the interests of the Government. I submit the chairman ought to accept this amendment. If he is not trying to give the inside track to somebody, why not accept it. I know he is not intending anything of that kind. I know he wants to protect the interests of the Government, and I therefore submit the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—24 ayes and 20 noes.

So the amendment was agreed to.

Mr. BOYLAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 4, after the word "sale," insert the words "for cash."

Mr. BOYLAN. Mr. Chairman, I think we ought to have this amendment in, because it says to authorize for sale at not less than the appraised value. It does not say for what. It might be sale for stock in the Tube Co. It might be sold for some other consideration. The words "for cash," I think, should be inserted.

Mr. WILLIAMSON. Is it not a fact that specific limitation is not necessary, as the Government would not be authorized to sell it except for cash?

Mr. BOYLAN. I would be glad if that were so, if that was the settled policy of the Government, but I understand it is not.

Mr. WINTER. The gentleman might go further and say what he means by cash.

Mr. BOYLAN. The words "for cash" are well understood in the English language.

Mr. LAGUARDIA. The gentleman wants to establish a policy that the Government's property must be sold for good money and not for bonds or other certificates of indebtedness?

Mr. BOYLAN. Absolutely; that is the kind of policy I would like to have declared.

Mr. LAGUARDIA. I think the gentleman is correct.

Mr. LONGWORTH. Does not the gentleman think a check would be sufficient?

Mr. BOYLAN. Yes; if it was certified.

Mr. LONGWORTH. But it is not cash.

Mr. BOYLAN. It is the equivalent of cash.

Mr. LAGUARDIA. And the courts have so construed it.

Mr. LEAVITT. Would the gentleman be satisfied if it said "legal tender of the United States"?

Mr. BOYLAN. Yes; but cash is a smaller word and plain Anglo-Saxon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BOYLAN) there were—14 ayes and 28 noes.

So the amendment was rejected.

Mr. ROBSION of Kentucky. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DOWELL, 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. 2720) and had directed him to report the same back to the House with sundry amendments with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. ROBSION of Kentucky. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gross.

The 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.

On motion of Mr. ROBSION of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

DECISIONS OF THE SUPREME COURT

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the decisions of the Supreme Court.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, on the 24th day of February, 1923, I made some remarks on the subject, "Decisions of the United States Supreme Court." Those remarks appear in CONGRESSIONAL RECORD, volume 64, part 5, Sixty-seventh Congress, fourth session, pages 4566 to 4570. In those remarks are a list of United States Supreme Court decisions declaring Federal legislation unconstitutional. During the last year the legislative reference service of the Library of Congress went over this list of cases very carefully, brought it down to date, and made a few corrections. Each act declared unconstitutional is taken up in the order of its passage by Congress, with a citation of the case in which the Supreme Court held it unconstitutional, a short synopsis of the court's decision, and the names of the justices of the Supreme Court who dissented, if any.

The purpose of my remarks was to counteract the propaganda for a constitutional amendment to empower Congress to give validity and effect to an act of Congress declared unconstitutional and void by the Supreme Court of the United States upon its repassage by both Houses of Congress. This proposal to amend the Constitution of the United States was one of the major campaign issues last fall.

The outcome of the election last November disposed of that issue, at least for the present. My object now in printing a revised list of cases declaring acts of Congress unconstitutional is to preserve in the CONGRESSIONAL RECORD accurate and reliable information on the subject.

In my remarks of February 24, 1923, reference was made to a then pending bill requiring the concurrence of at least seven members of the Supreme Court before pronouncing a law of Congress unconstitutional. Bills of that purport have been introduced in one or both Houses of Congress frequently. None were ever enacted into law. Under existing law a decision by a majority of a quorum would be binding. However, it is both interesting and reassuring to know that there are very few sessions of the Supreme Court that are not attended by every member of the court. The law fixes the number of justices that shall constitute a quorum. The different statutes passed by Congress providing for the number of justices of which the Supreme Court shall consist at different times in the history of the court and also providing for the number of justices which shall constitute a quorum are as follows:

Act of September 24, 1789 (1 Stats. L. 73), provides that Supreme Court shall consist of a Chief Justice and five Associates. (Quorum of four.)

Act of February 24, 1807 (2 Stats. L. 421), provides for Chief Justice and six Associates. (No provision for quorum.)

Act of March 3, 1837 (5 Stats. L. 176), provides for Chief Justice and eight Associates (provides two additional justices). (Quorum of five.)

Act of March 3, 1863 (12 Stats. L. 794), provides for Chief Justice and nine Associates (provides one additional justice). (Quorum of six.)

Act of July 23, 1866 (14 Stats. L. 209), provides that no vacancy in office of Associate Justice shall be filled until number is reduced to six, and thereafter court shall consist of Chief Justice of United States and six Associates. (Quorum of four.)

Act of April 10, 1869 (16 Stats. L. 44), provides for Chief Justice of United States and eight Associates (one additional Associate Justice being provided for). Act to take effect first Monday in December, 1869. This last act is embodied in section 673, Revised Statutes. (Quorum of six.)

The list of acts of Congress declared unconstitutional by the Supreme Court of the United States is as follows, to wit:

ACTS OF CONGRESS DECLARED UNCONSTITUTIONAL BY THE SUPREME COURT

(1) Act of September 24, 1789 (1 Stat. 81, sec 13). Marbury *v.* Madison (1 Cranch, 137 (1803)). Section 13 (of the judiciary act) authorized the Supreme Court to issue writs of mandamus "in cases warranted by the principles and usages of law, to any courts appointed or persons holding office, under the authority of the United States." On an original motion for a writ of mandamus to the Secretary of State to direct the delivery of a commission as justice of the peace in the District of Columbia, a rule to show cause why the writ should not issue was discharged on the ground that the provision in section 13 was unconstitutional, being an attempt to enlarge the original jurisdiction of the court as prescribed in Article III, section 2, clause 2.

No dissent.

(2) Act of February 20, 1812 (2 Stat. 677, ch. 22). Reichart *v.* Felps (6 Wall. 160; December term, 1867). A grant of land was duly confirmed under authority of an act of the Continental Congress of

1788, passed to carry out an agreement with the State of Virginia. Held, that the act cited (2 Stat. 677) directing a revision of such claims, under which the land in question was again sold and patent issued, was invalid to affect the prior title.

No dissent.

(3) Act of March 6, 1820 (3 Stat. 548, sec. 8). Dred Scott *v.* Sandford (19 How. 393; December term, 1856). Section 8 contained a proviso (the Missouri Compromise) prohibiting the existence of slavery within the Louisiana Territory north of Missouri. In the Dred Scott case one question involved was the effect on the status of a slave of residence within Wisconsin Territory. Six of the justices declared the proviso unconstitutional (and therefore without effect to change Scott's status as a slave in Missouri), one did not pass on the question, and two (Justices Curtis and McLean) held it valid. Of the six who held it unconstitutional, four had already in their opinions decided the question of jurisdiction adversely to Scott, which was sufficient to dispose of the case.

The proviso was repealed in May, 1854 (10 Stat. 289), about a month after the Dred Scott case was instituted in the United States circuit court.

The principal ground of the holding was that the proviso was a denial of equal privileges.

(4) Act of February 25, 1862 (12 Stat. 345, sec. 1), and March 3, 1863 (12 Stat. 710, sec. 3). Hepburn *v.* Griswold (8 Wall. 603; December term, 1869). These sections provided, inter alia, that United States notes should be "a legal tender in payment of all debts, public and private, within the United States," with certain specified exceptions. The payee of a promissory note made before, but falling due after passage of the act, refused tender of United States notes in payment. Held he was not obliged to accept such tender; that is, so far as the act attempted to make the notes legal tender in payment of preexisting debts, it was unconstitutional, as the power to make a credit currency legal tender is not expressly granted by the Constitution and can not be upheld as a legitimate implied power under Article I, section 8; it constituted, in fact, an impairment of the obligation of contracts contrary to the spirit of the Constitution (the prohibition in Art. I, sec. 10, is limited to action by the States).

The court divided, 5 to 3, 8 being at the time the strength of the Supreme Court. In December term, 1870, the court having been increased to 9 by the resignation of Justice Grier and the appointment of Justices Bradley and Strong, the case was overruled in the Legal Tender Cases (12 Wall. 457) by a 5-to-4 decision, Justices Field, Clifford, and Nelson, and Chief Justice Chase dissenting.

(5) Act of March 3, 1863 (12 Stat. 757, sec. 5). The Justices *v.* Murray (9 Wall. 274; December term, 1869). Section 5 provided, inter alia, for removal of United States circuit courts, after final judgment, of cases brought in State courts against Federal officers, the circuit court to try the facts and the law as though the case had been originally brought there. In an action of assault against a United States marshal, jury trial was had in a New York court and judgment rendered for plaintiff. The circuit court awarded a mandamus for removal of the case under section 5. This judgment was reversed on the ground that the provision in section 5 was unconstitutional under the seventh amendment: "No fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the common law," removal not being common-law procedure.

No dissent.

(6) Act of March 3, 1863 (12 Stat. 766, sec. 5). Gordon *v.* United States (2 Wall. 561; December term, 1864). An appeal from the Court of Claims, taken under section 5, which authorized appeals in cases involving over $3,000, was dismissed without written opinon for want of jursdiction.

Justices Miller and Field dissented.

[NOTE.—Section 14 of the act cited provided that no judgments of the Court of Claims should be paid until estimated for by the Secretary of the Treasury. In United States *v.* Klein (13 Wall. 128, 144) it is stated: "This court being of opinion that the provision (i. e., sec. 14) for an estimate was inconsistent with the finality essential to judicial decisions, Congress repealed that provision (in 1866, 14 Stat. 9). Since then the Court of Claims has exercised all the functions of a court, and this court has taken full jurisdiction on appeal."]

(7) Act of June 30, 1864 (13 Stat. 284, sec. 122), as amended July 13, 1866 (14 Stat. 138). United States *v.* Railroad Co. (17 Wall. 322; April 3, 1873). Section 122 laid a tax of 5 per cent on the interest on indebtedness of railroads, etc., and authorized the railroads to deduct the tax from their interest payments. The city of Baltimore, with the consent of the State, loaned money to the Baltimore & Ohio, taking a mortgage. Upon the refusal of the Baltimore & Ohio to pay the tax, the United States brought suit; and held, that such tax was in effect a tax on the creditor and could not constitutionally be collected in this case, since the city was a part of the sovereign authority of the State.

Justices Clifford and Miller, in dissent, argued that the property of the city involved in this case was not a means or instrument for conducting the public affairs of the municipality. (See note "F.")

(8) Act of June 30, 1864 (13 Stat. 281, sec. 116), as amended March 2, 1867 (14 Stat. 477, sec. 13). The Collector *v.* Day (11 Wall. 113; December term, 1870). Suit by a Massachusetts probate judge to recover Federal income tax paid under protest. Judgment for the plaintiff was affirmed; that is, the tax was held unconstitutional in so far as it applied to the salary of the judicial officers of the States, as being an interference with the reserved power of the States to maintain a judicial department. (See note "F.")

Justice Bradley dissented.

(9) Act of June 30, 1864 (13 Stat. 311, sec. 13). The *Alicia* (7 Wall. 571; December term, 1868). Section 13 authorized the transfer to the Supreme Court of prize causes then pending in the circuit courts. This case was brought in the District Court for Southern District of Florida, and decree of condemnation entered. Appeal was then taken to the circuit court. On an order for transfer to the Supreme Court under section 13, Held, that the Supreme Court had no jurisdiction; that its jurisdiction in prize cases was, under the Constitution (Art. II, sec. 2), appellate only, and would not include a case of transfer.

No dissent.

(10) Act of January 24, 1865 (13 Stat. 424). Ex Parte Garland (4 Wall. 333; December term, 1866). The act required taking of a specified test oath by persons applying for admission to the bar of the Supreme Court, and also by attorneys previously admitted, before doing further business. Garland had been admitted before passage of the act. During the Civil War he served in the Confederate Congress (thereby becoming disqualified to take the oath). Subsequently he was pardoned by the President, and applied for permission to practice without taking the test oath. Held, he was entitled to do so; the act being, as applied to one previously admitted, ex post facto and an interference with the pardoning power of the President and therefore unconstitutional.

Chief Justice Chase and Justices Miller, Swayne, and Davis dissented.

(11) Act of March 2, 1867 (14 Stat. 484). United States *v.* Dewitt (9 Wall. 41; December term, 1869). Section 29 (of an internal revenue act) made it a misdemeanor for any person to "* * * offer for sale * * * oil made from petroleum, for illuminating purposes inflammable at less temperature or fire test than 110° F. * * *." Dewitt was indicted under this section in the United States Circuit Court of Michigan. That court certified the question of constitutionality to the Supreme Court, and Held, that except within territory within the exclusive jurisdiction of Congress (e. g., the District of Columbia) the act could have no constitutional operation, being not an exercise of the taxing power or the power over interstate commerce, but an interference with trade within the separate States.

No dissent.

(12) Act of May 31, 1870 (16 Stat. 140). United States *v.* Reese et al. (92 U. S. 214; October term, 1875). Section 3 laid a penalty on State election officers, etc., for refusal to receive the vote of "any citizen" who had duly offered to qualify as a voter, and section 4 penalized the obstruction of "any citizen" from qualifying as a voter or from voting. On an indictment against two inspectors of a municipal election in Kentucky for refusal to receive the vote of a negro the question was limited to whether the act was appropriate legislation for the enforcement of the fifteenth amendment. Held, that a judgment for the defendant, admitting the facts in the case, was correct; that is, the power of Congress to legislate with respect to State elections is, by the fifteenth amendment, limited to prevent denial of the right to vote on account of color, etc.; and sections 3 and 4 above are in language broad enough to cover cases outside of this power, and therefore unconstitutional.

These sections as included in Revised Statutes 2007–2009, 5506, were repealed in 1894 (28 Stat. 36).

Of the two dissenting justices, Justice Hunt alone expressly passed on the question and held the provision constitutional.

(13) Act of July 12, 1870 (16 Stat. 235). United States *v.* Klein (13 Wall. 128; December term, 1871). The act carrying appropriations for the payment of judgments of the Court of Claims contained a proviso that no pardon or act done in pursuance of a pardon should be admissible to establish the standing of any claimant or his right to bring suit, etc., under the abandoned and captured property acts; and that acceptance by any suitor in the Court of Claims of a pardon which in terms declared that the person had taken part in the Rebellion, etc., should, unless protest of innocence were made at the time, be conclusive evidence of the guilt of the party, and on proof of such acceptance suit should be dismissed for want of jurisdiction. Klein, as administrator, brought suit to recover the value of certain cotton owned by one Wilson and abandoned to the United States. Wilson had subsequently availed himself of the amnesty proclaimed by the President on December 8, 1863, to any who, having taken part in the Rebellion, should take a prescribed oath to uphold the Constitution. The Court of Claims gave judgment for the plaintiff in May, 1869, before passage of the act of 1870. This judgment was affirmed on the ground that the proviso was unconstitutional as an attempt to

prescribe rules for the decision of cases and as an interference with the pardoning power of the President.

Justices Miller and Bradley, though dissenting from the judgment, held the proviso unconstitutional as an interference with the pardoning power.

(14) Revised Statutes 860. Counselman *v.* Hitchcock (142 U. S. 547; 1892). Section 860 provided that no evidence, etc., obtained from a party by means of a judicial proceeding should in any manner be used against him in any court of the United States in any criminal proceeding. During a grand jury investigation of certain railroads under the interstate commerce act Counselman was called as a witness and refused to answer certain questions on the ground that they might tend to criminate him. He was adjudged in contempt and arrested. The circuit court dismissed a writ of habeas corpus on the ground that section 860 would have afforded him all the protection guaranteed by the Constitution. Held, that he should be discharged from custody; that is, section 860, which only provides that the evidence obtained shall not be used against the party, is not complete substitute for the prohibition of the fifth amendment that no person "shall be compelled in any criminal case to be a witness against himself."

No dissent.

Section 860 was repealed in 1910 (36 Stat. 352).

(15) R. S. 1977. Hodges *v.* United States (203 U. S. 1, 1906). R. S. 1977 provided that "all persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts * * * as is enjoyed by white citizens * * *." R. S. 5508 makes punishable a conspiracy to injure any citizen in the exercise of rights secured to him by the Constitution and laws of the United States. This case was an indictment against Hodges and others for preventing, by threats and intimidations, certain negroes from carrying out their contracts of labor, on account of their race and color. The facts were admitted, and the defendants found guilty and sentenced. The Supreme Court held that the case should have been dismissed for want of jurisdiction. That is, R. S. 1977, which in terms applied to all citizens and purports to guarantee the right of contract, is not supported by the thirteenth amendment; interference with the right of contract not being "slavery or involuntary servitude."

Justices Harlan and Day dissented.

(16) R. S. 4937–4947, an act of August 14, 1876 (19 Stat. 141). Trade-mark cases. (100 U. S. 82, October term, 1879.) The R. S. sections were trade-mark regulations, providing that "any person * * * in the United States * * * entitled to the exclusive use of any lawful trade-mark, or who intend to adopt and use any trade-mark for exclusive use within the United States, may obtain protection for such lawful trade-mark by complying with the following requirements * * *." The act of 1876 made fraud, etc., in connection with such trade-marks a criminal offense. On indictment under the latter act, the question of constitutionality was certified to the Supreme Court and held; the R. S. sections could not be upheld under the power of Congress to regulate interstate commerce, and were unconstitutional; and the later act fell with them.

No dissent.

(17) R. S. 5132, subdivision 9. United States *v.* Fox (95 U. S. 670, October term, 1877.) The bankruptcy law provided that any person respecting whom bankruptcy proceedings were commenced, who within three months before their commencement "under the false color and pretense of carrying on business and dealing in the ordinary course of trade, obtains on credit from any person any goods or chattels with intent to defraud" should be punishable by imprisonment. On an indictment under this section the question of constitutionality was certified to the Supreme Court and held that subdivision 9 was unconstitutional. It was an attempt to render an act, which at the time of commission did not concern the United States, but the State only, an offense against the United States by reason of a subsequent independent act; and, not being limited to acts done in anticipation of bankruptcy, was not supportable as incidental to the execution of the bankruptcy power of Congress.

No dissent.

The bankruptcy law was repealed entire in 1878 (20 Stat. 99).

(18) R. S. 5507. James *v.* Bowman (190 U. S. 127, May 4, 1903). This section provided for the punishment of "every person who prevents, or intimidates another from exercising, the right of suffrage to whom that right is guaranteed by the fifteenth amendment to the Constitution * * *." Bowman was indicted for bribing certain negroes to refrain from voting at an election for Representatives in Congress. A writ of habeas corpus was granted by the district court. Held: This action was correct. This is R. S. 5507, upon which the indictment was founded, was unconstitutional, not being supported by the fifteenth amendment, which is a restriction on State action only.

R. S. 5507 was included in the repealing clause of the Criminal Code of 1909 (35 Stat. 1153, sec. 341).

Justices Harlan and Brown dissented; Justice McKenna did not sit.

(19) R. S. 5519. United States *v.* Harris (106 U. S. 629, October term, 1882). R. S. 5519 provided a punishment in case of two or more persons in any State or Territory conspiring to deprive "any person * * * of the equal protection of the laws * * *." The indictment was brought in Tennessee. On demurrer the question of constitutionality was certified to the Supreme Court, and held that the section being directed against individuals, without reference to State action, is not supported by either the thirteenth, fourteenth, or fifteenth amendments, or Article IV, section 2, of the Constitution.

Justice Harlan dissented on other than constitutional grounds.

R. S. 5519 was repealed by the Criminal Code (35 Stat. 1154). This section was also considered in Baldwin *v.* Franks (120 U. S. 678, March 7, 1887), and, following the principal case, was held invalid as a ground for detaining certain individuals for conspiring to deprive certain Chinese aliens of the equal protection of the laws. Its validity within a Territory was not considered.

Justice Harlan dissented.

(20) R. S. D. C. 1064. Callan *v.* Wilson (127 U. S. 540, May 14, 1888). Section 1064 dispensed with jury trial in the Police Court of the District of Columbia. Section 773 provided for jury trial in the Supreme Court of the District of appeals from the police court. Callan was tried in police court without a jury on a charge of conspiracy and sentenced to pay a fine. On refusal to pay, he was arrested, and the Supreme Court of the District refused to release him on habeas corpus. Held: That he be released—that is, in so far as it covers offenses triable at common law by a jury, section 1064 is unconstitutional under Article III, section 2, requiring that "the trial of all crimes * * * shall be by jury"; and it is not sufficient that jury trial is provided for on appeals.

No dissent.

(21) Act of June 22, 1874 (18 Stat. 187, sec. 5). Boyd *v.* United States (116 U. S. 616; February 1, 1886). Section 5 authorized the court, in proceedings other than criminal arising under the revenue laws, to require production of papers in possession of defendant or claimant, the allegations expected to be proved thereby to be taken as contested on refusal to make such production. In an action for forfeiture of certain goods for fraud in connection with customs invoices, information was secured from the defendant under this section. Judgment for the United States was reversed by the Supreme Court on the ground that the action for forfeiture was essentially a criminal proceeding, and therefore section 5, as applied to such a case, was unconstitutional under the fourth and fifth amendments (unreasonable search and seizure, and witness against oneself in a criminal case).

Chief Justice Waite and Justice Miller held it unconstitutional under the fifth amendment only.

(22) Act of March 1, 1875 (18 Stat. 336, secs. 1, 2). Civil Rights Cases (109 U. S. 3; October 15, 1883). These sections declared all persons within the jurisdiction of the United States entitled to equal enjoyment of facilities of inns, theaters, etc., subject to conditions applicable alike to citizens of every race and color, with a penalty for violation. Five cases brought under this act by indictments in Tennessee, Georgia, New York, Kansas, and Missouri were decided together on the question of constitutionality. Held, that both sections were unconstitutional so far as their operation in the States was concerned, neither the fourteenth nor the thirteenth amendments supporting them, the fourteenth applying only to State action and the thirteenth to "slavery or involuntary servitude."

Justice Harlan dissented.

In Butts *v.* Merchants & Miners Transportation Co. (230 U. S. 126; June 16, 1913), the constitutionality of this act in its operation outside the States was considered, and held, that since it was impossible to separate the provisions which were constitutional (i. e., the application of the act within Territories, etc.) without altering the expressed intent of Congress, the act is unconstitutional in toto.

No dissent.

(23) Act of March 3, 1875 (18 Stat. 479). Kirby *v.* United States (174 U. S. 47; April 11, 1899). Section 2 punished embezzlement from the United States, or receipt of stolen property with knowledge, and made a judgment against the embezzler conclusive evidence of the theft or embezzlement in a prosecution for receiving with knowledge. Held, that admission of such a judgment was error and the clause authorizing it unconstitutional under the sixth amendment, which entitles an accused person to be confronted with the witnesses against him.

Justices Brown and McKenna dissented; Justice Brewer did not sit.

The entire act was repealed in 1909 (25 Stat. 1155, sec. 341).

(24) Act of August 11, 1888 (25 Stat. 411). Monongahela Navigation Co. *v.* United States (148 U. S. 312; March 27, 1893). A clause of the river and harbor appropriation act provided that in condemnation proceedings to acquire a certain lock and dam the franchise of the company to collect tolls should not be considered. Compensation having been fixed and adjudged on this basis, the company appealed to the Supreme Court, and held, that judgment be reversed, as the determination of "just compensation" required by the fifth amendment is not a legislative but a judicial matter, and therefore the declaration in the statute was not binding on the court.

Justices Shiras and Jackson took no part in the decision.

(25) Act of May 5, 1892 (27 Stat. 25, sec. 4). Wong Wing *v.* United States (163 U. S. 228; May 18, 1896). Section 4 provided that

Chinese persons "convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period of not exceeding one year and thereafter removed from the United States, as hereinbefore provided." An act of 1888 (25 Stat. 479, sec. 13), extended by this act, authorized deportation of Chinese after summary hearing before any United States judge or commissioner. Wong Wing was sentenced by a commissioner to serve 60 days and be then deported. Writ of habeas corpus discharged. On appeal, this judgment was reversed; that is, section 4 was held unconstitutional, in so far as it authorized imprisonment at hard labor, being a violation of the fifth and sixth amendments requiring indictment by grand jury in cases of infamous crimes and trial by jury in all criminal prosecutions.

Justice Brewer took no part in the decision.

(26) Resolution of August 4, 1894 (28 Stat. 1018). Jones *v.* Meehan (175 U. S. 1; October 30, 1899). A treaty of 1863 with the Chippewa Indians reserved a tract of land to a certain chief. Thereafter the chief occupied it, and in 1879 it was formally set apart and so designated on the maps of the Interior Department. In 1901 the chief's heir made a lease to the plaintiff, and in 1904 another lease of the same piece of land to defendant. The resolution of 1894 authorized the Secretary of the Interior to confirm this second lease, which he accordingly did.

This was a suit to quiet title under the first lease. Held, that the reservation in the treaty was equivalent to a grant of title in fee simple; that it was therefore alienable at the pleasure of the Indian chief, and the resolution of 1894 and the action of the Secretary of the Interior taken under it could have no effect upon rights acquired under the first lease in 1901.

No dissent.

(27) Act of August 27, 1894 (28 Stat. 553–560, secs. 27–33). Pollock *v.* Farmers' Loan & Trust Co. (157 U. S. 429; April 8, 1895); 158 U. S. 601 (May 20, 1895). These sections laid a 2 per cent tax on incomes over $4,000, "derived from any kind of property, rents, interest, dividends, or salaries, or from any profession, trade, employment, or vocation, or from any other source whatever"; and made regulations for returns, etc. Suit was brought by a stockholder of a New York trust company to restrain the company from making returns and paying the taxes required on its income from real estate and from certain New York City bonds. On the first hearing it was held that such taxes were invalid (the tax on rent as being a direct tax not apportioned in compliance with Art. I, sec. 2, and the tax on bonds as an interference with State functions); and a restraining decree was ordered to be entered. Justices White and Harlan dissented. The justices—only eight being present—being equally divided in opinion, nothing was decided as to the validity of the remaining provisions. On the rehearing the decision went further and held that taxes on personal property or the income therefrom also were direct taxes, and that sections 27–33 entire were invalid.

Justices Harlan, Brown, Jackson, and White dissented.

(28) Act of January 30, 1897 (20 Stat. 506). Matter of Heff (197 U. S. 488; April 10, 1905). The act made it unlawful to give or sell, etc., intoxicating liquor to any Indian to whom allotment of land had been made while title was held in trust by the United States, or to any Indian ward of the Government, etc. Petitioner was convicted and imprisoned under this statute for selling liquor to an Indian allottee who had not yet received his final patent in fee. He applied for writ of habeas corpus. Held: That he be discharged; that is, so far as it applied to Indian allottees, the act was unconstitutional. By the general allotment act of 1887 (24 Stat. 388) every Indian "to whom allotments shall have been made under the provisions of this act * * * is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens * * *." The Indian in this case, being an allottee, was a citizen, and the provisions of the act, being mere police regulations, have no constitutional foundation as applied to citizens.

Justice Harlan dissented.

(29) Act of June 1, 1898 (30 Stat. 428, sec. 10). Adair *v.* United States (208 U. S. 161; January 27, 1908). The act made it a misdemeanor for any employer subject to the act—i. e., interstate carriers—to discriminate in certain ways against members of labor organization; inter alia, to threaten an employee with loss of employment because of membership in a labor organization. Adair was indicted on a charge of discriminating against one Coppage by discharging him solely because of his membership in a labor union. Judgment in the lower court was on demurrer. This was reversed, the part of the section on which the indictment was founded being a violation of the fifth amendment, as constituting an abridgment of the right of contract and a deprivation of liberty and property.

Justices Holmes and McKenna dissented; Justice Moody took no part in the decision.

The entire act was repealed in 1913 (38 Stat. 108, sec. 11).

(30) Act of June 13, 1898 (30 Stat. 451, 459, 462). Fairbank *v.* United States (181 U. S. 283; April 15, 1901). The act laid stamp taxes "for and in respect of the several bonds * * * and other documents * * * mentioned in Schedule A of this act, or for or in respect of the vellum, parchment, or paper upon which such instruments * * * shall be written * * *." Among the taxes was one of 10 cents on bills of lading for goods destined for export. The act further required railroad companies to issue bills of lading. Fairbank was convicted of issuing a bill of lading without the required stamp. On review of the constitutional question, Held: That the judgment be reversed; that is, the tax, so far as it is a tax on export bills of lading, is in effect a tax on the exports, and therefore repugnant to Article I, section 9, prohibiting Congress from laying a tax on articles exported from any State.

Justices Harlan, Gray, White, and McKenna dissented.

Same, page 460, United States *v.* Hvoslef (237 U. S. 1; 1915). This case involved the tax on charter parties. Following the principal case, such tax was held in effect a tax on the goods carried, and therefore unconstitutional as applied to exports.

Justice McReynolds took no part in the decision.

Same, page 461. Thames & Mersey Insurance Co. *v.* United States (237 U. S. 19; April 5, 1915). Held, that marine insurance is so essential to export trade that a tax on marine insurance policies is a tax on exports and unconstitutional.

Justice McReynolds took no part in the decision.

Section 6 and Schedule A of the war revenue act cited above were repealed in 1902 (32 Stat. 97, sec. 7); the three cases last noted were suits to recover moneys paid.

(31) Act of June 6, 1900 (31 Stat. 359, sec. 171). Rasmussen *v.* United States (197 U. S. 516; April 10, 1905). Section 171 of the Alaska Code provided, in part, that in trials for misdemeanors six persons should constitute a legal jury. Rasmussen being convicted of an offense, punishable by fine or imprisonment for from three months to one year, by such a jury, brought the question of constitutionality to the Supreme Court for review, and held, that a new trial be granted. That is, Alaska, as shown by the treaty of acquisition and by subsequent legislation, was incorporated into the United States and, therefore, the Constitution applied; and under the sixth amendment all persons are entitled to a common-law jury in all criminal prosecutions.

No dissent.

(32) Act of March 3, 1901 (31 Stat. 1341, sec. 935). United States *v.* Evans (213 U. S. 297; April 19, 1909). Section 935 of the District of Columbia Code authorized the Government to bring appeals in criminal prosecutions, but no verdict could be set aside for error found to have occurred during the trial. Evans was tried for murder and found not guilty. The United States appealed to the Court of Appeals, which dismissed the appeal for want of jurisdiction. On certiorari to the Supreme Court, the writ was quashed; i. e. the act was construed as not applicable in case a jury had given verdict for defendant—the determination of such an appeal not being an exercise of judicial power.

No dissent.

(33) Act of June 11, 1906 (34 Stat. 232). Employers' Liability Cases (207 U. S. 463; January 6, 1908). The act made all interstate carriers liable to their employees for injuries resulting from negligence of the carriers' agents, officers, etc., or from insufficiency of roadbed, equipment, etc. Two damage suits brought under this act were dismissed on demurrer and the act held unconstitutional, because although within the power of Congress in respect to employees of interstate carriers actually engaged in interstate commerce, it by its terms also applied to employees not so engaged, and as to them is a police regulation not warranted by the Constitution.

Justices Moody, Harlan, McKenna, and Holmes dissented; one ground being that the act could be read as applying to interstate carriers while engaged in interstate traffic only.

(34) Act of June 16, 1906 (34 Stat. 269, sec. 2). Coyle *v.* Oklahoma (221 U. S. 559; May 29, 1911). This case affirmed the validity of an Oklahoma statute of December 29, 1910, providing for the immediate removal of the State capital from Guthrie to Oklahoma City. This was contrary to the enabling act above cited, which prohibited such removal until 1913. It was held that the power to admit new States, under Article IV, section 3, did not support a provision which interfered with strictly internal affairs, and placed a State, when admitted, on an inequality with other States.

Justices McKenna and Holmes dissented.

(35) Act of February 20, 1907 (34 Stat. 899, sec. 3). Keller *v.* United States (213 U. S. 138; April 5, 1909). The section made it a felony for any person to "harbor in any house or other place, for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl, within three years after she shall have entered the United States." Two convictions under this provision were reversed and the indictments quashed on the ground that the act could not be sustained as incidental to the power of Congress to regulate immigration nor by any police power.

Justices Holmes, Harlan, and Moody dissented.

Most of the existing immigration laws, including the section above, were repealed in 1917 (39 Stat. 897, sec. 38).

(36) Act of March 1, 1907 (34 Stat. 1028). Muskrat *v.* United States (219 U. S. 346; January 23, 1911). The Indian appropriation act for 1908 authorized certain Indians to bring suit in the Court of Claims to test the validity of acts of Congress passed since July 1, 1902, increasing the restrictions on alienation of Cherokee allotments. Right of appeal to the Supreme Court was given. The United States was to be made a party defendant and the Attorney General to defend the suits, expenses to be paid from the Treasury.

Two separate suits were brought, and the Court of Claims in each case sustained the acts of Congress questioned. On appeal, held that these judgments be reversed and the suits dismissed for want of jurisdiction. The act was an attempt, in guise of judicial proceedings, to obtain from the courts advance opinions as to the validity of certain legislation, whereas under the Constitution, Article III, section 2, the judicial power extends only to "cases" arising under the laws, etc.

No dissent.

(37) Act of May 27, 1908 (35 Stat. 313, sec. 4). Choate *v.* Trapp (224 U. S. 665; May 13, 1912). By the Atoka agreement of 1898 (30 Stat. 507) with the Choctaw and Chickasaw Indians it was provided that lands allotted thereunder should be nontaxable "while the title remains in the original allottee." The act of 1908 above cited removed the restriction on alienation contained in the act of 1898 and in section 4 provided that such land should be "subject to taxation as though it were the property of other persons than allottees." The State of Oklahoma brought suit for taxes on certain of these lands. The supreme court of the State held that the State was no party to any contract with the Indians, and that in any case the tax exemption was a gratuity which the United States could withdraw at will. This was reversed on the ground that the exemption constituted a vested right which could not, under the fifth amendment, be abrogated by statute, i. e., section 4 is invalid to affect the rights of original allottees.

No dissent.

(38) Act of June 25, 1910 (36 Stat. 824, sec. 8), as amended by act of August 19, 1911 (37 Stat. 28). Newberry *v.* United States (256 U. S. 232; May 2, 1921). Section 8 added to the corrupt practices act limited expenditures by candidates for United States Senator according to the laws of the States, with a maximum of $10,000. A conviction for excessive expenditures at the primary election of 1918 in Michigan was reversed on the ground that the power of Congress over elections is drawn solely from Article I, section 4, and that "manner of holding elections" could not be stretched to cover regulation of primaries, popular election of Senators not being provided for until 1913 by the seventeenth amendment.

Chief Justice White and Justices Pitney, Brandeis, and Clarke dissented on the constitutional question, and a fifth reserved judgment as to the power of Congress under the seventeenth amendment.

(39) Act of June 18, 1912 (37 Stat. 138, sec. 8). United States *v.* Moreland (258 U. S. 433; April 17, 1922). By act of March 23, 1906 (34 Stat. 86), desertion of wife or child was made a misdemeanor in the District of Columbia; by act of March 19 (34 Stat. 73) a juvenile court was established, prosecutions therein to be on information. By the act of 1921 the juvenile court was given concurrent jurisdiction of prosecutions for desertion. Moreland was prosecuted upon information and sentenced to six months in the workhouse. Judgment of Court of Appeals dismissing the complaint was affirmed; the punishment prescribed is infamous, and therefore prosecution must, under the fifth amendment, be on indictment; that is, section 8, above cited, in so far as it committed the enforcement of the act of March 23 to the juvenile court, was unconstitutional.

Chief Justice Taft and Justices Holmes and Brandeis dissented. Justice Clarke did not sit.

(40) Act of September 1, 1916 (39 Stat. 675–676). Hammer *v.* Dagenhart (247 U. S. 251; June 3, 1918). The act prohibited interstate shipment of the products of factories, etc., "in which within 30 days prior to the removal of such products therefrom children under the age of 14 years have been employed or permitted to work * * *." In a suit to enjoin the enforcement of the act the district court of the western district of North Carolina held the act unconstitutional. On appeal this judgment was affirmed on the ground that the natural, reasonable effect of the law was an interference with the control by the States over industry within their limits, and thus exceeds the interstate commerce power of Congress.

Justices Holmes, McKenna, Brandeis, and Clarke dissented.

(41) Act of September 8, 1916 (39 Stat. 757, sec. 2a). Eisner *v.* Macomber (252 U. S. 189; March 8, 1920). The revenue act of 1916, laying incomes taxes, included in net income stock dividends made out of profits accrued since 1913, "which stock dividend shall be considered income to the amount of its cash value." This action was brought to recover amount of such tax paid under protest. Judgment for taxpayer affirmed; i. e., Congress was held without power under the sixteenth amendment to extend the definition of income, and hence the act in question is invalid under the apportionment provision—Article I, section 2, 9.

Justices Holmes, Day, Brandeis, and Clarke dissented on the ground that the sixteenth amendment was intended to cover everything that could fairly be regarded as income.

The income tax of 1916 was repealed in 1919 (40 Stat. 1149, sec. 1400).

(42) Act of August 10, 1917 (40 Stat. 277, sec. 4), amended by act of October 22, 1919 (41 Stat. 298, sec. 2). United States *v.* L. Cohen Grocery Co. (255 U. S. 81; February 28, 1921). The act provided in part "That it is hereby made unlawful for any person willfully * * * to make any unjust or unreasonable rate or charge in handling or dealing in or with any necessaries, * * *" followed by a penalty. Defendant was indicted, charged with making an unjust and unreasonable rate and charge in handling and dealing in a certain necessary, specifically alleging sale of sugar at $10.07 for 50 pounds and $19.50 for 100 pounds. Demurrer was entered on the ground that the section was so vague that it was unconstitutional. The indictment was quashed, and this judgment was affirmed; i. e., the clause of the section penalizing the making of an "unjust or unreasonable rate or charge" is unconstitutional under the sixth amendment; "the accused * * * shall be informed of the nature and cause of the accusation * * *."

Justices Pitney and Brandeis concurred in result on the ground that the case did not fall within the clause at all; and therefore the question of constitutionality should not be considered. Justice Day took no part in the decision.

Several cases involving this same provision of section 4 were decided on the strength of the Cohen case, on the same day, as follows:

Tedrow *v.* Lewis & Son Co., 255 U. S. 98; Kennington *v.* Palmer, 255 U. S. 100; Kinnane *v.* Detroit Creamery Co., 255 U. S. 102; Weed & Co. *v.* Lockwood, 255 U. S. 104; Willard Co. *v.* Palmer, 255 U. S. 106; Oglesby Grocery Co. *v.* United States, 255 U. S. 108.

In each of these cases Justices Pitney and Brandeis concurred in result only, and Justice Day took no part, as stated above.

Same, Weeds (Inc.) *v.* United States, 255 U. S. 109 (Feb. 28, 1921). This case involved the constitutionality of the clause of section 4 penalizing conspiracy to exact excessive prices for any necessaries. Held, that this clause is unconstitutional for the same reason, i. e., vagueness as to standard of guilt.

As in the previous cases, Justices Pitney and Brandeis concurred in result only, and Justice Day took no part in the decision.

(43) Act of October 6, 1917 (40 Stat. 395). Knickerbocker Ice Co. *v.* Stewart (253 U. S. 149; May 17, 1920). The act amended the Judicial Code relating to admiralty jurisdiction by "saving to claimants the rights and remedies under the workmen's compensation law of any State." An employee of the ice company while engaged in maritime work was drowned. His widow claimed and recovered damages under the New York workmen's compensation law. On appeal this judgment was reversed; i. e., the New York law is inapplicable to employees in maritime work, notwithstanding the saving clause cited. The Constitution adopted and established approved rules of maritime law, and (by Art. I, sec. 8) granted power to Congress to legislate. This power can not be delegated, and the saving clause, being an attempt to permit the application of State workmen's compensation laws to injuries within the maritime jurisdiction, is unconstitutional.

Justices Holmes, Pitney, Brandeis, and Clarke dissented.

(44) Act of September 19, 1918 (40 Stat. 960–964). Adkins *v.* Children's Hospital (261 U. S. 525; April 9, 1923). The District of Columbia minimum wage law established a wage board with authority, under regulations, to fix standards of minimum wages in any occupation for women, adequate to supply the necessary cost of living to such workers, to maintain them in good health, and to protect their morals and also to determine minimum wages for minors and what wages are unreasonably low.

The present cases both involved only the minimum wage for women. One was brought by an employer, the other by an employee, to enjoin enforcement of the act. Injunctions were granted on the ground that the act was unconstitutional; and these were affirmed. The main ground of the opinion is that the standard necessary to maintain good health and protect morals is so vague as to be impossible of application; and that the act is an interference with the right of contract guaranteed by the fifth amendment.

Chief Justice Taft and Justices Sanford and Holmes dissented; Justice Brandeis took no part in the decision. The chief ground of the dissent is that there is no substantial difference, as a matter of the restriction of freedom of contract, between limiting hours of labor and setting a minimum wage.

(45) Act of February 24, 1919 (40 Stat. 1065, sec. 213). Evans *v.* Gore (253 U. S. 245; June 1, 1920). The section included in the term "gross income" under the income tax the salaries of judges of United States courts. A district judge paid under protest an income tax computed on his official salary and brought suit to recover it. Held, that he should recover; i. e. the section, so far as it attempts to impose an income tax on the salaries of United States judges, is unconstitutional. Article III, section 1 of the Constitution, declares that the compensation of judges shall not be diminished dur-

ing their continuance in office, and taxing official income amounts to such diminution.

Justices Holmes and Brandeis dissented, on the ground that the constitutional prohibition was not intended to exempt judges from the ordinary duties of citizenship.

Same, page 1138, Title XII. Child labor tax case, Bailey *v.* Drexel Furniture Co. (259 U. S. 20; May 15, 1922). The act laid a tax of 10 per cent on the net profits of any person, etc., operating mines, factories, etc., in which children under 14 years of age were permitted to work, or children between 14 and 16 permitted to work more than eight hours a day. The furniture company paid the tax under protest. Judgment of the district court in favor of the company was affirmed; i. e. the whole child labor tax act was held unconstitutional on the ground that on its face it was apparent that it was a penalty rather than a tax and an attempt to interfere with powers reserved to the States under the tenth amendment.

Justice Clarke dissented.

(46) Act of October 28, 1919 (41 Stat. 317, sec. 35). Lipke *v.* Lederer (259 U. S. 557; June 5, 1922). The section provided in part, "upon evidence of such illegal manufacture or sale a tax shall be assessed against, and collected from, the person in double the amount now provided by law, with an additional penalty of $500 on retail dealers * * *." Acting under this section, the collector of Philadelphia assessed a tax against Lipke and threatened distraint. Lipke sought an injunction, but his bill was dismissed. This decree was reversed in the Supreme Court on the ground that the "tax" laid by section 35 is in fact a penalty, imposed without provision for a hearing, as required by the due-process clause of the Constitution.

Justices Brandeis and Pitney dissented without expressing an opinion on the constitutionality of the section.

(47) Act of August 24, 1921 (42 Stat. 187). Hill *v.* Wallace (259 U. S. 44; May 15, 1922). The essential feature of the act was a tax (sec. 4) of 20 cents a bushel on grain involved in contracts of sale for future delivery, except when made through designated boards of trade, etc. *Most of the act*, which comprised 13 sections, made regulations relating to such boards of trade.

This was a suit by a member of the Chicago Board of Trade to enjoin enforcement of the act, or compliance with it, by officials of the board. The district court dismissed the suit for want of equity. This decree was reversed, with directions to grant the relief asked. The tax was held invalid on the reasoning of the child labor case above. It was not sustainable as an exercise of the commerce power of Congress, not being limited to or leading to obstruction of interstate commerce.

Justice Brandeis concurred in holding the act unconstitutional.

NOTE

(A) No attempt has been made to gather here the cases in which the *question of* constitutionality was not directly in issue, nor cases involving only the constitutionality of action or attempted action under admittedly valid legislation. The following cases are illustrative:

(1) United States *v.* Yale Todd; stated in note, 13 How. 52. This was an amicable action to test the legality of the action of United States district judges sitting as pension commissioners under the act of March 23, 1792 (1 Stat. 244, secs. 2–4), and decided that the United States was entitled to recover pension money paid upon such a determination.

The three sections in question had been repealed in 1793 (1 Stat. 324), saving all rights to pensions founded "upon any legal adjudication" under the act of 1792.

(2) United States *v.* Ferreira, 13 How. 40 (1851). This case decided that no appeal could be prosecuted from the determination of a district judge sitting as a claims commissioner under act of 1849 (9 Stat. 788).

(3) Grogan *v.* Walker & Sons (259 U. S. 80, May 15, 1922). This case decided that an injunction could not be granted to prevent interference with shipment of whisky from Canada through the United States in view of the eighteenth amendment, although Revised Statutes 3005 (as amended by 31 Stat. 181) made provision for shipment of merchandise in bond in such case.

Justices McKenna, Day, and Clarke dissented.

(B) In other cases the question of constitutionality, though adverted to in terms which indicated the adverse opinion of the court, is specifically not decided, e. g.:

(1) Louisiana *v.* Mississippi (202 U. S. 1; 1906). A boundary dispute involved the construction of the two enabling acts—the act of 1817 admitting Mississippi (3 Stat. 348), including in its description certain islands already apparently included in Louisiana by the enabling act of 1812 (2 Stat. 701). The court said that, supposing the two acts inconsistent, the later would be invalid to change an established State boundary; but the acts were explained as not repugnant.

(2) Holtzman *v.* United States (14 D. C. App. 454; 1899). Certain renting and sales agents were prosecuted for failure to remove snow from the sidewalks adjacent to the property, under act of March 2, 1897 (29 Stat. 608). The informations were quashed by the court of appeals; the court pointing out numerous "crudities, inconsistencies, and inequalities" in the act, but actually deciding that the defendants were not intended to be included in its operation at all.

(C) Mention might also be made of cases in which legislation has been held unconstitutional by other courts, whose decisions in the particular instances still stand, e. g.:

(1) United States *v.* New York and Cuba Mail Steamship Co. (200 U. S. 488; February 19, 1906). This case involved the tax on manifests, in the act of June 13, 1898 (30 Stat. 461). The district court, southern district of New York (125 Fed. 320), following the case of Fairbank *v.* United States (181 U. S. 283), held the tax unconstitutional (125 Fed. 320); and the appeal was determined by the Supreme Court on another ground, thereby acquiescing in such holding.

(2) McGuire *v.* District of Columbia (24 D. C. App. Cases 22). In this case the Court of Appeals of the District of Columbia held the act of February 10, 1904 (33 Stat. 12), requiring the removal of snow from sidewalks, etc., wholly void on account of the inequality of its application.

(3) Act of March 4, 1913 (37 Stat. 847). This, the original migratory bird act, declared all migratory game and insectivorous birds which did not remain entirely within the State to be within protection and custody of Federal Government, and made provision for regulations by Secretary of Agriculture. On indictments for violation of such regulations, the act was squarely held unconstitutional in United States *v.* Shauver (May 25, 1914; 214 Fed. 154), in the District Court of Arkansas, and in United States *v.* McCullagh (221 Fed. 288; March 20, 1915), in the first division District Court of Kansas (as not sustainable under Art. IV, sec. 3, subsec. 2, not under the commerce clause). These decisions were apparently acquiesced in by the Government, and on July 3, 1918 (40 Stat. 755), the subject matter was enacted again in the form of an act "to give effect to the convention between the United States and Great Britain for the protection of migratory birds * * *." The constitutionality of this act was upheld in United States *v.* Thompson (258 Fed. 257; June 4, 1919), by the same court that decided United States *v.* Shauver.

(4) In re Atchison.

In re Shehee (284 Fed. 604), southern district of Florida, 1922. Sections 21, 22, of the Clayton Act (38 Stat. 738), giving right to jury trial in case of persons charged with contempt of injunction was held unconstitutional as abridging the inherent powers of the court, contrary to Article II, sections 1, 2.

(D) The constitutionality of legislation has also been passed on by the Attorney General in his advisory capacity, e. g.:

(1) The act of July 1, 1862 (12 Stat. 472, sec. 86), laid a tax on salaries of all persons in civil and other services of the United States when amounting to $600 a year, such tax to be withheld by the disbursing officers. In consequence of a protest by Chief Justice Taney, the Secretary of the Treasury referred to the Attorney General the question whether this tax could constitutionally be collected on the salaries of judges. He held (13 Op. Atty. Gen. 161) that it would be a diminishing of their salaries contrary to Article III, section 1, of the Constitution.

(2) The act of October 1, 1890 (26 Stat. 562), required promotions in the Army below rank of brigadier general to be made according to seniority in the next lower grade. The Attorney General (30 Op. Atty. Gen. 177) held that this did not make it obligatory on the President to appoint the senior officer in a particular case if in his opinion such officer was not otherwise qualified; i. e., an attempt to restrict the appointing power of the President, derived directly from Article II, section 2, would not be valid.

(3) Revised Statutes 1480, as amended by act of February 27, 1877 (19 Stat. 244), provided that grades in the Staff Corps of the Navy "shall be filled by appointment from the highest members in each corps, according to seniority." Following the above case, the Attorney General held (31 Op. Atty. Gen. 80) that it was an attempt to restrict the President's power of nomination, in opposition to Article II, section 2, and was therefore invalid, and the appointment might be made by selection.

(E) Action by a single House of Congress has occasionally been considered by the Supreme Court, e. g.:

(1) Kilbourn *v.* Thompson (103 U. S. 168; October term, 1880). An order of the House of Representatives adjudging Kilbourn in contempt for refusing to testify in an investigation by the House into the "real-estate pool" in the District of Columbia was held void, and judgment for the Sergeant at Arms in a damage suit for false imprisonment was reversed on the ground that the investigation was outside the authority of Congress.

(2) Marshall *v.* Gordon (243 U. S. 521; Apr. 23, 1917). A writ of habeas corpus was granted to a person arrested in New York in pursuance of a House resolution adjudging him in contempt by reason of writing an insulting letter to a Member of the House.

(F) This case is generally accepted as holding the act cited unconstitutional in part. It will be noted, however, that the actual result of the decision was to hold invalid the application of the act to a partic-

ular case which was clearly included in the language of the act. It is very similar, therefore, to the class of decisions mentioned in note (A) above and might not unreasonably be included there.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLOOM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 4971. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes;

H. R. 7144. An act to relinquish to the city of Battle Creek, Mich., all right, title, and interest of the United States in two unsurveyed islands in the Kalamazoo River;

H. R. 11282. An act to authorize an increase in the limits of cost of certain naval vessels;

H. R. 11367. An act granting the consent of Congress to the county of Allegheny, in the Commonwealth of Pennsylvania, to construct, maintain, and operate a bridge across the Monongahela River at or near its junction with the Allegheny River in the city of Pittsburgh, in the county of Allegheny, in the Commonwealth of Pennsylvania; and

H. R. 466. An act to amend section 90 of the Judicial Code of the United States, approved March 3, 1911, so as to change the time of holding certain terms of the District Court of Mississippi.

LEAVE OF ABSENCE

Mr. WURZBACH, by unanimous consent, was given leave of absence for three days, on account of illness.

ADJOURNMENT

Mr. ROBSION of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Thursday, February 12, 1925, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

860. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the Post Office Department for the fiscal year 1924 and prior years, amounting to $872,614.07, and supplemental estimates of appropriations for the fiscal year ending June 30, 1925, amounting to $7,881,000; in all, $8,753,614.07; also, a draft of proposed legislation affecting an existing appropriation (H. Doc. No. 611); to the Committee on Appropriations and ordered to be printed.

861. A letter from the Secretary of Commerce, transmitting report of an accumulation of documents and files in the Department of Commerce, which are no longer needed nor useful in the transaction of current business; to the Committee on Disposition of Useless Executive Papers.

862. A communication from the President of the United States, transmitting a draft of proposed legislation, increasing the amount provided in the appropriation "Expenses of regulating immigration" for the fiscal year ending June 30, 1925, under the Department of Labor, for personal services in the District of Columbia from not to exceed $100,000 to not to exceed $109,000 (H. Doc. No. 612); to the Committee on Appropriations and ordered to be printed.

863. A communication from the President of the United States, transmitting supplemental estimates for the Department of the Interior authorizing additional expenditures from Indian tribal funds for the fiscal year ending June 30, 1925, amounting to $140,900, and from Indian tribal funds for the fiscal year ending June 30, 1926, amounting to $20,000; a supplemental estimate of appropriation for the fiscal year 1926, $600; and an item of proposed legislation affecting an existing appropriation (H. Doc. No. 613); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. HAYDEN: Committee on Indian Affairs. S. 877. An act to provide for exchanges of Government and privately owned lands in the Walapai Indian Reservation, Ariz.; without amendment (Rept. No. 1446). Referred to the Committee of the Whole House on the state of the Union.

Mr. GIBSON: Committee on World War Veterans' Legislation. S. 2100. An act authorizing the sale of the United States Veterans' Bureau hospital at Corpus Christi, Tex.; with amendment (Rept. No. 1447). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. S. 3793. An act to authorize the appointment of commissioners by the Court of Claims and to prescribe their powers and compensation; without amendment (Rept. No. 1448). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 12125. A bill to create a Library of Congress trust fund board, and for other purposes; with amendments (Rept. No. 1449). Referred to the Committee of the Whole House on the state of the Union.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 11825. A bill to extend the time for the construction of a bridge over the Ohio River near Steubenville, Ohio; with amendments (Rept. No. 1450). Referred to the House Calendar.

Mr. SANDERS of Indiana: Committee on Interstate and Foreign Commerce. H. R. 11953. A bill to authorize the construction of a bridge across the Grand Calumet River on the north and south center line of section 33, township 37 north, and range 9 west of the second principal meridian in Lake County, Ind., where said river is crossed by what is known as Kennedy Avenue; with amendments (Rept. No. 1451). Referred to the House Calendar.

Mr. SANDERS of Indiana: Committee on Interstate and Foreign Commerce. H. R. 11954. A bill to authorize the construction of a bridge across the Grand Calumet River at Gary, Ind.; with amendments (Rept. No. 1452). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. WOODRUFF: Committee on Naval Affairs. H. R. 10426. A bill for the relief of Roy A. Darling; without amendment (Rept. No. 1453). Referred to the Committee of the Whole House.

Mr. BROWNE of New Jersey: Committee on Naval Affairs. H. R. 12020. A bill for the relief of Lieut. Col. Henry C. Davis; with amendments (Rept. No. 1454). Referred to the Committee of the Whole House.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAUGEN: A bill (H. R. 12243) to create a Federal cooperative marketing board, to provide for the registration of cooperative marketing, clearing house, and terminal market organizations, and for other purposes; to the Committee on Agriculture.

By Mr. HAWES: A bill (H. R. 12244) to amend an act entitled "An act to define, regulate, and punish trading with the enemy, and for other purposes," approved October 6, 1917, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 12245) to amend the trading with the enemy act; to the Committee on Interstate and Foreign Commerce.

By Mr. TINKHAM: A bill (H. R. 12246) providing for the payment of extra compensation to immigrant inspectors and other immigration employees for overtime work; to the Committee on Immigration and Naturalization.

By Mr. RAGON: A bill (H. R. 12247) granting the consent of Congress to the Yell and Pope County bridge district, Dardanelle and Russelville, Ark., to construct, maintain, and operate a bridge across the Arkansas River, at or near the city of Dardanelle, Yell County, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. BLANTON: A bill (H. R. 12248) to establish a woman's bureau in the Metropolitan police department of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. LOWREY: Joint resolution (H. J. Res. 350) making an additional appropriation for the Department of Agriculture, to be expended for the arrest and eradication of anthrax; to the Committee on Appropriations.

By Mr. O'CONNOR of Louisiana: Joint resolution (H. J. Res. 351) authorizing the President to invite the States of the Union and foreign countries to participate in a permanent international trade exposition, at New Orleans, La., to begin Septem-

ber 15, 1925; to the Committee on Industrial Arts and Expositions.

By Mr. FLEETWOOD: Memorial of the Legislature of the State of Vermont, favoring the repeal of all Federal estate taxation laws for the purpose of leaving this source of revenue to the States alone; to the Committee on Ways and Means.

By Mr. LEAVITT: Memorial of the Legislature of the State of Montana, favoring the participation of the United States in the international arbitration conference to be held at Geneva on June 15, 1925; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Montana, opposing a reduction in rates of the duty on linseed oil and flax; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HERSEY: A bill (H. R. 12249) granting an increase of pension to Mary E. Corliss; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 12250) granting an increase of pension to Sophie B. Culbertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12251) granting an increase of pension to Mollie Richardson; to the Committee on Invalid Pensions.

By Mr. RAGON: A bill (H. R. 12252) granting an increase of pension to Felitha Foster; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12253) granting an increase of pension to Ann E. Underhill; to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 12254) granting an increase of pension to John Scott; to the Committee on Pensions.

By Mr. STEAGALL: A bill (H. R. 12255) permitting the sale of lot 9, 16.63 acres, in section 31, township 2 south, range 17 west, Tallahassee meridian, in Bay County, Fla., to P. C. Black; to the Committee on the Public Lands.

By Mr. SWING: A bill (H. R. 12256) for the relief of Rebecca R. Sevier; to the Committee on Military Affairs.

By Mr. TEMPLE: A bill (H. R. 12257) to authorize Dr. L. O. Howard, Chief of the Bureau of Entomology, Department of Agriculture, to accept certain decorations from the French Government; to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Michigan: A bill (H. R. 12258) for the relief of James H. McLaughlin; to the Committee on Claims.

PETITIONS, ETC.

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

3737. By the SPEAKER (by request): Petition of George Keller, Hartford, Conn., opposing the present design to be followed in the construction of Arlington Memorial Bridge; to the Committee on the Library.

3738. Also (by request), petition of citizens of Orlington, Calif., opposing the enactment of Senate bill 3218; to the Committee on the District of Columbia.

3739. By Mr. GALLIVAN: Petition of the Greater Boston Chapter of the General Alumni Association of Howard University, recommending early and favorable consideration of House bill 9635, a bill to federalize Howard University; to the Committee on Education.

3740. By Mr. HAWLEY: Petition of citizens of the State of Oregon 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.

3741. By Mr. HICKEY: Petition of Dr. H. B. Boram, 205 Dean Building, South Bend, Ind., and others, protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3742. Also, petition of Mr. R. A. Proctor, 405 North Michigan Street, South Bend, Ind., and others, protesting against the Jones Sunday observance bill; to the Committee on the District of Columbia.

3743. By Mr. KELLY: Petition of Chamber of Commerce of Pittsburgh, Pa., opposing changes in transportation act; to the Committee on Interstate and Foreign Commerce.

3744. By Mr. MACLAFFERTY: Petition of citizens of Berkeley and Oakland, Calif., protesting against the passage of the compulsory Sunday observance bill (S. 3218) and any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3745. By Mr. McREYNOLDS: Petition of citizens of the State of Tennessee, protesting against the passage of Senate bill 3218, compulsory Sunday observance; to the Committee on the District of Columbia.

3746. By Mr. MOONEY: Petition of the Martha Bolton Club, of Cleveland, Ohio, favoring participation by the United States in the World Court; to the Committee on Foreign Affairs.

3747. Also, petition of the American Association of University Women, Cleveland Branch, favoring participation by the United States in the World Court; to the Committee on Foreign Affairs.

3748. By Mr. MORROW: Petition of New Mexico Wool Growers' Association, in favor of Phipps bill (S. 2424); to the Committee on Agriculture.

3749. Also, petition of the New Mexico Wool Growers' Association, favoring the leasing of the remaining unappropriated public domain; to the Committee on the Public Lands.

3750. Also, petition of the New Mexico Wool Growers' Association, favoring the present tariff schedules on sheep and sheep products; to the Committee on Ways and Means.

3751. By Mr. O'CONNELL of New York: Petition of Ray P. Holland, editor Field and Stream, favoring the passage of the game refuge bill (H. R. 745); to the Committee on Agriculture.

3752. Also, petition of the Chamber of Commerce of the State of New York, favoring the continuation of naval radio service on Pacific Ocean; to the Committee on Naval Affairs.

3753. Also, petition of the Chamber of Commerce of the State of New York, favoring the participation of the United States in a World Court; to the Committee on Foreign Affairs.

3754. Also, petition of the Chamber of Commerce of the State of New York, favoring the passage of House bill 11447, with the exception of paragraph 4 of section 4; to the Committee on Interstate and Foreign Commerce.

3755. By Mr. SANDERS of New York: Petition of the Utz & Dunn Co. and 15 other shoe manufacturing companies of Rochester, N. Y., urging passage of the bill abolishing the surcharge on Pullman fares; to the Committee on Interstate and Foreign Commerce.

3756. By Mr. SINNOTT: Petition of numerous citizens of the State of Oregon against Senate bill 3218, the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3757. By Mr. WILLIAMS of Michigan: Petition of Fannie McCormick and 16 other residents of Branch and Hillsdale Counties, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3758. Also, petition of John R. Carter and 34 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3759. By Mr. ZIHLMAN: Petition of citizens of Philadelphia, Pa., protesting against the passage of Senate bill 3218 or any other compulsory Sunday observance bill; to the Committee on the District of Columbia.

SENATE

THURSDAY, *February 12, 1925*

(Legislative day of Tuesday, February 3, 1925)

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

CALF-LEATHER INDUSTRY (S. DOC. NO. 198)

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of Commerce, transmitting, in response to questions Nos. 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 14, and 15 of Senate Resolution 256, a report of the Department of Commerce on the effect of imports upon the calf-leather industry, and also embodying a report prepared by the United States Tariff Commission in reply to questions 3, 6, 13, 16, and 17. It will lie on the table until action is taken by the Senate.

Mr. COPELAND subsequently said: Mr. President, there was laid before the Senate a few minutes ago and ordered to lie on the table a report from the Commerce Department on the calf-leather industry. I ask unanimous consent that the report may be printed as a Senate document, and continue to remain upon the table for further action.

Mr. SMOOT. I did not hear the request of the Senator from New York. What report is it?

Mr. COPELAND. It is the report on the calf-leather industry.

Mr. SMOOT. From what body?

Mr. COPELAND. From the Commerce Department.

Mr. SMOOT. The Commerce Department will have to print the report from its own fund. We appropriate so much money