

3770. Also, petition of the Placer County Chamber of Commerce, Roseville, Calif., relative to the development and control of the lower Sacramento River; to the Committee on Irrigation and Reclamation.

3771. Also, petition of the Chamber of Commerce of the State of New York, urging participation of the United States in a world court; to the Committee on Foreign Affairs.

3772. Also, letter from N. L. Moose, of Los Angeles, Calif., indorsing and urging passage of House bill 9629, the reorganization bill; also, letter from the Axelson Machine Co., of Los Angeles, Calif., indorsing and urging passage of the reorganization bill (H. R. 9629); to the Joint Committee on Reorganization of Executive Departments.

3773. Also, petition of the Chamber of Commerce of the State of New York, urging the continuation of naval radio service on the Pacific Ocean; to the Committee on Naval Affairs.

3774. Also, letter from J. L. Blair, president New Process Co., Warren, Pa., relative to the postal salary and rate increase bill; telegram from American Farm Bureau Federation, Washington, D. C., protesting against passage of postal bill raising parcel-post rates; and telegram from J. W. Nelson, Berkeley, Calif., protesting against postal bill raising parcel-post rates; to the Committee on the Post Office and Post Roads.

## SENATE

FRIDAY, February 13, 1925

(Legislative day of Tuesday, February 3, 1925)

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

### NAMING A PRESIDING OFFICER

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D. C., February 13, 1925.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE H. MOSES, a Senator from the State of New Hampshire, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,  
President pro tempore.

Mr. MOSES thereupon took the chair as Presiding Officer.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 4610) for the relief of the estate of Filer McCloud.

### ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House had affixed his signature to the following enrolled bills, and they were thereupon signed by the Presiding Officer, Mr. Moses, as Acting President pro tempore:

S. 660. An act for the relief of the Ogden Chamber of Commerce;

S. 785. An act for the relief of the Eastern Transportation Co.;

S. 833. An act for the relief of Emma LaMee;

S. 1038. An act for the relief of the Brooklyn Eastern District Terminal;

S. 1039. An act for the relief of the owner of the scow W. T. C. No. 35;

S. 1040. An act for the relief of the owners of the New York Sanitary Utilization Co. scow No. 14;

S. 1180. An act for the relief of J. B. Platt;

S. 1370. An act authorizing the granting of war-risk insurance to Maj. Earl L. Naiden, Air Service, United States Army;

S. 1599. An act for the relief of the Export Oil Corporation;

S. 1705. An act for the relief of the heirs of Ko-mo-dal-kiah, Moses agreement allottee No. 33;

S. 1893. An act to refund certain duties paid by the Nash Motors Co.;

S. 1930. An act for the relief of the San Diego Consolidated Gas & Electric Co.;

S. 1937. An act for the relief of the Staples Transportation Co., of Fall River, Mass.;

S. 2079. An act for the relief of the owner of the American steam tug *O'Brien Brothers*;

S. 2130. An act for the relief of the owner of the ferryboat *New York*;

S. 2139. An act for the relief of the estate of Walter A. Rich, deceased;

S. 2254. An act for the relief of the Beaufort County Lumber Co., of North Carolina;

S. 2293. An act for the relief of Lehigh Valley Railroad Co. and McAllister Lighterage Line (Inc.);

S. 2458. An act to authorize the payment of an indemnity to the Swedish Government for the losses sustained by its nationals in the sinking of the Swedish fishing boat *Lilly*;

S. 2860. An act for the relief of the Canada Steamship Lines (Ltd.);

S. 3170. An act for the relief of Edgar William Miller;

S. 3247. An act providing for the payment of any unappropriated moneys belonging to the Apache, Kiowa, and Comanche Indians to Jacob Crew;

S. 3310. An act for the relief of the owners of the barkentine *Monterey*; and

H. R. 4610. An act for the relief of the estate of Filer McCloud.

### ASSESSED VALUATION OF RAILROADS (S. DOC. NO. 199)

The PRESIDING OFFICER laid before the Senate a communication from the chairman of the Interstate Commerce Commission, transmitting, in response to Senate Resolution 199 (submitted by Mr. DILL and agreed to March 28, 1924), a report of the assessed valuations for taxation purposes of railroad property in the United States (with certain exceptions) under the control of the Interstate Commerce Commission, which, with the accompanying report, was referred to the Committee on Interstate Commerce and ordered to be printed.

### PETITIONS AND MEMORIALS

Mr. WALSH of Montana presented the following memorial adopted by the Legislative Assembly of the State of Montana, which was referred to the Committee on Foreign Relations:

House memorial 1 (introduced by McCarty) to the Congress of the United States asking it to authorize the participation of the United States in the International Conference for Arbitration and Disarmament of Nations to be held in Geneva on June 15, 1925

### IN THE HOUSE

January 14, 1925: Read first and second time and referred to committee on Federal relations.

January 20, 1925: Amended, and as amended, committee recommends bill do pass. Report adopted and referred to printing committee.

January 22, 1925: Reported correctly printed. Report adopted and referred to general orders.

January 28, 1925: Amended, and as amended, recommended favorably by committee of the whole. Report adopted and referred to engrossing committee.

January 30, 1925: Reported correctly engrossed. Report adopted and referred to calendar for third reading. Title agreed to. Read three several times and passed. Referred to enrolling committee.

January 31, 1925: Reported correctly enrolled.

Whereas the League of Nations has issued a protocol calling for an International Conference for Arbitration and Disarmament of Nations, to be held in Geneva, June 15, 1925, if prior to June 1, 1925, the majority of the permanent members of the council of the league, consisting of Great Britain, France, Italy, and Japan, and at least 10 other countries, ratify the protocol; and

Whereas the United States of America and all other nonmember nations have been invited to ratify the protocol and participate in the conference; and

Whereas the League of Nations, though it may be crude in the making, is the greatest concerted effort yet made toward participation in carrying out the plan establishing world peace; and

Whereas it is only through friendly cooperation and participation in a conference among nations, that the United States of America can point the way to universal peace; and

Whereas it should be the chief duty of all who wish to spare coming generations untold miseries and sufferings which a scientific and chemical warfare may bring to humanity: Therefore be it

*Resolved by the Nineteenth Legislative Assembly of the State of Montana*, That it is the sense of this legislature that the Congress of the United States authorize the participation of the United States as a nonmember in the conference for world disarmament to be held in Geneva, June 15, 1925, and to send a representation of America's greatest men to such conference: Be it further

*Resolved*, That a copy of this memorial be forwarded to the Senate and the House of Representatives of the United States, and to each of the Senators and Representatives from Montana.

W. C. BRICKER,  
Speaker of the House.

Mr. SIMMONS presented a joint resolution of the Legislature of North Carolina, favoring the passage of Senate bill 33, making eligible for retirement under certain conditions officers of

the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, which was ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF NORTH CAROLINA,  
DEPARTMENT OF STATE.

Resolution 22. A joint resolution relative to retirement of disabled emergency officers of the Army during the World War

*Be it resolved by the North Carolina House of Representatives (the Senate concurring):*

First. That it has come to our attention that the disabled emergency officers of the Army during the World War have not been accorded the privileges of retirement like the officers of the Regular Army.

Second. That legislation has been enacted to correct this so far as disabled emergency officers of the Navy and Marine Corps are concerned.

Third. That we are informed that legislation is pending in both Houses of Congress, being reported favorably by their respective committees, and now are on the calendar of each House—the Bursum bill (S. 33) and the Lineberger bill (H. R. 6484).

Fourth. That we, the General Assembly of North Carolina, assembled in the city of Raleigh, do urgently request our Members of Congress to use their best efforts to have this legislation removing this discrimination passed at this session of Congress: Now therefore be it

*Resolved by the house of representatives (the senate concurring),* That these resolutions be ordered enrolled and a copy sent to each United States Senator and Member of the United States House of Representatives from the State of North Carolina who is now in the city of Washington, D. C., as soon as ratified.

In the general assembly, read three times and ratified, this the 10th day of February, A. D. 1925.

J. ELMER LONG,  
President of the Senate.

EDGAR W. PHARR,  
Speaker of the House of Representatives.

Examined and found correct.

J. M. SHARP, for Committee.

STATE OF NORTH CAROLINA,  
DEPARTMENT OF STATE.

I, W. N. Everett, secretary of state of the State of North Carolina, do hereby certify the foregoing and attached (two sheets) to be a true copy from the records of this office.

In witness whereof I have hereunto set my hand and affixed my official seal.

Done in office at Raleigh this 11th day of February, in the year of our Lord 1925.

[SEAL.]

W. N. EVERETT,  
Secretary of State.

Mr. EDGE presented the petition of Alvin E. Pope, superintendent of the School for the Deaf at Trenton, N. J., and of students of that school and sundry other citizens all in the State of New Jersey, praying that Congress make an appropriation for the preservation of the famous frigate *Constitution*, a vessel associated with the best and most inspiring traditions of American history, which was referred to the Committee on Naval Affairs.

Mr. CAPPER presented a resolution adopted at a meeting of the Association of Ministers of the Gospel, at Neodesha, Kans., favoring the participation of the United States in the Permanent Court of International Justice, which was referred to the Committee on Foreign Relations.

He also presented a memorial numerously signed by sundry citizens of Topeka, Kans., remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which was referred to the Committee on the District of Columbia.

Mr. MCKINLEY presented memorials numerously signed by sundry citizens of Chicago, Joliet, and Brookfield, all in the State of Illinois, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

Mr. ROBINSON presented memorials numerously signed by sundry citizens of Little Rock and De Queen, all in the State of Arkansas, remonstrating against the passage of the so-called compulsory Sunday observance bill for the District, which were referred to the Committee on the District of Columbia.

REPORTS OF COMMITTEES

Mr. FESS, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4239) to provide for the exchange of certain lands now owned by the United States, in the town of Newark, Del., for other lands, reported it without amendment.

Mr. FERNALD, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3721) authorizing the Secretary of the Treasury to exchange the present customhouse building and site located in Denver, Colo., reported it without amendment.

Mr. ASHURST, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3391) authorizing the Secretary of Commerce to acquire, by condemnation or otherwise, a certain tract of land in the District of Columbia for the enlargement of the present site of the Bureau of Standards, reported it without amendment.

Mr. BALL, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 597) regulating switching and switching charges on railroads in the District of Columbia, and for other purposes (Rept. No. 1106); and

A bill (H. R. 11214) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910, as amended by the act of December 30, 1910 (Rept. No. 1107).

Mr. NORBECK, from the Committee on Banking and Currency, to which was referred the bill (S. 4230) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American centennial, reported it without amendment.

BILLS INTRODUCED

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

By Mr. HOWELL:

A bill (S. 4303) for the relief of Robert R. Bradford; to the Committee on Claims.

By Mr. FERNALD:

A bill (S. 4304) granting a pension to Aralena R. Moore (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 4305) to legalize a pier and wharf in York River at Gloucester Banks, near Gloucester Point, Va.; to the Committee on Commerce.

By Mr. CARAWAY:

A bill (S. 4306) granting the consent of Congress to R. L. Gaster, his successors and assigns, to construct a bridge across the White River; to the Committee on Commerce.

By Mr. MCKINLEY:

A bill (S. 4307) to authorize the States of Indiana and Illinois in the States of Indiana and Illinois to construct a bridge across the Wabash River at the city of Mount Carmel, Wabash County, Ill., and connecting Gibson County, Ind.; to the Committee on Commerce.

By Mr. SMOOT:

A bill (S. 4308) 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. BURSUM:

A bill (S. 4309) for the relief of Juan Chavez y Romero; to the Committee on Claims.

By Mr. STANFIELD:

A bill (S. 4310) to provide capital for home building and ownership, to create standard forms of investment based on home loan mortgages, to equalize rates of interest upon home loans, to furnish a market for United States bonds, to create Government depositaries and financial agents for the United States, and for other purposes; to the Committee on Banking and Currency.

By Mr. PEPPER:

A bill (S. 4311) to provide for overtime pay for employees of the Immigration Service, Department of Labor; to the Committee on Immigration.

By Mr. BALL:

A bill (S. 4312) to amend the legislative, executive, and judicial appropriation act, approved February 26, 1907, as amended; to the Committee on Finance.

AMENDMENT TO RIVERS AND HARBORS BILL

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

REGULATION OF STEAM ENGINEERING IN THE DISTRICT

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill (S. 4004) to amend the act en-

titled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887; which was ordered to lie on the table and to be printed.

AMENDMENT TO INDEPENDENT OFFICES APPROPRIATION BILL

Mr. COPELAND submitted an amendment intended to be proposed by him to the bill H. R. 11505, the independent offices appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 27, line 25, after the word "claims" insert: "That no part of the moneys appropriated or made available for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation shall be used or expended for the construction, purchase, acquirement, repair, or reconditioning of any vessel or part thereof or the machinery or equipment for such vessel from or by any private contractor that at the time of the proposed construction, purchase, acquirement, repair, or reconditioning, can be constructed, produced, repaired, or reconditioned within the limit of time within which the work is to be done, in each or any of the navy yards or arsenals of the United States, at an actual expenditure of a sum less than that for which it can be constructed, purchased, acquired, repaired, or reconditioned otherwise."

CHANGE OF REFERENCE

On motion of Mr. BORAH, and by unanimous consent, the Committee on Foreign Relations was discharged from the further consideration of the joint resolution (S. J. Res. 181) for the relief of George Horton, and it was referred to the Committee on Claims.

PRESIDENTIAL APPROVALS

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

On February 12, 1925:

S. 2848. An act to validate an agreement between the Secretary of War, acting on behalf of the United States, and the Washington Gas Light Co.;

S. 3622. An act granting the consent of Congress to the police jury of Morehouse Parish, La., or the State Highway Commission of Louisiana to construct, maintain, and operate a bridge across the Bayou Bartholomew at each of the following-named points in Morehouse Parish, La.: Vester Ferry, Ward Ferry, and Zachery Ferry;

S. 3884. An act granting the consent of Congress to the county of Independence, Ark., to construct, maintain, and operate a bridge across the White River, at or near the city of Batesville, in the county of Independence, in the State of Arkansas;

S. 3885. An act granting the consent of Congress to Harry E. Bovay, of Stuttgart, Ark., to construct, maintain, and operate a bridge across the Black River, at or near the city of Black Rock, in the county of Lawrence, in the State of Arkansas; and

S. J. Res. 135. Joint resolution granting permission to the Roosevelt Memorial Association to procure plans and designs for a memorial to Theodore Roosevelt.

On February 13, 1925:

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.

ADDRESS BY SENATOR JAMES A. REED

MR. STANLEY. Mr. President, I ask unanimous consent to have printed in the RECORD an address recently delivered by the senior Senator from Missouri [Mr. REED] before the Bar Association of Nebraska, at its meeting in the city of Omaha on December 30, 1924.

The PRESIDING OFFICER (Mr. MOSES in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

SPEECH OF SENATOR JAMES A. REED BEFORE THE NEBRASKA BAR ASSOCIATION AT OMAHA DECEMBER 30, 1924

There is no anomaly of history so inexplicable as that of a liberty-loving people engaged in an incessant attempt to undermine and destroy the charter of their freedom.

Nevertheless, the thoughtful observer must for years have been astonished and shocked at the extent and force of the demand that the structure of our Government shall be radically altered, and that the rights hitherto retained by the people and the States shall be concentrated in one powerful central government.

To a consideration of this dangerous movement I invite your attention:

Out of the experience of the past the framers of the Constitution had gleaned certain great truths, among which were—

First, that the sole effective guaranty of the liberties of a people was to be found in the retention in the people themselves of a large measure of self-control.

That principle was recognized in the Declaration of Independence, in the statement that life, liberty, and the pursuit of happiness are inalienable privileges.

Second. That a people must retain the right to control a large measure of their governmental affairs through officers selected by small communities and directly responsible to the peoples thereof.

Third. That the various States must constitute complete sovereignties, and that the respective State governments must retain complete control of all questions, save those absolutely essential to the maintenance of a Federal Government, and the protection of each of the States against abuses by other States.

Fourth. That the Federal Government should be possessed of not only strictly limited but of simple powers.

Fifth. That in all of these governments, whether municipal, State, or national, the powers should be divided, and their exercise limited by checks and safeguards.

Sixth. That these rights, privileges, immunities, and liberties should be guaranteed in the Federal Constitution and in the constitutions of the several States.

None better understood than did the framers of the Constitution the principle that the possessor of a power always seeks to exercise that power to the limit, and that unless restrained he will find in the doctrine of necessity or public benefit the excuse for usurpations, which will, by almost insensible and invisible steps, lead along the path toward ultimate despotism.

Accordingly, the scheme of government devised embraced a direct responsibility to small communities of those intrusted with local government affairs, these officers not only being subject to the restrictions of the Constitution but accountable at often-recurring elections to the people they were elected to serve.

State governments were in like manner created with two houses of the legislature, each a check upon the other, with the power of veto lodged in the governor. Yet, if all these powers acted in unison, the Federal Constitution threw its protection over certain fundamental rights of the citizen.

The Federal Government was subject to similar checks and safeguards. But, in addition, the powers to it granted were strictly limited.

The fathers understood that the centralization of a great mass of power in a single government would inevitably result in misgovernment, in corruption, and possibly in the destruction of the liberties of the people of the United States.

Yet, the Government had been scarcely established until a movement began for the enlargement of its powers.

In some instances this enlargement is not easily distinguishable from usurpation.

The responsibility, first and last, must rest upon the Congress, upon the courts, upon the legislatures of the various States, and upon the people themselves.

It was designed that the courts should keep legislative bodies strictly within the limits of the Constitution. But that power was greatly impaired by the rule early established, that the courts in considering a legislative act would indulge the presumption that the legislative body was itself the natural guardian of the Constitution, and that the statutes by it enacted should be sustained where they could by almost any process of reasoning be brought within constitutional authority.

The rule thus laid down entirely ignored that element in human nature to which I have adverted, i. e. that the possessor of power invariably seeks to exercise his power to the limit. And that when he is impelled by motives of ambition, or actuated by what he regards as the public weal, he has little difficulty in finding justification for the act he desires to perpetrate.

It follows that, finding himself possessed of a power granted for a particular purpose, he will exercise that power to accomplish his desires, even though not within the intent of the fundamental law.

Innumerable examples are to be found in the books. I instance a few of the more prominent:

STATE BANK TAX

Congress desired to put the State banks of issue out of business.

Undoubtedly there was necessity for reform in our banking procedure. But Congress possessed no power to prohibit State banks of issue.

However, this consideration did not much disturb Congress. It did possess the power to levy a tax for the purpose of raising revenue, and so long as it levied a tax for the purpose of raising revenue it was strictly within its constitutional prerogative.

But Congress did not want to raise a revenue. It wanted to destroy State banks of issue. It therefore proceeded to levy a tax so high that no State bank could issue money.

The direct result of the law, which all knew in advance, was to cut off a revenue which the Government had theretofore received by a moderate tax.

All this was perfectly apparent and is admitted by the Supreme Court to be apparent. Nevertheless that great court sustained the tax. Thus Congress employed a power granted for one purpose in order to accomplish an entirely different purpose.

#### TARIFF FOR PROTECTION

In parallel with the foregoing case was the employment of the import tax—not for the purpose of raising a revenue, but for the purpose of protecting against competition with foreign goods certain favored manufacturers.

The primary object of those laws was to increase the profits of private citizens, the revenue derived by the Government being merely incidental.

Against this abuse Mr. Justice Harlan thundered with all his magnificent eloquence. He declared:

"That to lay the hand of power upon the property of one citizen and transfer it to another is none the less robbery because done under the form of law."

#### USE OF MAILED TO DEFRAUD

The right to establish post offices and post roads has been so used as to bring a vast multitude of crimes which originate and generally are consummated in a particular State, and, therefore, punishable by the laws of that State within the Federal dragnet.

Two men may have a business transaction in the State of Nebraska. Yet, if one of the parties shall have written a letter to the other and dropped it in a post-office box for delivery in the same town, the entire transaction becomes immediately cognizable by a Federal tribunal, which under the pretense of trying a man for the use of the mails to defraud, in fact, punishes him as a criminal for an act which, under the laws of his State, may involve nothing but a civil offense.

#### INTERSTATE COMMERCE

The power to regulate interstate commerce, primarily intended to prevent the States from setting up barriers against commerce with each other, has been extended in almost every conceivable direction.

First, to regulate the shipment of goods in commerce; then, to prescribe the character of equipment employed as instrumentalities of commerce; then to embrace the individuals engaged in operating these instrumentalities, and finally to the regulation of hours of labor and wages.

#### AUTOMOBILE THEFTS

The same power has been extended to include the punishment of the theft of an automobile in one State and its transportation into another, although both acts are directly cognizable by the laws of the States where the crimes were committed.

#### THEFTS FROM RAILWAY CARS

Goods stolen from a railway car are as much a local crime as though stolen from a house in the immediate vicinity.

Yet the power to regulate interstate commerce has been exercised to bring this local offense within Federal jurisdiction.

#### TRANSPORTATION OF EXPLOSIVES

Transportation of explosives from one State to another, easily punishable under the laws of either State, is brought within the Federal dragnet.

#### PURE FOOD LAWS

The sale of impure foods is naturally a matter to be regulated in the market where they are offered. But the Federal Government, under the pretense of regulating interstate commerce, proceeds by the most high-handed and frequently arbitrary methods, to seize and condemn goods simply because they have been shipped from one State to another.

#### THE MANN ACT

Other illustrations might be given, but, perhaps, the stretch of the power reached its farthest length when it was held that "sexual commerce" between individuals is "commerce between States."

#### THE BIRD LAW

A wild bird—*fera natura*—hitherto regarded as the property of the State, is now held to be a creature engaged in interstate commerce, even though it may be captured or killed in the nest where it was hatched.

#### CONTRA

It appears, however, that while we have not reached the boundaries of legislative usurpation, we have at last approached the limit of judicial patience.

#### GERMAN LANGUAGE

In February, 1923, it was held by Mr. Justice McReynolds, in *Meyer v. State of Nebraska*, that a law inflicting a fine for teaching a child under 8 years of age any other language than English, could not be

covered under the pretense that the State legislature was engaged in the justifiable purpose of protecting the health of the child. The language employed being—

"We are constrained to conclude that the statute as applied is arbitrary, and without any reasonable relation to any end within the competency of the State."

#### GRAIN FUTURES

In consonance with the same line of reasoning the Supreme Court in *Hill v. Wallace* declared the Capper-Tincher future grain trading act, imposing a tax of 20 cents a bushel on all contracts for the delivery of grain for future delivery, to be unconstitutional. The court boldly asserted its right to go back of the alleged purpose of the bill—i. e., to levy a tax—and found that its real purpose was to prohibit a line of business, saying:

"The presumption of validity of the act can not prevail, because the proof to the contrary is found on the very face of its provisions. Grant the validity of this law, and all that Congress would need to do hereafter in seeking to take over to its control any one of the great number of subjects of public interest, jurisdiction of which the States have never parted with, and which are reserved to them by the tenth amendment, would be to enact a detailed measure of complete regulation of the subject, and enforce it by a so-called tax upon departures from it. To give such import to the word 'tax' would be to break down all constitutional limits of the powers of Congress and to completely wipe out the sovereignty of the States."

All of which leads me to inquire how that language can be reconciled with the narcotic decisions?

#### CHILD LABOR

The same trend of judicial thought has been further fortified in the child-labor cases.

Mr. Justice Day in one of the earlier of these cases expressly went back of the declared purpose of the act, and ascertaining that its real object was to regulate the hours of labor of children within the borders of the State, declared the act to be an invasion of State powers.

The later opinion follows the same line of thought.

But the hope borne of these recent decisions seems to be completely dashed to the ground by the still more recent decision—

#### EVERARDS BREWERIES v. DAY

decided by the Supreme Court of the United States in June, 1924.

That case holds that the constitutional amendment granting the power to the United States to prohibit the sale of intoxicating liquors for beverage purposes can be employed to authorize a statute prohibiting a physician from prescribing beer, not for beverage purposes, but for medicinal purposes.

The court declares the power to prohibit traffic in intoxicating liquors for beverage purposes includes as an appropriate means the prohibition of traffic in similar liquors, although nonintoxicating. And, further, holds substantially that Congress can do anything which it deems necessary in order to stop the sale of intoxicating liquors.

The logic of the opinion, in my judgment, is that Congress, having been given power only to prohibit liquors for beverage purposes, can draw to that power the right to prohibit liquors for all and every purpose.

The only conclusion I can reach from these contradictory opinions is that the Supreme Court of the United States sustains a power when it feels favorable to the law and denies the existence of a power when it believes the law is of bad import.

I would not say or intimate that the court is controlled by popular clamor.

#### NEW FORM OF CONGRESSIONAL USURPATION

In recent years Congress has developed a new scheme for the extension of its power. Broadly speaking, it consists in appropriations by Congress of large sums of money to be doled out to the States, provided the States will pass laws for carrying out the congressional will or the will of some board or bureau by Congress established.

#### REARING OF BABIES

The device just referred to was employed in creating what is known as the Children's Bureau.

This law, as originally drafted, undertook to centralize in a bureau at Washington control over motherhood, child bearing, and child rearing.

The theory of its sponsors was that the mothers of the land could not be trusted to rear their own children, and that a supervisory control should be vested in a little group of agents at Washington, that group to be given the power to invade the homes, inspect the mothers and the children, and it was even advocated that every expectant mother should register the fact upon the public records, to the end that she might thereby become subject to inspection.

The law, as passed, was somewhat modified, and yet the Government pays out large sums of money in this attempt to interfere in the most sacred domestic relations.

Other instances exist. I shall not pause to detail them.

#### CONSTITUTIONAL AMENDMENTS

The desire to change the Constitution by amendment approaches almost the nature of an epidemic. There seems to be abroad the general impression that the States are utterly untrustworthy but that the Federal Government is gifted with infallibility.

Hence, every person who conceives that a new law will be of benefit undertakes to have it enacted by the Federal Government, and in the absence of existing authority to amend the Constitution, so that the Federal Government will possess the desired power.

It is no part of my purpose to discuss the merits of either prohibition or woman's suffrage. Let them, however, serve as examples.

#### WOMAN'S SUFFRAGE

The movement toward granting suffrage to women was progressing with marked activity in the various States. Not content with this a Federal amendment was demanded and enacted, in some instances, by methods absolutely unjustifiable.

The point I desire to urge is that the highest attribute of sovereignty is the right of a State to determine the qualifications of its own electors. When that power was taken from the States and conferred upon the Federal Government, it was a tremendous step toward the curtailment of the powers of the States to control their own business.

We now have a demand that the Constitution shall be further amended so that every State must grant to every woman exactly the same rights granted to men.

And, this demand is made after the women of every State have the full right to vote in the election of members of their own general assemblies, and enact statutes suitable to the people of the State.

#### PROHIBITION

Again, I do not propose to discuss the merits of prohibition. It may be conceded at the outset that the use of intoxicating liquors is a great disadvantage to a people. But, so is the commission of any other kind of crime.

Murder, arson, rape, and other heinous crimes are much more to be condemned than the sale of a bottle of beer. Yet, as to these grosser and more frightful crimes, jurisdiction is left in the States. Congress has, however, been given jurisdiction over the lesser evil.

The logic of the situation is that if the Constitution ought to have been amended to punish the sale of liquor within the respective States then a similar jurisdiction should be granted over every kind and character of crime.

If that were done, there would, indeed, be no further real use for State governments, for substantially all of the power would be concentrated at Washington.

Indeed, we have already proceeded so far that there is scarcely an activity of life from the rearing of babies to the massing of armies which is not now in some degree subject to the surveillance of government officers, agents, spies, and courts.

If the march toward centralization be not soon arrested State governments might as well cease to exist, for all authority will have been assumed by the Federal agencies and tribunals.

Courts and quasi courts exist with authority to pry into the business and private affairs of institutions, to examine their books and papers, and to haul them to Washington for examination.

The dockets of our Federal courts are crowded with cases hitherto cognizable by State courts.

Federal officers by the thousands swarm over the country, assuming rights of espionage and arrest, which are repugnant to the genius of our Government, and offensive to our civilization.

A present-day visit to a Federal court closely resembles a sojourn in a police court in the early morning hour, when the bedraggled denizens of the street are herded for summary justice.

The civil list of the Federal Government embraces over 600,000 employees.

The substance of the people is being devoured in taxes.

We were told that national prohibition would practically eradicate crime.

The jails are filled. Crime is rampant.

Almost open defiance of the law is indulged in by an enormous percentage of the people.

We are losing an annual revenue, State and National, of between \$350,000,000 and \$450,000,000.

We are expending in an attempt to enforce the law approximately \$30,000,000.

We were also told that the advent of women into politics would purify and rejuvenate the earth.

We are confronted by a condition in which the armed guards of banks are overcome.

Robbery has become a habit, and bootlegging a trade.

I do not charge this to the women. They are not to blame. But it illustrates the foolishness of the theory that the Federal Government is omnipotent and infallible.

I have said that the desire to change the Constitution has become an epidemic.

My information is that over 40 proposals to change the Constitution are now pending in Congress.

#### THE SO-CALLED CHILD LABOR AMENDMENT

One of the proposed amendments is now before the legislatures of the several States for action. It is misnamed "the child labor amendment." To that I desire to call special attention:

It is not a child labor amendment.

It proposes to confer upon Congress the power to control the life and destiny of every human being within the United States who is under 18 years of age.

It takes from the States the right to control the hours of labor of every citizen under 18.

It deprives all parents of the natural right to regulate the conduct of their children.

It may be so exercised that the right to labor will be denied to persons under 18.

It is the greatest step toward centralization ever attempted.

It is the most undemocratic proposal yet advanced.

It is a march from liberty toward despotism.

It is not progression—it is retrogression!

It assassinates democracy, and upon its grave establishes a hybrid monstrosity embracing all the vices and possessing none of the virtues of state socialism and communism.

It is being supported by a propaganda which misrepresents the facts and which masquerades under the pretense that it is engaged in protecting infants of tender years.

The assertion is constantly put forth that the States have not protected children of tender years.

The assertion is false. Every State of the Union has child labor laws, most of them of a stringent character.

But these laws treat of children generally from 14 years of age down. And all of them are so drawn as to give adequate protection so far as it is possible within the law.

It is now proposed to take this power of regulation from the States and confer it upon Congress. How it will be exercised no man can tell. But, judging by the past, it is likely to be exercised to the most extreme limit.

The language of the amendment is—

"Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age."

Confer that power upon Congress and no man can guarantee that the right to prohibit labor will not be exercised; that the farmer will not be forbidden to employ his son about the ordinary avocation of the farm; that an effort will not be made to limit those who can labor in order to increase the wages of those who belong to some organized movement interested in cutting down the number of hands that can be employed.

If enacted, it will immediately affect 40,000,000 of our population.

Certain it is that the proposed amendment gives to Congress the right to absolutely prohibit and also the right to limit, regulate, or prescribe the labor of all persons under 18.

The unreasonable extent to which it may go in the matter of regulation is abundantly illustrated by the recent breweries case, to which I have referred.

Remember the adage: "Misers there be, but not of power."

I desire to ask the question whether Nebraska can not better regulate her own affairs than they can be regulated by Congress?

I call upon the members of this association to study this problem and to earnestly protest against a ratification of this abominable amendment.

The right to labor is a natural right.

It is embraced within that clause of the Declaration of Independence which guarantees life, liberty, and the pursuit of happiness.

The parent has a natural right to direct his son. And I unqualifiedly and unhesitatingly say that 90 per cent of the boys of the country who have not been taught to labor before they are 18 years of age become worthless citizens.

The men who have succeeded—the men who have achieved—are those who have learned the ways of industry in their youth.

If this amendment can be justified, then we ought to go further and give to Congress the right to regulate the labor of every human being.

When we take that step we will have transformed the democracy of Washington and Jefferson into the socialism of Lenin and Trotsky.

#### ISLE OF PINES TREATY

Mr. COPELAND. Mr. President, I ask unanimous consent to have printed in the RECORD an article on the Isle of Pines treaty found in the bulletin of the National City Bank of New

York, a bulletin devoted to economic conditions, governmental finance, and securities. On another occasion I shall inquire what interest the National City Bank has in the ratification of this treaty.

The PRESIDING OFFICER (Mr. MOSES in the chair). Is there objection to the request of the Senator from New York? The Chair hears none, and leave is granted.

The article referred to is as follows:

#### THE ISLE OF PINES

It is to be hoped that the Senate of the United States will act at the present session, which will end March 4, 1925, on the favorable report of the Committee on Foreign Relations as to the treaty between the United States and Cuba with respect to the Isle of Pines, and there seems to be no substantial reason why the action of Senate should not be favorable.

It is now more than 21 years since President Roosevelt first submitted this treaty to the Senate, recognizing Cuba as the lawful owner of the Isle of Pines. During all that time the treaty has had the support of both parties in Congress, but obstructive tactics have hitherto prevented ratification.

The Republic of Cuba has *de facto* jurisdiction over the Isle of Pines, and it only remains for the Senate to recognize its *de jure* right to the island in order to settle in the right way a matter which has been favorably recommended by our national administrations from Roosevelt to Coolidge, and which has repeatedly received the approval of the Committee on Foreign Relations of the Senate itself.

The need for the treaty arises from the rather indefinite treatment given the island in our treaty with Spain and our subsequent treaty with Cuba. The treaty of peace with Spain does not specifically mention the Isle of Pines. The protocol of August 12, 1898, setting forth the preliminary terms upon which the treaty was to be framed, makes a distinction between "Cuba and the islands adjacent thereto," and "Porto Rico and the other islands under Spanish sovereignty in the West Indies." This language has afforded the only basis there is for the claim that the island was ceded to the United States. Is the Isle of Pines properly classed as one of the islands "adjacent to Cuba" or with "Porto Rico and other islands"?

The Platt amendment to the Army appropriation bill of 1901, which defined the relations between the United States and Cuba, provided that the title to the Isle of Pines should be "left to future adjustment by treaty" and the Platt amendment was embodied in the permanent treaty with Cuba, which was ratified by the Senate of the United States on March 22, 1904. This treaty was negotiated in pursuance of that provision. At the time the Platt amendment was adopted there was some thought that the Isle of Pines might be used for a naval or coaling station, but such stations were afterwards located at Guantanamo and Bahia Hondo.

The Supreme Court of the United States in the case of *Pearcy v. Stranahan*, 205 U. S. 257, a case arising out of the application of our tariff law, has held that the territory in question "must be treated as foreign, for this Government has never taken, nor aimed to take, that possession in fact or in law which is essential to render it domestic." This decision gains significance from the fact that one of the concurring justices was William R. Day, who as Secretary of State in President McKinley's administration signed the original peace protocol with Spain and was also chairman of the United States Peace Commission which framed the treaty at Paris.

In 1922 Secretary Hughes in a letter to Senator McCormick upon the subject of the treaty said:

"It, therefore, appears that the United States has never taken possession of the Isle of Pines, as having been ceded by the treaty of peace with Spain, and that it has been uniformly governed by the Republic of Cuba since that Republic came into existence, the United States recognizing Cuba as rightfully exercising *de facto* sovereignty until otherwise provided for.

\* \* \* "In any event, the United States has undoubtedly indicated that it did not desire to assert any title to the island under the treaty of peace with Spain, but wished to quit claim in favor of Cuba any shadow of title it might have under that treaty."

In 1905 Elihu Root, Secretary of State, answering a letter of inquiry upon the subject, wrote:

\* \* \* "In my judgment the United States has no substantial claim to the Isle of Pines. The treaty merely accords to Cuba what is hers in accordance with international law and justice.

"At the time of the treaty of peace which ended the war between the United States and Spain the Isle of Pines was, and had been for several centuries, a part of Cuba. I have no doubt whatever that it continues to be a part of Cuba, and that it is not, and never has been, territory of the United States. This is the view with which President Roosevelt authorized the pending treaty, and Mr. Hay signed it, and I expect to urge its confirmation. Nor would the rejection of the pending treaty put an end

to the control of Cuba over the island. A treaty directly contrary to the one now pending would be necessary to do that, and there is not the slightest prospect of such a treaty being made. You may be quite sure that Cuba will never consent to give up the Isle of Pines, and that the United States will never try to compel her to give it up against her will."

That letter was written 20 years ago. What it says of the futility of any other policy toward the island than that of the treaty is still pertinent. Clearly, if the title to the island was not in the United States at the time the Platt amendment was adopted it is not vested there now. We have never sought to exercise authority there. We are now collecting the same import duties upon the products of the Isle of Pines as upon the products of Cuba. Certainly the claim on behalf of the United States is not becoming stronger under this status, and yet it becomes more difficult with the lapse of time to clear the situation. What can be done with it after 50 years or 100 years?

For more than 20 years, therefore, our national administrations have been endeavoring to keep faith with Cuba by removing the cloud from the title to the Isle of Pines. In the interest of friendship, and considering our kindly attitude toward Cuba and the Cubans from the beginning of the Spanish-American War to the present time, it is highly desirable that the Senate take definite and final action by way of approval of a policy which has never been questioned by any national administration and which has never been disapproved by any Foreign Relations Committee of the Senate.

The friendly and liberal attitude of the United States toward Cuba is one to which all the world has given approval. The ratification of the treaty will make our policy consistent throughout.

It is well to bear in mind that the policy of the United States in this matter is a subject of interest throughout Latin America. Our rivals and critics are quick to make the most of any opportunity to cultivate antagonism to this country, and while we need not surrender any rights on that account, it is important that we afford no real basis for their activities.

#### FEES FOR GRAZING LIVESTOCK ON NATIONAL FORESTS

Mr. PHIPPS. Mr. President, I wish to make a unanimous-consent request. I notice that in the engrossment of the bill (S. 2424) to reduce the fees for grazing livestock on national forests an omission occurred, and I ask that the House be requested to return that bill to the Senate for the purpose of having the necessary correction made.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent to make a motion requesting the House of Representatives to return to the Senate the bill named by him. Is there objection? The Chair hears none. The question is upon agreeing to the motion made by the Senator from Colorado.

The motion was agreed to.

#### INTERIOR DEPARTMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. WALSH of Montana. Mr. President, I desire to give notice of a motion to reconsider the action of the Senate yesterday in adopting the report submitted by the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to House bill 10020, the Interior Department appropriation bill. The action was taken during my temporary absence from the Chamber.

I now move to reconsider the vote by which the conference report was agreed to.

The PRESIDING OFFICER. May the Chair suggest to the Senator from Montana that it will be necessary to ask that the conference report be returned to the Senate from the House of Representatives?

Mr. WARREN. I did not hear the request of the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana gives notice of a motion to reconsider the vote whereby the Senate agreed to the conference report on the Interior Department appropriation bill.

Mr. SMOOT. Mr. President, I would like to ask the Senator what item in the bill that was agreed to in conference he does not approve of.

Mr. WALSH of Montana. I disagree to the report with respect to amendments 18 and 32. I am in conference with parties greatly interested in those two items, and have been unable yet to ascertain their attitude toward them. I find myself unable at this time to assent to the agreement reached by the conference with respect to them.

Mr. SMOOT. The Flathead item?

Mr. WALSH of Montana. Yes; and the Sun River item.

Mr. SMOOT. Instead of the House provision for \$10,000 we made it \$35,000. The House provided \$10,000 for the Flathead project. The Budget estimated \$45,000. I have not the papers with me from the president of the Water Users' Association of Montana, but in his letter there was a statement

made that it would take \$10,000 to complete a certain part of that project. So the conferees, instead of the \$10,000 appropriated by the House, gave \$25,000 for maintenance, and we added \$10,000 for the completion of a part of the project referred to in the letter which I have mentioned, making a total of \$35,000. That was the action of the conference.

If the Senator wants to have the vote reconsidered, he had better enter the motion now and also at the same time submit a request that the House return the conference papers. I hope the Senator will not feel that it is necessary to do so. I assure the Senator that I did everything in my power to make it a straight \$45,000 appropriation, and yet the \$10,000 extra could not have been expended to any advantage, in my opinion, according to the letter from the president of the water users' association to which I have referred.

Mr. WALSH of Montana. Mr. President, I want to assure the Senator from Utah of my full appreciation of his efforts in the matter, but I will state the situation. The completion of the Flathead irrigation project contemplates the expenditure of something like \$2,000,000 more. Over \$5,000,000 has been expended on the project. As I have repeatedly stated in the Senate, the lands under this project were appraised and sold to the settlers, who were required to comply with all the provisions of the homestead law in addition to paying the appraised value of the land. The money was placed in the Treasury of the United States for the benefit of the Indians on the reservation. A large amount of it has already been expended. The original act opening the reservation and authorizing the allotment to the Indians and the appropriation under the homestead act of the remaining lands, the appraised value to be paid, contemplated the establishment of the irrigation project, and the lands were estimated and appraised in view of the construction of the project. The settlers who went upon the reservation had an opportunity to take land above the line of the ditch that never would be irrigated, paying a small price for it, or to take land under the projected canal and paying a higher price for it. A large number of them took their lands under the ditch, and for 16 years they have been awaiting the completion of the project in order to get water for the irrigation of their lands.

Now it is two-thirds complete, and a petty appropriation of \$45,000 is recommended by the Budget, and the House in considering the bill cut it down to \$10,000. It is now proposed in the conference report that the \$45,000 recommended by the Budget and put in the bill by the Senate be reduced to \$35,000 and that only \$10,000 of that sum shall be used for construction purposes.

The people of the Flathead irrigation project may find it necessary to accede to that sort of utter disregard—yes, utter disregard—of the solemn obligation of the Government of the United States to make appropriations to complete the project within a reasonable time. It is a contract as solemn as ever could be entered into from a moral standpoint, and the Congress of the United States refuses to carry out its part of the contract. Those poor people have gone out there on the frontier and have been there for 16 years with the Government of the United States having their money and declining to go on with the obligation incurred to them, and the Congress does not seem to appreciate the situation.

Mr. SMOOT. Mr. President, I want to say frankly that I sympathize a great deal with the position the Senator has taken, as he well knows, but the only reason why the Senate conferees yielded from the \$45,000 to \$35,000 was that the \$10,000 would complete only a portion of the project that needs completion. It all ought to be done, but if the \$45,000 were appropriated, the additional \$10,000 could not be used in any way on any other part of the project.

I held the bill up as long as I felt that I ought to, and I think got out of it about all that it is possible to get. It seemed to me that rather than report a disagreement it was better to complete the \$10,000 part of the project. I join with the Senator in saying that the Budget next year ought to make an estimate in order to complete at least some of the principal parts of the project and take care of the people to whom the Senator has just referred.

Mr. WALSH of Montana. Let me make an inquiry of the Senator. Here is a \$10,000 feature of the report which refers to the Tabor Canal. What kind of information has the conferees concerning the Tabor Canal and what the \$10,000 will do, or whether it will complete anything? Is there any estimate from any engineer on the subject?

Mr. SMOOT. No; the information on that point came from the president of the Water Users' Association.

Mr. WALSH of Montana. The president of the Water Users' Association said it would take \$10,000 to complete that project?

Mr. SMOOT. To complete the Tabor part of the project.

Mr. WALSH of Montana. I have had a great deal of correspondence with the president of the Water Users' Association, and I do not find in my correspondence any statement to that effect.

Mr. SMOOT. The chairman of the conferees on the part of the House, Mr. CRAMTON, read the letter to the conferees, and it was upon that statement that the change was made, I will assure the Senator.

Mr. WALSH of Montana. I would like to see the letter. I have looked over my correspondence with Mr. Johnson very carefully and I find nothing of that sort.

Mr. SMOOT. Not only that, but he stated in the same letter the amount it will cost for each of the other parts of the project. I think the next item was \$60,000. It seemed to the conferees that they should not go to work and try to spend \$10,000 upon a project that it was admitted would cost \$60,000 to complete. We thought it very much better to complete the Tabor part of the project this year, and then next year get enough to complete the other part of the project.

Mr. WALSH of Montana. Mr. President, I want to say a word now with reference to amendment 26. This will interest all the western Senators. I regret very much that more of them are not present, because it establishes a principle here which will certainly militate strongly against the adoption by the Senate of the bill recommended by the Committee on Irrigation and Reclamation looking to Federal aid toward the settlement of projects that are hereafter organized. I am very glad to see the Senator from Nevada [Mr. ODDIE] here and the Senators from New Mexico. I should also like to have the attention of the Senator from Idaho [Mr. GOODING].

This amendment provides—

Mr. SMOOT. On what page of the RECORD?

Mr. WALSH of Montana. Page 3538 of the RECORD. The amendment provides an appropriation of a considerable sum for the project, and then it is proposed to add the following proviso:

*Provided*, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law, providing for payment by the district or districts as hereinafter provided.

Let me remark in this connection that the words "as hereinafter provided" have no kind of significance there because the provision of the House bill touching the method of payment was stricken out and does not appear here at all. So there is no provision in the report to which the three words "as hereinafter provided" can possibly have any reference.

The Secretary of the Interior shall by public notice announce the date when water is available under the project.

Thus far I have no serious objection to it except that those three words are inapplicable, but this is the matter to which I desire to invite the attention of Senators:

*Provided further*, That no part of the sum hereby appropriated shall be expended for the construction of new canals or for the extension of the present canal system for the irrigation of lands outside of the 40,000 acres for the irrigation of which a canal system is now provided, until a contract or contracts shall have been executed between the United States and the State of Montana, whereby the State shall assume the duty and responsibility of promoting the development and settlement of the project after completion, securing, selecting, and financing of settlers to enable the purchase of the required livestock, equipment, and supplies and the improvement of the lands to render them habitable and productive.

The bill to which I referred a few moments ago—and I gladly say that it was heartily approved by the Senator from North Carolina [Mr. SIMMONS]—provides for doing just exactly that thing at the expense of the Government of the United States. Now, the conferees have inserted a provision in the bill which establishes the principle that the work of colonization and equipment of settlers shall be undertaken by the State of Montana instead of by the Government of the United States. Certainly if we are to be compelled to assume all of these obligations, we can not possibly agree to the conference report. Accordingly, the Senator from Utah [Mr. SMOOT] is as much interested in this matter as am I.

Mr. WARREN. Mr. President—

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

Mr. WALSH of Montana. I yield.

Mr. WARREN. I did not hear the early part of the Senator's statement, but I understand the proposition he makes is to recall from the House of Representatives the conference

report on the bill making appropriations for the Interior Department. Has the Senator made a motion to that effect?

The PRESIDING OFFICER. The Senator from Montana has not yet made that motion. The Senator from Montana has given notice of a purpose to move a reconsideration. Prior to reconsideration it will be necessary to recall the report and the papers from the House of Representatives, and the Chair understands the Senator from Montana to be about to make that motion.

Mr. WALSH of Montana. Yes; I move that the report be recalled from the House of Representatives.

Mr. WARREN. I thought possibly the debate might run along until the time within which we could recall the report from the House of Representatives had elapsed. Therefore the earlier we ask for the return of the report the better.

Mr. WALSH of Montana. I could not hear the Senator from Wyoming.

Mr. WARREN. My suggestion is that the sooner the Senator from Montana makes his motion for the return of the report from the House of Representatives, and the request shall be transmitted to the other House, the safer we shall be in securing the object which he desires.

Mr. WALSH of Montana. Of course, but I desired to explain the reasons why I thought the report objectionable.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Utah?

Mr. WALSH of Montana. I yield.

Mr. SMOOT. I desire to say in justification of the conferees on the part of the Senate that I spoke to the Senator from Montana in relation to this item; in fact, there is nothing in the report as to which each Senator who is interested in it has not been consulted. I asked the Senator from Montana whether if the Members of the other House from Montana would agree with Mr. CRAMTON as to the provisions affecting this project it would be satisfactory to the Senator, and he told me that it would be so.

I have here the agreement which was reached between the Members of the House from Montana and Mr. CRAMTON, and it is the identical provision now embodied in the report. If the Senator from Montana objects to that, I have no objection whatever to having the conference report recalled, and I will support the Senator's motion to ask for its return, but I do not wish to be charged here, Mr. President, with being false to the Senator from Montana or to any other Senator.

Mr. WALSH of Montana. O Mr. President, I trust the Senator from Utah will not think that in anything that I have said I have in any degree questioned his interest in the matter and his sympathy with the position which I have taken, but the Senator showed me a memorandum which is not at all in conformity with the report.

Mr. SMOOT. I hold in my hand the original provision just as it was prepared, and here [indicating] is the item that went in, and every bit of this [indicating] went out.

Mr. WALSH of Montana (examining). The Senator is quite right. I hold in my hand the copy of the bill containing the quotation as to what the report of the conferees would be, and it strikes out all of the matter to which I have referred, and it is stated in the margin:

Insert: Of new canals or for the extension of the present canal system for the irrigation of lands outside of the 40,000 acres for the irrigation of, which a canal system is now provided.

I have not objected to that; that is perfectly satisfactory to me, but the provision in relation to the State of Montana incurring the expense of colonization and providing for settlement is not in the memorandum at all, and that is the part to which I am objecting.

Mr. SMOOT. The Senator from Montana must have misunderstood the statement. I showed him this whole item and everything that went out was stricken through, as the Senator will see, by pencil. The part of it that he just read was not stricken out, but was to be inserted. The House put all of the provisos in and the Senate struck them all out, and the conferees put back only what was agreed upon by the Representatives from Montana and Mr. CRAMTON.

Mr. GOODING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WALSH of Montana. I yield.

Mr. GOODING. I wish to ask the Senator from Utah [Mr. SMOOT] why the exception is made as to Montana and the responsibility is placed on Montana for the settlement of the project? That is an entirely new departure from our irrigation laws or from any principle which is involved in them.

Mr. SMOOT. I agree with the Senator as to that; but I left it entirely with the House members and Mr. CRAMTON, the chairman of the House conferees. I told the Senator from Montana [Mr. WALSH] that I was not going to agree to anything without first presenting it to him and having his approval, and that was done.

The Senator from Montana must have misunderstood me when I presented the matter to him. Everything that was stricken out in the House provision of which the Senate disapproved is stricken out by the line here [indicating]. The Senator will see that the conference report absolutely conforms to that. If there is any misunderstanding about the matter let the report come back to the Senate. It will then again go to conference, and the conferees will do whatever may be necessary to be done.

Mr. GOODING. I hope the Senator from Montana [Mr. WALSH] will submit his motion at once, so that we may get speedy action on this matter, because to me it is very serious.

Mr. SMOOT. The matter will be acted upon.

Mr. WALSH of Montana. In view of the fact that there is no objection, I move that the House of Representatives be requested to return the conference report to the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana that the House be requested to return to the Senate the conference report on the Interior Department appropriation bill, together with the papers bearing thereon.

Mr. JONES of Washington. Mr. President, I did not know that the conference report was acted upon yesterday. I was busy in connection with a good many different matters, and I had the impression in some way—I did not get it from the Senator from Utah—that it would have to be acted upon in the House first. I find, however, I was mistaken as to that.

I notice in the conference report with reference to a project in the State of Washington a provision very similar to that contained in the item with reference to the project in Montana, as to the State financing settlers, and so on. The Senator from Utah spoke to me about that, and I told him that I did not want that provision in the conference report; I did not think it ought to be there unless other States, at any rate, were required to comply with the same conditions. While the State of Washington has enacted laws to aid and encourage irrigation, I do not think we ought, so far as reclamation projects are concerned, to put in a Federal statute a provision requiring them to comply with certain conditions that are not applicable all over the United States. I am glad that the report is coming back to the Senate, because I do not think that a contract of that sort ought to be required of the States.

Mr. WALSH of Montana. I do not see why the States of Washington and Montana should be singled out.

Mr. JONES of Washington. Nor do I.

Mr. WALSH of Montana. There were provisions in the bill as it came to us from the House for appropriations in other States limited as were the appropriations referred to for the State of Montana and for the State of Washington, but apparently the House has yielded with reference to those projects in the other States.

Mr. SMOOT. I have explained, I will say to the Senator, that after the agreement was made by the House members that provision went in. The Senator from Washington spoke to me about it. It was only with respect to these two projects that this item appeared in the bill at all, and having agreed, as I thought, with the Senator from Montana concerning it, and having spoken to the Senator from Washington, who advised me that the State of Washington had passed laws for that very purpose, I thought that I was complying with the wishes of both Senators.

Mr. JONES of Washington. I think the Senator will agree that I told him that whatever provision applied to my State should apply to all other States, and that while we had enacted legislation in Washington under which the State was to encourage and would encourage settlement on the projects, we ought not to be bound by a condition that did not apply to the other States of the Union.

Mr. SMOOT. I took it that the Senator referred to other items in the bill.

Mr. JONES of Washington. Oh, no; not only to these items in the bill, but to the other items affecting the reclamation States.

Mr. SMOOT. But as to no other reclamation project was the provision mentioned at all, and it was not in conference with respect to them.

Mr. JONES of Washington. I know that, and that is the very reason why it should be left out.

Mr. SMOOT. Perhaps the Senator can do better than I have done.

Mr. WALSH of Montana. Mr. President, for the purpose of showing the contrast between the principle of this provision in the conference report, to which I have directed attention, and the principle of the bill reported by the Committee on Irrigation and Reclamation, I ask unanimous consent that Senate bill 4151 may be printed at large in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill referred to is as follows:

[S. 4151]

January 28 (calendar day, January 30), 1925, Mr. KENDRICK introduced the following bill; which was read twice and referred to the Committee on Irrigation and Reclamation.

January 31, 1925, reported by Mr. KENDRICK, without amendment.

A bill (S. 4151) to provide for aided and directed settlement on Government land in irrigation projects

*Be it enacted, etc.*, That when used in this act—

(a) The word "Secretary" means the Secretary of the Interior.

(b) The words "reclamation law" mean the act of Congress of June 17, 1902 (32 Stat. L. p. 388), and acts amendatory thereof or supplementary thereto.

(c) The words "reclamation fund" mean the fund provided by the reclamation law.

(d) The word "project" means an irrigation project authorized by the reclamation law.

(e) The words "division of a project" mean a substantial irrigable area of a project designated as a division by order of the Secretary.

(f) The word "farm" means an area of land not exceeding 160 acres, designated by the Secretary as a farm.

(g) The words "fractional farm allotment" mean an area of land not exceeding 5 acres, designated by the Secretary to provide a home for a settler sufficient for dwelling, and necessary outbuildings, and for a garden on which the settler and his family may grow products necessary for their own food supply.

(h) The word "purchaser" means one to whom is sold a farm or fractional farm allotment.

SEC. 2. In connection with the development of any project the Secretary is authorized to withdraw from entry such an area of public land as, together with land that may be acquired, shall be designated as a project or a division of a project of sufficient size to create therefrom at least 100 farms and at least 10 fractional farm allotments and to provide for an aided and directed settlement of such lands, including their disposal in accordance with the provisions of this act.

SEC. 3. Where the unentered public land in a project is insufficient in area or unsuited to the purpose to provide for a project or a division of a project, the Secretary is authorized to acquire by gift, by purchase, or by condemnation under legal process, such an area of land as will, when added to the area of unentered public land of the project, permit the establishment of a project or a division of a project.

SEC. 4. The Secretary shall cause said farms and fractional farm allotments to be disposed of, and the construction charges and the charges for operation and maintenance against the land on account of the water right shall be paid in accordance with the requirements of the reclamation law.

SEC. 5. The Secretary shall require each applicant for a farm or fractional farm allotment to show that he has had at least one year's actual farm experience and is possessed of capital in money or farm equipment, or both combined, of not less than \$1,500 when a farm is purchased, and \$200 when purchase is made of a fractional farm allotment. Every purchaser of a farm or fractional farm allotment under this act shall maintain his actual residence thereon for at least eight months in every calendar year following the year of his purchase and until he shall have made full payment of all moneys advanced to him under section 6 of this act, together with the then accrued and unpaid interest thereon, and shall have also paid or provided for the payment of all State, county, and local taxes, and irrigation district assessments which then constitute liens on his improvements; whereupon and after such payments a patent or deed shall be issued to him or to his grantee: *Provided*, That the Secretary may, in his discretion, and under such rules and regulations as he may prescribe, grant any such purchaser a leave or leaves of absence from his land: *And provided further*, That any such purchaser of a farm or fractional farm allotment under this act shall have the right to sell his land with the approval of the Secretary; and that his grantee shall succeed to all his rights and privileges and assume and discharge all his obligations and burdens as to such land.

SEC. 6. The Secretary is authorized, in his discretion, to advance for permanent improvements and for the purchase of livestock not exceeding the sum of \$3,000 on account of any one farm and not exceeding the sum of \$800 on account of any one fractional farm allot-

ment. No such advance shall exceed 60 per cent of the value of permanent improvements or livestock in connection with which made, nor shall such advance be made for permanent improvements until the purchaser shall have provided the remaining 40 per cent in cash or shall have theretofore provided its equivalent in value in improvements made at his sole cost. Advances for permanent improvements and the purchase of livestock shall constitute a first lien on such improvements and livestock and shall be paid with interest at the rate of 4 per cent per annum in amortized installments as may be authorized by the Secretary. The Secretary shall provide such supervision by the Bureau of Reclamation as in his opinion may be necessary to insure the use of all advances for the purposes for which the same are made. Each purchaser shall, if required, insure and keep insured against fire all buildings on his farm or fractional farm allotment, the policies therefor to be made out in favor of the Secretary or such other official as may be prescribed. The Secretary shall, by regulation or otherwise, provide that the purchaser shall cultivate the land in a manner to be approved by him, and shall keep in good order and repair all buildings, fences, and other permanent improvements situated on his farm or fractional farm allotment, reasonable wear and tear and damage by fire excepted.

SEC. 7. In case of default on the part of the purchaser to comply with any of the terms of his contract or any regulation promulgated by the Secretary under this act, continuing after one year's notice, the Secretary shall have the right, at his discretion, to cancel said contract, and thereupon shall be released from all obligation in law or in equity to convey the property, and the purchaser shall forfeit all rights thereto, and all payments theretofore made shall be deemed to be rental paid for occupancy. The Secretary shall thereupon be entitled to the possession of said property. The failure of the Secretary to exercise any option to cancel contract for default shall not be deemed a waiver of the right to exercise the option to cancel said contract for any default thereafter on the purchaser's part. No forfeiture so occasioned by default on the part of the purchaser shall be deemed in any way or to any extent to impair any lien or security on improvements or other property which may be obtained as provided in this act.

SEC. 8. Appropriations shall be made from the reclamation fund to effectuate the purposes of this act.

SEC. 9. The Secretary is authorized to perform any and all acts and to make all needful rules and regulations for effectuating the purposes of this act.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana that the House of Representatives be requested to return the conference report on the Interior Department appropriation bill to the Senate.

The motion was agreed to.

Mr. WALSH of Montana. I enter a motion to reconsider the vote by which the conference report was agreed to.

The PRESIDING OFFICER. The motion to reconsider will be entered.

#### INDEPENDENT OFFICES APPROPRIATIONS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes.

The PRESIDING OFFICER. The Secretary will restate the pending amendment of the Committee on Appropriations.

The READING CLERK. On page 28, line 17, after the word "and," the committee propose to strike out "five" and insert "seven," so as to read:

One at not to exceed \$25,000 and seven at not to exceed \$18,000 each.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. ROBINSON. Mr. President—

Mr. MCKELLAR. Mr. President, was the amendment agreed to to strike out "five" and insert "seven"?

The PRESIDING OFFICER. It was.

Mr. MCKELLAR. I ask unanimous consent that the vote whereby the amendment was agreed to may be reconsidered, because there will be some discussion on that amendment.

The PRESIDING OFFICER. Inasmuch as there is objection, the Chair will consider the objection as having been entered, and therefore the question is on agreeing to the amendment proposed by the committee.

Mr. ROBINSON. Mr. President, I should like, if possible, to arrange for the present consideration of the amendment preventing the collection of the Pullman surcharge. Concerning this amendment the Senator from Wyoming will recall that on a previous day I gave notice of a motion to suspend paragraph 3 of Rule XVI in order that the amendment might be considered. I inquire of the Senator from Wyoming whether

it would suit his convenience to proceed with the amendment at this time.

Mr. WARREN. Mr. President, we are operating under a unanimous-consent agreement to consider first the committee amendments, but, in view of the manner in which this matter comes up, and as the Senator from Arkansas, I understand, wishes to leave the Chamber shortly, and since we hope to dispose of the amendment in a short time, I am inclined to accede to the request that the amendment to which the Senator from Arkansas refers may be now considered.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent for the present consideration of the amendment referred to by him, for the present consideration of which unanimous consent has already been granted. Is there objection? The Chair hears none, and the Secretary will state the amendment.

The READING CLERK. On page 19, after line 21, it is proposed to insert a new paragraph as follows:

That paragraph 4 of section 1 of the interstate commerce act, as amended, is hereby amended by adding at the end thereof a new sentence to read as follows:

"It shall be unlawful for any such carrier to demand, charge, or collect from any person for transportation, subject to the provisions of this act, in any parlor car or sleeping car, any fare in addition to that demanded, charged, or collected for transportation in a day coach, but this shall not prevent just and reasonable charges for the use of accommodations in parlor cars or sleeping cars by companies owning such cars."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

Mr. ROBINSON. Mr. President, I am willing that the question shall be put to the Senate at once. The subject has been fully discussed by the Senator from South Carolina [Mr. SMITH] and myself on a previous occasion, and, as stated during that discussion, the bill passed the Senate unanimously during the last session preceding the present one; so I ask that the Senate vote upon the amendment.

I think it fair to state that a notice was given of a motion to suspend the rules. However, subsequently it was agreed by unanimous consent that Rule XVI should be suspended; so I take it that there is no objection to the consideration of the amendment.

The PRESIDING OFFICER. If the Senator from Arkansas will permit the Chair, the Chair understands the parliamentary situation to be that the unanimous consent granted the other day covered every step precedent to the presentation of the amendment.

Mr. ROBINSON. It did.

The PRESIDING OFFICER. And that the unanimous consent just granted for the consideration of the amendment makes the pending question before the Senate the question of agreeing to the amendment proposed by the Senator from Arkansas.

Mr. ROBINSON. I ask that the Senate vote upon it.

Mr. KING. Mr. President, may I ask the Senator a question? I am not quite clear as to the interpretation which will be placed upon the Senator's amendment. As I understand, it would permit railroad companies which now are operating Pullman sleeping cars and chair cars, parlor cars, to charge a reasonable rate. Who is to determine that?

Mr. ROBINSON. The Interstate Commerce Commission. The amendment does not deny the readjustment of either the Pullman or the transportation charge. It forbids the collection of the surcharge.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

Mr. HOWELL. Mr. President, I should like to ask if this amendment proposes, as I understand it does, to eliminate the surcharge for Pullman sleeping and parlor car service?

Mr. ROBINSON. It does.

Mr. HOWELL. Mr. President, whereas I should like to see this surcharge eliminated, I can not vote for such a measure, in view of the fact that no relief has been given to agriculture in the West in the matter of railroad rates. The class that is paying these surcharges are able to pay them. The farmer in the western country is being charged rates from 50 to 80 per cent higher than they formerly were, and no relief whatever has been given him, and there seems to be no intention on the part of Congress to give agriculture any relief. Therefore to reduce surcharges by the Pullman Co. in favor of the railroads, it seems to me, is something that ought not to be done in the face of the present situation.

Mr. SMITH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Carolina?

Mr. HOWELL. I do.

Mr. SMITH. If the Senator will recall, the Interstate Commerce Committee has been notified formally, as it is the duty of the Interstate Commerce Commission to do, that readjustment of these rates is proceeding, and in several instances in the South as well as in the middle district and the western district they have notified us that they are adjusting these rates, they claim, as rapidly as they may. They call attention to the fact that the confusion incident to the war entailed an enormous burden in the process of adjusting these rates. The Senator must also bear in mind the fact that this difficulty was greatly increased by virtue of the very terms of the Esch-Cummins law, namely, that all the property devoted to public use should earn as nearly as may be 5 1/4 per cent, with permission to earn up to 6 per cent before a division of the excess with the Government should take place. We have also passed a joint resolution having the effect of law, which instructs and directs the Interstate Commerce Commission to proceed at once to the readjustment of these freight rates looking toward giving priority to all agricultural products and their reduction to the lowest possible lawful rate.

I want to say, as one who perhaps feels as acutely as any other man in this body any burden that falls on agriculture by virtue of transportation rates, that even though there were not now actively in process an adjustment of these rates the present surcharge does not and can not affect the freight or passenger rates. If the Senator will take the pains to study the table that appeared in the Record the other day, he will find that this surcharge is being collected and enjoyed by roads which are already turning in \$80,000,000 as the Government's share, which means that they are keeping \$80,000,000 as their share. In other words, they are collecting \$160,000,000 in excess of 6 per cent. By a table furnished me by the Interstate Commerce Commission it appears that \$20,000,000 of the \$37,000,000 is collected by the identical roads that are now earning the \$160,000,000 in excess of 6 per cent, which means that the present law is so framed that that excess will not be available until we amend the law under which this \$160,000,000 has been collected by providing for the lowering of freight rates on the very properties that are now earning this excess.

Therefore the removal of this surcharge does not entail, nor by any process of logic can it be said that it will entail, any plan by which the reduction of freight or passenger rates will be prevented. It is claimed by the roads that we are taking from them \$40,000,000 of revenue. That \$40,000,000 is included in the \$160,000,000 that they are now earning in excess of the rate that we said in the Esch-Cummins law would be a fair and just return. So this is a favor to the shipper, it is a favor to the traveling public that is justified without any reference whatever to freight or passenger rates. It is taking off an unnecessary burden on the traveling public that does not affect freight or passenger fares, but simply is a bonus given for which there is no justification in morals and should be none in law.

Mr. HOWELL. Mr. President, recently the Interstate Commerce Commission has had under consideration this surcharge, and has decided that it is not practicable to remove the same.

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

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. HOWELL. I yield.

Mr. ROBINSON. The Senator understands that four members of the commission unqualifiedly held that the charge was an unreasonable one, and that two others, making a majority of the commission, held that it was unreasonable to the extent of one-half; so that, as a matter of fact, the majority of the commission have held that the Pullman charge as now collected is unreasonable.

Mr. HOWELL. But, Mr. President, I again state that whereas the Interstate Commerce Commission has the power and authority to wipe out this surcharge, it has refused to do so. Therefore the proponents of this bill come to Congress and ask that Congress fix the rates. If Congress can fix rates for the traveling public, it can fix freight rates on agricultural products. Why should we direct the Interstate Commerce Commission in a nebulous sort of way to proceed, not knowing what they will do, but when the same body refuses to act in connection with this surcharge, then we here in Congress act in their place? If we do that, why should we not do the same thing for agriculture?

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

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. HOWELL. I do.

Mr. FESS. I recall that when the matter was up in the committee the question was raised whether, if we did reduce this surcharge, there would be any chance whatever to reduce

rates on agricultural products. It was suggested that if the roads needed the additional revenue, and we took \$40,000,000 away from them, then the question arises, could there be any relief in rate reduction on agricultural lines? That was the thing that impressed me on the surcharge question; and in connection with what the Senator is saying the question arises in my mind, if needed revenue is taken from the roads by this amendment, then what is our chance for any relief on agricultural products by rearrangement of the rates? I am inclined to support the surcharge relief, provided it does not imperil relief for agriculture.

Mr. HOWELL. Mr. President, it must be recognized that the policy of the Interstate Commerce Commission is to fix rates on such a basis that the railroads practically as a whole will earn 5½ per cent. If we subtract in the neighborhood of \$40,000,000 from the gross earnings of these roads, do we not reduce by that amount the ability of the Interstate Commerce Commission to reduce freight rates?

Mr. SMITH. Mr. President, will the Senator allow me just a moment further?

The PRESIDING OFFICER. Does the Senator from Nebraska further yield to the Senator from South Carolina?

Mr. HOWELL. I do.

Mr. SMITH. If the Senator will take the report of the Interstate Commerce Commission, he will find that his argument is utterly without foundation, because the amount of recaptured money now is \$80,000,000—practically \$100,000,000 now—and includes in the recaptured money that is to be turned over to the Government this \$40,000,000 taken from the very roads that are earning this \$160,000,000 extra. It is already excess; and how can it be said that this is diminishing the income of the roads, when the income of the roads already is \$160,000,000 in excess of the 5½ per cent, and by taking off this surcharge we still leave \$40,000,000 that has gone into the Treasury that is taken as excess by the very roads that are earning it?

Mr. HOWELL. Mr. President, the Senator suggests that the Interstate Commerce Commission has made a report that justifies this action. I will ask the Senator, why has not the Interstate Commerce Commission taken the action?

Mr. SMITH. Mr. President, the Senator certainly has not analyzed the report, because, as the Senator from Arkansas pointed out, four of the members of the commission believe, first, that the surcharge is not justifiable as a principle; it is wrong and not necessary for revenue.

Mr. ROBINSON. That it is a charge for which no service is rendered.

Mr. SMITH. That it is a charge for which no service is rendered; and the Senator must admit that it is a charge for which no service in the world is rendered. The Pullman Co. renders the hotel service for the Pullman ticket. The railroad company renders the service involved in carrying the passenger. The regular railroad ticket takes care of the railroad; the Pullman ticket takes care of the Pullman Co.; and then 50 per cent is added to the Pullman fare for no service under God's heaven, and the Senator knows it, and I know it.

Mr. HOWELL. Mr. President, again I ask the Senator, why does not the Interstate Commerce Commission act?

Mr. SMITH. Why does not the Interstate Commerce Commission do a great many things that the Senator and I think it ought to do and has not done?

Mr. HOWELL. Then the Senator admits that the Interstate Commerce Commission has the power, has refused to act, and because it has refused to act there is now a request that Congress act.

Mr. SMITH. Precisely. The Interstate Commerce Commission, in a minority report purporting to be a majority report, has said that the railroads need the money. I take their own figures, and show that as to the very roads which are collecting this surcharge, as soon as we complete the valuation of the roads and have conformed with the requirements of the law, we will recapture \$100,000,000 collected in freights and passenger rates in excess of 5½ per cent. Why can we not remit to the traveling public \$40,000,000 out of the \$100,000,000 that will go into the Treasury, and a like \$100,000,000 that goes into the excess profits of the roads?

Mr. HOWELL. Mr. President, the railroads as a whole have not earned \$140,000,000 in excess of 5½ per cent. The Senator is referring to about 66 roads in this country, that is all; but when the Interstate Commerce Commission determines as to whether the roads have earned 5½ per cent, they take them as a whole, not as individual roads. I again ask the Senator, if a majority of the Interstate Commerce Commission is in favor of this action, why have they not taken the action?

Mr. SMITH. A majority of them in this report have stated that this tax is unreasonable. Then, in addition to that, I hope the Senator will not lose sight of the fact—and if he will study the table he will know that it is a fact—that the roads which are earning this very surcharge are the roads that are making this excess. If the Senator will study the table he will find that the roads that are not earning the 5½ per cent have a form of contract with the Pullman Co. under which they do not get the benefit of the surcharge. Let the Senator read the report and see.

Mr. HOWELL. I again ask the Senator if it is not a fact that the Interstate Commerce Commission could to-morrow wipe out this surcharge, and if they have not refused to do it?

Mr. SMITH. I answer the Senator by saying that I do not know what the mental processes of that commission are, but the Senator has the report before him. I do know it is the duty of Congress, when a manifest injustice is being done by anybody to which Congress has delegated power, to correct it.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to his colleague?

Mr. HOWELL. I yield.

Mr. NORRIS. If there is a surplus, and we can reduce rates somewhere, why do we pick out the rate of the Pullman car passenger, and not reduce the rate of the fellow who can not ride in a Pullman car? Why do we not cut that rate down, and reduce the surplus in that way?

Mr. SMITH. In answer to the Senator I must repeat, it is because the roads which are making this excess from the surcharge are the roads which are already collecting more than 6 per cent on their property. This is not a general surcharge to all the roads under the terms of that provision under which 50 per cent accrues to the roads. Only a certain class of roads are earning this surcharge, and the roads which are earning it are the very roads which are now earning an excess over 6 per cent.

Mr. NORRIS. Do not all roads make the same surcharge?

Mr. SMITH. It does not accrue to the weak roads under the form of contract with the Pullman Co.?

Mr. HOWELL. I would like to ask the Senator if it is not a fact that the Baltimore & Ohio is not earning an excess? Is it not a fact that the Chicago & North Western Railway is not earning an excess? Is it not a fact that the Chicago, Milwaukee & St. Paul is not earning an excess? Is it not a fact that the Erie is not earning an excess? There are only 66 roads out of the 1,800 in the United States that are earning an excess. People travel over the Baltimore & Ohio to the West, to Chicago. They travel over the great northwestern lines from Chicago to Omaha and the western country, and those roads are not earning an excess.

Mr. WALSH of Montana. Mr. President—

Mr. HOWELL. I yield to the Senator.

Mr. WALSH of Montana. Can the Senator give us a list of the leading roads which are earning the excess, and the leading roads which are not?

Mr. HOWELL. I have the list in my office.

Mr. SMITH. If the Senator will allow me, I submitted a list when I brought this matter up, and it was published in the RECORD. I have not burdened my memory with the names of the roads and the systems. I asked the Interstate Commerce Commission to furnish me with a list of the roads which have earned the excess to which I have referred. They sent me a list of the roads earning 5½ per cent and above, and that has been published in the RECORD.

In this report handed down by the commission, Mr. Campbell takes pains to point out that more than \$20,000,000 of the \$37,000,000 is collected by the roads earning in excess of 6 per cent. The remaining \$13,000,000, or a majority of it, is collected by those which are earning about the stipulated amount. The balance of it actually, by the form of the contract, goes to these larger companies under the form of contract with the Pullman Co., because the form of contract with the weak roads is entirely different from the form of contract with the strong roads, and they do not get the benefit of the surcharge.

Mr. CARAWAY. Mr. President, the statement the Senator has made is rather interesting, and I would like to ask a question in regard to it. Do I understand the Senator now to say that, for instance, under the contract of the St. Louis & Southwestern Railway Co. with the Pullman Co. the surtax on the Pullman tickets does not go to that road but will go, we will say, to the New York Central?

Mr. SMITH. No; it goes to the Pullman Co.

Mr. CARAWAY. The Pullman Co. gets more than its scheduled tariff and keeps the 50 per cent surtax?

Mr. ROBINSON. Oh, yes, in many instances; the railroads pay the Pullman Co. for furnishing the cars.

Mr. CARAWAY. Who authorized the Pullman Co. and the railroads to make that form of contract?

Mr. ROBINSON. The contract is not expressly authorized in law, but it comes down from the period of time when the railroads uniformly paid the Pullman Co. for furnishing cars under a form of contract which guaranteed them a certain amount for each car supplied. That custom has been departed from in many instances, particularly as to the stronger railroads.

Mr. CARAWAY. The tariffs are published, and I am curious to know by what process the Pullman Co. can make a secret contract with the railroad company, and get a surtax in excess of the published tariffs.

Mr. SMITH. The contracts between the railroads and the Pullman Co. are between the railroads and the Pullman Co.

Mr. CARAWAY. The railroad is not permitted to pay a rebate and then charge the passenger who uses the road; but that is what it would amount to, under that statement, a rebate to the Pullman Co.

Mr. ROBINSON. That is what occurs.

Mr. SMITH. I do not know what you call it—

Mr. CARAWAY. I ask my colleague, the Senator from Arkansas, that sort of contract could not stand in law if anybody questioned it, could it?

Mr. ROBINSON. The Senator has raised a question which I think has not heretofore been raised, and it is a very important question.

Mr. CARAWAY. It is unthinkable to me that they should be permitted to levy a surtax of 50 per cent, and profit by it.

Mr. ROBINSON. Let me read the Senator what is said in the report of the Interstate Commerce Commission about these contracts. I refer now to what is called the majority report, although, as I have already shown, it is a minority report. They say:

Respondents—

Meaning the railroad companies—

have contracts with the Pullman Co. covering the operation of the cars owned by that company. These contracts usually provide that the railroad shall haul the Pullman cars, provide facilities for storage and airing of bedding linen, make repairs necessitated by causes arising outside of the cars or from negligence of railroad employees, clean the outside of the cars, furnish lubrication, ice, water, heat, and light, and, except at large terminals furnish agents to sell Pullman tickets. Most of these expenses also arise in connection with coach operation. The Pullman Co. provides the necessary capital investment in cars and other equipment, bears the expense of running, repairs and depreciation due to wear and obsolescence, provides necessary car attendants, cleans the inside of the cars, and meets laundry expenses and cost of repairs necessitated by causes arising inside of the cars or from negligence of Pullman employees.

The contracts vary materially in the matter of participation by respondents—

That is, by the railroads—

in revenue accruing from the Pullman charges proper.

That is to say, the contracts are not uniform. In some instances the railroads receive a part of the Pullman charge proper, and the amount which a railroad receives from the Pullman charge proper is not uniform in all cases. I resume the reading:

In some cases there is no participation by the railroad, but usually the contracts provide that the Pullman Co. will retain all collections up to amounts ranging from \$7,250 to \$9,300 per car per annum in the case of the standard sleeping and parlor cars and from \$4,700 to \$8,000 in the case of the tourist cars.

Mr. CARAWAY. May I interrupt the Senator right there? I can see why the Pullman Co. might contract with a railroad company to pay it so much for the use of its cars, but I would not be able to concede that the railroad company could levy a charge upon the passengers to meet this excessive charge which it permits the Pullman Co. to make.

Mr. ROBINSON. What actually happens is that in many cases the railroad not only collects the transportation rate, but it also collects a surcharge and part of the Pullman charge proper.

Mr. SMITH. That is correct.

Mr. ROBINSON. That is, the Pullman Co. not only collects the surcharge from the railroad company, but it also pays to the railroad company a considerable part of the charges which it is permitted to make.

Mr. CARAWAY. Yet the Interstate Commerce Commission found that was an entirely reasonable contract?

Mr. ROBINSON. No; they did not.

Mr. CARAWAY. A reasonable charge?

Mr. ROBINSON. No; that is one of the reasons which justifies the Congress in proceeding with this legislation promptly. Even in the majority opinion, all the way through, there is an implied apology for allowing a continuance of the collection of this surcharge, and in the concurring opinion of Mr. Commissioner Lewis he declares that it should not be permitted; that some readjustment of the Pullman charges proper may be justified, and some readjustment of the transportation rate may be proper, but that the Pullman surcharge ought to disappear, as a hang over from the war period, as an obnoxious and unpopular charge. Then 4 members of the commission say that it is unreasonable to collect it, and 2 members of the commission, making a majority of the 11, making 6, say that it is unreasonable to the extent of one-half. In other words, if the proposal were to cut the Pullman surcharge in two, these two commissioners, Mr. Aitchison and Mr. Esch, would vote to eliminate it, but since the proposal is to stop the collection of all of it, they concur in the majority opinion, notwithstanding the fact that they expressly declare that it is unreasonable to the extent of one-half. I say that the Interstate Commerce Commission, to the mind of a lawyer, has found the Pullman surtax to be an unreasonable and unjust charge.

I quote the opinion of the commission itself in proof of that declaration. The situation to which the Senator from Arkansas [Mr. CARAWAY] has referred is anomalous. The only justification proposed for the Pullman surcharge is that it is to compensate the railroads for the alleged additional expense in transporting passengers who travel in Pullman cars. Yet we find that in many instances not only is the Pullman surcharge collected, but the Pullman Co. is actually paying to the railroads, in addition to the Pullman surcharge, a part of the regular charge accruing to the Pullman Co. I say that this condition is intolerable. It is an unjust and unnecessary and unreasonable tax upon the traveling public. It can not be justified on the theory that they who travel in Pullman cars are enjoying luxuries. They who travel over long distances and travel overnight find it necessary and indispensable to have Pullman accommodations.

There is no justification in law or in fact for the continuance of the charge. In my judgment if it is retained until doomsday the retention of it will not materially promote the reduction of other charges. It can not do it for the reason stated by the Senator from South Carolina [Mr. SMITH].

I think the junior Senator from Arkansas has suggested a feature of the contract that illuminates it. If it should occur to the commission that the surcharge is compensation to the railroads for alleged additional expense of hauling passengers in Pullman cars, I can not understand why it should not occur to the commission at the same time that the railroads are not entitled to receive a part of the Pullman charge proper. It is a double tax, unjust, unnecessary, and unreasonable.

Mr. HOWELL. Mr. President, I wish to offer the following amendment as an amendment to the amendment now pending. Add at the proper place in the amendment now pending the following proviso:

*Provided also, That it shall be the duty of the Interstate Commerce Commission to immediately put into effect a horizontal reduction of 5 per cent on all agricultural products.*

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska to the amendment submitted by the Senator from Arkansas.

Mr. HOWELL. Mr. President—

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

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HOWELL. I yield.

Mr. KING. I hope the Senator in discussing his amendment will present evidence, if evidence he has, that would justify the Interstate Commerce Commission without further hearings to make the reduction which his amendment contemplates. The Senator will bear in mind the fact that the Interstate Commerce Commission is a quasi judicial body, that it may initiate, of course, upon its own motion a movement for the purpose of changing rates, passenger or freight, or upon petition may consider the question. I am not advised as to whether the evidence now before the commission warrants a reduction, and a horizontal reduction of 5 per cent, or whether

it justifies any reduction at all. It may be that they have sufficient evidence to warrant a reduction of more than 5 per cent. It may be that they ought to reduce the rates upon certain agricultural commodities more than 5 per cent.

The Senator will recall that at one time a distinguished Democrat recommended a horizontal reduction of 10 per cent in all tariff rates. That did not appeal to all Democrats, because they felt that it might not be just and might be discriminatory against many commodities. Of course, there ought to be a great reduction in tariff rates, but I doubt whether I should approve a horizontal reduction. I am not sure whether a horizontal reduction would be fair with respect to manufactured or agricultural products or any other articles or commodities which are transported over our railroad systems.

Mr. HOWELL. It is admitted that the Interstate Commerce Commission, which is charged with the fixing of railroad transportation rates, has refused to reduce the Pullman surcharge, but, notwithstanding this fact, it is proposed that Congress shall step in and do it, though the Interstate Commerce Commission has stated that it is not justified. If Congress can thus proceed to reduce a passenger rate when it is not justified, why can we not shut our eyes and do something for agriculture?

Mr. SMITH. Mr. President, will the Senator allow me just a moment?

Mr. HOWELL. Certainly.

Mr. SMITH. The Senate is entitled to know, in addition to the accumulated testimony which the Senator from Arkansas [Mr. ROBINSON] cited in reference to the attitude of the commission, a majority of whom are in favor of reducing the amount by at least 50 per cent and four of whom say it should be taken off entirely, that previously the commission appointed a committee to investigate and report the facts along the line indicated by the Senator from Utah [Mr. KING]. On the 1st of June last the committee reported, and unequivocally and unanimously declared, that it was unnecessary, unreasonable, and should be abolished. Now comes the action of the full commission, a majority of whom say, "Let us reduce it to 50 per cent," which would reduce it in amount to \$20,000,000 and leave that amount to apply to a reduction of the \$3,000,000,000 or \$4,000,000,000 of freight rates. That would go largely toward reducing the burden of some \$4,000,000,000 or \$5,000,000,000 by saving to the excess fund, not to the railroads and not for distribution in lowering freight rates, but putting into the Treasury of the United States the \$5,000,000.

Mr. HOWELL. I am perfectly willing to change my amendment so that it may provide that there shall be a corresponding reduction in freight rates on agricultural products. If we can reduce passenger rates \$40,000,000 a year, then with as much justice we can reduce freight rates \$40,000,000 a year on agricultural products. If we can not reduce freight rates on agricultural products to the extent of \$40,000,000 a year, certainly we can not and ought not reduce passenger rates \$40,000,000 a year, even in the form of a cancellation of this surcharge.

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

Mr. HOWELL. I yield.

Mr. CARAWAY. I am tremendously interested in the reduction of freight rates, and I sympathize with the Senator's viewpoint. However, if he were to provide in his amendment that they should reduce freight rates \$40,000,000 I am inclined to think the commission would take that as an instruction not to go beyond that amount, and I am hopeful of a very much greater reduction. But from my experience with Government departments—

Mr. HOWELL. We could easily insert the provision "not less than \$40,000,000," which would meet the Senator's objection.

Mr. CARAWAY. I am afraid they would always say as they did when we undertook to fix the price of agricultural products during the war. They said that wheat should not sell for less than a certain amount per bushel, and that was taken to mean that it should not sell for any more. If we undertake to say, "You shall reduce freight rates not less than \$40,000,000," they will say that means \$40,000,000, and no more. When we were preparing the bill with reference to the War Finance Corporation I introduced an amendment before the Committee on Agriculture and Forestry that the banks in serving their customers should not charge in excess of 2 per cent. The department at once said that that was an authorization to charge 2 per cent. I know that is not in the Senator's mind. I am merely calling his attention to the tendency upon the part of the bureaus to say, "We were di-

rected not to do less than that." They might actually deny the farmer the reduction which ought to be made.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Fernald	Ladd	Sheppard
Ball	Fess	Lenroot	Shipstead
Bayard	Fletcher	McKellar	Shortridge
Bingham	Frazier	McKinley	Simmons
Brookhart	George	McLean	Smith
Broussard	Glass	McNary	Smoot
Bruce	Gooding	Mayfield	Spencer
Bursum	Harrel	Metcalf	Stanfield
Butler	Harris	Moses	Sterling
Cameron	Harrison	Norbeck	Swanson
Capper	Heflin	Oddie	Trammell
Caraway	Howell	Overman	Underwood
Copeland	Johnson, Calif.	Pepper	Walsh, Miss.
Couzens	Johnson, Minn.	Phipps	Walsh, Mont.
Curtis	Jones, N. Mex.	Ralston	Warren
Dale	Jones, Wash.	Ransdell	Watson
Dial	Kendrick	Reed, Mo.	
Edge	King	Robinson	

Mr. WALSH of Massachusetts. I desire to announce that the senior Senator from Rhode Island [Mr. GERRY] is absent on account of illness.

Mr. HARRISON. I wish to announce that the Senator from West Virginia [Mr. NEELY] is necessarily detained from the Senate on official business.

The PRESIDING OFFICER. Seventy Senators have answered to their names. A quorum is present. The question is upon agreeing to the amendment proposed by the Senator from Nebraska [Mr. HOWELL] to the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

Mr. HOWELL. Mr. President, I wish to withdraw the amendment which I have offered to the amendment of the Senator from Arkansas and to substitute the following in place thereof:

*Provided also, That it shall be the duty of the Interstate Commerce Commission to put into effect immediately a reduction in agricultural freight rates of not less than the amount of such reduction in Pullman and parlor car rates.*

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from Nebraska to the amendment of the Senator from Arkansas.

Mr. REED of Missouri. Mr. President, I hope the Senator from Nebraska will not insist on the amendment. Let us vote on these propositions separately and not tie one to the other. They are absolutely distinct and should not be coupled together unless it is the intention of the Senator to try to kill one or both of the propositions; and I am sure that is not his intention.

The amendment which the Senator from Nebraska proposes will lie just as well after we shall have voted on the question that is now before the Senate. I hope the Senator from Nebraska will give us an opportunity to vote in that way. I do not wish to vote against his amendment; it may have merit in it; but I should like to vote on it as a separate proposition, and it can just as well be offered separately.

Mr. HOWELL. Mr. President, it is my belief that the proposed reduction in Pullman rates puts off just so much further any reduction in agricultural freight rates. The Interstate Commerce Commission has declared against the reduction in Pullman rates. In the face of that fact it is proposed that Congress override the decision of the Interstate Commerce Commission. If Congress can do that for those who ride in Pullman sleeping cars and in Pullman parlor cars, can it not do as much for the agriculturists? I should like to comply with the request of the Senator from Missouri, but I do wish to make it plain that agriculture is entitled to equal consideration; and I think the only opportunity of affording it is to offer this amendment to the amendment pending.

Mr. REED of Missouri. The Senator can offer his amendment to the amendment immediately after the amendment of the Senator from Arkansas shall have been voted upon and then secure consideration for it, or the Senator could obtain consent to vote on his amendment first, I imagine, if the Senator would ask it. I do not want, however, the two coupled together. It seems to me that this is the situation that the Senator puts us all in by his amendment: Unless a Senator is in favor of both propositions he can not vote for either. There may be enough votes here to adopt an amendment to bring about a reduction in Pullman rates and there may be enough votes to adopt an amendment proposing to reduce rates on agricultural products such as the Senator proposes, and yet

there may not be enough votes to adopt them both at once. In other words, there may be Senators who are willing to furnish money for the Army and there may be enough votes to provide it; there may be a sufficient number of Senators to pass an appropriation for the Navy, but it may be that some Senators would vote for the Army appropriation who would not vote for the Navy appropriation, as there may be Senators who would vote for the Navy appropriation who would not vote for the Army appropriation. By the course he suggests the Senator from Nebraska puts the Senate in a position where he may assume that a majority are in favor of both these propositions, and he thereby centralizes and multiplies the opposition to both of them by tying them together.

I hope the Senator will not insist on offering his amendment to the amendment. I do not want to vote against his amendment, but as I believe it will imperil the other amendment if it is put in this form, I will vote against it. If he shall offer it as a separate proposition, I will vote for it and to impose on the Interstate Commerce Commission the duty to reduce rates on agricultural products in so far as they can be reduced and the railroads still live.

More than that, I understand the fact to be that the particular reduction in Pullman rates will principally affect those roads that are already earning a surplus. That is the information I have from the chairman of the Interstate Commerce Committee. I myself am not acquainted with the details.

The Senator from Nebraska wants to help the farmers and there are many more of us who want to help the farmers just as far as we may do so, with due regard to the business of the country. I come from an agricultural State quite as much as does the Senator from Nebraska. My course here will show that I have tried, whenever there was a sane measure brought forward, to give aid and encouragement to the farmers; that is, in a manner that I thought was sane. There have been some that I thought—I will not say insane—but improper. But so far as sincerity of purpose to do what can be done for the farmer is concerned, there are a number of Senators here in that position; in fact, I think it is almost the universal sentiment. There are differences, however, as to the two methods that can be employed, but in those differences Senators are honest in their views.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Jersey?

Mr. HOWELL. I yield for a question.

Mr. EDGE. Perhaps the small matter of income to the railroads does not enter into consideration, particularly at this time; but has the Senator from Nebraska attempted to make inaylsis at all as to the loss to the railroads under his amendment as compared with the amendment offered by the Senator from Arkansas; that is, the reduction of income to the railroads generally by passing a sweeping amendment of this character?

Mr. HOWELL. Mr. President, my view is that we ought not to make rates here in Congress; we have created a body for that purpose—the Interstate Commerce Commission. That commission has passed upon the question of the Pullman surcharge and has refused to give relief, just as it has refused to give relief in the case of freight rates upon agricultural products. Now it is proposed that we make an exception; that Congress shall fix this rate; and if Congress can fix a rate for a Pullman charge, it can fix a rate for hauling wheat. Therefore, if we are going to legislate for those who ride in Pullman cars, can we not go a step further and do for the farmer something which we know the Interstate Commerce Commission will not do?

Mr. REED of Missouri. Mr. President, we are always dealing with the farmer here, I find, as though he were some sort of an animal, separate and distinct from the rest of the human tribe of animals. Has it occurred to the Senator that farmers ride in Pullman cars, and their wives and daughters ride in Pullman cars, and that a reduction in Pullman rates will benefit the farmer who rides in such cars? The farmer does not ride on the cowcatcher or in a caboose; he rides as other folks do. There are a few farmers who are poor, so poor they can not ride in a Pullman sleeper, and they have to sit up in a coach all night; but there are a few of every class of people, except capitalists, who have to do the same thing. The farmers of my State, if they are going into St. Louis or Chicago or any place that requires a night trip, get into a Pullman car just as other people do. This is a reduction not for capitalists, not for bankers, not for Senators or Representatives in Congress; it is a reduction for all the people, for everybody who rides in a Pullman car, which means everybody who is not absolutely impoverished. Let the farmer have the benefit

of this reduced fare. Perhaps if the fare be reduced a little further he may ride in Pullman cars more frequently. As it is now, the rate is very high, which may bar some people from riding in Pullmans. I think it was ridiculous to take the Pullman rates that had been fixed by the Pullman Co. for many years, increase those rates, and then give the increase to the railroads. It is a tax—that is all—upon transportation. It hits the farmer. I beg the Senator to remember that. Of course, the farmer who rides from way station to way station does not travel in a Pullman, and very few other people do; but if he is going any distance, just like anybody else, he gets in a Pullman car. If a member of his family is sick and he wants to send that one to Florida or to California, he puts him or her in a Pullman car, and he has to pay the present excessive rates. So the illustration might be indefinitely extended. Let us vote on the two questions separately.

I do not so class the Senator, but I have seen men in Congress—I think I have seen them in the Senate in the past, though they are not here now—who posed as the special champions of the farmer, and one would sometimes have thought, to hear them talk, that they were the only people interested in the farmer. They have constituted themselves the guardians ad litem for the agriculturists of the world. I do not like to use a harsh phrase, and I will not, though one comes quite readily to my lips, but I will say that I think it is a claim that ought not to be made. I think there are very few men in Congress to-day who would not be glad to lift any burden from the shoulders of the agriculturists when they can do so with justice to the country and justice to the other people who are not immediately making their living on the farm.

If we put these two amendments together, I repeat, it will be to endanger both of them. So I hope the Senator will withdraw his amendment. Let us vote on the other question which has been discussed, then bring his own proposition up, and let us consider it. Let me suggest further that they do not logically fall together, but they logically fall apart. There is no logic in saying, if you are going to take from the railroads a certain revenue, therefore you must take from them an additional revenue. If I were going to make my proposition for the benefit of the farmers, I would provide that half of the revenue should be taken off of the Pullmans, and then that an equal amount should be taken off of agriculture; but the Senator proposes to take it all off the Pullman charge, and then, because he has taken that revenue away from the railroads, he proposes to take an additional revenue away from them. The two things do not go together. They go apart.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HOWELL. I do.

Mr. KING. I should like to suggest to the Senator from Missouri that if the motion of the Senator is pressed we may not vote for it, and if we are in favor of reducing the rates on agricultural products we may vote for that, and if we are opposed to it in the present form we may vote against it as an amendment to the existing amendment. I do not quite see how it is inconsistent to offer this as an amendment to the other.

Mr. ROBINSON. Mr. President, I will say to the Senator that I concur with the Senator from Missouri. Since this is manifestly an effort to embarrass the adoption of the amendment, which I have offered, preventing the collection of the Pullman surcharge, and since the two propositions are entirely independent, I shall ask the friends of the amendment for the elimination of the Pullman surcharge to vote against the amendment of the Senator from Nebraska if he persists in an effort to attach it to the surcharge amendment.

Mr. REED of Missouri. Mr. President, may I say this, with the permission of the Senator from Nebraska: If I were a railroad advocate, if I were a sponsor for railroads, and were trying to keep this charge on for the benefit of the railroads, what I would do would be to offer the amendment that the Senator has offered, and then I would offer another amendment to cut off a lot more charges, and I would try so to load this proposition to take off the Pullman surcharge that the Senate would be forced to vote it all down. Those are exactly the tactics I would employ. I do not mean, of course, that the Senator is doing that. I know he is not doing that.

Mr. HOWELL. Mr. President, I wish to assure Senators that I am not caviling about this matter. I have felt very strongly respecting what should be done in the matter of railroad rates, and I feel that this amendment strikes right at the principle of the whole matter. It is recognized that, taking

the railroads as a whole, the Interstate Commerce Commission is endeavoring to provide rates that will pay 5 1/4 per cent on the railway systems as a whole. If we reduce the income of the railroads, even the good roads, those that have a surplus, by \$40,000,000, we put off just so far the time when we can ever expect relief for agriculture.

Why? The president of the Union Pacific Railroad last year announced that although 1923 was the greatest traffic year in the history of the railroads the total earnings amounted to but 4.61 per cent upon the value of those properties as assumed by the Interstate Commerce Commission. In other words, there was nearly 2 per cent to go in order to earn the 5 1/4 per cent. Suppose we begin now to reduce the earnings of these railroads. It puts off the time when they will arrive at 5 1/4 per cent; and if we put off that time by canceling the Pullman surcharge, we put far in the future the time when we shall be able to reduce rates for the farmer's products.

I am not talking about the farmer as a pitiable object, but I have been tremendously impressed with the fact that if we compare 1923 with 1913 we find that agricultural products, excluding cotton, increased but 20 per cent, while we also find that nonagricultural products increased 73 per cent, and that labor increased over 100 per cent.

Mr. GLASS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Virginia?

Mr. HOWELL. I yield.

Mr. GLASS. Do I understand, then, that the Senator is arguing against any readjustment of railroad rates at all, upon the view that the railroads last year did not earn the permissible return on their operations?

Mr. HOWELL. I wish to answer the Senator in this way: Congress has passed the Esch-Cummins Act, and that act dictated to the Interstate Commerce Commission the course it should pursue. So long as that act is upon the statute books, if we reduce the rates in any particular way it puts off the time when all the rates can be reduced; because if the railroads were earning only 4.61 per cent in 1923, reducing the rates at the present time, when the earnings are less than par, means that during the coming year they will earn less than 4.61 per cent. What hope, then, is there for a reduction in agricultural freight rates?

Mr. GLASS. In the last analysis, then, the Senator is arguing against any sort of reduction of railroad rates as long as the Esch-Cummins law remains on the statute books.

Mr. HOWELL. I am arguing that we should not make an exception of the Pullman surcharge by an act of Congress; that if we are going into the regulation of rates we should take up agricultural rates just as well as Pullman rates.

Mr. GLASS. Of course, as the Senator from Missouri [Mr. REED] has clearly pointed out, the Pullman rate is not a class rate; farmers ride on Pullman cars as well as anybody else; whereas the proposition made by the Senator from Nebraska is a class rate.

Mr. HOWELL. I may be urging a class rate, a rate in favor of agriculture; but there is no question, I think, in the mind of any Senator that this Pullman surcharge is not being paid by that class—hence it is being paid by another class—therefore this original amendment is indeed class legislation.

Mr. GLASS. But the Senator really is arguing against any reduction of any rate whatsoever as long as the Esch-Cummins Act remains on the statute books.

Mr. HOWELL. I am arguing against a particular reduction. If Senators will join other reductions with it, then I will vote for those reductions.

Mr. GLASS. The Senator has just contended that the railroads of the country lacked something less than 2 per cent of earning the permissible return on their activities in 1923, and therefore that it would be unjust to reduce this surcharge until the railroads earned that permissible amount.

Mr. HOWELL. What I am saying, Mr. President, is that the Esch-Cummins law has laid down certain premises that the Interstate Commerce Commission is bound to follow, and that as long as those premises are in effect there is no hope for agriculture if we begin to reduce rates at the other end. Why? Because under those premises—under the theory of valuation that is now in effect, in 1923, as I stated, the railroads as a whole earned but 4.61 per cent. I do not agree with the Esch-Cummins law; but so long as it is on the statute books, and it is proposed to proceed at the top end of this rate schedule, I want to go down the line.

Mr. GLASS. But the Senator does not want to proceed at any end.

Mr. REED of Missouri. That is the point.

Mr. HOWELL. I am ready to proceed, but I do not want to proceed at a point where those who are most in need of such a reduction can not have a reduction.

Mr. REED of Missouri, Mr. ROBINSON, and Mr. BROOKHART addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield, and if so, to whom?

Mr. HOWELL. I yield to the Senator from Missouri.

Mr. REED of Missouri. The Senator's proposition is this:

We have the Esch-Cummins law, which permits the railroads to earn 5 1/4 per cent. That is proposition 1. Proposition 2 is that the railroads are not earning that per cent. Proposition 3 is that the Senator wants to have a reduction for the farmer. Proposition 4 is that if we reduce rates on Pullmans we can not get the reduction for the farmer. Therefore let us reduce the rates on Pullmans and at the same time reduce the rates for farmers, thus placing us in a position which the Senator has already said is impossible.

I take it that the logic of the whole situation is, if the Senator is of the opinion that the railroads are not earning sufficient money under the existing law, and if he wants to help the farmers, and believes that a reduction of Pullman surcharges will prevent that, not to be in favor of Pullman surcharge reduction to-day but to vote against that and kill that off if he can, and then bring forward his farm-relief proposition.

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

Mr. HOWELL. In just a moment. I should like to answer first, the suggestion of the Senator from Missouri.

Mr. President, I am not arguing that railroad rates are correct as they are. What I want to make clear is that this Congress has imposed upon the Interstate Commerce Commission certain rules, and one of those rules is that it must fix railroad rates on a basis such as will afford a return of 5 1/4 per cent. The Interstate Commerce Commission tells us now that these railroads are not earning that amount under the premises fixed by Congress. In spite of this fact, however, it is now proposed to reduce the income of these railroads by wiping out the Pullman surcharge.

If that is done, what is the result? Why, we leave the Interstate Commerce Commission in its present situation, with no change in premises, and turn agriculture back to it, subject to impossible conditions, for a reduction of freight rates. On the other hand, we propose here in Congress and on this floor to come to the rescue of Pullman passengers—to reduce rates for a particular class, a thing that can not be done by the commission for the same reason that the commission can not do anything for the farmer.

That is my position respecting this matter.

Mr. WATSON. Mr. President, will the Senator permit me to ask him a question?

Mr. HOWELL. I yield.

Mr. WATSON. The Senator said a moment ago that 66 railroads are in fairly prosperous condition at the present time and that 1,800 are not.

Mr. HOWELL. No; I beg the Senator's pardon. I did not say that.

Mr. WATSON. Well, substantially that.

Mr. HOWELL. No; I did not say substantially that.

Mr. WATSON. That is to say, that the recapture clause is affecting largely the revenues of 66 of the railroads.

Mr. HOWELL. I want to call the Senator's attention to the fact that if a railroad is earning 6 per cent, it is in fairly good condition, and yet there would be no recapture.

Mr. WATSON. What would be the effect on the great majority of the railroads of the country of just horizontally reducing by 5 per cent the rate they are receiving for the transportation of agricultural products? Has the Senator studied that matter to find out what the situation would be, what the amount would be?

Mr. HOWELL. I will answer that question by asking the Senator a question. In view of the action of the Interstate Commerce Commission in saying that under the premises laid down by Congress it can not cancel the Pullman surcharge, does the Senator say, then, that Congress ought to proceed to do it by direct legislation?

Mr. WATSON. Proceed to do what?

Mr. HOWELL. To cancel the Pullman surcharge.

Mr. WATSON. Yes; I am in favor of reducing the Pullman surcharge rate. I take it that surcharge is an anomaly in the rate structure.

Mr. HOWELL. Why does not the Interstate Commerce Commission do it?

Mr. WATSON. I can not answer that.

Mr. HOWELL. They have refused to do it.

Mr. GLASS. They do not seem to know, themselves.

Mr. WATSON. The majority believe in reducing it at least one-half.

Mr. HOWELL. They could do it to-morrow if they saw fit to do so.

Mr. WATSON. They have already said they are in favor of reducing it one-half. Why they do not say the other half I do not know.

Mr. HOWELL. I say that the majority could to-morrow do that if they saw fit to do so.

Mr. WATSON. I am not disputing that.

Mr. HOWELL. They have not acted. They refuse to act, and now Senators say, "Inasmuch as the Interstate Commerce Commission has refused to cancel this Pullman surcharge we will proceed to do so."

Mr. WATSON. Precisely; I understand that.

Mr. HOWELL. Then why not reduce rates on agricultural products?

Mr. WATSON. The commission has not refused to reduce the rates on agricultural products. On the contrary, ever since the close of the war there have been constant reductions in the freight rates on agricultural products. Five thousand reductions in those rates have been made by the Interstate Commerce Commission.

Mr. SMITH. That is true.

Mr. WATSON. My friend can get a list if he will send for it. There was reduction after reduction.

Mr. HOWELL. But to-day agriculture is in a worse condition than any other industry in this country.

Mr. ROBINSON. Mr. President, will the Senator from Nebraska yield to me for a brief statement?

Mr. HOWELL. I yield.

Mr. ROBINSON. I am so fully satisfied as to the purpose and effect of this amendment offered by the Senator from Nebraska as it is now presented that, as already stated, I shall ask Senators who favor the amendment which I have offered to vote against the amendment of the Senator from Nebraska, in the event it is held in order. Of course, I shall not now attempt to make the point of order, but I felt it proper to inform the Senator from Nebraska that in my judgment his amendment is plainly subject to a point of order under the rules of the Senate, and since he has refused to permit the Senate to take a separate vote on the Pullman surcharge question and has insisted upon complicating the questions by proposing an amendment the effect of which he himself can not forecast, and which, as stated by my colleague the junior Senator from Arkansas [Mr. CARAWAY], would probably be construed by the commission as a legislative direction to the commission to reduce freight rates in a comparatively small amount and no more, I intend to make a point of order against his amendment.

If the Senator will permit me to state the point of order while he has the floor, I will do so. It is that, under the rules of the Senate, his amendment not being germane to the amendment which I have offered, it is not subject to consideration at this time, because he has not given the one day's notice which the rules of the Senate require in order to suspend the third paragraph of Rule XVI.

With the further indulgence of the Senator from Nebraska—

Mr. HOWELL. I yield further.

Mr. ROBINSON. Plainly, the object of the notice to suspend the rules is to apprise the Senate of the character of the proposal to be submitted if the rules are suspended. In order to accomplish that purpose it is the practice of the Senate to incorporate the amendment to be offered in the notice. The rule requires that, in fact, as I construe it. Of course, if the rules are suspended the amendment then in order is subject to amendment by any proposal germane to it, but it is not subject to amendment by a proposition which is entirely different from and is not germane to the original amendment. Otherwise, if the Senate saw fit to suspend the rules to consider a given amendment, any Senator, upon that suspension, could offer any amendment which he chose, and the very purpose of the rule of the Senate in requiring notice of a motion to suspend would be abolished. The proposition which the Senator from Nebraska presents is entirely different from that embraced in the amendment which I have proposed.

Most of us sympathize with a proposal to reduce freight rates. The Senate has heretofore passed a resolution, offered by the Senator from South Carolina [Mr. SMITH] relating to that subject, and the Senate has heretofore unanimously adopted

the amendment which I have offered. Nothing substantial would be accomplished if the amendment of the Senator from Nebraska were agreed to, for the reason that it is not specific in its instruction to the commission. It merely directs that, when they remove the Pullman surcharge, which is shown to be made without service, which is shown by a majority of the Interstate Commerce Commission, in the report, to be obnoxious to the extent of at least one-half, there must also be taken off an equal amount from agricultural tariffs. There may be such a technical term known to rate makers as "agricultural tariffs," but if the Senator from Nebraska were on the Interstate Commerce Commission, and received a legislative direction to reduce agricultural tariffs by \$35,000,000, I am curious to know just how he would proceed to carry out that instruction.

In addition to that, as pointed out by the Senator from Missouri, the two proposals are entirely separate. They ought to be voted on separately, and the friends of the amendment which I have offered, if the Senator from Nebraska drives them to the necessity of doing so, ought to vote down his amendment.

Mr. HOWELL. Mr. President, I must acknowledge my inexperience and lack of full knowledge respecting the rules of procedure of the Senate, but it does seem to me that when a Senator secures unanimous consent for the consideration of an amendment affecting railroad rates, which is subject to a point of order, it is certainly not in accordance at least with what one may term raw equity to hold that an amendment to that amendment also affecting railroad rates, is subject to a point of order.

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

Mr. HOWELL. Certainly.

Mr. ROBINSON. Does the Senator take the position that a suspension of the rules of the Senate, either by unanimous consent or by a two-thirds vote, for the purpose of considering a specified amendment, opens the gateway for any amendment which any Senator may desire to propose? If so, what effect does he give to the notice required in the rules of a motion to suspend the rules?

Mr. HOWELL. I do not believe that, when an amendment is subject to a point of order but nevertheless comes up for consideration under suspension of rules, that one must give a day's notice before proposing a germane amendment thereto.

Mr. ROBINSON. Mr. President, I make the point of order against the amendment of the Senator from Nebraska.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. ROBINSON. I make the point of order that the amendment proposed by the Senator from Nebraska is not now in order, because it is not germane or relevant to the amendment which is pending; and for the further reason that the Senator has not given the notice required by Rule XL of a motion to suspend the rules in order that the Senate may consider his amendment, the amendment which he offers being not germane to the amendment which I have proposed.

The PRESIDING OFFICER. The Senator bases his point on paragraph 3 of Rule XVI?

Mr. ROBINSON. Yes; and on Rule XL.

The PRESIDING OFFICER. Paragraph 3 of Rule XL reads in part:

All questions of relevancy \* \* \* when raised, shall be submitted to the Senate and be decided without debate.

The question before the Senate is whether the amendment proposed by the Senator from Nebraska [Mr. HOWELL] to the amendment proposed by the Senator from Arkansas [Mr. ROBINSON] is relevant. [Putting the question.] The noes have it, and the Senate decides that the amendment to the amendment is not relevant.

The question now is upon agreeing to the amendment proposed by the Senator from Arkansas.

Mr. BRUCE. Mr. President, I want to ask the Senator from Arkansas a question. My position, as far as his amendment is concerned, is a friendly one. As the Senator from Indiana [Mr. WATSON] has said, the Pullman surcharge is illogical, it is an anomaly in the rate structure, and on that account I have a friendly feeling toward the amendment offered by the Senator from Arkansas. But I would like to ask just how this sum of \$35,000,000 is to be made up to the railroad companies if it is taken away from them?

Mr. ROBINSON. In the first place, Mr. President, as pointed out clearly by the Senator from South Carolina [Mr. SMITH] in his remarks, and as also mentioned by myself,

the larger amount of the Pullman surcharge accrues to or is received by railroads which are already earning in excess of the standard return, and therefore it goes into the Treasury of the United States.

Mr. BRUCE. That is a fact.

Mr. ROBINSON. The adoption of this amendment would not, of course, prevent the readjustment of either the basic passenger rates or the Pullman rates proper. The commission started out in the proceeding to consider both the Pullman rates and the surcharge question, but from the majority opinion I gather that they concluded that the question of what constitutes a fair and reasonable Pullman rate is so large that they segregated the two questions. Then they considered and decided solely the surcharge question, and, as I have already stated, six, being a majority of the commission, found logically and legally, that the Pullman surcharge as now collected is an unreasonable charge. Four of them held that the charge as a whole was unreasonable, and two of them that the charge to at least the extent of one-half was unreasonable. Of course, there may at any time be, and there is constantly in progress, the process of readjusting rates.

Mr. BRUCE. I suppose that would be the practical result. If we take this \$35,000,000 away from the railroad companies, they will revise their contracts with the Pullman Co., I imagine.

Mr. ROBINSON. The junior Senator from Arkansas has shown that the Pullman contracts ought to be revised, because it has developed during the process of this debate this morning that not only are the railroads receiving the surcharge as in payment for the extra service which they render a passenger who travels in Pullman cars, but the railroads are actually also collecting back a part of the charge fixed and sustained by the Interstate Commerce Commission as a just and reasonable charge to be made by the Pullman Co. So that some readjustments in all probability will follow.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

Mr. HOWELL. Let us have the yeas and nays.

The yeas and nays were ordered, and taken.

Mr. STANLEY (after having voted in the affirmative). I transfer my pair with the junior Senator from Kentucky [Mr. ERNST] to the senior Senator from West Virginia [Mr. NEELY], and allow my vote to stand.

Mr. SWANSON (after having voted in the affirmative). I have a pair for to-day and to-morrow with the senior Senator from New York [Mr. WADSWORTH]. I transfer that pair to the senior Senator from Rhode Island [Mr. GERRY], and allow my vote to stand.

Mr. ROBINSON. The Senator from West Virginia [Mr. NEELY] is necessarily absent. If he were present, he would vote "yea."

Mr. SMITH. I rise to inquire if the Senator from South Dakota [Mr. STERLING] has voted?

The PRESIDING OFFICER. That Senator has not voted.

Mr. SMITH. I have a general pair with that Senator. I transfer that pair to the Senator from Mississippi [Mr. STEPHENS] and vote "yea." If the Senator from Mississippi were present, he would vote "yea."

Mr. GEORGE. I wish to announce that the Senator from Michigan [Mr. FERRIS] is necessarily absent. If he were present, he would vote "yea."

Mr. BAYARD. I have a general pair with the junior Senator from Pennsylvania [Mr. REED]. In his absence I transfer my pair to the junior Senator from New Jersey [Mr. EDWARDS], and vote "yea."

Mr. MCKELLAR (after having voted in the affirmative). I have a pair with the senior Senator from Ohio [Mr. WILLIS]. I transfer that pair to the Senator from Michigan [Mr. FERRIS], and allow my vote to stand.

Mr. FLETCHER (after having voted in the affirmative). I transfer my pair with the senior Senator from Delaware [Mr. BALL] to the senior Senator from Nevada [Mr. PITTMAN], and allow my vote to stand.

Mr. HARRISON. The senior Senator from Rhode Island [Mr. GERRY] is necessarily absent on account of sickness. His pair has been announced. If he were present, he would vote "yea."

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

The Senator from Maine [Mr. HALE] with the Senator from Washington [Mr. DILL]; and

The Senator from West Virginia [Mr. ELKINS] with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 56, nays 8, as follows:

YEAS—56

Ashurst	Eernald	King	Sheppard
Bayard	Fletcher	Ladd	Shipstead
Bingham	Frazier	Lenroot	Shortridge
Borah	George	McKellar	Simmons
Broussard	Glass	McKinley	Smith
Bruce	Harrel	McNary	Spencer
Bursum	Harris	Mayfield	Stanley
Cameron	Harrison	Moses	Swanson
Capper	Heflin	Overman	Trammell
Caraway	Johnson, Calif.	Phipps	Underwood
Copeland	Johnson, Minn.	Ralston	Walsh, Mass.
Curtis	Jones, N. Mex.	Randsell	Walsh, Mont.
Dial	Kendrick	Reed, Mo.	Watson
Edge	Keyes	Robinson	Wheeler

NAYS—8

Brookhart	Fess	Jones, Wash.	Oddie
Dale	Howell	Metcalfe	Pepper

NOT VOTING—32

Ball	Ferris	Means	Smoot
Butler	Gerry	Neely	Stanfield
Couzens	Gooding	Norbeck	Stephens
Cummins	Greene	Norris	Sterling
Dill	Hale	Owen	Wadsworth
Edwards	La Follette	Pittman	Warren
Elkins	McCormick	Reed, Pa.	Weller
Ernst	McLean	Shields	Willis

So Mr. ROBINSON's amendment was agreed to.

The PRESIDING OFFICER. The question now is upon agreeing to the amendment proposed by the committee, on page 28, line 17, to strike out "five" and insert "seven," so as to read:

One at not to exceed \$25,000 and seven at not to exceed \$18,000 each.

Mr. KING. Mr. President, the amendment under consideration is the one dealing with the Tariff Commission.

Mr. WARREN. Will the Senator allow his colleague to present a matter that has been overlooked and is a minor matter of amendment?

Mr. KING. Certainly; I yield for that purpose.

Mr. SMOOT. I am compelled to go to a conference in a very few minutes, and if my colleague will allow me I wish to have the amendment acted upon at this time. On page 22, line 18, I move to strike out "\$19,600" and insert "\$26,840."

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. In the item for the Astrophysical Observatory, on page 22, line 18, strike out "\$19,600" and insert "\$26,840," so as to read:

Of which amount not to exceed \$26,840 may be expended for personal services in the District of Columbia.

Mr. SMOOT. I will explain the amendment briefly. It does not increase the appropriation a cent, and I will explain why the change is made. The estimate for the maintenance of the Astrophysical Observatory, under the direction of the Smithsonian Institution, was \$21,620, the same as existing law, but the House increased the appropriation to \$31,180, and forgot to increase the amount that might be expended in the District. That amount should be increased to \$26,840. The amount of the appropriation is not changed in the least. I ask that the amendment be agreed to.

The amendment was agreed to.

Mr. MCKINLEY. Mr. President, will the Senator from Utah yield to enable me to submit an amendment?

Mr. KING. I yield for that purpose.

Mr. MCKINLEY. Mr. President, in connection with the pending bill I offer as an amendment the text of House bill 10591, which provides for interest on certain items in connection with the Alien Property Custodian.

Mr. WARREN. Mr. President, I am sorry to have to make a point of order against the amendment.

The PRESIDING OFFICER. Under the unanimous-consent agreement the Chair will inform the Senator from Illinois that none but committee amendments are in order except by unanimous consent. Does the Senator from Illinois ask unanimous consent for the present consideration of the amendment?

Mr. MCKINLEY. I do.

The PRESIDENT pro tempore. Is there objection?

Mr. WARREN. I shall have to object. I make the point of order that the proposed amendment is legislation on an appropriation bill.

The PRESIDENT pro tempore. Objection is made.

Mr. MCKELLAR. Mr. President, I should like to ask the chairman of the committee, and in his absence I will ask the Senator from Utah [Mr. SMOOT], on whose recommendation was the number of officers of the Shipping Board or the Emergency Fleet Corporation receiving salaries of \$18,000 a year increased from five to seven?

Mr. SMOOT. Mr. President, the pending amendment is the one in relation to the Tariff Commission, is it not?

Mr. MCKELLAR. If that is the pending matter, I will wait until we reach the Shipping Board item. I am ready to vote on the Tariff Commission item.

Mr. SMOOT. Mr. President, I inquire what is the pending amendment?

The PRESIDING OFFICER (Mr. ODDIE in the chair). The pending amendment is that reported by the committee on page 28, line 17, to strike out "five" and insert "seven."

Mr. MCKELLAR. That is what I thought.

Mr. FLETCHER. That is the amendment before the Senate.

Mr. SMOOT. The Senator from Utah [Mr. KING] was speaking upon the Tariff Commission, and I thought, perhaps, the Senate had not agreed to the amendment proposed to that provision; but I see that that amendment has been agreed to.

Mr. KING. Mr. President, a parliamentary inquiry. When we adjourned last evening, as I understood, we had under consideration the amendment respecting the Tariff Commission.

Mr. MCKELLAR. Senators were discussing it, but the amendment had been agreed to.

Mr. FLETCHER. The amendment was not before the Senate.

Mr. MCKELLAR. It was being discussed, although it was not the amendment before the Senate, as is very frequently the case.

Mr. SMOOT. As is generally the case.

Mr. KING. My recollection is that when the provision respecting the Tariff Commission was before the Senate the Senator from North Carolina [Mr. SIMMONS] addressed the Senate; he was followed by the Senator from Massachusetts [Mr. WALSH]; then by the Senator from New Mexico [Mr. JONES]; and following his remarks I took the floor, and having occupied it for some time I yielded for the consideration and passage of a number of bills.

Mr. SMOOT. I will say to my colleague that the amendment respecting the Tariff Commission item was agreed to before the Senator from North Carolina began his speech.

Mr. KING. Neither Senator from North Carolina nor some others of us understood that. I supposed the committee amendment had not been acted upon; but if it has been acted upon that is entirely satisfactory to me.

The PRESIDING OFFICER. The Chair on yesterday afternoon will state that the amendment on page 25, in the item respecting the Tariff Commission, was amended on motion of the senior Senator from Utah [Mr. SMOOT], and the amendment, as amended, was then agreed to.

Mr. SMOOT. And following that action the Senator from North Carolina [Mr. SIMMONS] took the floor and spoke upon the Tariff Commission item.

Mr. MCKELLAR. Now, Mr. President, I should like to have some information from the Senator from Utah about the pending amendment. I will ask him who recommended the increase in the number of those employees who might receive salaries of \$18,000.

Mr. SMOOT. The increase was recommended by Admiral Palmer.

Mr. MCKELLAR. Was the increase recommended by the Shipping Board?

Mr. SMOOT. Not before the committee, I will say to the Senator.

Mr. MCKELLAR. As I understand, it was not recommended by the Shipping Board at all. Is it not one of the duties of the Shipping Board to pass upon the question of salaries?

Mr. SMOOT. The item has to do with the emergency shipping fund.

Mr. MCKELLAR. I understand that; but is it not one of the duties of the Shipping Board to pass upon the question of salaries and recommend increases or decreases, as the case may be?

Mr. SMOOT. If they were asked to come before the committee or if they themselves asked to come before the committee, they would make such recommendations as they saw fit.

Mr. MCKELLAR. But, as a matter of fact, no member of the Shipping Board was asked to come before the committee. Admiral Palmer was asked to appear before the committee, and he recommended this increase.

Mr. SMOOT. That is true; yes.

Mr. MCKELLAR. Mr. President, I desire now to call attention to certain facts in reference to this increase. The head of the Emergency Fleet Corporation was employed two or three years ago at \$10,000 a year. The argument offered in behalf of the enormous salaries paid to these officials is that high-class men could not be secured for less salary; but, as a matter of fact, we find Admiral Palmer, who is a perfectly

splendid man, coming to the Emergency Fleet Corporation for \$10,000 a year, and yet we are paying him \$25,000 now. Last year he was given five assistants at \$18,000 each, and it was argued again unless these enormous salaries were paid—\$3,000 more than the Chief Justice of the United States receives—that the right kind of men could not be obtained. I wish to call the attention of the Senate to the names of the gentlemen who are now serving in that capacity. Mr. Chauncey G. Parker is general counsel at \$18,000 a year. Previously Mr. Parker served the board at \$20,000 a year. His salary was reduced. I think he was probably one of those who originally received \$35,000 a year. That, however, was some years ago when money was free and easy and coming so easy \$25,000 a year was paid to gentlemen to act as vice presidents of the Shipping Board. At any rate, Mr. Palmer remained with the board at a salary of \$18,000 a year.

There is another gentleman—I have no doubt a splendid gentleman, just as Mr. Parker is—who is the head of the sales department. I do not think there have been any sales, and I should like to ask the Senator from Utah how long has it been since there have been any sales at all under the Shipping Board?

Mr. SMOOT. Does the Senator mean sales of ships?

Mr. MCKELLAR. Of ships; yes.

Mr. SMOOT. Looking after such matters is not all this official does.

Mr. MCKELLAR. He is head of the sales department now?

Mr. SMOOT. It is true that it has been some time since there has been any sale of ships; but that is not all that official does.

Mr. MCKELLAR. Oh, no; but he was the head of the sales department previously at \$11,000 a year. Now, however, that we have no sales, his salary is increased to \$18,000 a year. That is fine business. Is it any wonder that the Shipping Board is not making its own way when we pay a man \$11,000 for acting as head of the sales department when we are selling ships, and then, when we quit selling ships, when there is no activity in the matter, we raise his salary to \$18,000? That is fine business!

Mr. SMOOT. Mr. President, will the Senator excuse me at this time? There is a conference which I must attend.

Mr. MCKELLAR. I am very sorry that the Senator from Utah will not be here; but I see that the Senator from Wyoming [Mr. WARREN] has come in, and I will address my questions to him.

Now, take Mr. Henry. He was receiving \$11,000, and under the new management his salary is increased to \$18,000.

Take Mr. W. B. Keene. He is the vice president in charge of traffic; and it does seem to me that a man in charge of traffic should have a good salary. It is an important matter. I understand that Mr. Keene, like the other gentlemen, is a very excellent gentleman, and I have no doubt that he is performing the duties of his office well. His duties are certainly very important, and he ought to have a good salary. He was perfectly willing to work for the Shipping Board last year for \$14,000; but business grew less, ships were being taken off, traffic decreased, and therefore his salary was raised to \$18,000—an increase of \$4,000 because of the decrease in business! In other words, it seems to be a policy of the Shipping Board that the less the business the greater the salary.

Mr. UNDERWOOD. Mr. President, will the Senator allow me to interrupt him?

Mr. MCKELLAR. I take pleasure in yielding to the Senator.

Mr. UNDERWOOD. The Senator says this is the policy of the Shipping Board.

Mr. MCKELLAR. I mean the Emergency Fleet Corporation.

Mr. UNDERWOOD. I was going to say that my understanding is—I know one of the members of the board very well; he is from my State—

Mr. MCKELLAR. And there is not a better man in the country than he is—Mr. Thompson.

Mr. UNDERWOOD. I have been informed that the Shipping Board did not make this recommendation.

Mr. MCKELLAR. I understand that the Shipping Board has not made these recommendations. They have been made by the president of the Emergency Fleet Corporation, Admiral Palmer. I pointed out the fact that last year, when we had these large salaries under consideration, as we have them now, and when they wanted more high-salaried men, it was said that we could not keep the best men unless we paid them these salaries; that they would quit. Here is Mr. Chauncey Parker, who was getting \$20,000 before, and his salary was reduced to \$18,000, and he is still with them, and I have no doubt that he is doing just as good service for the \$18,000 as he did for the \$20,000. On the other hand, here is Mr. Sidney Henry,

who was working before as the head of the sales department for \$11,000, and I suppose he does just as good work for the \$18,000 he is now receiving—\$3,000 more than the Chief Justice of the United States gets—and so it is with Mr. Keene.

Now, let us come to another gentleman on this list—Mr. Joseph E. Sheedy, vice president. I believe he is stationed at London. Mr. Sheedy was one of the \$25,000-a-year men, and it was said that of course we would lose him; that it would be impossible to keep these highly technical men if the salaries were reduced. His salary was reduced to \$18,000 and he is still working for us, and if we should reduce it still further, in accordance with the salaries generally paid, he would still be found working for the Emergency Fleet Corporation, as I understand.

I have been unable to find what Mr. J. H. Rossbottom received prior to this year. He is now receiving \$18,000. He is a valuable man; I think one of the most valuable men in the service. I say that without reflecting on any of these gentlemen about whom I have been talking.

Who are these men? I stop here long enough to ask the chairman of the committee, who is it that the head of the Emergency Fleet Corporation wants to employ at \$18,000? He asked for authority to employ two more men at that figure. I ask the Senator from Wyoming, the chairman of the committee, who are the two men that the president of the Emergency Fleet Corporation wants to employ at \$18,000 each, and what is the necessity for it?

Mr. WARREN. Mr. President, I do not know that I shall be able to give the Senator at once the names of all of these men, although their duties and accomplishments were talked of before the committee. I may not be able to give the names of all of them, however. Admiral Palmer mentions here one man in particular whom he took from the Panama Steamship Co.—a man by the name of Cone.

Mr. McKELLAR. What was he getting with the Panama Steamship Co.?

Mr. WARREN. Admiral Palmer said that he was getting a good deal more than even that salary, but he has not been able to pay him \$18,000, and he wishes to retain him in the service and have \$18,000 for him, which Mr. Cone has a right to expect he would have. Otherwise, he fears that he will lose his services.

Mr. McKELLAR. Is that Admiral Cone, formerly an Admiral in the Navy?

Mr. WARREN. Yes.

Mr. McKELLAR. What are his duties?

Mr. WARREN. He was Chief Engineer of the Navy under President Roosevelt, so it is stated here, and his duties are those of general manager on this side.

Mr. McKELLAR. General manager of what?

Mr. WARREN. Of the Shipping Board and the Emergency Fleet Corporation.

Mr. FLETCHER. He is one of the vice presidents.

Mr. McKELLAR. We have four of those men now that we are paying \$18,000 apiece.

Mr. WARREN. Yes.

Mr. McKELLAR. And this is just additional?

Mr. WARREN. No. Of course, we speak of them here as attorneys, but they are not necessarily all attorneys. They are business men. For instance, there has to be a general manager abroad, and here is a manager of operations, and another manager of sailing routes. Some of these men are stationed in other countries, and some here. It would take quite a little reading to give the Senator exactly what the members of the committee had before them, but it all appears in the hearings.

Mr. McKELLAR. All I wanted to know was about the two men whose salaries are proposed to be raised. What does Admiral Cone get now?

Mr. WARREN. My understanding is that he has had merely the \$10,000 that is allowed. Last year we provided that no one could get more than \$10,000 except one man at \$25,000 and four at \$18,000.

Mr. McKELLAR. Five at \$18,000.

Mr. WARREN. No; four. We might have had five last year, but the number was cut to four on the House side.

Mr. McKELLAR. And now it is proposed to increase them to seven?

Mr. WARREN. It is now proposed to increase the number of \$18,000 positions to seven.

Mr. McKELLAR. Does the admiral give the reasons for increasing the salary of some other employee?

Mr. WARREN. The Senator has asked for the name of another. I find here a reference to Mr. Davidson, who was

for six years the marine manager of the United Fruit Co. There is another one whose name I recall—a Mr. Sheedy—who when I first knew him was manager of the Matson or some other line between San Francisco and Hawaii.

Mr. McKELLAR. He was one of those whom last year the Emergency Fleet Corporation paid \$25,000, and I remember it was argued that Mr. Sheedy would at once resign if his salary was cut. The Congress did cut it to \$18,000, and I notice that he is still in the employ of the corporation, notwithstanding the cut from \$25,000 to \$18,000.

Mr. WARREN. Yes. I do not remember what the Senator says about his threatening to leave, because he did not make any such threat to me.

Mr. McKELLAR. Oh, no; I did not say that he threatened to leave, but Senators who were arguing for the very high salaries that the Shipping Board was then paying, or the Emergency Fleet Corporation, whichever it was, took the position that unless we gave these enormous salaries the men would leave. The Senator will remember that it was argued that they should have \$35,000, and I think there were three at \$35,000 for a long time; but some of us have been trying to get these enormous salaries cut to a reasonable figure, so that they will not be so far out of line with the salaries paid other employees of the Government. Especially since the Shipping Board is a losing concern, and we have to appropriate for deficits every year on account of losses there, it seemed to me that these salaries were very enormous, and we got them cut down to \$18,000.

Mr. WARREN. Mr. President, will the Senator permit me to make a statement?

Mr. McKELLAR. Yes, sir.

Mr. WARREN. It is a fact that we have been reducing as to both numbers and amounts. It is a fact, as the Senator states, that some of these gentlemen were receiving \$25,000 or \$30,000 or \$35,000. It is a fact that some of them have quit because they could not continue to receive the salaries they were receiving. It is also a fact that some of these men who have come in are younger men—not that they are in their teens by a great many years, perhaps—but they are younger in the art of receiving, as many lawyers do, on reputation enormous sums for directing others what to do, and so forth.

Take Mr. Sheedy. When he first took a position in connection with sailing routes and the coastwise business as well as other maritime interests he was young, and he took a position at first which was more or less clerical. He went along up the line. He came here, and, because I happened to be acquainted with him he asked me to send word to the proper party that he was a candidate for a higher position, and he has been taken into the service, and I have heard no complaint, but have always heard him spoken of well. I have not heard, in my acquaintance with him, one word as to whether or not he would quit if we cut his salary. My opinion is that he is the kind of man who, if he should be offered a larger sum somewhere else, and should request an increase in salary, would either get it or go away, and there would be no threats about it. That is my opinion. There are other men in the same situation—

Mr. McKELLAR. I think the Senator is mistaken about that.

Mr. WARREN. Let me finish my sentence, please.

Mr. McKELLAR. Mr. Sheedy—

Mr. WARREN. I appeal to the Senator to let me finish the sentence. In the case of those about whom I have remarked before, who have been insisting upon larger salaries or have said that they would quit, some have quit and others have remained. I do not believe we ought to grade those with the others who are more faithful and who will stay perhaps a year or two at inadequate salaries if they have hope of receiving higher pay hereafter. I think that is the case with Mr. Cone. I do not believe it is so much a matter that his salary must be raised or else he will go elsewhere.

Mr. McKELLAR. I will say to the Senator that Mr. Sheedy did not quit. He was one of those fortunate persons who last year were given a salary of \$25,000, and it was cut to \$18,000. He is still with the Emergency Fleet Corporation, and I have no doubt he is doing good work.

I am not attacking these gentlemen in any way. I am attacking the salaries. These salaries are out of line with every other salary the Government pays. There ought not to be any additional increases. The Congress last year left them high enough in all conscience, and it limited the number to four. Now, it is proposed to have seven, and that is too many. I do not think the increase ought to be agreed to; and, without arguing it any further, I am going to ask that

the amendment be voted down. It is a committee amendment. The amendment ought to be voted down in the interest of economy.

We talk about economy, and I call attention again to the fact that it is talked about in the papers, but it is not actually practiced by the departments or by the Congress. The truth is that we are creating more bureaus, we are creating more positions, we are increasing salaries, we are increasing Government activities, and the cost of Government activities every year. A skillful man with figures can prove almost anything, but the truth and the fact is that we are not having economy under this administration. On the contrary, we are having the grossest kind of extravagance in all of the departments; and we ought to stop it and cut it off in those places where already the law permits these extravagant salaries to be paid.

The idea of paying \$25,000 a year to the head of the Emergency Fleet Corporation, who came to us for \$10,000 a year. The idea of paying these large salaries to some of these vice presidents, who have nominal work! The work of the one at the head of the sales department, for instance, is entirely nominal. The idea of paying them \$18,000 a year! The idea of getting accountants in this department and that department, one of whom we pay as high as \$18,000 a year! It is monstrous extravagance, extravagance in the highest degree and in the worst degree, and we ought to stop it.

Mr. WARREN. Mr. President, I wish to reply to one assertion of the Senator from Tennessee. Mr. Sheedy, of whom the Senator has spoken, has resigned, having obtained a better place on the other side—in Europe.

Mr. MCKELLAR. Who is that?

Mr. WARREN. Mr. Sheedy. The Senator has just said that he was one of those receiving one of the large salaries, \$25,000 or \$18,000, and so on. He has quit the service, and this appropriation is to pay a man to take his place. That is what one of these extra salaries is for.

Mr. MCKELLAR. That change must have been made very recently, because I find his name on the list which was given in the hearings.

Mr. FLETCHER. Mr. President, for some time I have been extremely concerned about the large question of whether we are to have and maintain an adequate American merchant marine under our flag. That question is still unsettled, of course, and at times I feel positively ill when I contemplate what appears to be the tendency. A policy now seems to have been adopted looking to a liquidation of the Emergency Fleet, or, as some call it, getting the Government out of the shipping business. The number of merchant ships operated by the Government about a year ago, as I recall, was 387. Now I think there are 317. The ships are being disposed of as rapidly as that can be accomplished, and some of the transactions which have taken place in the past have seemed to me almost scandalous in their nature.

I have never been able to understand, for instance, how it was that the Shipping Board disposed of the seven "President" ships, combination passenger and freight vessels, constituting the most superb fleet of ocean vessels afloat, to the Dollar Co. for \$3,500,000, payable in some 11 years. Those vessels cost the people of this country approaching \$40,000,000. The \$3,500,000, or about that sum, was immediately devoted by the Shipping Board to the reconditioning and reequipping of certain cargo ships, which were put into the business from New York to U. K. ports, taking the place of the "President" ships on that route, in which business it was claimed five of the "President" ships had been losing an enormous amount of money. It developed that the paying part of the business was the passenger portion of it, which was handled by the "President" ships; the losing part of the business being the cargo business, and the Shipping Board immediately put back in place of the "President" ships these cargo ships to engage in that freight-carrying business, which had been losing money, as they claimed, at such rates that they were justified in disposing of the "President" ships.

The *City of Los Angeles*, a German ship which had been seized by us, cost when it was built something like \$1,600,000, and I think we spent \$2,000,000 in repairs on it; within a few months of the time of the sale of that ship we sent over \$120,000 in hotel supplies and furnishings, and then sold that ship to the Los Angeles Steamship Co. for \$100,000.

I never could understand those transactions. Now, the whole fleet is advertised, and there will be other sales made. I presume eventually we will get some report about it. I can not see the wisdom of such a course if we are to have and maintain an American merchant marine. There may be some reason for it. Some ships have recently been sold on the Pacific coast to

the W. R. Grace people at a very low price. They are offering the Great Lakes ships at \$30,000 a vessel, or something like that—ships that were built on the Great Lakes. They are small ships.

We have some 900 or more vessels tied up in various harbors and places along our coasts, and yet we are not carrying 30 per cent of American commerce in our ships.

Mr. EDGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Jersey?

Mr. FLETCHER. I yield.

Mr. EDGE. It is well known that the Senator is a very earnest advocate of an American merchant marine, as I am sure we all are. The question is whether the Government or American citizens shall own and administer it. Does the Senator feel that the sale and disposal of these ships to American citizens, to be administered under the American flag, would necessarily mean the cessation of the building up of an American merchant marine?

Mr. FLETCHER. I say to the Senator frankly that in my judgment if these ships are disposed of and sold to American citizens within five years' time we will not have a million tons of merchant shipping under our flag engaged in overseas commerce.

Mr. EDGE. The Senator surely will agree that American citizens would continue to administer them if they could make a reasonable profit on the investment. They would not dispose of them if they were engaged in a going business. With all his advocacy of an American merchant marine, the Senator would not want this country to continue at present in it, with a deficit of something like \$50,000,000 in operation, just for the satisfaction of saying we had an American merchant marine, would he?

Mr. FLETCHER. No; I admit that if we could have private ownership and private operation of merchant ships, to take care of our commerce and adequately supply our needs in time of peace and in time of war, I would a good deal rather have that situation. But we have not been able to have it in the past, and there is no indication now that we are likely to have it, even when we practically give the ships away to private owners. There is every reason to believe that just as soon as they are in position to do so, they will have those ships under foreign flags.

American capital is invested in shipping very largely now, and has been for some time. In 1914, \$100,000,000 of American capital was invested in shipping engaged in overseas commerce, but the ships were under foreign flags, and they will go there again. If private enterprise undertakes to acquire these ships, or we give them away to organizations, practically give them away, of course we can accompany the transfer with a contract providing that for a certain period of years they shall fly the American flag, and we can accompany the transaction with a contract that they shall serve certain routes; but eventually they will be driven off by foreign competition or by combinations or contracts, unless we are able in some way to protect them against what was in vogue prior to the war, what was known as "fighting ships," ships employed by foreigners to engage in fighting any enterprise which might be undertaken by private individuals. That situation would occur again, in my judgment. I really believe that our only hope of having ships engaged in overseas trade serving our commerce abroad is to have the Government own and operate at least a certain number of them. We can have that without destroying private shipping at all. We can do that without competing with them. We can have the ships on certain routes, but we will have a certain number of merchant ships which we can use if the time of stress ever comes. Merchant ships are just as necessary in time of war as are battleships and cruisers. We can have them to serve our commerce in time of peace. But we will have to keep the Government in this business, in my judgment. It is not safe, it is not wise, for us to say we are going to get the Government out of this business as quickly as we can, and relieve ourselves of the expense of keeping up this shipping.

Mr. FESS. Mr. President—

Mr. FLETCHER. I yield to the Senator.

Mr. FESS. The Senator from Florida is well informed on this subject; I have two or three questions I would like to ask, purely for information; and I know he can give me the information.

Mr. FLETCHER. I will be glad to do so, if I can.

Mr. FESS. I am very much interested in what the Senator said about the possibility of our building up an American merchant marine. I have been considerably distressed about what is to be the outcome of our effort along that line. Do

we have as many American ships afloat this year as we had last year?

Mr. FLETCHER. No; I think not.

Mr. FESS. The number has decreased?

Mr. FLETCHER. The number has decreased.

Mr. FESS. Is the tonnage we are carrying decreasing also?

Mr. FLETCHER. Yes; the proportion of the tonnage moving across the ocean in our vessels is decreasing. It is less than it was a year ago. At least, we are carrying in American vessels a smaller proportion of the commerce moving back and forth than we did a year ago.

Mr. FESS. That was my information.

Mr. WARREN. But we are increasing the quantities somewhat.

Mr. FESS. What about the costs? Are we losing as much this year as we did last year?

Mr. FLETCHER. No; I am glad to say that we are not, and this bill carries only \$24,000,000 instead of \$40,000,000, which I think was carried in the bill last year, or something like that, perhaps \$50,000,000. This bill carries only \$24,000,000. We are getting in better condition all the time, in my judgment.

Mr. FESS. Have we any ship routes that are operating at a profit?

Mr. FLETCHER. I think so, to some extent. Some of the vessels are earning a profit. There are 25 services, as I recall, and probably 21 operators. Some of the services, taken as a whole, are just about breaking even, I think. Some are losing money.

Mr. FESS. Is the Senator encouraged as to the possibility of our building up an American merchant marine so that it will be a permanent activity of the Government?

Mr. FLETCHER. I have no doubt it can be done and can be conducted without costing the Government any money. It would pay its way. It can be done eventually, provided, of course, Congress is willing. That has to come, because these vessels will not last forever. The life of these vessels we have now will soon terminate and we will have to replace them.

Mr. FESS. That suggests the other question I am going to ask, whether with the large number of vessels built during the war, many of which we could not use because the trade did not seem to demand them we will have to build additional vessels because of different types being needed.

Mr. FLETCHER. Undoubtedly we will have to build additional vessels, and we will have to build them and equip them and plan them according to modern conditions. Many of our vessels are obsolete, and if they were put into service they could not be operated profitably.

Mr. FESS. I am very much obliged to the Senator, because he has given me the information I wanted.

Mr. FLETCHER. I will say to the Senator, for instance, that it appears that if we can introduce the Diesel engine to take the place of the coal burner, we would save a great deal of money in the cost of operating the ships. We are improving the conditions.

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

The PRESIDING OFFICER (Mr. Moses in the chair). Does the Senator from Florida yield to the Senator from Tennessee?

Mr. FLETCHER. I yield.

Mr. MCKELLAR. I want to ask the Senator if any of the service has been taken off during the past year or if any of the ships have been taken out of service?

Mr. FLETCHER. I do not understand that any of the services have been abandoned, and I do not think any of the ships have been taken off of any of the routes that were established. The danger is, however, if we keep on selling the ships, and if we get, for instance, down to 200 ships instead of 317, we will get to a point where we will not have ships enough to supply the routes they are now serving and afford the facilities for moving the commerce and enable them to maintain the schedules to make contracts. The business will all go down then. A shipper, for instance, will not patronize an American vessel unless he is assured that that vessel will be able to carry his goods at a certain time and at a certain rate. We will get to the point after a while, if we keep selling off the ships, where we will be unable to supply a definite, certain service. When we get to that point, then we will begin to lose money and the whole enterprise will go down and become a failure. We will have to sell the few we will have left or give them away and quit the business then for a certainty.

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

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Virginia?

Mr. FLETCHER. Certainly.

Mr. GLASS. This brief address by the Senator from Florida, interspersed with interrogatories as it has been, is very enlightening to me. There seems to be a singular sort of revelation about it. Do I understand that anybody is proposing to abandon the American merchant marine because it does not pay?

Mr. FLETCHER. I think the present policy, so far as I can understand it, is to liquidate, and that, of course, is based on the idea of having the Government go out of the shipping business. I am afraid that means we will have no merchant marine.

Mr. GLASS. I was prompted to ask the question by the inquiry of the Senator from New Jersey [Mr. EDGE]. I supposed the Senator from New Jersey belonged to that school of statesmanship which insists that we shall subsidize an American merchant marine in order to keep it going, but now he is lamenting that the Government is losing money on the operation of its merchant marine. Do I understand that the Senator from New Jersey would simply change the process a little and let the Government grant subsidies to private persons to run the merchant ships or pay it out of the common fund?

Mr. EDGE. If the Senator will permit an interruption at this time—

Mr. FLETCHER. Certainly.

Mr. EDGE. Apparently the Government of the United States is paying a very large subsidy. As nearly as I can recall the figures, they have been paying a subsidy of something like \$40,000,000 to \$50,000,000 a year to make up a deficit in their own operation. The Senator from New Jersey is a very positive advocate of that type of statesmanship—which, I believe, is the term used by the Senator from Virginia—which would prefer to encourage private initiative and private energy of our own citizens to take upon themselves all large business or small business development rather than have the Government itself attempt to administer business.

Mr. GLASS. Oh, I believe—

Mr. EDGE. Wait a moment. I am coming to the Senator's question. When it becomes necessary, as I believe with the Senator from Florida that it is necessary, to have an American merchant marine, when it becomes necessary in order to maintain and encourage the development of that merchant marine for the Government to establish a subsidy, yes; I believe the Government should establish a subsidy, but establish a subsidy so that private men and women, if they desire, can go into the business and develop it, and the Government will not be in business itself. That is the trend of the thought of the Senator from New Jersey.

Mr. GLASS. I just wanted to develop that fact. The Senator from New Jersey was lamenting the loss of money by the Government in the operation of its own ships, but what he really desires is that instead of the Government losing this money in the common interest it shall turn it over to some private operators of ships so that in the last analysis we will lose the money anyway. We will always lose the money.

Mr. EDGE. And still maintain a merchant marine?

Mr. GLASS. What the Senator favors is that we shall lose it to private persons rather than from the common fund. In the last analysis we lose the money just the same.

Mr. EDGE. The operation of a subsidy, as the Senator from Virginia well knows, although he may be opposed to the principle, which to-day is practiced by every successful nation in the world in the operation of a merchant marine, is one which encourages private initiative. I would very much prefer to use the \$40,000,000 or \$50,000,000 in encouraging private enterprise throughout the country than to be using it to make up a deficit every year in Government operation; which operation, as the Senator from Florida said, is decreasing, the fleet is becoming outclassed, and getting into a class that we will be compelled in a few years to appropriate hundreds of millions of dollars to replace. I would very much prefer to have the Government pay the necessary subsidy for services rendered in order to assure the maintenance and development of a real merchant marine of which we could be proud. That is the idea of the Senator from New Jersey.

Mr. GLASS. Of that I was perfectly confident, but I merely wanted to disclose to the Senate the theory of the Senator's lament. He was not lamenting the loss of money by the Government, but that private shipowners were not getting it.

Mr. EDGE. I am very glad again to make my position clear.

Mr. FLETCHER. Mr. President, I had not intended to go into any general discussion of the shipping question. I had expected to reach in a very few minutes the particular amendment pending and confine my remarks to that. Of course we had last year a few hours and a few days on the subsidy ques-

tion, and I thought it was pretty well threshed out at that time. That was a proposal to pay out about \$75,000,000 a year for 10 years, or \$7,500,000 of the people's money, for the benefit of a few shipowners—a most outrageous proposition, which, of course, we did not indorse. The measure was defeated. That will be the trouble with every proposition of subsidy that comes up. It will be devised for the benefit of some particular few individuals who want to get their hands into the Treasury of the United States.

I think I could demonstrate to the Senator from New Jersey that it is not customary with maritime nations and it is not universal with maritime nations that subsidies are given at all. That is not the policy. Canada is to-day successfully operating a merchant marine owned and successfully operated by the Government without any subsidy.

The Senator from Ohio [Mr. FESS] raised the question as to whether we are making progress in the way of developing and successfully operating a business on a basis that will be profitable and advantageous. We are doing that. My information is, and I think perhaps it is true, that the expenses of the Shipping Board and the personnel have been very greatly reduced and that the total expenses will be reduced something like a million dollars in the next year. The overhead is being reduced gradually both as to the Shipping Board and as to the Fleet Corporation. We are finding that we can eliminate overhead expense and accomplish results. We are gradually getting men who know something of the business. When the Government started on the business, of course, we did not have men who were shipping minded, shipping trained men, men who were experienced and skilled. We have had to build them up. It was very much like our situation when we undertook to build ships during the war. We took men out of candy shops and stores and away from soda-water fountains and wherever we could get them and put them into the yards to build ships. They did not know a thing in the world about building ships. We only had about 30,000 shipbuilders in the country when we undertook to construct our merchant ships, and we needed 300,000 in order to build 3,000,000 tons of shipping a year, as we undertook to do. Of course we had to train the men. It was a very expensive proposition.

So it has been with reference to operating ships. We have had a lot of people who really were in each other's way. We have thrown money away to them when they ought not to have been there at all. We are gradually getting away from that condition now. At one time we had two men at \$35,000 a year each and one at \$30,000 a year, \$95,000 a year for three men, and we called them vice presidents. We thought they were going to establish the operating business on a sound basis, but they could not get proper assistance or we did not get the right men. We have gradually cut those expenses down and reduced the enormous overhead so that the appropriation this year carried in the bill is only \$24,000,000. We are keeping up the service and the routes and I hope we will continue to keep them up. To-day we must have, particularly in the Emergency Fleet Corporation, men who know the business, who are capable, competent men and who can render the service that is required in order to make the enterprise a success. I have always stood for a reduction of those expenses, for economies in every direction, and for getting the whole operation upon an efficient, effective basis. I believe it would be a mistake now to disagree to the amendment.

In the first place, back in September, 1921, the Shipping Board passed a resolution turning over certain duties to the Emergency Fleet Corporation. In January, 1924, the Shipping Board passed another resolution transferring to the Emergency Fleet Corporation a great deal of the work which had theretofore been looked after by the Shipping Board, details in connection with the operation of the ships. That was in January, 1924. On December 22, 1924, the Shipping Board passed another resolution. I think perhaps they have gone further than they had any right to go under the law in that resolution. I think that resolution undertook to delegate to the Emergency Fleet Corporation powers and duties which devolved upon the Shipping Board under section 7 of the merchant marine act and subdivision (c) of section 2 of the merchant marine act, which they had no right to delegate and which they could not delegate. Certain of those duties are fixed by the law which Congress has enacted, somewhat quasi-judicial in their nature, which the Shipping Board can not legally delegate to some other agency. However, the resolution of December, 1924, transferred to the Emergency Fleet Corporation practically the whole duty of operating the ships. That put upon the Emergency Fleet Corporation additional responsibility and they, therefore, need the very best and most capable men they can find in the country to carry on that work.

There is not any question about that.

Mr. MCKELLAR. Mr. President, will the Senator yield to me for just a moment?

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

Mr. FLETCHER. I yield.

Mr. MCKELLAR. I desire to ask the Senator from Florida who are these two additional \$18,000-a-year men?

Mr. FLETCHER. Well, for instance, there is Admiral Cone. I have some hesitation about speaking of Admiral Cone.

Mr. MCKELLAR. He is a fine man, and is from Florida.

Mr. FLETCHER. Yes; Admiral Cone is from Florida, and I am very proud of him. He is a graduate of Annapolis, and had charge of the fleet which went around the world under Mr. Roosevelt. He also had charge of our fleet in France and was blown up in crossing the Irish Sea from France over to Ireland. A German torpedo struck his boat, and he was blown into the air and narrowly escaped with his life. His legs were broken, and he lay in the hospital in Dublin for months and months; but he is now perfectly sound and strong physically and never has lost any of his mental strength and vigor or his courage or his honesty or his integrity or his ability. He was called on—I do not know whether he was absolutely requested by the President or not, but I am inclined to think so—to go to New York and take charge of the Panama Line after the armistice. He had charge of the operation of those boats. He is, of course, more thoroughly familiar with the Navy and naval vessels and that sort of thing, but his knowledge of naval vessels and of ships in general is helpful in the matter of merchant ships. Finally, he was asked to come down here, and he came as an assistant to Admiral Palmer. That was his first engagement here.

Mr. MCKELLAR. At what salary?

Mr. FLETCHER. I think he came at a salary of \$10,000 a year, but he was paid more up yonder. I am quite sure he is here largely from a sense of public duty, and because he is desired to be here by those who are looking after the public interest in connection with the Shipping Board vessels. He will have more direct jurisdiction over the actual operation of the ships; and I do not think any more capable man can be found in the country or one more thoroughly dependable in every way.

Mr. FESS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Ohio?

Mr. FLETCHER. I do.

Mr. FESS. I notice a statement from the admiral with reference to the subject under discussion that I do not understand. He says that the "addition of two \$18,000 salaries, of course, does not add to our expenses." I can not interpret that.

Mr. FLETCHER. I do not know about that. I have not seen the statement to which the Senator refers. I did not hear Admiral Palmer's testimony. Admiral Palmer has not said one word to me about this matter, one way or the other. I do not know just how he arrives at that conclusion. I suppose it means that the appropriation will be sufficient to cover it, or it may mean, and very likely does mean, that in securing those two men at \$18,000 apiece he is able to dispense with the service of five or six others who are not worth what they are now getting.

Mr. MCKELLAR. But he has those two men now.

Mr. FLETCHER. No.

Mr. MCKELLAR. If those two men are the men that the Senator represents them to be—and I have no reason to believe that they are not—the Senator does not mean to say that they will be supermen at \$18,000 and take the place of four or five others, but will not do it at a salary of \$10,000?

Mr. FLETCHER. I do not say they will not do it, and I have no authority for saying what they will or will not do, but I do know that these men are worth this amount of money wherever they are and whatever they may undertake to do.

Mr. MCKELLAR. What does the second man, Mr. Davidson, do?

Mr. FLETCHER. Mr. Davidson was at one time connected with the United Fruit Co.

Mr. FESS. Mr. President, if the Senator will yield to me, I desire to say that I have found Admiral Palmer's explanation.

Mr. FLETCHER. I yield to the Senator.

Mr. FESS. Referring to Admiral Cone it is said:

It is through his personal and aggressive efforts that we reduced \$700,000 in the salaries of personnel alone for the last 10 months of the calendar year 1924. In the month of January just completed he made another reduction of \$100,000 in annual salaries—

Making a saving of \$800,000 through the employment of this one man.

Mr. FLETCHER. It has been largely Admiral Cone's work to cut down or reduce the overhead and to get this whole undertaking on a business basis.

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

Mr. FLETCHER. I will yield in just a moment. I desire to say that it is not a question of what these men want; it is not a question of whether they will leave or whether they will stay; but it is a question of whether they merit and deserve this salary. That is the whole question. Do we desire to keep a man simply because he is public spirited enough to serve for half what he is worth, when he can by stepping outside get twice as much as we pay him? Is that what we desire to do? The question is, Do these men deserve this amount of compensation; do they merit it? My contention is that they do. As the chairman has just stated, Admiral Cone was getting nearly twice or more than twice what he is getting now when he came to the Emergency Fleet Corporation.

Mr. MCKELLAR. What was his salary and where was he employed?

Mr. FLETCHER. He was employed in charge of the Panama Steamship Line.

Mr. MCKELLAR. And the Government paid him more than that?

Mr. KING. My recollection is he was getting \$12,000 a year. I should like to say to the Senator, with his permission—

Mr. FLETCHER. The chairman said he was getting more; I do not know as to that, but I am quite sure he was getting very considerably more, and I do not know but more than it is proposed to pay him under this bill.

Mr. KING. I am sure that some of these reductions comprised in the \$700,000 and \$100,000 amounts just mentioned by the Senator from Ohio [Mr. FESS] have resulted from the withdrawal from service of a number of boats. There are only 342 boats now operated by the Shipping Board or the Emergency Fleet Corporation, and some of these are inconsequential, insignificant boats.

Mr. FLETCHER. I thought the number was 317.

Mr. KING. Three hundred and seventeen; that is right. They are diminishing the number of boats in operation. Then, too, they are handling more of the boats under the MO-4 contract as modified, and the MO-4 contract as modified transfers expense from the Shipping Board and the Emergency Fleet Corporation to the operators. They are leaving to the operators the selection of the personnel, and the operators, who are getting their 7 per cent upon outgoing cargo and 3½ per cent upon all incoming cargo, are not as much concerned about economies as they should be. Therefore it is perfectly clear that some of these reductions apparently result from the transfer from one to the other.

Mr. FLETCHER. I think that the reductions have been real and the saving has been real. I am told that they expect to reduce their overhead as much as a million dollars next year. That is the kind of work that is going on. The MO-4 contract never did meet with my approval, but an effort is being made now to modify that contract so as to have the operators assume certain responsibilities and have a certain amount at stake. Under the old contract they had nothing at stake, and they received their commissions whether a vessel made money or whether it did not, but it is proposed to modify that contract, and, in some respects, I think, already it has been modified. They have reduced the number of operators from something like 300 down to 21, and are getting better results. They are now getting, of course, men who are experienced in the business. They have not abandoned any route; they have not abandoned any service up to this time; but they are getting better results. They have employees who know more about the business. I do not think it is going to be necessary to abandon any route. If I thought it were necessary to abandon any route in order to come within this \$24,000,000, I would move to increase the appropriation, because I do not think it is fair to the people of this country that the routes which have been established under the order of Congress should be abandoned or that the service should be in any wise crippled. We ought to furnish the ships that are necessary to serve our commerce from every port that can furnish the business.

Mr. GLASS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Virginia?

Mr. FLETCHER. I yield to the Senator.

Mr. GLASS. I would like to ask the Senator if it is not a fact that when the Government goes into competition with

private enterprise it finds itself on a different basis of competition for talent and skill than when the Government confines itself to what we regard as exclusively Government enterprises? In other words, when the Senator from Tennessee speaks of the enormous excess in these salaries, I should like to inquire what private ship owners pay to their employees who are charged with similar duties in kindred work?

Mr. FLETCHER. They are paid very much more than is proposed here.

Mr. GLASS. That is what I should assume.

Mr. FLETCHER. Undoubtedly.

Mr. GLASS. And when Senators here denounce salaries and characterize the Government as engaging in extravagance, it seems to me that they ought to consider the fact that skill and talent of a peculiar nature are subject to the law of supply and demand, and when the Government has to compete for talent of this kind the Government ought to pay what private concerns pay, or certainly approximately what private concerns pay.

Mr. FLETCHER. That seems to me to be sound and reasonable. There is not any question that Mr. Davidson is an experienced shipping man. He has been connected in a very responsible position with the United Fruit Co. Those living in California and Florida are now very much interested in trying to move their citrus fruits to foreign markets, and they should like very well, I think, to have a man who knows something about the shipping of fruits connected with the Shipping Board. I merely mention that incidentally; but the United Fruit Co. is a big concern, a successful concern, and operates a great many ships—their own vessels, of course—carrying largely their own products. A man who has held a responsible position with them is not a man who is going around begging for somebody to give him a job, and he is not a man that we can expect to engage for good and faithful energetic work without paying him a reasonable compensation. I do not think there is any question that that man can easily get \$18,000 a year.

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

Mr. SHORTRIDGE. What is the salary paid him?

Mr. FLETCHER. Eighteen thousand dollars. He is one of the two provided for in the amendment. I yield to the Senator from Ohio.

Mr. FESS. Admiral Palmer said when he was before the committee that he was getting much more than that with the Fruit Co. before he entered the Government service.

Mr. FLETCHER. I imagine that is so.

Mr. MCKELLAR. Is he with the Fruit Co. now?

Mr. FLETCHER. I think he has agreed to enter the Government service. I do not know whether he has actually entered on the duties of his office there or not. Admiral Cone is there.

Mr. MCKELLAR. My understanding is that both were there at \$10,000 a year. I agree with the Senator from Virginia that we should have skill and ability, but it seems to me that we are getting skill and ability at the same figures, because these gentlemen are perfectly willing to serve at the present salaries.

Mr. GLASS. My friend from Tennessee a while ago was lamenting that Mr. Sheedy—I believe that is his name—was remaining in the employ of the Shipping Board notwithstanding his salary had been reduced from \$35,000 to \$18,000, but it turns out that he is not remaining—that he has gone on the other side, and gets a very much higher salary than was paid him here.

Mr. MCKELLAR. Not at all; but he is now, according to my information, in the employ of the Shipping Board as its representative in London. He is on the other side, but he is still working for the Shipping Board at \$18,000.

Mr. GLASS. I understood the chairman to say otherwise.

Mr. MCKELLAR. The chairman is mistaken about that.

Mr. WARREN. Mr. President, I may or may not be mistaken. The Senator from Tennessee, of course, can not be. I may have to admit for the sake of argument that he is right. As to the matter of the maintenance of salary for Mr. Sheedy, it certainly is a very necessary thing, if Mr. Sheedy is wanted, to give him at least a fair salary.

Mr. MCKELLAR. The hearings show that he is in London at \$18,000 a year.

Mr. KING. Mr. President, I can assure the Senator from Virginia and the chairman of the committee that Mr. Sheedy, when his health failed here in part, was sent by Admiral Palmer over to the other side, and he is there now, drawing the same salary, and working for the Emergency Fleet Corporation.

Mr. GLASS. I accept the statement of the chairman of the committee. In any event, if Mr. Sheedy is worth \$18,000 a year I am in favor of paying it to him.

Mr. FLETCHER. That is the whole question here—whether these men, or men who are required to fill their positions in connection with the work of the Emergency Fleet Corporation, are worth \$18,000 a year. It is not a question of whether they will quit and seek engagements elsewhere. It is not a question of whether they can have that amount of money paid from some other source altogether, although there is not any doubt in my mind that either of those gentlemen could command a salary in excess of \$18,000 if he should undertake to start out and look for it. I am quite sure they are worth that amount of money.

Mr. GLASS. The only reason why the Government gets some of us here in the Senate as \$7,500 a year is because there is so much competition.

Mr. FLETCHER. Mr. President, I had not intended to take up this much time. I want to see the Senator from Wyoming proceed with his bill and get through with it, but I feel that this amendment is a wise amendment, especially now, when we have put these additional responsibilities and duties on the Emergency Fleet Corporation, calling for this class of men to conduct their affairs down there and direct things. We can not expect to get the right kind of men if we do not pay them fair salaries. If we do not keep these men and get inferior men, or if we do not get any at all, the whole enterprise will suffer.

I feel that it is important now to test out this thing. Let us see what the Emergency Fleet Corporation is going to be able to do in pursuance of the resolution which was passed last December, transferring to them the details and many of the duties that theretofore the Shipping Board had been undertaking to perform. The Shipping Board has plenty to do without undertaking to operate the ships. I regret very much that they have not done many things that we have authorized them to do and pointed out to them that they should do, things of a regulatory character, rules and regulations, things of an administrative character, things of an investigative character, to find out the conditions of shipping the world over, and what they can recommend to us in the way of regulation, or any other action on our part that would strengthen our merchant marine and make it more possible for us to build up an adequate marine.

All those things the Shipping Board has in hand under the law, and I think perhaps it is quite wise to intrust at least a good portion of the whole work of operating the ships to another agency and hold that agency responsible in a proper way to the head organization, which is the Shipping Board. They have done that now. Admiral Palmer is president of the Fleet Corporation. Admiral Cone is his assistant and general manager of a certain portion of the work. Mr. Davidson is wanted to take charge of a certain other field in connection with the operation of the ships. The other men who are drawing these salaries are also men of experience and high character and splendidly equipped to discharge those duties. We can not expect to retain that kind of men without paying somewhere approaching what they can get outside and what they are worth. I put the thing purely on merit, and I mention these conditions as showing that there is justification for asking for these additional men at this additional pay.

Mr. President, with reference to the merchant marine generally I shall have some views to submit, perhaps, later. I shall not take the time to do so now, but, among other things, we ought to build up in this country a desire on the part of our people to encourage our own merchant marine, to patronize it where we can, and to lend support, moral and otherwise, to our ships and our efforts to establish an American merchant marine.

Some time ago former Senator Thomas, of Colorado, went abroad. He traveled on the *Leviathan*. He wrote a letter to the Senator from Washington [Mr. JONES], dated November 19, 1924, and sent me a copy of it. Afterwards he gave me permission to make any use of it that I might see fit. I am going to ask to have that letter inserted in the RECORD. I shall not take the time to read it now; but Senator Thomas points out some of the difficulties with which we have to contend. Foreign interests are all the while doing what they can to shake confidence in our merchant marine and throw obstacles in the way of its successful operation. Foreign countries support their shipping. The shippers specify that the cargoes are to be carried in their ships wherever they can. Americans, as a general thing, have not taken very much interest in that; and it will be a great influence and a great help if we can arouse our people to an appreciation of the

importance of an adequate American merchant marine and get them behind this great undertaking.

I ask to have this letter printed in the RECORD, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

2400 SIXTEENTH ST. NW.,

Washington, D. C., November 19, 1924.

Hon. WESLEY L. JONES,

Chairman Senate Committee on Commerce,

Washington, D. C.

MY DEAR SENATOR JONES: A recent voyage to and from Europe on the U. S. S. *Leviathan*, and some of the experiences due to it, have prompted me to send you this communication, a copy of which I am also forwarding to the Shipping Board and to the United States Chamber of Commerce. It may be a mere repetition of conditions with which you are already familiar, in which event it will at least do no harm.

At the outset, I wish to emphasize the efficiency and the loyalty to the service of the officers and crews upon the boats belonging to the United States Lines. No more capable or better organized service can be found afloat. The discipline of the crews and the employees is of the highest order. The cabins are large, roomy, and well furnished; the table is perfect, and the attention all that the most fastidious traveler could demand or expect. The boats are always on time in the absence of unusual and unavoidable mishaps, which are very rare, while the facilities for accommodating the public are equal to those of any competing line.

Notwithstanding these conditions and the pride which every American can should take in the standards and character of the United States Line, it is not receiving the encouragement and the patronage to which it is justly entitled and which it actually needs. On the contrary, it is a subject of disparagement at home and abroad, and in large degree, of neglect from that very class of tourists who should take pride in giving it all the patronage they have to bestow. I do not think I exaggerate when I affirm that this line is the subject and may become the victim of a system of propaganda inspired by and operated in the interest of foreign competing lines through agencies which are very effective in America.

Early in the season of 1924 the *Leviathan* grounded in a mud bank off New York Harbor and was taken to the dry dock at Boston for inspection and repair. The incident was made the subject of disparaging discussion all over the United States. The injury to the boat was greatly exaggerated and the general impression created that the accident was due to inefficiency, or possible or probable carelessness. As a matter of fact, the injury was very slight and easily repaired, the boat being out of commission but a very few days. During the same season the *Aquitania*, if I remember correctly, encountered a similar mishap, which was barely noticed by the press, although quite as serious as that befalling the *Leviathan*.

Early last August the *Leviathan* broke a propeller blade, in consequence of which it was compelled to repair to the dry dock at Boston, where a new propeller was substituted with such skill and speed that the boat returned to New York and sailed for Europe at 6 o'clock on the day previously scheduled for its departure. It was a remarkable feat, for which the highest commendation should be given to the officers of the boat and those in charge of the repairs; but, so far as I know, beyond the fact that the boat sailed almost on schedule time no comment was made of it.

In September following this boat repaired to Boston, as previously announced, and was equipped with an entire new set of propellers, which delayed its subsequent sailings just a week. The new propeller equipment was a necessary improvement and is common to other boats of other lines, yet a Boston paper took occasion because of the fact to ridicule the *Leviathan* as an ocean liner, condemn the Government for its efforts to continue the United States Line in commission, and called for the abandonment of the enterprise. About the same time the papers in the space of half a dozen lines in an obscure place informed the public that the *Berengaria* had lost one of its propellers in a recent voyage from New York to Southampton.

During a stay of three months in Europe I heard no word of criticism of the United States Lines from any person who had patronized it, but there was an atmosphere of disapproval of the line almost everywhere prevalent, which must have been created to its disadvantage by those interested in its disappearance from the ocean.

Of course, a considerable proportion of the traveling public patronizes other steamship lines because they dispense liquor on board ship, while the United States Line does not. If the sentiment for prohibition is half as strong in America as it pretends to be, the absence of the bar upon American vessels should be a recommendation; but I have yet to hear of an American patronizing his own line because it represents his view of the liquor question.

I noticed, too, that the British press never loses an opportunity to commend the officers of the Cunard, White Star, and other British steamship companies. No more capable, faithful, or courteous officer

than Capt. Henry Hartley, of the *Leviathan*, ever commanded a vessel. He is a fine product of American seamanship and the equal of any officer of the same rank anywhere, but he receives scant notice from the American press and none whatever from that of other countries.

Now, there is no reason in the world why the United States Line can not be as prosperous and as successful as any of its competitors. All that it needs is the patronage of the American traveler and the support of the American press. It is humiliating to realize that in this day when the reestablishment of a merchant marine seems to be so dear to us all that the last great effort in behalf of the cause should encounter so much indifference from the public and actual hostility from the press. These must be overcome if the dream of a restored merchant marine is to be realized, and I sincerely hope that the subject may this winter receive some helpful consideration from those in authority.

Very respectfully and sincerely yours,

C. S. THOMAS.

Mr. WARREN. Mr. President, I do not wish to take time that other Senators may desire to take, except to remark that this whole matter of the Shipping Board and the Emergency Fleet Corporation is an orphan that was left on our doorstep by the late war. We have taken it up and have been nursing it along the line that it is going to provide for the merchant marine that has been before Congress since long before I came here, perhaps since before I was born, and is still an undecided question.

The progress that has been made since Admiral Palmer took charge here has been remarkable, and the reduction in expenses has been the most remarkable feature of it all, except the one of increasing trade that has followed his efforts. He has reduced expenses to a point where we are appropriating in one direction some \$14,000,000 and in another direction \$8,000,000 less than we were formerly appropriating. He is maintaining all the routes, although taking off some 40 vessels, but touching at all the different points with the smaller number of vessels. Therefore, with greater speed and better management, he touches at all these points, secures more freight and more passengers, and is leading up to what it seems to me may be eventually, and not so many years hence, a merchant marine that may not be costly, although the merchant marine and passenger travel of other countries, as is well known, enjoys the benefit of subsidies.

I am very much interested in this amendment providing for seven of these positions instead of five. The fact that the men who are to get these two positions—Mr. Cone and Mr. Davidson—are men of good experience, although working here for the comparatively small amount they get, is largely due to their ambition to see what they can do for the United States in its extremity with the Shipping Board and Emergency Fleet Corporation, to adapt them to our wants, and ultimately to obtain a favorable and a favorite merchant marine.

I hope the amendment may be agreed to.

Mr. MCKELLAR. Mr. President, I am not so sure but that this amendment is subject to a point of order. It is certainly new legislation. The rule is as follows. I read from Rule XVI as amended.

The Committee on Appropriations shall not report an appropriation bill containing amendments proposing new or general legislation, and if an appropriation bill is reported to the Senate containing amendments proposing new or general legislation, a point of order may be made against the bill and, if the point is sustained, the bill shall be recommitted to the Committee on Appropriations.

Unquestionably this is new legislation. Without it these salaries can not be granted. It requires legislation to do what it is here proposed to do. I think unquestionably the amendment is subject to a point of order, though I frankly admit I am not a parliamentarian. I am just quoting the language as it appears in the rule. Therefore, I make the point of order against this amendment.

Mr. WARREN. Mr. President, the amendment is not subject to a point of order.

The PRESIDING OFFICER. The Chair is ready to rule.

The Chair is of the opinion that whatever legislation exists on this subject is found only in an appropriation bill, which is not a continuing statute, and merely provides the means for maintaining an executive department of the Government for one year. The point of order is overruled.

The question is on agreeing to the amendment proposed by the committee.

Mr. KING. Mr. President, before a vote is taken upon the bill I desire to submit a few observations in regard to the Shipping Board and its activities. Before so doing I want to briefly refer to the statement made by the Senator from Virginia [Mr. GLASS] a moment ago in which he referred to Mr.

Sheedy. As I understood him, Mr. Sheedy is no longer connected with the Emergency Fleet Corporation or the Shipping Board, but is occupying a responsible position with some private shipping concern in Europe. My recollection of the testimony is entirely different.

Mr. WARREN. Mr. President, I have accepted the statement of the Senator.

Mr. KING. I have no doubt the Senator has accepted it, but I am going to put it in the RECORD.

Mr. MCKELLAR. The Senator accepted it with reservations made to me, and the Senator's reservations were entirely wrong.

Mr. KING. I thank the Senator, but desire to have the matter accurately put in the RECORD.

Mr. MCKELLAR. The Senator accepted it with reservations made to me, and the Senator's reservations were entirely wrong.

Mr. KING. I have here a record of the testimony given before the subcommittee of the House Committee on Appropriations, and on page 530 will be found a statement by Mr. Palmer as follows:

The next one is Mr. Sheedy. Mr. Sheedy was our operating manager. That is, he had the supervision of the actual operations of the ships all over the world. He had been on a \$25,000 salary.

Very shortly after I came in, he was on the sick list for a considerable time. His doctor said that he was overworked and that he should take a rest. He went away, came back, stayed for a month or more, and the doctor directed that he should leave again; that he was then physically unable to stand the strain.

That could not continue with the kind of business we had. We had to have somebody who was there all the time.

I looked around after I came into this position and could not find a man available that we could send to Europe. When Mr. Sheedy's health was such that we could not depend upon him being present here all the time—it is a position that means going night and day—I decided to send him abroad, to take the position which it was necessary for us to establish.

Mr. WARREN. The Senator will not overlook the fact that Mr. Sheedy was getting \$25,000, but was reduced to \$18,000 a year or so ago, and accepted that reduction because of his desire to build and help through this great corporation, the largest corporation in the world.

Mr. KING. I continue the reading:

This position is a very important one, but not as strenuous physically as that of operating vice president. He had been with us, as I say, at \$25,000 and I had reduced this to \$18,000, together with the other vice president. He went abroad at that salary.

Mr. Palmer continues, stating that Mr. Sheedy still holds this position abroad with the Emergency Fleet Corporation.

Mr. President, the Shipping Board has been the subject of stormy debates both in the House and in the Senate ever since its organization. It has provoked controversies both in Congress and throughout the country. Perhaps no governmental agency has been the subject of such violent criticism and denunciation as the Shipping Board, with the Emergency Fleet Corporation as an associate. During the war an investigation was ordered and a great mass of testimony taken which tended to show inefficiency, gross incompetency, and an unparalleled waste of public funds.

Since the war the Shipping Board and the Emergency Fleet Corporation have been constantly before the public and their alleged transgressions and inefficiency have been the subject of almost continuous investigations. I feel sure that no one can read the testimony given before the various committees of the House and Senate without being convinced that these organizations have been mismanaged and that through incompetency and inefficiency hundreds of millions of dollars have been wasted. Undoubtedly many frauds have been committed by subordinates and employees, and the entire enterprise can be denominated a huge and colossal failure. An investigation ordered by the House of Representatives during this Congress, and which has not yet been completed, as I am advised, has confirmed the statements which I have made. Unfortunately the investigations and criticisms have produced no satisfactory results. Indeed, it seems as though these organizations have grown more inefficient the more they were investigated. At any rate, promised reforms have not been effected and the assets of the corporations have been reduced to a shockingly low value.

More than \$3,500,000,000 have been expended by the Shipping Board and the Emergency Fleet Corporation and their assets would not to-day sell for more than \$100,000,000 to \$200,000,000. If the debts of the corporations were paid and liquidation now

brought about it is doubtful whether there would be a hundred million dollars to be covered into the Treasury of the United States. So it can be said that the Government has lost substantially the entire amount appropriated, viz, the stupendous sum of \$3,500,000,000.

We are asked now to appropriate \$34,000,000 to meet the operating expenses for the next fiscal year. These organizations are selling property, as they have been authorized to sell in the past, using and expending funds derived from the various sales, and yet the Government is compelled to appropriate from year to year enormous sums to meet operating expenses. I submit, Mr. President, that the record of these organizations must bring chagrin and humiliation to those who are interested in building up a merchant marine and to those who are interested in their country's welfare.

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

Mr. KING. I yield.

Mr. MCKELLAR. The Senator understands that all of the duties of the Shipping Board have now been transferred to the Emergency Fleet Corporation. The Shipping Board virtually has nothing to do with the present operation or control of the American merchant marine.

Mr. KING. Mr. President, the Senator has stated the facts substantially correctly, and in order that there may be no misapprehension in the matter it may be well to put in the RECORD just the form in which the abdication of its functions by the Shipping Board was accomplished and the deliberate resolution adopted by it under which it renounced its functions and transferred them to the Emergency Fleet Corporation. I call attention to the Eighth Annual Report of the United States Shipping Board for the fiscal year ended June 30, 1924, which is the latest report of this organization. I read from page 7 of the report:

The shipping act, 1916, provided for the creation of a corporation, owned and controlled by the board, to which could be delegated the technical details of operation of the board vessels. The merchant marine act of 1920 specifically authorized the Shipping Board to exercise its authority where not otherwise provided either directly or through the Emergency Fleet Corporation. The board, therefore, had delegated to the Emergency Fleet Corporation certain powers by resolution of September 30, 1921, to the following effect—

I shall not read all the resolution, but direct attention to the following:

*Resolved*, That it is the sense of the United States Shipping Board that its chairman should retire as president and that its members should retire as trustees of the said United States Shipping Board Emergency Fleet Corporation, and that there should forthwith be elected a separate president and a separate board of trustees for the said United States Shipping Board Emergency Fleet Corporation.

Mr. MCKELLAR. Mr. President, if the Senator will permit me, I think it was probably within the last three or four months that a resolution was adopted by the Shipping Board transferring all of its powers and duties, except probably the inconsequential ones, to the Emergency Fleet Corporation, and the Shipping Board itself now virtually has nothing to do with the American merchant marine. They have turned over all their powers and duties, apparently, or practically all of them, to the Emergency Fleet Corporation.

Mr. KING. Mr. President, I am familiar with the resolution which was passed on January 10, 1924, and I purpose calling the attention of the Senate to that resolution. But I should first direct attention to the resolution which was adopted at an anterior date, because the two resolutions are connected. The first resolution, and the one from which I was just reading, proceeds further to state that the United States Shipping Board Emergency Fleet Corporation shall have charge of—the operation, maintenance, repair, and reconditioning of vessels, provided that no established line shall be discontinued, or new line established, or allocation of passenger vessels made, without the approval of the United States Shipping Board.

Then the power is given to the Emergency Fleet Corporation to complete the construction of certain vessels, and so forth.

Then, on January 10, 1924, the Shipping Board passed a resolution which was amendatory of the resolution of September, 1921, to which I have just called attention, and in this last resolution the board transferred to the Emergency Fleet Corporation practically all of its duties, as stated by the Senator from Tennessee. The resolution in part reads as follows:

1. The selection, employment, or removal of all officers and employees of the Emergency Fleet Corporation and their compensation shall be under the control of the board of trustees and/or officers of that corporation in the manner provided for in the by-laws of said cor-

poration: *Provided*, however, That the salaries and other compensation of the officers and of the trustees shall be subject to the approval of the board: *And provided further*, The employment of counsel and all litigation shall remain under the control of the Shipping Board, which shall assign to the Emergency Fleet Corporation such attorneys as may be needed by the president of the Emergency Fleet Corporation for the proper conduct of its business.

2. The management, operation, maintenance, and repair of vessels, including ordinary reconditioning of vessels.

3. The establishment and operation of lines and routes which the Shipping Board, under the powers conferred upon it by section 7 of the merchant marine act, 1920, has heretofore authorized and directed or may hereafter authorize and direct. No established line shall be discontinued or new line established or allocation of passenger vessels made without the approval of the United States Shipping Board.

4. The completion or conclusion of any construction work upon vessels which has heretofore been begun or has been authorized by the United States Shipping Board.

5. The sale of vessels (except to aliens) at such prices and on such terms and conditions as the United States Shipping Board may prescribe or approve.

6. The operation and sale of housing projects, real estate, railroad, and other similar property, subject to confirmation by the United States Shipping Board before any final contract of sale is made.

7. The operation and sale of dry docks; all sales at such prices and on such terms and conditions as the United States Shipping Board may prescribe or approve.

8. The custody and sale of all other property and materials.

9. All accounting for the Emergency Fleet Corporation.

10. The insurance of vessels and other property in its custody, and matters pertaining to insurance, subject, however, to the control and supervision of the board with respect to the placing of insurance.

11. The operation of piers and pier facilities owned or leased by the Shipping Board and at present used by its vessels, and the operation of such other piers and pier facilities as may be transferred to it by the Shipping Board.

12. The disbursement and expenditure of all moneys arising out of operation, and such other funds as may be allotted to it from appropriations heretofore made to the Shipping Board, or which may hereafter be made to the Shipping Board, and also moneys arising from appropriations hereafter made by Congress for the exclusive use of the Emergency Fleet Corporation.

13. The leasing and rental of offices, warehouses, dock and storage facilities deemed essential by it for its business and for its terminal facilities, but no lease for a period exceeding one year shall be made without the consent of the Shipping Board.

14. The settlement, including payments or collections, of all matters arising out of the above-mentioned powers before or after the date of this resolution.

15. All matters incidental to any of the foregoing powers, including the execution of contracts, charters, bills of sale, leases, and other instruments necessary or convenient to the exercise of such powers are hereby conferred upon the Emergency Fleet Corporation.

Mr. KING. This resolution was construed by Mr. O'Connor, the chairman of the Shipping Board, in the testimony which he gave before the House committee in December last year. Without consuming the time of the Senate to read his testimony, I will say in brief that Mr. O'Connor, as I interpret his testimony, concedes that the Emergency Fleet Corporation has practically unlimited authority in the operation of the ships.

The Senator from Florida [Mr. FLETCHER] calls attention to the legal question involved in this attempt to delegate to the Emergency Fleet Corporation the powers of the Shipping Board, and, as I understand his position, it is that such attempt was ultra vires; that Congress conferred certain powers upon the Shipping Board and it could not divest itself of these powers.

Mr. President, I have examined with considerable care the hundreds, indeed thousands, of pages of testimony which are found in the various hearings which have taken place during the past six or seven years. I was interested in this great project of the Government and was distressed because of the incontrovertible evidence of the waste of money and the incompetence which attended the administration of the activities of these two governmental agencies. I confess that I had but little confidence in the capacity of the Government to handle a great fleet of merchant vessels and expressed the view upon many occasions that failure would attend the enterprise. I did not think, however, the failure would be so colossal and the loss to the Government so stupendous.

Of course, the fact must be taken into account that when the United States entered the war the demand for ships to carry our soldiers and cargoes to the shores of Europe was so imperative that it was to be expected that the construction and operation of ships would be very costly. But no one conceived that the enterprise would fail so ignominiously and that

such gross incompetence and inefficiency could be possible. I have stated that all efforts to bring about reforms failed, and it is evident that the Government will soon be compelled to write off the entire amount and close the books and confess that its efforts have been defeated. Substantially all of the vessels which were constructed by the Shipping Board were completed after the war. However, the Government would have been chargeable with neglect almost amounting to crime if it had not in 1917 embarked upon a program to construct ships to aid in the prosecution of the war. I have been unable to understand why, after the armistice, reforms were not introduced by those in charge of the Shipping Board and why greater incompetency and inefficiency existed after that date than during the active construction of the ships in 1917-18. And I have been unable to understand, in view of the facts elicited at the various hearings and investigations, when knowledge was brought home to those in charge of the Shipping Board that extravagance and waste honeycombed nearly every branch of the service and corruption existed in some of the departments and branches of the administration, why changes were not made and drastic reforms not inaugurated.

Senators will remember that when President Harding was elected he reorganized the Shipping Board and selected Mr. Lasker to control and direct its operations. Indeed, it was fully understood that Mr. Lasker was to have, and did exercise, full control. The other directors were given to understand that he had been selected because of his supposed ability and because of the confidence the President had in him to introduce reforms and end the great drains which were being made upon the Treasury to support the activities of the Shipping Board and the Emergency Fleet Corporation.

Senators will remember that Mr. Lasker appeared before committees and condemned the situation of the board and the blunders and mistakes which it had made. As I recall, he said that everything was bad and, to use his expression, was "in a mess." He charged that the accounts had been so kept that it was impossible to determine the condition of the corporations, the losses, the claims against them, and their assets and liabilities. He admitted, as I recall, that frauds had been committed and that the methods employed in conducting the operations of the ships were indefensible and had resulted in enormous losses to the Government. He particularly condemned the MO-4 contracts, which had been so prolific of frauds and had cost the Government tens of millions of dollars.

Perhaps no stronger indictment has been drawn against the Shipping Board and its derelictions, transgressions, incompetencies, and so forth, than that submitted by Mr. Lasker. He claimed that he would inaugurate important reforms and put the enterprise upon a satisfactory, if not a paying, basis. He referred in his testimony to the fact that more than \$3,300,000,000 had been expended in the attempt to establish a merchant marine; that several thousand vessels had been acquired and constructed; and at the time when he was testifying the number had been reduced to between 1,600 and 1,700. He testified that many of these vessels were useless and obsolete; that they should be scrapped; and, as I recall his testimony, that not more than five or six hundred of the entire number then owned by the Shipping Board were suitable for use. And he added that with respect to many of this number costly repairs were necessary before they could be put into commission. He asked for an appropriation of a hundred million dollars for the first year of his administration in addition to all sums that might be obtained from the sale of properties, personal or real, owned by the Shipping Board.

My recollection is that he stated that the inventories showed that the Shipping Board had title to property of the value of hundreds of millions of dollars, exclusive of the ships themselves. The greater part of this property was to be sold. The Shipping Board also had claims aggregating millions of dollars against various corporations and individuals, and all sums obtained in settlement of these claims were likewise to be employed by him in the operations of the board. In other words, he sought authority to convert whatever assets the Shipping Board had into money, and to devote the same to meeting the costs of carrying on the operations of the Shipping Board. Notwithstanding that no interest was to be paid upon the capital, that millions of dollars were to be derived from the sale of surplus property, he still asked for and received, as I recall, \$100,000,000 for the first year's operations under his administration.

I regret to state that the claims made by Mr. Lasker when he assumed control of the Shipping Board were not realized. Indeed, subsequent investigations seem to support the view that the condition of the Shipping Board and the Emergency

Fleet Corporation progressively deteriorated. Certainly the value of the assets shrank, and notwithstanding the enormous appropriations made by Congress, and which have been made each year since Mr. Lasker took charge, the value of the property of the Shipping Board has diminished until to-day, as I have indicated, if the corporations were required to liquidate, it is doubtful whether the Government would realize more than a hundred million dollars.

I recall, when appropriations for the Shipping Board were being discussed at the time Mr. Lasker assumed control, the Senator from Washington [Mr. JONES] appealed for support for this "final experiment," which, it was hoped, would save this governmental enterprise. He admitted all that was charged against the Shipping Board, but expressed the belief that Mr. Lasker would effect reforms and save the enterprise from destruction. Congress appropriated the amount demanded, namely, \$100,000,000, and since then has appropriated at least \$150,000,000 more. These huge sums have all been lost. They have been consumed in expensive administration, in paying high salaries to thousands of unnecessary employees, and in settling the losses which resulted from mismanagement and incompetent administration. The picture is a sordid and a soiled one. It does not reflect any credit upon the Government.

Mr. Lasker brought a Mr. Schlessinger from Chicago to head the legal department and surrounded him with scores of lawyers, to whom, in many instances, compensation disproportionate to the value of their services was paid. In addition, many lawyers were employed for special work, to whom very large fees were paid.

The MO-4 contracts, which Mr. Lasker had so vehemently assailed and which he had charged reeked with corruption and were steeped in fraud and had resulted in enormous losses to the Government, he continued in force; and some of the individuals and companies who held such contracts were permitted under his administration to retain the same. I might add that even to this date many of the ships are operated under these same discredited and condemned MO-4 contracts.

Senators will recall that under these contracts the individuals and corporations holding them run no risks. They are paid a large percentage, based upon the volume of business done by the ships which are covered by their contracts. The Government runs all the risks and they reap large rewards. In addition they were permitted to make contracts with chandlers and for repairs, and for the supplies and commodities used in operating the ships. Upon all of these contracts they received large commissions. These contracts were bad, inherently bad, and yet they have been continued, and the present administration still operates vessels under the terms of these condemned agreements.

Mr. Lasker appeared, after the hundred millions of dollars had been expended, and sought and obtained an additional appropriation. He confessed that the reforms which he had promised had not been effectuated and that conditions were still far from satisfactory. His reign ended, but the Shipping Board under his administration exhibited the same weaknesses and defects as had been so conspicuous in its previous existence. And with the millions which have since been expended, and with the changes which have been made in the personnel and in the management, the situation of the Shipping Board and the Emergency Fleet Corporation has shown no improvement.

The investigation which is now being conducted by the Committee on Merchant Marine and Fisheries of the House confirms this view, and I submit demonstrates that there is no chance of rehabilitating or saving this enterprise. The patient is dying. It may be stimulated by further appropriations, and its life prolonged for a little season, but dissolution is inevitable. Each session of Congress, when appropriation bills are being drawn up, representatives of these two corporations appear. They have some new plan and some new scheme and give the most cheerful assurance that with another appropriation all will be well and the enterprise will be brought to a high stage of perfection.

Mr. President, as I have indicated, hundreds of millions of dollars of supplies have been sold and the proceeds eaten up by the Shipping Board. Hundreds of ships have been disposed of and the amounts derived therefrom have likewise been consumed in the operation of the Shipping Board. To-day there are less than 1,300 ships owned by these corporations, and only about 400 which are of any value. Recommendations have been made, as I recall, by officials of these corporations that many of the ships should be scrapped; indeed that some should be taken out to sea and sunk. We are asked now to appropriate

\$24,000,000 for the coming year. In addition they are to have the—

entire amount on hand July 21, 1925, but not in excess of the sum sufficient to meet obligations incurred prior to July 21 and then unpaid.

How many millions of dollars will be derived from this source, perhaps no one can tell. The bill before us provides that in addition to the sources of revenue which I have enumerated the Emergency Fleet Corporation shall receive—

so much of the total proceeds of all sales pertaining to liquidation received during the fiscal year 1926, but not exceeding \$4,000,000, as is necessary to meet the expenses of liquidation, including also the cost of tie-up and the salaries and expenses of the personnel engaged in liquidation.

Also:

That portion of the special claims appropriation, contained in the independent offices appropriation act for the fiscal year 1923, committed prior to July 1, 1923, and remaining unexpended on June 30, 1925, shall continue available until June 30, 1926, for the same purposes and under the same conditions.

Mr. President, no one reading the appropriation bill now under consideration can determine what will be expended by the Shipping Board and the Emergency Fleet Corporation for the coming year. They are to obtain the proceeds derived from the 314 ships now in commission. They also have three or four other fountains from which to draw, as indicated on pages 27 and 28 of the pending measure, and in addition they are authorized to use all funds derived from the sale of ships and other property and to expend \$24,000,000 carried in the bill now under consideration.

Mr. EDGE. Admitting what the Senator has said is substantially correct, what is the Senator's solution? We are faced with a decision, as I view it, to do one of the two things—either scrap the ships and tie them up or operate them. Assuming that the reports are correct, would the Senator go out of business or would he operate them as reasonably as possible?

Mr. KING. The question of the Senator is a fair one and is pertinent in the discussion of the activities of the Shipping Board and the Emergency Fleet Corporation. I confess that it is difficult to determine just what course should now be pursued. We have blundered along for so many years and have squandered so much money that we are like the traveler who plods toward the summit, hoping soon to reach the top and look out upon the promised land. It may be a rash statement to make, but I shall hazard it because I have made it over and over again during the past five or six years. As I recall, the Senator from New Jersey made a similar statement a number of years ago, namely, that the vessels, title to which was held by these corporations, should be sold to Americans under stipulations and provisions that they should be held by Americans and operated under the American flag.

Immediately after the Republicans came into power in March, 1920, I urged the Senator from Washington [Mr. JONES], the chairman of the Committee on Commerce, to formulate a bill authorizing the sale of all property, including the vessels owned by the Shipping Board. A number of vessels had been sold about that time at prices ranging from \$175 to \$225 per ton.

It is true that only partial payments had been made, the Shipping Board taking mortgages upon the ships or reserving title until full payment was made. It is quite likely that all of the ships could not have been sold for cash, but it is certain that all vessels which had any utility or any value could have been sold at that time at prices ranging from \$100 to \$225 per ton, with cash payments of from \$25 to \$50 per ton for each vessel. And I should add that these transactions should have been made with American citizens or with corporations, the stock of which was owned by Americans.

Senators will recall that freight rates and passenger rates were high at that time and large profits were being made by those companies which were operating vessels in a business-like and efficient manner. During the war and for some time thereafter those engaged in the shipping business derived large profits upon their investments. It was not then anticipated that there would be so great a slump in the shipping business and many Americans were willing to purchase the Shipping Board's vessels, providing first payments were not too great and liberal terms were granted for meeting the remaining payments. The Shipping Board owned at that time, as I recall, between nine and ten million tons. If sales had been made at \$25 per ton, it would have been of great advantage to the Government. But that was not done. A law was enacted

which has proven most unsatisfactory. I predicted when it was under discussion that it would be construed as an attempt upon the part of the Government to engage in the shipping business in competition with private persons, and that for an indefinite period the Government would be required to make appropriations to meet the annual deficits resulting from governmental operation of its so-called merchant marine.

Mr. EDGE. I merely rose to observe that I do not differ greatly with the Senator's observations in that regard. I believed at that time that under certain restrictions, with American ownership and operation and continuation of freight rates, we should have sold them. In other words, about \$3,000,000,000 in value, as I recall the figures, has been reduced to about \$300,000,000.

Mr. KING. I do not think that all the ships now owned by the Emergency Fleet Corporation and the Shipping Board could be sold for \$300,000,000.

Mr. EDGE. I rather question that figure. It is less than that, perhaps; but those of us who believed, as we all did undoubtedly, in the maintenance of an American merchant marine, and who believed in doing what was apparently necessary with the other maritime nations of the world—grant a subsidy—I think would very much prefer to have allowed a subsidy of \$30,000,000 to \$50,000,000 a year during the past six years as compared with the loss of \$2,750,000,000, which is represented in the present situation.

Mr. KING. The payment of the subsidy mentioned would not have recouped the loss which the Government has sustained. I was opposed to the granting of a subsidy, because I believed it an unwise policy economically; and I also regarded such a course as being in contravention of the Constitution. I was unwilling to tax the American people to pay subsidies to private shipping interests.

Mr. EDGE. There is undoubtedly an honest difference of opinion as to the appropriateness of a subsidy; but the fact remains of the picture as painted so correctly by the Senator from Utah of present conditions as compared to what conditions might have been with a subsidy that would possibly have insured a merchant marine on a basis at least that we could have pointed to it with some pride and satisfaction, rather than the defense we are now compelled to make of the present condition and situation.

Mr. KING. The Senator from New Jersey, in my opinion, had the correct view of the disposition which should be made of the property of the Shipping Board. If the vessels had been sold or given to private persons with reasonable limitations and restrictions as to the manner of operation, and so forth, most of those which were fit for ocean service would now be flying the American flag and plying between American ports and the ports of many countries of the world. And, Mr. President, they would be operating without subsidies. I think all Senators have been willing to pay American vessels generous compensation for carrying our foreign mail. Such payments are not subsidies, but mail contracts which have always been sought by the owners of ships, because they were regarded as most profitable. These payments are called subventions, but I insist they are not subsidies.

Mr. EDGE. A subvention is a form of subsidy. It is merely a question as to how it is defined.

Mr. KING. We have to pay anyway, may I say to the Senator, for carrying the mails. We pay the railroads of our country tens of millions of dollars annually for carrying the mails. If the railroads were not used for this purpose, the Government might be compelled to return to the days of the old stagecoach and use it to carry mails.

Mr. EDGE. That is very true, but subsidies take many forms, subventions, premiums for speed, extra amounts for carrying mail, and so forth. It is a matter of detail, of course, to work out; but, be that as it may, it has been found necessary, according to my investigation, by every nation in the world successfully maintaining a merchant marine to allow to it in some form or another, call it what you may, some governmental assistance.

Mr. KING. I differ from the Senator as to that. The Senator from Florida is accurate when he stated a few moments ago that Canada maintains an efficient merchant marine without the payment of subsidies. It is not my purpose to discuss the question of subsidies or their effect upon our merchant marine or the constitutionality of the subsidy policy. That matter was debated for months when the ship subsidy bill was before Congress a few months ago, and after full consideration the proposition was defeated.

Mr. President, I believe we should change the entire personnel of the Shipping Board; get rid of thousands of unnecessary employees and select some suitable and competent persons to

dispose of all property of the Shipping Board and wind up its affairs at the earliest possible moment. If this course is not pursued, within a few months Congress will again be asked to appropriate millions of dollars more to meet the deficits of the Shipping Board and the Emergency Fleet Corporation. The activities of these organizations will grow less. Their assets will diminish, but they will still be a liability to the Government.

The life of vessels, as Senators know, is brief. Most of the vessels are of unsatisfactory types; they were constructed under unfavorable conditions; changes in ships for cargo purposes are constantly being made, and new and better types of boats have been constructed in other countries since the war. Within a very few years the Shipping Board vessels will be obsolete. Many of them now have so deteriorated as to be incapable of service without important repairs being made. Within 5 to 10 years the ships will be practically valueless. I repeat, it would be better for the Government and better for American shippers, both those who export and those who import, if the few ships which the Government now owns were placed in the hands of private persons for operation. Of course, I annex to this statement the qualification that suitable limitations should be imposed upon those who take over or acquire such vessels.

Mr. President, I feel sure that if Senators would read the annual report of the Shipping Board for the fiscal year ending June 30, 1924, they would have but little confidence in the ultimate success of this enterprise under governmental control. This report clearly indicates failure and disaster.

Mr. WARREN. Mr. President, will the Senator from Utah yield to me?

Mr. KING. I yield.

Mr. WARREN. I rather think the Senator from Utah will join me in the hope that the Shipping Board may succeed, and in believing that it will succeed, if we give it proper support.

While I am on my feet, I will ask the Senator a question. There has been considerable debate on the pending amendment, and there are four or five amendments still pending to the bill now before us, and I dare say the Senator from Utah does not wish that the bill shall go over until to-morrow, and I ask him if he is now ready to have taken up the remaining amendments to the bill, or does he wish more time?

Mr. KING. The Senator from Nebraska [Mr. HOWELL] has an amendment to offer, and I shall submit one before the bill is disposed of. I am willing to aid the Senator in having the bill before us disposed of at an early hour. I want to say in conclusion that there is nothing in the record of the Shipping Board and the Emergency Fleet Corporation, as that record is now presented, to give any assurance even to those most optimistic, of the future of the adventure of the Government into the shipping business. We ought not to accede to the demands of those in charge of these corporations to appropriate for the coming year \$24,000,000. Of course, if the policy to continue the Shipping Board is to be followed, some appropriation must be made, but it should be reduced to an amount not exceeding \$15,000,000.

Mr. President, much could be said concerning the future of the merchant marine, but I am willing now to take a vote upon the amendment pending.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee. [Putting the question.] By the sound the "ayes" seem to have it.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ball	Fess	King	Sheppard
Bayard	Fletcher	Ladd	Shipstead
Bingham	George	McKellar	Shortridge
Brookhart	Glass	McKinley	Simmons
Broussard	Gooding	McLean	Smith
Bruce	Harrel	McNary	Smoot
Bursum	Harris	Mayfield	Spencer
Butler	Harrison	Metcalf	Stanfield
Cameron	Heflin	Moses	Sterling
Capper	Howell	Overbeck	Swanson
Caraway	Johnson, Calif.	Pepper	Trammell
Copeland	Johnson, Minn.	Phipps	Walsh, Mont.
Couzens	Jones, N. Mex.	Ransdell	Warren
Curtis	Jones, Wash.	Ralston	Watson
Dale	Kendrick	Robinson	Wheeler
Dial	Keyes		Willis

The PRESIDING OFFICER. Sixty-four Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 29, line 25, before the word "the," to strike out "of" and insert "or"; and on page 30, at the end of line 3, to strike out the word "act" and insert "paragraph," so as to read:

That all claims of the Navy Department against the United States Shipping Board and the United States Shipping Board Emergency Fleet Corporation and all claims of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation against the Navy Department arising prior to July 1, 1921, be canceled: *Provided*, That no claim on the part of the United States Shipping Board Emergency Fleet Corporation, or the Navy Department, as against any private individual, firm, association, or corporation other than the United States Shipping Board Emergency Fleet Corporation, is canceled or otherwise affected in any way by this paragraph.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. WARREN. Mr. President, I offer the amendment which I send to the desk. I was instructed by the committee to offer it. It is in the nature of legislation, but it is a very small matter, and puts back what we had in the bill last year.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 6, after line 14, it is proposed to insert:

Except for one person detailed for part-time duty in the district office at New York City, no details from any executive department or independent establishment in the District of Columbia or elsewhere to the commission's central office in Washington or to any of its district offices shall be made during the fiscal year ending June 30, 1926; but this shall not affect the making of details for service as members of boards of examiners outside the immediate offices of the district secretaries. The Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office or field force.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming on behalf of the committee.

Mr. KING. Mr. President, I raise the point of order against this amendment that it is new legislation, that it is legislation of a general character upon an appropriation bill, that it has not been estimated for by the Budget, and I am not sure whether it has been reported by a standing committee or not.

Mr. WARREN. Mr. President, the Senator is entitled to make the point, of course. This is a small matter, however, and I think it is necessary. It merely prevents clerks from being detailed to the Civil Service Commission from other departments, so that they will have to use their own clerks and no more, except that they have the privilege of stationing one clerk in New York for work there. That is all there is to it.

Mr. KING. Let me ask the Senator whether, from his investigations, he feels that that is necessary and in the interest of economy?

Mr. WARREN. It is the law to-day.

Mr. KING. Then, under the statement of the Senator, I will withdraw the point of order.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming on behalf of the committee.

The amendment was agreed to.

Mr. JONES of New Mexico. Mr. President, I offer the amendment which I sent to the desk and ask to have stated.

The PRESIDING OFFICER. The Senator from New Mexico offers an amendment, which will be stated.

The READING CLERK. On page 25, line 20, it is proposed to strike out "\$9,500" and to insert "\$13,500, of which \$4,000 shall be immediately available to enable the Tariff Commission to have printed an edition of the Dictionary of Tariff Information."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Mexico.

Mr. WARREN. Mr. President, I have no objection to that amendment, and I hope no point of order will be made against it. The matter has been called to the attention of the committee since the bill was brought to the floor of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOWELL. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

**THE READING CLERK.** On page 20, it is proposed to strike out lines 19 to 25, both inclusive, and on page 21, lines 1 to 10, both inclusive.

**MR. WATSON.** Mr. President, I ask to have read the lines that are proposed to be stricken out. I have not a copy of the bill before me.

**THE PRESIDING OFFICER.** For the information of the Senate, the Chair will state that the amendment proposes to strike out all of the appropriation for the Railroad Labor Board.

**MR. WARREN.** Mr. President, of course, I oppose the adoption of the amendment. This is an appropriation made by the House to continue in service the Labor Board, and to continue unchanged the laws respecting it. I hope the vote may be against the amendment. The matter can come up in due course by legislation.

**MR. HOWELL** addressed the Senate in support of his amendment. After having spoken for about 20 minutes,

**MR. SHORTRIDGE.** Mr. President—

**THE PRESIDING OFFICER.** Does the Senator from Nebraska yield to the Senator from California?

**MR. HOWELL.** I yield.

**PUBLIC CAMP GROUNDS—ANGELES NATIONAL FOREST**

**MR. SHORTRIDGE.** I ask unanimous consent that the Senate take up out of order House bill 9494, to enable the board of supervisors of Los Angeles County to maintain public camp grounds within the Angeles National Forest. For the information of Senators I may say that it involves no appropriation.

**THE PRESIDING OFFICER.** Is there objection to the request of the Senator from California?

**MR. ROBINSON.** What is the request?

**THE PRESIDING OFFICER.** The request of the Senator from California is that the Senate proceed to the consideration of House bill 9494.

**MR. ROBINSON.** I am compelled to make a point of order that the request is not now in order.

**MR. WARREN.** I did not object, the understanding being that the bill would lead to no debate.

**MR. ROBINSON.** What is the bill?

**MR. SHORTRIDGE.** It is a bill to enable the board of supervisors of Los Angeles County to maintain a public camp grounds within the Angeles National Forest.

**MR. ROBINSON.** I have no objection to its consideration.

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

*Be it enacted, etc.*, That the Secretary of Agriculture is hereby authorized, in his discretion, upon application by the board of supervisors of Los Angeles County, Calif., to designate and segregate, for recreation development, not to exceed 5,000 acres within the Angeles National Forest, Calif., which, in his opinion, are available for such purposes, and to issue to the said board of supervisors, for the benefit of said county, a free permit authorizing the improvement, maintenance, and use of such lands for free public camp grounds under conditions which will allow the fullest use of the lands for recreational purposes without interfering with the objects for which the national forest was established. Such permit or permits shall remain in full force and effect as long as the county complies with the conditions therein and maintains the areas so designated as free public camp grounds. Lands so designated and segregated under the provisions of this act shall not be subject to the mining laws of the United States.

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

**CONTROL OF FLOODS IN CALOOSAHTACHEE RIVER**

**MR. FLETCHER.** Mr. President—

**THE PRESIDING OFFICER.** Does the Senator from Nebraska yield to the Senator from Florida?

**MR. HOWELL.** I yield.

**MR. FLETCHER.** I report back favorably without amendment from the Committee on Commerce a very brief bill, House bill 10287. The object of the bill is to authorize a preliminary examination and survey of the Caloosahatchee River, in Florida, with a view to the control of floods. It is recommended by the War Department. I submit a report on the bill (No. 1108), and ask for its immediate consideration.

**MR. WARREN.** If it will lead to no debate, I will not object to its consideration.

**THE PRESIDING OFFICER.** The Senator from Florida submits a report out of order, and asks for the present consideration of the bill.

**MR. KING.** Let the bill be read.

**THE PRESIDING OFFICER.** The bill will be read for the information of the Senate.

The reading clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby authorized and directed to cause preliminary examination to be made of the Caloosahatchee River, in Florida, with a view to the control of the floods in accordance with the provisions of section 3 of "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes," approved March 1, 1917.

SEC. 2. The sum of \$1,000, or so much thereof as may be necessary, is hereby authorized to be expended out of any funds heretofore appropriated for examinations, surveys, and contingencies of rivers and harbors to carry out the provisions of this bill.

There being no objection the bill was considered as in Committee of the Whole.

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

**DETAIL OF ARMY OFFICERS AS INSTRUCTORS**

**MR. BINGHAM.** Mr. President—

**THE PRESIDING OFFICER.** Does the Senator from Nebraska yield to the Senator from Connecticut?

**MR. HOWELL.** I yield to the Senator.

**MR. BINGHAM.** I ask unanimous consent for the consideration of Senate bill 2865, to define the status of retired officers of the Regular Army who have been detailed as professors and assistant professors of military science and tactics at educational institutions.

**MR. CURTIS.** I did not hear the Senator. What is the bill?

**MR. BINGHAM.** It is a bill reported unanimously by the Committee on Military Affairs giving retired officers who are professors and assistant professors of military science the status of being on active duty. The Comptroller General has ruled that officers on such assignments are not on active duty; that it is not military duty. The committee believes it is military, and it is the object of the bill to relieve that situation. There is no objection to the bill. It was unanimously reported by the committee.

**MR. WARREN.** I shall have to object to the consideration of the bill if it will lead to debate. Otherwise, I shall not object.

**THE PRESIDING OFFICER.** Is there objection to the request preferred by the Senator from Connecticut?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

That the authority for detail of retired officers of the Regular Army contained in section 40b and section 55c of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, shall in either case be construed to include authority to so detail retired officers of the Philippine Scouts.

SEC. 2. Duty performed by retired officers of the Regular Army and duly performed by retired officers of the Philippine Scouts, pursuant to War Department orders issued under section 40b or section 55c, respectively, of said national defense act of June 3, 1916, as amended by the act of June 4, 1920, including in either case temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of increase of longevity pay of such retired officers within the meaning of the national defense act of June 3, 1916, as amended by the act of June 4, 1920, and the act of May 12, 1917, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1918, and for other purposes," and the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service."

SEC. 3. Duty heretofore performed by retired officers of the Philippine Scouts, pursuant to War Department orders purporting to have been issued under section 40b or section 55c, respectively, of said national defense act of June 3, 1916, as amended by the act of June 4, 1920, including, in either case, temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for the purpose of increase of longevity pay of such retired officers, within the meaning of the aforesaid act of June 3, 1916, as amended by the act of June 4, 1920, and the aforesaid act of May 12, 1917, and the aforesaid act of June 10, 1922.

SEC. 4. Duty performed prior to July 1, 1922, by retired officers of the Regular Army and duty performed prior to June 10, 1922, by retired officers of the Philippine Scouts, pursuant to War Department orders issued or purporting to have been issued under section 40b or section 55c, respectively, of said national defense act of June 3, 1916, as amended by the act of June 4, 1920, including, in either case, temporary duty for attendance on any course of preparatory instruction required by such order, shall be construed to be active duty for

the purpose of promotion of such retired officers on the retired list, within the meaning of the aforesaid act of June 3, 1916, as amended by the act of June 4, 1920, and the aforesaid act of June 10, 1922.

SEC. 5. Any administrative action heretofore taken by the War Department dependent for validity upon the above-mentioned constructions of the indicated statutes, or a like construction of any other statute authorizing the detail of retired officers of the Army to educational institutions, is hereby ratified and confirmed; and that any pay otherwise due to any retired officers of the Regular Army or the Philippine Scouts but heretofore withheld by reason of a construction of any of the indicated statutes inconsistent with those foregoing shall be considered due and payable.

The amendment was agreed to.

Mr. KING. I hope the Senator will not press the consideration of the bill at this time. I shall have to object.

The PRESIDING OFFICER. Objection is made.

Mr. BINGHAM subsequently said: Mr. President, the Senator from Utah has withdrawn his objection to the consideration of Senate bill 2865, and I ask for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

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

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

The title was amended so as to read: "A bill to define the status of retired officers of the Regular Army who have been detailed as professors and assistant professors of military science and tactics at educational institutions, and for other purposes."

#### EXCHANGE OF TIMBERLANDS

Mr. BURSUM, Mr. President—

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

Mr. HOWELL. I yield.

Mr. BURSUM. I ask unanimous consent to take up Senate bill 3883, providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, and Taos Counties, N. Mex., within the Mora Grant, and adjoining one or more national forests, by exchanging therefor timber, within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona.

This is a bill providing for the exchange of timber for forest land, or some lands which have heretofore been within the forests, and the title to which has been questioned. It has recently been decided by the courts that the lands belong to private parties.

Mr. KING. I shall not object to the consideration of the bill, but I want to ask the chairman of the Committee on Appropriations whether opportunity is to be afforded Senators to offer amendments to the pending bill. I have some amendments to offer.

The PRESIDING OFFICER. The Chair can assure the Senator from Utah that full opportunity to offer individual amendments will be given.

Mr. WARREN. Let me say to the Senator that I was about to inquire of the Senator from Nebraska, who is entitled to the floor, whether he would be willing to allow the balance of the speech, which he has been engaged in delivering, to be printed, and permit us to conclude the consideration of the appropriation bill before 5 o'clock when, under the unanimous-consent agreement, a recess is to be taken.

Mr. OVERMAN. That is against the rules of the Senate.

The PRESIDING OFFICER. That may not be done, the Chair will say to the Senator from Wyoming, under the rules of the Senate; that is, leave to print does not exist in the Senate.

Mr. WARREN. I was making the suggestion in accordance with the way business is sometimes transacted in the Senate.

Mr. OVERMAN. I would like to know when the Senator from Wyoming expects to get the pending appropriation bill through if he continues to yield for the consideration of bills on the calendar.

Mr. WARREN. The Senator's suggestion is a timely one, but it seems to have become the practice for some Senator to get the floor and begin a speech, and then yield to various Senators for the consideration of bills on the calendar.

Mr. OVERMAN. It is all right for a Senator to yield for the consideration of some local bill, which will not lead to debate, but here is a request to take up general legislation, and it should not be called up in this way.

Mr. BURSUM. The bill for which I ask consent is a local bill.

Mr. OVERMAN. I leave it, of course, to the chairman of the committee. If he cares to yield, it is all right with me; but he will never get through with the pending appropriation bill if he continues to yield.

The PRESIDING OFFICER. The Senator from Nebraska has the floor, and he will do the yielding. It is for the Senator from Wyoming to do the objecting. Is there objection to the unanimous-consent request preferred by the Senator from New Mexico?

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

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized in his discretion to accept on behalf of the United States title to all or any part of privately owned lands situated within the Mora Grant, as described in the patent issued by the United States, located in the counties of San Miguel, Mora, and Taos, in the State of New Mexico, and adjoining one or more national forests, if in the opinion of the Secretary of Agriculture public interests will be benefited thereby and the lands are chiefly valuable for national forest purposes, and in exchange therefor the Secretary of Agriculture may authorize grantor to cut and remove an equal value of timber within the national forests of the State of New Mexico or of the State of Arizona, the values in each case to be determined by the Secretary of Agriculture and acceptable to the grantor as a fair compensation. Timber given in exchange shall be cut and removed under the laws and regulations relating to the national forests and under the direction and supervision and in accordance with the requirements of the Secretary of Agriculture.

SEC. 2. Lands offered for exchange hereunder and not covered by public-land surveys or identified by surveys of the United States shall be identified by metes and bounds surveys, and that such surveys and the plats and field notes thereof may be made by employees of the United States Forest Service and approved by the United States Surveyor General.

SEC. 3. Any lands conveyed to the United States under the provisions of this act shall, upon acceptance of the conveyance thereof, become and be a part of the Carson National Forest or of the Santa Fe National Forest, as the Secretary of Agriculture may determine.

SEC. 4. Before any exchange of lands for timber as above provided is effected notice of such exchange proposal, describing the lands involved therein, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated.

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

#### RENTAL OF QUARTERS FOR POSTAL PURPOSES

Mr. STERLING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. HOWELL. I yield.

[Mr. HOWELL's speech is published entire beginning on p. 3703.]

Mr. OVERMAN. Mr. President, I ask unanimous consent that we take up the calendar.

Mr. KING. I object.

The PRESIDING OFFICER. Objection is made to the request of the Senator from North Carolina.

Mr. STERLING. I ask unanimous consent for the present consideration of Senate bill 3967, to authorize the Postmaster General to rent quarters for postal purposes in certain cases without a formal written contract, and for other purposes. The Postmaster General estimates that \$525,000 a year can be saved by the enactment of this legislation.

Mr. KING. Will the Senator underwrite it?

Mr. STERLING. I will underwrite it.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

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

*Be it enacted, etc.*, That the Postmaster General, under regulations prescribed by him, may authorize for the Post Office Department and the Postal Service, without advertising and without a formal written contract, (1) the renting of quarters, if the rental for such quarters does not exceed a rate of \$1,000 per annum, and (2) the purchase in the open market of supplies and the procurement of services, if the amount of any such purchase or the cost of any such service does not exceed \$500.

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

## RECESS

**THE PRESIDING OFFICER.** The hour of 5 o'clock having arrived, under the unanimous-consent agreement previously entered into, the Senate will stand in recess until 8 o'clock this evening.

The Senate thereupon (at 5 o'clock p. m.) took a recess until 8 o'clock p. m.

## EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

## ORDER FOR RECESS

**MR. CURTIS.** Mr. President, I ask unanimous consent that when the Senate completes its business to-night it take a recess until 12 o'clock to-morrow.

**THE PRESIDING OFFICER** (Mr. Moses in the chair). Is there objection? The Chair hears none, and it is so ordered.

## TRAFFIC REGULATIONS AND ADDITIONAL OFFICERS

**THE PRESIDING OFFICER.** The Chair lays before the Senate the first bill on the unanimous-consent calendar, Senate bill 4207.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4207) to provide for the regulation of motor-vehicle traffic in the District of Columbia, increase the number of judges of the police court, and for other purposes.

**MR. BALL.** Mr. President, I ask unanimous consent to dispense with the formal reading of the bill, and that the bill be read for amendment.

**MR. SMOOT.** The bill is not very long. I think it ought to be read.

**MR. BAYARD.** It ought to be read.

**MR. KING.** Yes; let the bill be read.

**THE PRESIDING OFFICER.** Objection is made. The clerk will read the bill.

The principal legislative clerk proceeded to read the bill, and read to page 4, line 2.

**MR. MCKELLAR.** Mr. President, may I ask the Senator from Delaware how many judges of the police court there are now?

**MR. BALL.** There are two.

**MR. MCKELLAR.** This would increase the number to four?

**MR. BALL.** Yes.

**MR. MCKELLAR.** What is the salary, according to the classification act?

**MR. BALL.** I am informed that it is \$5,200 per annum.

The reading of the bill was continued to the bottom of page 6.

**MR. MCKELLAR.** Mr. President, may I inquire if there is a director of traffic now?

**MR. BALL.** No; there is not. The bill creates a new office.

**MR. MCKELLAR.** Who occupies a similar position in regard to traffic at this time?

**MR. BALL.** We have had very limited traffic regulations in Washington. We have never had a distinct traffic organization. The police at present have absolute control.

**MR. MCKELLAR.** The chief of police is in charge of traffic?

**MR. BALL.** Yes.

**MR. COPELAND.** Mr. President, there is a special police inspector assigned to traffic, and there is a clerk who has charge of licenses. The bill proposes to put these matters all under one director, who will have charge of all the matters heretofore taken charge of by these other minor officials.

**MR. MCKELLAR.** What will his salary be under the classification act?

**MR. WARREN.** The salary will be fixed according to the classification act. There are certain places where it will fall into the regular line.

**MR. MCKELLAR.** A Senator sitting near me has just suggested that the salary will be \$5,500 in this case. Is that correct?

**MR. BALL.** I did not say that.

**MR. MCKELLAR.** No; a Senator near me said it.

**MR. WARREN.** It might be that, but the classification law will take care of it, whatever it may be, and place it in the proper bracket.

**MR. BALL.** Those who had a material interest in the drafting of the bill intended that the traffic director should be a man of very considerable force, otherwise the law, of course, would not be carried out and made an effective working law.

**MR. CARAWAY.** The Senator said those who drafted the bill. Who drafted it?

**MR. BALL.** I said those interested in the drafting of the bill, who were the members of the House Committee on the District of Columbia and the Senate District Committee, a joint committee.

**MR. CARAWAY.** Did they not have information enough to know what the salary was going to be?

**MR. BALL.** No; the classification act will fix the salary.

**MR. CARAWAY.** That is already a law. The members of the committee could have read it. Could they not tell what the salary would be under the provisions of the law?

**MR. BALL.** As a member of the committee, I do not know. I imagine it would be about \$5,000. The idea of the committee was to get a first-class, forceful man; otherwise the law will not bring the results we hope for.

**MR. BAYARD.** Does the Senator think we can get a first-class, forceful man for \$5,000 to regulate traffic in the District of Columbia?

**MR. BALL.** That I do not know.

**MR. BAYARD.** In other words, the Senator is guessing at it absolutely when he refers to the classification law.

**MR. BALL.** He will be the head of the division. The classification act fixes the salaries of all heads of divisions.

**MR. BAYARD.** He will not be the head of a division under the terms of the bill.

**MR. BALL.** He will be the head of a new distinct department. I do not know what it might be termed, but probably a division.

**MR. BAYARD.** He is not stated to be the head of the division under the terms of the bill. May I read it to my colleague?

The term "director" means the director of traffic of the District of Columbia.

Of what division would he be the head?

**MR. BALL.** The head of the traffic of the District of Columbia. We are creating an entirely new division.

**MR. BAYARD.** Is there a traffic division created by the act?

**MR. BALL.** When we appoint a director and he performs those duties which are provided by the bill, it seems to me we are creating what we may properly call a division.

**MR. BAYARD.** I think we have absolutely left out of the bill any suggestion of the creation of a division. If this man should be appointed head of a division and be classified according to the bill as it now reads, I question whether or not he would be able to get his salary. He would probably have to fight for his salary if appointed in this way.

**MR. COPELAND.** Mr. President, the committee discussed the question of a director and what sort of a man we would need and how much we would need to pay him. We started out with the idea of paying \$10,000 or \$12,000 a year, but when we came to consider the matter of the kind of man who would be suited for the place we decided that under the classification act, which would, as I recall it, pay \$5,500, we could get such a man as we wanted.

**MR. SMOOT** and **MR. BALL** addressed the Chair.

**THE PRESIDING OFFICER.** Does the Senator from New York yield; and if so, to whom?

**MR. COPELAND.** I yield to the Senator from Utah.

**MR. SMOOT.** The man employed will fall under the administrative classification. The highest salary under that classification, which is grade 13 and which means the exclusive grade, is \$7,500. The salaries range from \$6,000 to \$7,500. There is a provision in the first appropriation act providing that where there is only one in the grade—and in this case the director of traffic would be the only one in the grade—he shall be entitled to the average of the different grades within the class. He may fall in grade 11, the assistant chief administrative grade. If he falls in that grade, the highest salary he could draw would be \$4,500, and if he falls in a higher grade than the average of that grade, he could not receive more than \$5,600.

**MR. JONES** of Washington. Mr. President, I wish to make a parliamentary inquiry.

**THE PRESIDING OFFICER.** The Senator from Washington will state it.

**MR. JONES** of Washington. I ask whether or not the formal reading of the bill, which has been demanded, can be interrupted?

**THE PRESIDING OFFICER.** The Chair is of the opinion that it can not be interrupted if anyone raises the point.

**MR. JONES** of Washington. I raise the point.

**THE PRESIDING OFFICER.** The Clerk will proceed with the reading of the bill.

Mr. BALL. I asked in the beginning to dispense with the formal reading of the bill, but there was objection.

The PRESIDING OFFICER. The request to dispense with the formal reading of the bill was objected to. The Clerk will proceed with the reading.

The reading of the bill was resumed and concluded, which is entire as follows:

*Be it enacted, etc.*, That this act may be cited as the "District of Columbia traffic act, 1925."

#### DEFINITIONS

SEC. 2. When used in this act—

(a) The term "motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam, except traction engines, road rollers, and vehicles propelled only upon rails and tracks;

(b) The term "court" means the police court of the District of Columbia;

(c) The term "District of Columbia Code" means the act entitled "An act to establish a code of law for the District of Columbia, approved March 3, 1901," as amended;

(d) The term "District" means the District of Columbia;

(e) The term "commissioners" means the Board of Commissioners of the District of Columbia;

(f) The term "director" means the director of traffic of the District of Columbia;

(g) The term "person" means individual, partnership, corporation, or association;

(h) The term "park" means to leave any motor vehicle standing on a public highway, whether or not attended;

(i) The term "public highway" means any street, road, or public thoroughfare; and

(j) The term "this act" includes all lawful regulations issued thereunder by the commissioners.

#### ADDITIONAL JUDGES FOR THE POLICE COURT

SEC. 3. (a) Section 42 of the District of Columbia Code is amended to read as follows:

"SEC. 42. Constitution: The police court of the District shall consist of four judges learned in the law, appointed by the President, and with the advice and consent of the Senate. No person shall be so appointed unless he has been an actual resident of the District for a period of at least five years immediately preceding his appointment and has been in the actual practice of law before the Supreme Court of the District for a period of five years prior to his original appointment. The term of office of each judge shall be six years, except that any judge in office at the expiration of the term for which he was appointed may continue in office until his successor takes office. Each judge shall be subject to removal by the President for cause. The salary of each judge shall be fixed in accordance with the classification act of 1923. The judges shall hold separate sessions and may carry on the business of the court separately and simultaneously, but the holding of such sessions shall be so arranged that the court shall be open continuously from 10 o'clock antemeridian until 11 o'clock postmeridian each day, Sundays excepted, for the trial of cases involving violations of traffic laws and regulations. The judges shall have power to make rules for the apportionment of business between them and the act of each judge respecting the business of the court shall be deemed and taken to be the act of the court. Each judge when appointed shall take the oath prescribed for judges of courts of the United States."

(b) Nothing contained in this section shall affect the term of office of the present judges of the police court or require their reappointment.

(c) The judges of the police court are authorized to appoint not exceeding six additional deputy clerks and four additional bailiffs, if the business of the court requires it. The salaries of such additional deputy clerks and bailiffs shall be fixed in accordance with the classification act of 1923.

(d) The commissioners shall provide for the use of the police court as enlarged by this act such additional quarters, furniture, books, stationery, and office equipment as may, in their opinion, be necessary for the efficient execution of the functions of the court, and as may be appropriated for by the Congress from time to time.

#### JURORS FOR POLICE COURT

SEC. 4. (a) Section 45 of the District of Columbia Code is amended to read as follows:

"SEC. 45. Jury: The jury for service in said court shall consist of 12 men, who shall have the legal qualifications necessary for jurors in the Supreme Court of the District, and shall receive a like compensation for their services, and such jurors shall be drawn and selected under and in pursuance of the laws concerning the drawing and selection of jurors for service in said court. The term of service of jurors drawn for service in the police court shall be for one jury term and, in any case on trial at the expiration of any jury term until a verdict has been rendered or the jury discharged. The jury terms shall begin on the first Monday and the third Monday of each month

of the year. The jury term beginning on the first Monday of each month shall terminate at the end of two weeks, and the jury term beginning on the third Monday of each month shall terminate on the Saturday next preceding the beginning of the next jury term. When at any term of said court it shall happen that in a pending trial no verdict shall be found, nor the jury otherwise discharged before the next succeeding term of the court, the court shall proceed with the trial by the same jury, as if said term had not commenced."

(b) The third paragraph of section 204 of the District of Columbia Code is amended so as to compose two paragraphs to read as follows:

"At least 10 days before the first Monday and at least 10 days before the third Monday of each month of the year the said jury commission shall likewise draw from the jury box the names of such number of persons as the police court of the District of Columbia may from time to time direct to serve as jurors in the police court and shall forthwith certify to the clerk of the Supreme Court of the District of Columbia the names of the persons so drawn as jurors.

"At least 10 days before the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year the said jury commission shall likewise draw from the jury box the names of persons to serve as jurors in the juvenile court of the District of Columbia in accordance with sections 14 and 15 of the act of Congress approved March 19, 1906, creating the said juvenile court, and shall also draw from the jury box the names of persons to serve as jurors in any other court in the District of Columbia which hereafter may be given cognizance of jury trials, and shall certify the respective list of jurors to the clerk of the Supreme Court of the District of Columbia."

#### DIRECTOR OF TRAFFIC—REGULATIONS

SEC. 5. (a) The commissioners are hereby authorized to appoint a director of traffic, who shall perform the duties prescribed in this act and such additional duties, not inconsistent therewith, in respect of the regulation and control of traffic in the District, as the commissioners may require. The term of office of the director shall be three years and his salary shall be fixed in accordance with the classification act of 1923. The director shall be subject to removal by the commissioners for cause.

(b) The director is hereby authorized, beginning 50 days after the enactment of this act, (1) to make reasonable regulations with respect to brakes, horns, lights, mufflers, and other equipment, the speed and parking of vehicles, the registration of motor vehicles, the issuance and revocation of operators' permits, and such other regulations with respect to the control of traffic in the District not in conflict with any law of the United States as are deemed advisable, and (2) to prescribe reasonable penalties of fine, or imprisonment not to exceed one year in lieu of or in addition to any fine, for the violation of any such regulation. Such regulations shall become effective when adopted and promulgated by the commissioners in accordance with law.

(c) Regulations promulgated under subdivision (b) shall, when adopted, be printed in one or more of the daily newspapers published in the District, and no penalty shall be enforced for any violation of any such regulation which occurs within 10 days after such publication, except that whenever it is deemed advisable to make immediately effective any regulation relating to parking, diverting of vehicle traffic, or closing of streets to such traffic, the regulation shall be effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. The placing at or upon the public highway of any sign relating to parking or the regulation of traffic, except by the authority of the director, is prohibited.

(d) The commissioners are hereby authorized to appoint one additional assistant to the corporation counsel, whose salary shall be fixed in accordance with the classification act of 1923.

#### OPERATORS' PERMITS

SEC. 6. (a) Upon application made under oath and the payment of the fee hereinafter prescribed, the director is hereby authorized to issue annually a motor-vehicle operator's permit to any individual who, in the opinion of the director, is mentally, morally, and physically qualified to operate a motor vehicle in such manner as not to jeopardize the safety of individuals or property. The director shall cause each applicant to be examined as to his knowledge of the traffic regulations of the District and shall require the applicant to give a practical demonstration of his ability to operate a motor vehicle within a congested portion of the District and in the presence of such individuals as he may authorize to conduct the demonstration, except that upon the renewal of any such operator's permit such examination and demonstration may be waived in the discretion of the director. Operators' permits shall be issued for a period not in excess of one year, expiring on March 31. The fee for any such permit shall be \$2 except that in case of any permit which will expire within less than six months of the date of its issuance the fee shall be \$1. In case of the loss of an operator's permit the individual to whom such permit was issued shall forthwith notify the director, who shall

furnish such individual with a duplicate permit. The fee for each such duplicate permit shall be 50 cents. No operator's permit shall be issued to any individual under 16 years of age; and no such permit shall be issued to any individual 16 years of age or over but under 18 years of age for the operation of any motor vehicle other than a passenger vehicle used solely for purposes of pleasure and owned by such individual or his parent or guardian, or a motor cycle, or a motor bicycle.

(b) Each operator's permit shall (1) state the name and address of the holder, together with such other matter as the director may by regulation prescribe, and (2) contain his signature and space for the notation of convictions for violations of the traffic laws of the District.

(c) Any individual to whom has been issued a permit to operate a motor vehicle shall have such permit in his immediate possession at all times when operating a motor vehicle in the District, and shall exhibit such permit to any police officer when demand is made therefor. Any individual failing to comply with the provisions of this subdivision shall, upon conviction thereof, be fined not less than \$2 nor more than \$40.

(d) The director shall provide by regulation for the issuance without charge, upon application therefor, of operators' permits under the provisions of this act to individuals in possession of operators' permits issued to such individuals in the District prior to the enactment of this act. Such permits shall be issued with or without the examination and practical demonstration provided in subdivision (a) of this section, as the director may deem advisable. All such permits shall expire on March 31, 1926.

(e) No individual shall operate a motor vehicle in the District, except as provided in section 7, without having first obtained an operator's permit issued under the provisions of this act. Any individual violating any provision of this subdivision shall, upon conviction thereof, be fined not more than \$500 or imprisoned for not more than one year, or both.

(f) Nothing in this act shall relieve any individual from compliance with the act entitled "An act to amend the license law, approved July 1, 1902, with respect to licenses of drivers of passenger vehicles for hire," approved January 29, 1913.

#### NONRESIDENTS

SEC. 7. (a) The owner or operator of any motor vehicle who is not a legal resident of the District, and who has complied with the laws of any State, Territory, or possession of the United States, or of a foreign country or political subdivision thereof, in respect of the registration of motor vehicles and the licensing of operators thereof, shall, subject to the provisions of this section, be exempt from compliance with section 6 and with any provision of law or regulation requiring the registration of motor vehicles or the display of identification tags in the District. Such exemption shall cover the period immediately following the entrance of such owner or operator into the District equal to the period for which the director has previously found that a similar privilege is extended to legal residents of the District by such State, Territory, or possession of the United States, or foreign country or political subdivision thereof. The director shall from time to time ascertain such privileges and cause his findings to be promulgated.

(b) Any operator of a motor vehicle who is not a legal resident of the District and who does not have in his immediate possession an operator's permit issued by a State, Territory, or possession of the United States, or foreign country or political subdivision thereof, having motor vehicle reciprocity relations with the District, shall not operate a motor vehicle in the District unless (1) the laws of the State, Territory, or possession of the United States, or foreign country or political subdivision thereof, under which the motor vehicle is registered do not require the issuance of a motor vehicle operator's permit or (2) he has submitted to examination within 72 hours after entering the District and obtained an operator's permit in accordance with the provisions of section 6 of this act. Any individual who violates any provision of this subdivision shall, upon conviction thereof, be fined not less than \$5 nor more than \$50 or imprisoned not less than 30 days, or both.

#### SPEEDING AND RECKLESS DRIVING

SEC. 8. (a) No motor vehicle shall be operated upon any public highway in the District at a rate of speed greater than 25 miles per hour under any circumstances.

(b) No individual shall operate a motor vehicle over any public highway in the District (1) recklessly; or (2) at a rate of speed greater than is reasonable and proper, having regard to the width of the public highway, the use thereof, and the traffic thereon; or (3) so as to endanger any property or individual; or (4) so as unnecessarily or unreasonably to damage the public highway.

(c) If the rate of speed of any motor vehicle operated upon any public highway in the District exceeds 20 miles per hour, such rate of speed shall be prima facie evidence that such vehicle is being

operated in violation of subdivision (b), and the burden of proof shall be upon the operator to show that the motor vehicle was not being operated in violation of such subdivision.

(d) Any individual violating any provision of this section where the offense constitutes reckless driving shall, upon conviction for the first offense, be fined not less than \$25 nor more than \$100 and imprisoned not less than 10 days nor more than 30 days; and upon conviction for the second or any subsequent offense such individual shall be fined not less than \$100 nor more than \$1,000, and shall be imprisoned not less than 30 days nor more than one year, and the clerk of the court shall certify forthwith such conviction to the director, who shall thereupon revoke the operator's permit of such individual.

(e) Any individual violating any provision of this section, except where the offense constitutes reckless driving, shall, upon conviction for the first offense, be fined not less than \$5 nor more than \$25; upon conviction for the second offense, such individual shall be fined not less than \$25 nor more than \$100; upon conviction for the third offense, or any subsequent offense, such individual shall be fined not less than \$100 nor more than \$500, and shall be imprisoned not less than 30 days nor more than one year, and the clerk of the court shall certify forthwith such conviction to the director, who shall thereupon revoke the operator's permit of such individual.

#### FLEEING FROM SCENE OF ACCIDENT—DRIVING UNDER INFLUENCE OF LIQUOR OR DRUGS

SEC. 9. (a) No operator of a motor vehicle in the District, knowing that such motor vehicle has struck any individual or any vehicle, or that such vehicle has been struck by any other vehicle, shall leave the place where the collision or injury occurred without stopping and giving his name, place of residence, including street and number, and registration and operator's permit numbers to the individual so struck or the operator of the other vehicle. Each such operator shall, in addition, unless physically unable, cause the details thereof to be reported to a police station within 24 hours after the occurrence of the collision or injury.

(b) No individual shall, while under the influence of any intoxicating liquor or narcotic drug, operate any motor vehicle in the District.

(c) Any individual violating any provision of this section shall, upon conviction for the first offense be fined not less than \$100 nor more than \$500 and imprisoned not less than 60 days nor more than six months; and upon conviction for the second or any subsequent offense, be fined not less than \$200 nor more than \$1,000 and imprisoned not less than six months nor more than one year. Upon conviction of a violation of any provision of this section the clerk of the court shall certify forthwith such conviction to the director, who shall thereupon revoke the operator's permit of such individual.

#### SMOKE SCREENS

SEC. 10. (a) No individual shall knowingly—

(1) Have in his possession any device designed to cause the emission from a motor vehicle of a dense mass of smoke commonly called a smoke screen;

(2) Use or permit the use of any such device in the operation of any motor vehicle; or

(3) Have in his possession or control any motor vehicle equipped with any such device or specially fitted for the attachment thereto of any such device.

(b) Any individual violating any provision of this section shall be guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for a term of not less than one year nor more than five years.

#### REPORTING BY GARAGE KEEPER OF CARS DAMAGED IN ACCIDENTS

SEC. 11. The individual in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident or struck by bullets shall report to a police station within 24 hours after such motor vehicle is received, giving the make of the motor vehicle, the engine number, the registry number, and the name and address of the owner or operator of such motor vehicle. Any such individual failing so to report shall, upon conviction thereof, be fined not less than \$25 nor more than \$100 for each offense.

#### REVOCATION OR SUSPENSION OF OPERATORS' PERMITS

SEC. 12. (a) The director may in his discretion (except where for any violation of this act revocation of the operator's permit is mandatory) revoke or suspend the operator's permit of any individual convicted of a violation of any of the provisions of this act. The director may also, for such cause as he deems advisable, revoke or suspend the operator's permit of any individual, upon hearing before the director or his representative after notice in writing of the proposed action and the grounds therefor have been mailed to the individual at the address given in his application for the permit.

(b) In case the operator's permit of any individual is revoked no new permit shall be issued to such individual for at least six months after the revocation, nor thereafter except in the discretion of the director.

(c) Any individual not having an operator's permit issued by the director but having in his immediate possession an operator's permit issued by any State, Territory, or possession of the United States, or foreign country or political subdivision thereof shall, upon conviction of a violation of any provision of this act requiring the revocation or suspension for any period of the operator's permit, have his right to operate in the District under the permit of such State, Territory, or possession of the United States, or foreign country or political subdivision thereof, suspended for such period as the director may prescribe, and the proper authority at the place of issuance of the permit shall be notified of such suspension and the reason therefor.

(d) Any individual found guilty of operating a motor vehicle in the District during the period for which his operator's permit is revoked or suspended or for which his right to operate is suspended under this act shall, for each such offense, be fined not less than \$100 nor more than \$500, or imprisoned not less than 30 days nor more than one year, or both.

#### IMPOUNDING OF VEHICLES

SEC. 13. (a) The director is authorized to provide by regulation for the removal and impounding of vehicles parked in violation of any law or regulation, and for the release of any such vehicle upon payment by the owner of such vehicle or his representative of such impounding fee, not in excess of \$10 for any violation, as he deems advisable.

(b) No such fee shall be collected from any owner of a vehicle under the provisions of this section if such owner can show that the parking of the vehicle for which the violation is charged was the act of a person not authorized by the owner to have control of the vehicle.

#### ARTERIAL HIGHWAYS OR BOULEVARDS

SEC. 14. For the purpose of expediting motor-vehicle traffic the director is authorized to designate and establish any public highway as an arterial highway or boulevard and to provide for the equipment of any such highway or boulevard with such traffic-control lights and other devices for the proper regulation of traffic thereon, as may be appropriated for by the Congress from time to time.

#### ADDITIONAL POLICE

SEC. 15. The commissioners are authorized to appoint 300 additional privates for the Metropolitan police force.

#### REPEALS

SEC. 16. (a) The provisions of the act entitled "An act regulating the speed of automobiles in the District of Columbia, and for other purposes," approved June 29, 1906, and, in so far as they relate to the regulation of vehicles or vehicle traffic in the District, the provisions of the act entitled "An act to authorize the Commissioners of the District of Columbia to make police regulations for the government of said District," approved January 26, 1887, and of the joint resolution entitled "Joint resolution to regulate licenses to proprietors of theaters in the city of Washington, D. C., and for other purposes," approved February 26, 1892, and of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1918, and for other purposes," approved March 3, 1917, are repealed. The provisions of section 20 of the act entitled "An act to prevent the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes," approved March 3, 1917, shall not apply to any person operating any motor vehicle in the District.

(b) Nothing contained in this act shall be construed to interfere with the exclusive charge and control heretofore committed to the Chief of Engineers over the park system of the District, and he is hereby authorized and empowered to make and enforce all regulations for the control of vehicles and traffic, and limiting the speed thereof on roads, highways, and bridges within the public grounds in the District under his control, subject to the penalties prescribed in this act.

(c) Any violation of any provision of law or regulation issued thereunder which is repealed by this act and any liability arising under such provisions or regulations may if the violation occurred or the liability arose prior to such repeal be prosecuted to the same extent as if this act had not been enacted.

#### EFFECTIVE DATE OF ACT

SEC. 17. (a) The following provisions of this act shall take effect 60 days after its enactment: Sections 6, 7, and 13, and subdivision (a) of section 16.

(b) Except as provided in subdivision (a) of this section and in subdivision (b) of section 5, the provisions of this act shall take effect upon its enactment.

#### SEPARABILITY OF PROVISIONS

SEC. 18. If any provision of this act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the act and the applicability of such provision to other persons and circumstances shall not be affected thereby.

Mr. REED of Missouri. Mr. President, I desire to inquire from the Senator whose name appears upon this bill who is its real author?

Mr. BALL. The Joint Committee on the District of Columbia of the House and Senate, after very extensive hearings.

Mr. REED of Missouri. Mr. President, I have heard read a good many drastic proposals for laws in this free country, and it has seemed to me that sometimes insanity has become epidemic, and that it particularly afflicts those who want to regulate the conduct of other people. Every person who is sane is willing to have laws passed for the protection of life and limb upon the streets—reasonable, sensible, American laws—but I confess that the reading of this bill arouses every sentiment of indignation of which I am capable.

For a thousand years it has been the rule among the English-speaking people that every man charged with a crime is presumed to be innocent until his guilt is proven beyond a reasonable doubt. It is a part of that principle, which is perhaps the choicest jewel in the law of human liberty, that the burden of proof is upon the prosecutor, upon the Government. A man who is brought into an American court has the right to stand silent and to make no plea at all, and the court must enter a plea of not guilty. If he is not represented by counsel, and desires counsel, the court must appoint counsel for him in nearly every American State, and I believe in every American State, and, it is suggested, in the Territories. When the trial begins the State must prove its charge as laid in the information or the indictment, and still the presumption of innocence runs. That presumption of innocence continues to run with the defendant until it is overcome by evidence which establishes his guilt beyond a reasonable doubt.

That is true in cases of the crudest murder, the most atrocious rape, the most villainous act of highway robbery—in all cases of crime, however black or heinous they may be. It is, as suggested by the Senator from Utah [Mr. KING], likewise the rule in high treason against the Government, committed in time of war, when the life of the Government is at stake. Now, however, we find a committee that brings in a bill that proposes to place the burden of establishing innocence upon a defendant who drives an automobile through the streets of the Capital of the greatest and freest Nation on earth!

It is astounding. Let me read it to you. I read from page 12, section 8:

(a) No motor vehicle shall be operated upon any public highway in the District at a rate of speed greater than 25 miles per hour under any circumstances.

Mr. BALL. Mr. President, if the Senator will yield for just one moment—

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Delaware?

Mr. REED of Missouri. I do.

Mr. BALL. I have an amendment covering that section, if the Senator will permit me to present it.

Mr. REED of Missouri. I should think the Senator would have an amendment. Why is the bill brought in here as the solemn proposal of a joint committee and brought in in such shape that it can not suffer discussion for three minutes before its apologist rises and says, "Well, we did not mean it, anyway"?

Now, let us pause a moment; for this will point somewhat to the character of consideration this bill has had and to the kind of bill it is.

At a rate of speed greater than 25 miles per hour under any circumstances.

A man might be obliged to go for a doctor. A man might be obliged to go on an errand for the saving of life. A man might be obliged to go to a fire with his house burning up and his children being there consumed in the flames. A doctor might be riding to save the life of a patient. Any one of ten thousand things might happen, but under no circumstances are you to go at more than 25 miles an hour!

Of course, if the committee had fixed a limit of 25 miles an hour, and then had placed in the bill some exceptions, the bill might have been reasonable; but as it is, it is utterly unreasonable.

What follows?

(b) No individual shall operate a motor vehicle over any public highway in the District (1) recklessly; or (2) at a rate of speed greater than is reasonable and proper, having regard to the width of the public highway, the use thereof, and the traffic thereon; or (3) so as to endanger any property or individual; or (4) so as unnecessarily or unreasonably to damage the public highway.

Just notice the requirements. You must not be reckless, you must not run at an unreasonable rate of speed, having regard to the width of the highway and the use thereof, and you must not endanger any property or any individual, no matter what the individual is doing, no matter where the property is. You must not endanger this individual, or drive "so as unnecessarily or unreasonably to damage the public highway." Now notice:

If the rate of speed of any motor vehicle operated upon any public highway in the District exceeds 20 miles per hour, such rate of speed shall be prima facie evidence that such vehicle is being operated in violation of subdivision (b).

That is, the minute you operate at more than 20 miles an hour, you are presumed to be endangering life, you are presumed to be endangering property, you are presumed to be damaging the highway, you are presumed to be reckless, and you are presumed to be operating at an unreasonable rate of speed. All those things follow from the fact that you are running more than 20 miles an hour, and "the burden of proof shall be upon the operator to show that the motor vehicle was not being operated in violation of such subdivision."

So that, properly construed, that provision means that whenever you are arrested you have to show that you were not running more than 20 miles an hour, and if you can not show that, you have to show all these other things, that you were not running recklessly, and that you were not endangering anybody's life, whether you were careless or not careless, and that you were not damaging any street. All of the burden shifts upon the poor fellow who runs an automobile. He must prove, too, as I have construed the section, that he was not running at 20 miles an hour. He must go to his defense before the State is put to any proof at all.

Then notice the humanity of these gentlemen in this humane age, when we are shedding tears over convicted felons and carrying flowers to murderers in their cells, and when the good people are weeping over all the wrongs and villainies of earth, and trying to ameliorate the condition of mankind:

Any individual violating any provision of this section where the offense constitutes reckless driving shall, upon conviction for the first offense, be fined not less than \$25 nor more than \$100, and imprisoned not less than 10 days nor more than 30 days.

That is for the first offense. A woman drives downtown in her automobile, and some policeman arrests her and drags her down before one of these newly established police courts. At most the policeman says that she endangered somebody's life, that she was not driving properly. At most he is required to do that; I think she has to go to her defense at once, under this bill, without any evidence being offered by the prosecution.

The judge does not have any option. He has to send that woman to jail. She may have a family of six or seven children at home, perhaps one of them a baby. She has to go to jail for 10 days. She may have for a moment been inadvertent. She may be entirely innocent. The ordinary conviction for automobile carelessness depends nearly always upon the opinion of a policeman, and his opinion nearly always depends upon the character of his stomach that day, and that nearly always depends upon the character of the booze he had the night before. That is just the cold fact about this matter.

The bill proceeds:

Not less than 10 days in jail or more than 30; and upon conviction for the second or any subsequent offense, such individual shall be fined not less than \$100 nor more than \$1,000, and shall be imprisoned not less than 30 days nor more than one year.

Why did not the committee add: "Shall be drawn and quartered, and his entrails burned before his eyes, and his carcass hung up at the crossroads"? Why did they not go back to the fourteenth century and get some real penalties?

I know ladies in this town, the wives of Senators, as good women as ever lived on this earth, careful, kindly, intelligent women, who have been arrested more than once by the police force of Washington on the allegation that they had parked their cars in the wrong way, or that they had driven on the wrong side of the street, or that they had made some other little mistake of that kind, or that they were running their cars a little too fast.

Mr. President, I do not like to use harsh language about this sort of thing. I am getting temperate and moderate in my old age. The spirit of gentleness has come over my soul. But, candidly, this thing that I have read seems simply a monstrosity.

If I did not know that my friend BALL was one of the most amiable creatures the Lord ever made and that his name is

attached to this bill, I would say that it had been written by some monster of the dark ages, by some man who had no regard for human life, by some creature who wanted to lay the bloody lash of the law across the white skin of human beings, by some character who would like to take thumbscrews and twist the thumbs of a tortured man, by somebody who would like to stretch the body upon the rack and turn and turn until the eyes spring from the sockets and the blood gushes from the ears. I would say that. But coming as it does from this benign and sweet soul, a fountain that could give forth nothing but sweet waters, I can only express my astonishment. The rest of the bill is nearly as bad as what I have read. I offer that as a sample of modern reform legislation, led by the upholders, a glimpse, Senators, of the new liberty.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. BALL. Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The amendment will be reported.

The READING CLERK. On page 12, line 13, where the bill reads "No motor vehicle shall be operated upon any public highway in the District at a rate of speed greater than 25 miles per hour under any circumstances," strike out "25" and insert in lieu thereof "30," and in the same line, after the word "hour," strike out the words "under any circumstances."

Mr. MCKELLAR. Mr. President, may I ask the Senator a question? Would not that apply to fire engines, or motors drawing fire engines, or ambulances of any kind? Would it not affect those? I know ambulances and fire engines go at a greater rate of speed than 30 miles an hour, and I am wondering if it is the intention of the committee to prevent that.

Mr. BALL. The idea is to limit the speed of all vehicles to 30 miles an hour.

Mr. HEFLIN. Does it make any exceptions?

Mr. MCKELLAR. No; it makes no exceptions at all. I want to ask another question or two in reference to the bill.

Mr. BALL. With reference to this amendment?

Mr. MCKELLAR. No; not this amendment.

Mr. BALL. There are other amendments to be presented.

Mr. MCKELLAR. I will ask the Senator to look at page 7, where I see the following provision:

The Director is hereby authorized, beginning 50 days after the enactment of this act, (1) to make reasonable regulations

Mr. BALL. Why not let us dispose of the pending amendment?

Mr. MCKELLAR. I do not care to have it disposed of right now. I want to ask the Senator something about the bill. There are some provisions in the bill which, it seems to me, ought to be enacted. I think we ought to discuss those which are material and those about which people may differ. On page 7 the director is given unusual power "to prescribe reasonable penalties of fine or imprisonment not to exceed one year," and so forth. It seems to me that term of imprisonment is a long one for a director to prescribe. The Constitution of the United States provides that we shall not inflict unusual punishment, and for a director to be given control in this way is very unusual. Would a jury pass on any question arising under this section? Would these offenses be triable by jury?

Mr. BALL. Has the Senator read the first section of the bill?

Mr. MCKELLAR. Yes; it provides for juries, but it does not say those juries are to pass upon cases involving imprisonment or any particular class of cases. What cases would a jury pass upon?

Mr. BALL. All those where the defendants demand jury trial.

Mr. MCKELLAR. So that anyone arrested under this act could ask for a jury trial?

Mr. BALL. I think that is the fact.

Mr. MCKELLAR. I call the Senator's attention to page 8, where it is provided that—

The commissioners are hereby authorized to appoint one additional assistant to the corporation counsel, whose salary shall be fixed in accordance with the classification act of 1923.

What is the object of providing for additional counsel?

Mr. BALL. The reason why we provide for additional counsel is because the courts are increased by two additional judges.

Mr. MCKELLAR. What is the counsel to do?

Mr. BALL. The counsel prepares the cases for these courts. Not only that, but the court is held open from 10 o'clock in

the morning until 11 at night, while at present the court is held open from 10 o'clock until 4.

Mr. MCKELLAR. The counsel is to represent the city in all the cases. Is that the idea?

Mr. BALL. That is the idea.

Mr. MCKELLAR. I want to call the attention of the Senator to section 7. As the Senator knows, a great many Representatives and Senators have cars. Under the provisions of section 7 could they use the licenses from their own States?

Mr. BALL. They could by getting a permit after coming here, for a certain time.

Mr. MCKELLAR. This provides for the privilege for a period of time only where the director has found a similar period provided for in the State from which the applicant comes. I take it that there is no State statute which provides that a foreign car can come in and use its home license for a period of nine months. I doubt very much whether any State provides for a period of four months, and those periods would constitute the time of the short and long sessions, respectively.

Mr. BALL. The usual provision, I think, is 30 days.

Mr. MCKELLAR. Manifestly under this provision one could not come with a State license and have a reciprocal relation in the District of Columbia.

Mr. BALL. He could by getting a permit from the director.

Mr. MCKELLAR. The director would not be authorized under the bill to give any such permit. It seems to me there ought to be an amendment which would permit legislative officers of the Government and probably other officials of the Government to have reciprocal arrangements by which they could retain their State licenses or by which they could have a District license substituted.

Mr. BALL. I have no objection to the Senator offering such an amendment; but personally I do not think we have any right to grant special privileges to Members of our own body.

Mr. MCKELLAR. It would not be a special privilege under any circumstances, but would be a matter of justice to those who are compelled to stay here for a considerable period. I have never seen the bill before to-night, and I am not in a position to prepare amendments. It seems to me the committee ought to have prepared the bill in proper form before presenting it.

Mr. BAYARD. Mr. President—

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

Mr. MCKELLAR. I yield.

Mr. BAYARD. I want to ask my colleague where in the bill he finds authorization for the director to give a permit to anybody except under the comity laws between the States and only for the period covered in the law of the State from which the person comes to the District?

Mr. BALL. He could get a permit for driving his car by taking the examination, the same as any person living in the District or outside of the District would get a permit, and pay \$2 for it.

Mr. BAYARD. Where is such a provision contained in the bill?

Mr. MCKELLAR. It is not in the bill. It may be in some other law relating to the District, but it is not in the bill, and that is why I called the Senator's attention to it.

Mr. BALL. It provides for the granting of a permit.

Mr. MCKELLAR. I call the Senator's attention to the fact that it would probably fall under the other act by which licenses might now be given to Congressmen and Senators.

Mr. CARAWAY. I think under section 7, at the bottom of page 10 and top of page 11, it could be done.

Mr. MCKELLAR. I would be glad to have the views of the Senator from Arkansas about it.

Mr. CARAWAY. The provision, I think, undertakes to give, for instance, a person coming from Tennessee permission to remain in the District of Columbia without obtaining a District license for three months, as a person having a District license could remain in Tennessee three months without obtaining a Tennessee license. Anyone from Tennessee would be permitted to drive under his permit from Tennessee for three months in the District. If he found it necessary to be here longer, then he could go before the commissioner and get a permit which would be good for one year or until the end of the permit year.

Mr. MCKELLAR. Perhaps the Senator is right about that.

Mr. CARAWAY. With respect to the nonresidents, that includes everybody who is not a legal resident of the District of Columbia. There is a statute here which defines who are legal residents of the District of Columbia. Members of Congress are not legal residents.

Mr. MCKELLAR. That is true. I ask the Senator from Delaware to turn to page 13, under subsection (e), and not specifically that, but the whole section. I take it that the bill was copied from the regulations of some other city. Is that correct? What other city regulations did the committee use?

Mr. BALL. It was not copied from the regulations of any one city. The committee took some provisions from the regulations of Chicago. It took some provisions from the regulations of New York City. The committee had the director of traffic of New York City, together with Judge Cobb, of New York City, before them, and they gave us some very concrete suggestions.

Mr. REED of Missouri. The Senator from Delaware said the committee had some regulations from Chicago and New York and that they had consulted the director of traffic of one of those cities. Did the Senator have any consultation with Draco?

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Tennessee yield to the Senator from Kentucky?

Mr. MCKELLAR. I yield.

Mr. STANLEY. Mark Twain once said after he had been three times arrested, I believe, in the city of Boston, that he who is born in Boston and keeps all the laws and ordinances in Boston need never be born again. I would like to ask the chairman if many of these regulations were not taken from the laws and ordinances of Boston at the time to which Mark Twain referred?

Mr. MCKELLAR. I yield to the Senator from Delaware to answer the question. It is not addressed to me.

Mr. BALL. Mr. President, I do not object to answering a question that is serious. This is a bill of most grave importance to the District of Columbia. If we want to prevent automobile slaughter in Washington we must have some concrete traffic regulations. We must have some well thought out and well-defined penalties for those who will continue day after day to break the ordinary laws and destroy property and life. If the Senate does not wish to pass any proper bill governing the rate of speed, governing the operation of an automobile by a driver who is intoxicated, fixing a penalty for those who dash into a crowd and have an accident and then run away, I am satisfied.

The committee has given the bill very grave consideration. Notwithstanding the very beautiful description given by the senior Senator from Missouri [Mr. REED] and the delightful sentiments expressed by him for the Senator from Delaware, the Senator from Delaware will take responsibility so far as the humane part of the bill is concerned. I admit that I am not skilled in the law, but I hope that I do know when fair and reasonable and just treatment is given to people on the street.

I do not propose to discuss the matter further. If there is any reasonable question Senators want to ask I will gladly answer it; otherwise Senators may do with the bill as they see fit.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. MCKELLAR. I yield to the Senator from Arkansas to ask the Senator from Delaware a question.

Mr. CARAWAY. I want to say that with very many of the provisions of the bill I find myself in hearty accord. I think the reckless driver, who thinks after he has blown his horn that everybody for five blocks must get off the street, needs to be curbed by the strong hand of the law. I have thought that there were some provisions of the bill that were too harsh for minor offenses and none too severe for the more grave ones. What I intended to ask the Senator was if he did not feel that by modifying those provisions which tend to curb the driver who is neither reckless nor inclined to be vicious he could not make a better rounded out bill?

The man who wants to drive when intoxicated ought to stay in jail until he has lost his taste for liquor. As to the man who sounds his horn and then expects everybody else to climb into a second-story window or get run over, I do not care what penalties may be inflicted upon him.

I wish there were some way to abolish the coroner from the bill. Every time some one runs over some one else and kills a human being, the coroner forthwith finds that the person who was killed was altogether to blame. It is twice more serious to be guilty of running into somebody's car than it is to kill a child on the streets of the District of Columbia. I pick up the paper every day and read where some reckless driver has killed a child, and the coroner, almost before they

can get the man to jail, has found that the child was altogether to blame.

I know, basing it upon a very long experience in driving cheap cars, that wherever anyone hurts another on the street, it is not an unavoidable accident. The man who operates a dangerous instrumentality, as the automobile is, ought to keep it under control. If he does, he is not going to hurt anybody. I would be glad to see some provision in the bill that if one strikes a human being he shall go to jail until, after a fair investigation, it shall be determined that he was not to blame. I do not think he would ever get out under that provision.

Mr. BALL. Does the Senator want to ask me a question?

Mr. CARAWAY. Yes; I was about to ask the Senator a question, but the Senator was smiling so sweetly at me that I thought he was being patient with me. I was going to ask if the Senator did not think he could redraft the harsher terms of the bill?

Mr. BALL. I would like to make a statement to the Senator. The bill does not represent my sentiments entirely. The bill was prepared in the full Committee of the District of Columbia of the Senate and the full Committee of the District of Columbia of the House.

Mr. KING. Mr. President—

Mr. BALL. Each and every member—

Mr. KING. I hope the Senator will not include me in that declaration.

Mr. BALL. The only reason why I do not include the Senator is that he failed to attend the committee meetings, not because he was not invited or was not expected.

Mr. KING. The Senator knows that at the time the committee meetings were held the Senator from Utah was attending other committee meetings. I attended one meeting and expressed my disapproval of the provisions then under consideration.

Mr. BALL. I would like to finish my statement, and then I am through; and then I am going to ask to lay the bill aside, because I believe the Senate does not want to pass the bill.

Mr. CARAWAY. I hope the Senator will not be impatient. Nobody is criticizing the Senator, except in the most jocular way, because no one who knows him would for a minute attribute to him any desire to be either harsh or unkind. The Senator takes too keenly criticism which was half jest. My friend the Senator from Missouri [Mr. REED], whose criticism the Senator wants to resent, was merely keeping in practice. [Laughter.] He has no feeling toward the Senator from Delaware at all; but a mind like his must be sharpened periodically, and it happened to be that he whetted it upon the Senator from Delaware, but with no unkind feeling. I hope the Senator will not take it seriously.

Mr. MCKELLAR. The Senator from Delaware is taking it very smilingly.

Mr. CARAWAY. I hope he does not lay the bill aside, because there is much in the bill that ought to be law. I think, according to population, there are more people killed in the District of Columbia than in any other similar community on the earth. I would rather take my chances in central Africa, because it seems to be populated by some of the same kind of folks sometimes, and I think I could escape more easily there than I could here with the reckless driving. I do not want the Senator to lay the bill aside.

Mr. MCKELLAR. I want to ask two other questions of the Senator from Delaware. I wonder if the Senator would suffer an amendment to be made in line 9, page 16?

Mr. BALL. If we can go through the bill, there are a number of amendments that I want to present myself and some that the Senator from Washington [Mr. JONES] wants to present. Amendments from any Senator will be gladly received. Mr. President, I move that the bill be laid aside.

Mr. MCKELLAR. I will not yield for that purpose. I hope the Senator, in the interest of the bill and of the legislation which I think is very necessary, will not insist upon his motion. I think we ought to have legislation of this sort for the District. I hope the Senator will be willing to answer reasonable questions about it. I am not opposed to his bill. I am in favor of a bill to regulate traffic in the District of Columbia. It ought to be passed in the interest of life here in the District. I call the Senator's attention to this provision of the bill:

The director may also, for such cause as he deems advisable, revoke or suspend the operator's permit of any individual, upon hearing before the director or his representative.

The PRESIDING OFFICER. The Chair will state that there is an amendment now pending.

Mr. MCKELLAR. I understand that

Mr. BALL. What was the Senator's question?

Mr. MCKELLAR. Does not the Senator from Delaware think that the provision which I have read proposes to give the director entirely too much power when it provides that he may revoke licenses upon a hearing for any cause whatsoever?

Mr. BALL. Mr. President, there are many features in the bill to which I did not subscribe, but to that feature of the bill I did subscribe. My own opinion is that we should select a director, who, I think, should be paid at least \$10,000 a year.

Mr. CARAWAY. No.

Mr. BALL. I was going to propose an amendment to that effect. We should provide for a director who is big enough to issue proper regulations and promptly to decide on such questions as have been mentioned by the Senator from Tennessee. That is the only way, in my judgment, that we shall ever have an effective law. Unless we shall have a director able to take care of the situation we shall have nobody taking care of it.

Mr. MCKELLAR. Mr. President, I ask the Senator about the provision of the bill on page 18, which reads:

#### ADDITIONAL POLICE

SEC. 15. The commissioners are authorized to appoint 300 additional privates for the Metropolitan police force.

With the police force which we now have in this city, which, I understand, is the largest police force, according to population, that there is in this country and probably in the world, is it necessary to have 300 additional policemen for this city to carry out the provisions of this proposed act? It seems to me that that would be an enormous number of additional policemen. I hope the Senator from Delaware will modify that provision, for it ought to be modified.

Mr. BALL. Mr. President, all the Senator from Tennessee has to do is to move an amendment and to let us take the bill up for amendment, but if the bill shall be simply debated in order to take up time, I desire that it may be laid aside.

Mr. MCKELLAR. But there are no amendments reported in the bill.

Mr. COPELAND. Mr. President, I should like to say in answer to the question of the Senator from Tennessee that he must realize, as, of course, he does realize when he stops to think about the matter, that when we make provision for 300 extra policemen it does not mean that there will be any more policemen on the streets. They work in relays.

Mr. MCKELLAR. Ah, Mr. President, I have been here 14 years, and I have never known a provision of law to be enacted where so many officials were provided for that they were not appointed and appointed very quickly.

Mr. COPELAND. I am surprised that my friend from Tennessee, who is so acute, should miss the point. If 300 extra policeman were appointed they would not work 24 hours a day. They work in relays of 8 hours, so that if we shall have 300 more policemen it will only mean that we shall have 100 more of them on the street, less those who are sick, as some of them always are. The committee gave serious consideration to the policing of the city and the importance of the subject. I am sorry that my colleague on the committee, the titular author of the bill, has felt inclined to have it put aside, because I am sure that every Senator here realizes the necessity of some regulation of traffic in this city.

This particular item, providing for 300 policemen, is a matter which, if enacted, must go to the Appropriations Committee. We did not anticipate that by this action we were going to get 300 extra policemen.

Mr. MCKELLAR. But if we pass the law we shall get them.

Mr. COPELAND. I hope we shall get all of them, because anybody who has gone around this city realizes that we are not providing the police force which is necessary; and when we get 300 extra policemen upon the streets we are not getting too many here to give protection to the community.

Mr. WALSH of Massachusetts. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. COPELAND. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. Mr. President, I think we are wasting a great deal of time. We are now discussing a provision which is on the last page of the bill. I want to appeal to my fellow Senators to realize our responsibility. The people of Washington have no government of their own; they look to us to take care of their municipal affairs. Here is an important piece of legislation, and there are also three or four other bills which should be considered. It has been advertised

in all the newspapers that this night session was to be devoted to the consideration of District legislative measures. Let us get down and consider them.

There is a great deal about this bill that is objectionable, as has been pointed out, but it has some good things in it, and any effort intelligently made to regulate traffic in this city would be a great contribution to the welfare of the city.

I do not think there is a city in the country where traffic conditions are so dangerous as they are in this city. There has not been a day that I have been here that I have not expected to hear of a terrific accident to some public man of prominence, even the President himself, such as being run down on the streets of this city. Should that happen, we should all be more or less responsible for it, because conditions here have been going from bad to worse. I challenge contradiction of the statement that there is not a city in the United States where traffic conditions are so deplorable as they are in this city.

Mr. JONES of Washington rose.

Mr. WALSH of Massachusetts. Let me finish. I do not want to engage in a discussion of the bill, if the Senator will pardon me for a moment.

For the reasons I have stated, I want to see some action taken on this matter; but, Mr. President, what I rose to say is, let us get down and begin to consider the amendments to the bill in an orderly manner; take up one amendment at a time, discuss it, act upon it, and make a decision.

Remember, we are the city government of Washington, or are trying to substitute for the city government. To-night let us give some evidence of our serious appreciation of that responsibility, so that the people will have confidence in and respect for the Congress of the United States and its capacity to serve them.

Mr. STANLEY and Mr. REED of Missouri addressed the Chair.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware, on page 12, line 13, to strike out "twenty-five" and to insert "thirty."

Mr. REED of Missouri. Mr. President, let us not be in so much of a hurry. Two Senators are on the floor addressing the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. STANLEY. Mr. President, I heartily concur in the very pertinent suggestion of the Senator from Massachusetts. This proposed legislation to regulate the movement of motor vehicles is vitally important and should receive the serious consideration of the Senate; but are we going to consider seriously putting all the operators of motor vehicles in jail in order to secure the safety of pedestrians? Ill-considered legislation containing provisions that are manifestly absurd is not justified because some desirable features may be incorporated in the bill.

On page 14, section 9, it is provided—I will read only a portion of it and eliminating certain other portions—

No operator of a motor vehicle in the District, knowing that \* \* \* such vehicle has been struck by any other vehicle, shall leave the place where the collision or injury occurred without stopping and giving his name, place of residence, including street and number, and registration and operator's permit numbers to the individual so struck or the operator of the other vehicle.

Under the plain wording of that provision, as I read it, if in operating my car on the streets of Washington I come out from a parking place and am bumped by somebody else—and "struck" means hit in any way—or if my car is grazed by another car, though I am not at all to blame and though the person whose car strikes or touches my car in no way injures me or damages my car, I must stop, call a policeman, and comply with the other requirements. This provision is applicable, although the accident was unintentional and unavoidable and inflicted no injury. I must not leave the place where the collision occurred without stopping and giving my name, place of residence, street and number, and so forth.

Now, think of the penalty provided for permitting one's car to be struck and not notifying the police:

Any individual violating any provision of this section—

Now listen to this—

shall, upon conviction for the first offense be fined not less than \$100 nor more than \$500 and imprisoned not less than 60 days nor more than six months.

In section 9 there has been mixed up the most petty offenses and the most harmless accidents with the offense of driving when intoxicated, and the same penalties are provided for

the whole hodge podge. Evils can not be cured by any such scrambled legislation as that.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Arkansas?

Mr. STANLEY. Certainly.

Mr. CARAWAY. The section the Senator was reading was on page 14, was it not?

Mr. STANLEY. Yes.

Mr. CARAWAY. Of course, the Senator is aware that it frequently happens that the driver of an automobile runs some person down and then runs away. Drivers of motor vehicles kill people; they run over children in the streets and then dash off instead of trying to lend aid. This provision is intended to make everybody involved in an accident stop. He does not have to hunt up a policeman, but he has to give his name and address and his permit number to the person he hits or to the driver of the car that hits him. It is perfectly reasonable, is it not, if some one causes an accident to require him to reveal who he is, so that, if he is responsible, the party injured may recover damages? And if an operator of a motor vehicle has been guilty of running over somebody, is it not proper to require him at least to stop and disclose his identity and then let the court determine whether or not he is guilty of some offense? Can it be contended that a man involved in an accident should be permitted to say, "This is not a major accident; it is only a little scratch, and therefore I am under no obligation to give my name." Are we to let him determine the degree of his guilt? The bill has to provide against the most outrageous offenses a driver may commit; but if the man who commits the injury shall be permitted to pass upon it and be his own judge, he will always decide that the injury was of such minor character that he was under no obligation to stop and give his name at all.

Mr. STANLEY. What is suggested by the Senator from Arkansas, who is an astute lawyer and a man of unusually acute perception, might in a measure be unobjectionable.

Mr. CARAWAY. That is exactly what this provision does.

Mr. STANLEY. I want to call my esteemed colleague's attention to the fact that, if I read the bill correctly, section 9, subdivision (c), provides the same penalties for failure to report any character of collision or any character of interference of one machine with another, no matter what the circumstances may be. If, for instance, we have our cars parked out here—

Mr. CARAWAY. I heard the Senator's suggestion.

Mr. STANLEY. Or in front of a moving-picture theater, or any other kind of theater or a hotel, and they are so close together that in backing out my bumper strikes the bumper on the car of the Senator from Arkansas, and I say, "Excuse me, Senator," there is no injury done; there is no injury intended, but there is a violation of the provisions of this bill—

Mr. CARAWAY. Unless it is reported.

Mr. STANLEY. Unless the Senator gets out and I get out, mutually give our numbers, our places of residence, street and number, and registration and operator's permits, and so forth. If we fail to do that, we must pay \$100 and go to jail for not less than 60 days. Does the Senator believe in inflicting that kind of penalty for that sort of offense?

Mr. CARAWAY. If that were the kind of offense which was undertaken to be reached, of course not.

Mr. STANLEY. That is the kind of offense that is reached according to the wording of the bill.

Mr. BALL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Delaware?

Mr. CARAWAY. I hope the Senator from Delaware will pardon me for a moment.

Mr. BALL. Certainly.

Mr. CARAWAY. Would the Senator from Kentucky think that too harsh in the case of some reckless driver who runs over a little child in the streets and tries to conceal his identity and flees from the injury?

Mr. STANLEY. I will answer in this way: If I should scratch the Senator's face with a pin so as to draw blood, I would be guilty of a trespass and should be fined. If I should take a poniard and stick it into the Senator's heart, I would deserve death. Does the Senator mean to tell me that because stabbing a man to death deserves capital punishment there should be hitched to it the most petty offense and the death penalty should be provided for both? This bill provides the most serious penalties for the most serious offenses and like-

wise the most serious penalty for the most trivial offenses all hooked up together.

Mr. CARAWAY. If the Senator will pardon, there is no penalty at all for the striking of the car; the penalty is for the man who tries to conceal his identity after he has committed the trespass by fleeing.

Mr. STANLEY. I beg the Senator's pardon, that is not so under the wording of the provision which I have read.

Mr. CARAWAY. I beg the Senator's pardon, but it is. Does the Senator want to say that each man who causes an accident shall be his own judge of whether it is serious enough for him to report? In other words, after having run somebody down, should the driver be permitted to say "Oh, that fellow is made of rubber and will get up again, and therefore I will not take the time to report the injury to the police?"

It is absolutely necessary to make the penalty strong. Then all of the burden that rests upon the individual is that he shall tell who he is and shall report to the police what the occurrence is.

That is not much of a burden to lay upon a man who has caused an injury. If they do not fine him for having committed the act, they will fine him for trying to conceal his identity; and how could we write that section and say, "For an accident in which certain damages are concerned you will be penalized if you do not report it, but certain other accidents you need not report"? Every fellow then will be his own judge.

Mr. BALL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Delaware?

Mr. CARAWAY. Certainly.

Mr. BALL. I think we are all too much interested in the Senator from Kentucky to take any chances of his having troubles of this kind. Therefore, I move that this bill be laid aside temporarily.

Mr. SWANSON. Mr. President, I hope the Senator will not do that.

Mr. MCKELLAR. We ought to pass some legislation.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Senator from Delaware asks unanimous consent to lay the bill aside. Is there objection?

Mr. MCKELLAR. I object.

Mr. BALL. I move that the bill be laid aside.

The PRESIDING OFFICER. The Senator from Delaware moves that the bill be laid aside.

Mr. HEFLIN. I hope the Senator will withdraw that motion.

Mr. BALL. We want to get some schools for the District if we can not pass this bill.

Mr. CARAWAY. What is the use of having schools if you are going to kill the children who are trying to get to them? The Senator is too easily discouraged.

Mr. BALL. Mr. President, we have this night in which to enact District legislation. There are several very important bills here.

Mr. CARAWAY. And no one of them is quite so important as this one.

Mr. BALL. That probably is true; but there has been no effort to perfect this bill. If the Senate were willing to take it up section by section, and correct those sections which they think are not proper, I should be perfectly willing to stay here all night and discuss it; but there is no disposition on the part of Senators to do that. They are taking a section here and a section there without any amendment being proposed. I have offered an amendment. If the Senate would dispose of that amendment and take up another one and correct and dispose of that, we would be accomplishing some legislation.

Mr. MCKELLAR. Mr. President, I hope that will be done.

Mr. BALL. But in the way that we are going along now we will stay here all the evening and accomplish nothing. This is probably the only chance to effect really necessary District legislation, and the District must suffer; and yet Congress is absolutely responsible for everything connected with the District of Columbia!

Mr. WALSH of Massachusetts. And will be held responsible.

Mr. BALL. I do not think it is proper.

Mr. CARAWAY. Mr. President, I have the floor, and after the Senator gets through with his speech I want to say something.

Mr. BALL. I will stop.

Mr. CARAWAY. The Senator puts in most of his time trying to show wherein he can not succeed. The Senator ought to be a little patient with the Senate. If the newspapers are to be credited with having guessed at the truth, the committee that

wrote this bill had it under consideration for quite a long time. Now the Senator is out of patience because the Senate will not accept the bill without even an opportunity to discuss the things that took the committee weeks to prepare.

Mr. BALL. Mr. President, that is not my position. I said that if the Senate would take up the bill section by section, and amend it to suit the Senate, we probably could accomplish something.

Mr. CARAWAY. And if I can just get the Senator to let me have a minute of my own time, that is what I am fixing to suggest.

There is not any disposition not to consider the bill. I think everybody is willing to consider it, and I know that that is the only way in which we will reach a final vote upon the bill; but I do not think it is at all a matter to wonder at that Senators should pick out particularly harsh features of the bill and comment upon them. It is as well to debate them now as to wait until we reach them; but I am sure the Senate is in the notion now of taking up the bill and reading it, and when we reach the provision to which the Senator from Kentucky objects, section 9, a substitute is going to be offered for it.

Mr. STANLEY. Mr. President, I wish to make this matter perfectly clear.

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Kentucky?

Mr. CARAWAY. I do.

Mr. STANLEY. The Senator from Arkansas is not in the habit of shooting at men of straw.

Mr. CARAWAY. I thought the Senator was entirely a substantial man.

Mr. STANLEY. Speaking seriously, I wish to call the Senator's attention to this language. The references are both to the person guilty of the collision and the person who suffers from the collision. They are both jumbled in section 9. Now, I am going to read the Senator the section referring to persons struck, and if I have misread the bill the Senator will correct me.

No operator of a motor vehicle in the District, knowing • • •

Now, in line 5—

that such vehicle has been struck by any other vehicle, shall leave the place where the collision or injury occurred without stopping and giving his name, place of residence, including street and number, and registration and operator's permit numbers to • • • the operator of the other vehicle.

Under this bill, as I read it, if you, not driving fast, not exceeding the speed limit, not handling your car recklessly—

Mr. CARAWAY. Let us just concede that.

Mr. STANLEY (continuing). By any manner of means come in physical contact with my car, and I fail to do that thing, where am I punished? Under section (c), am I not?

Mr. CARAWAY. No, sir; the Senator is only punished if he does not give his name and address and notify the police.

Mr. STANLEY. I say, suppose I fail to do that; what is the punishment provided in this bill?

Mr. CARAWAY. The punishment provided in this bill is severe.

Mr. STANLEY. Exactly.

Mr. CARAWAY. And it ought to be, because that is no hardship upon the man who drives a car; and, for God's sake, let us make the man who recklessly hurts people who are in the streets, or damages their property, tell who he is.

Mr. STANLEY. I am not talking about the man who drives a car. I am talking about the man who is absolutely innocent, and who receives some petty injury, or no injury at all, at the hands of somebody else.

Mr. BALL and Mr. BRUCE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield; and if so, to whom?

Mr. CARAWAY. I think I shall be able to yield the floor in a moment.

Mr. STANLEY. I believe I have the floor.

Mr. CARAWAY. No; I have the floor.

The PRESIDING OFFICER. The Senator from Arkansas has the floor, and has yielded to the Senator from Kentucky.

Mr. CARAWAY. I just want to answer the Senator's question when he gets through.

Mr. STANLEY. I was under the impression that I had the floor. I beg pardon.

Mr. CARAWAY. No; the Senator wanted to ask a question.

Mr. STANLEY. I want to ask the Senator this question: Under section 9, as I have read it, what is the penalty provided for my failing to notify the man who struck me all about my business?

Mr. CARAWAY. The Senator realizes that where there is a collision, each driver will insist that the other fellow bumped him. A man ran into a car I had and came near knocking the hind wheel off, and he insisted that I backed into him.

Mr. KING. Mr. President—

Mr. CARAWAY. Pardon me just a moment. I have the floor.

Mr. KING. Pardon me. I thought the Senator had concluded.

Mr. CARAWAY. I have no right to speak for those who framed the bill, because I had nothing to do with it; but, as far as I am concerned, if the Senator wants to grade the offense for not reporting according to the degree of the accident, he can do that. I should like to say just this much before I yield the floor, and then I am going to do it:

I know that if we do not enact this bill or some similar bill into law, before the next Congress assembles next December, 25 or 30 or 40 children are going to pay with their lives for our unwillingness to give a few hours' consideration to this bill. It may be the child of some person who is of such humble station that we do not think he is entitled to the protection of the law, but we must take the responsibility. I know just as well as that I live, and every Senator who reads the papers knows, that unless we enact some drastic law here to control reckless and intoxicated drivers in the District of Columbia, they are going to kill somebody's child to-morrow; they are going to kill somebody's child the day after to-morrow; they are going to kill them every day. If we do not think their lives are worth protecting, let us just cavil about the language and refuse to do it.

I am going to suggest that if the provisions are harsh—and some of them are—they can be modified as we reach them. Therefore let us take up the bill section by section and reach some conclusion on each section as we proceed with it.

Mr. BALL. Mr. President, I ask unanimous consent that we read the bill section by section for amendments.

The PRESIDING OFFICER. Is there objection?

Mr. REED of Missouri. Mr. President, before that request is acted upon I want to make a suggestion or two.

In the first place, when I rose here and attacked this bill on one section I had no idea that anybody in the world would conceive that I was intending to say anything unkind of the Senator from Delaware. I was attacking the bill. I thought that provision of it monstrous, and I still think so. What I said then was a good deal in the way of hyperbole, and for the purpose of trying to direct attention to this provision without the slightest thought of reflecting on the Senator, because in the years we have served together here in the Senate I have found him always one of the most obliging and kindly Members of this body, and not only that but a very useful Member.

I was astounded at the language in the bill. I am astounded at the language to which the Senator from Kentucky has called attention; and I am equally astounded at other provisions. It seems to me that the committee having in mind the very considerations that have been so well mentioned by the Senator from Arkansas—that deaths have occurred, and that life and limb have been endangered—and desiring to stop those calamitous conditions, forgot all about the other side of the question, and that they have drawn a bill here that ought to be considered in the committee, and not on the floor of the Senate, until it is whipped into shape.

Now, let me suggest—and I am now talking very seriously and not in any controversial spirit at all—that we take the instance that was cited by the Senator from Kentucky, provision for which is found in section 9:

No operator of a motor vehicle \* \* \*, knowing that such motor vehicle—

I am omitting some words, but not omitting any of the sense—

has struck any individual or any vehicle, or that such vehicle has been struck by any other vehicle, shall leave the place where the collision or injury occurred without stopping and giving his name, place of residence, including street and number, and registration and operator's permit numbers to the individual so struck or the operator of the other vehicle. Each such operator shall in addition, unless physically unable, cause the details thereof to be reported to a police station within 24 hours after the occurrence of the collision or injury.

If I may arrest the attention of the Senate a minute, I shall repeat in substance some of the things said by the Senator from Kentucky: Your automobile is standing at the curb. Another automobile backs into it, but does it substantially no injury. Both drivers treat it as a trivial matter. Neither of them seeks to escape or conceal anything, but they laugh the matter

off, or talk it over for a minute and go on about their business. A police officer, or an enemy, or a mere interferer observes that they did not each give to the other all this information; he causes an arrest, swears out a warrant for perfectly respectable men or women who never had the slightest intention of breaking the law. They are brought before the court and the testimony is that those two vehicles actually did come in contact, however slight, and the judge then is required in that instance to send the man or the woman to jail, to ruin their lives. For what? For a mere failure to stop and do a thing which, under the circumstances I have suggested, is perfectly useless.

Mr. MCKELLAR. Mr. President—

Mr. REED of Missouri. Just one moment. That is not the case my friend from Arkansas was talking about.

Mr. CARAWAY. And the Senator is perfectly aware of the fact that no court would call it an accident if the cars merely touched. The Senator is perfectly right.

Mr. REED of Missouri. Let me not be diverted. This does not say that it is an accident. This language is not that the vehicles shall be violently thrown together. It is enough that they have been struck. Let me follow it out.

That is not the case my friend from Arkansas, who is a good lawyer and a good legislator, was talking about at all. He was talking about the case of a man who recklessly runs over a child and then runs away to escape detection and leaves his victim in the street. I will go as far as the Senator who goes farthest to apprehend and punish that kind of an individual.

Mr. CARAWAY. Mr. President, will the Senator let me interrupt him just one minute?

Mr. REED of Missouri. If the Senator will permit me, I am going to draw the distinction where I think the line ought to be. So, also, if a man runs into another man's vehicle, injures it, and runs away in order to escape the responsibility, that is a case to be dealt with rather drastically, although the two cases are not at all upon a parallel.

What this bill ought to do, and what is done in the laws of many cities, is to provide that where an individual has been injured by an automobile and the driver of the automobile seeks to escape and hide his identity, and does not stop to relieve his victim, a heavy penalty can be imposed. This bill ought to provide for that kind of a case. It ought to provide for the case of a man who injures another automobile and wilfully runs away for the purpose of escaping liability. Then if we are to require, for some public purpose, the reporting of all accidents, certainly for a mere failure to report a trivial accident the penalty ought to be very slight.

Mr. CARAWAY. There is where I want to ask the Senator a question. Are you going to let the man who commits the offense be the judge of whether the accident was serious or trivial? You have to draw the line. If the man who commits the offense is to be his own judge then, of course—

Mr. REED of Missouri. That could be covered by a provision in the law, leaving it to the discretion of the judge whether it should be a fine of a dollar or a jail sentence.

Mr. CARAWAY. Let us amend it.

Mr. REED of Missouri. This takes the discretion away.

Mr. BALL. Mr. President—

Mr. REED of Missouri. Let me continue for just one moment, because I will get my thought better before the Senator, and then I will yield to him.

Mr. BALL. Will the Senator yield just for a question?

Mr. REED of Missouri. Yes; I will yield.

Mr. BALL. Would it not be better to take these amendments up separately and to have the Senator present an amendment which would cover the proposition which he suggests?

Mr. REED of Missouri. That is the very thing I was coming to—

Mr. BALL. Idle discussion of this kind is getting us to no place, but if the Senator presents an amendment to that section, which the Senate can consider, then we probably can legislate.

Mr. REED of Missouri. The Senator's question anticipates just what I was coming to. In order to draw a proper provision covering the very matter I have immediately discussed, a man ought to give it some thought. It is not a matter to be prepared here hurry-scurry on the floor of the Senate and in the midst of debate. So with reference to the section I lampooned when I first took my feet. There is some evil there to be remedied. I was directing my attention to the character of the remedy that is proposed here. That ought to be carefully rewritten.

This discussion—I beg my friend's pardon—is not idle. I think there have been some ideas expressed here to-night by Senators which are quite worthy of consideration. I suggest that in order to save time we adopt the original suggestion of

the Senator and let the bill go over until to-morrow evening. Let us take up other business, and to-morrow evening we can take up this bill again. I assure the Senator that I am as ready as any man in this body to cooperate in the enactment of a law that will be in accordance with the principles of our jurisprudence, and will tend, as far as law can, to prevent accidents in the District, and I think we would gain time by doing that. I would not undertake to draw amendments to this bill upon the floor myself. I am not so gifted as that.

Mr. BALL. Let me renew my request for unanimous consent.

Mr. STANLEY and Mr. CARAWAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BALL. I ask unanimous consent that the bill be temporarily laid aside, with the understanding that it will be taken up either Monday evening or the first evening we can get.

The PRESIDING OFFICER. Is there objection?

Mr. CARAWAY. Mr. President, I hope the Senator will not do that. If there is anybody here who wants to take the responsibility of defeating the measure, let him do it. The Senator knows that if we lay the bill aside it will mean that we will not enact it into law at this session. If men are more considerate for drunken drivers than they are for the safety of children who play in the streets, let the bill fail. But I know and everybody knows that if it is laid aside it will be killed. Suppose some harshness does creep into the bill; it is certainly in the interest of human safety, and we had better let a man who is reckless bear a little harsh treatment than let innocent victims be killed in the streets. I hope the Senator will not make that request.

Mr. REED of Missouri. Does the Senator from Arkansas mean to say—

The PRESIDING OFFICER. Does the Senator yield?

Mr. REED of Missouri. That there is no law now in the District under which a man who recklessly kills a human being in the street can be arrested?

Mr. CARAWAY. I will say this—and the Senator knows it—that there is no regulation here that keeps reckless drivers from killing people in the streets every day.

Mr. REED of Missouri. I will say that there is plenty of law to-day, if it were enforced, to stop the greater part of the evils that now occur. I am not saying that the laws can not be bettered, and I am willing to help better them; but I am not willing to do it by putting monstrous provisions into the law when that is wholly unnecessary.

Mr. CARAWAY. What is the monstrous provision in a law which says that if a man shall run down a helpless victim he shall be arrested if he does not stop and let the people know who killed the victim?

Mr. REED of Missouri. There is no such provision in this bill.

Mr. CARAWAY. There is. If the Senator would just read the bill instead of criticizing it he would find it in there.

Mr. REED of Missouri. I have read it, and I am quite capable of understanding it.

Mr. CARAWAY. I think the Senator is; but the Senator so loves to characterize as harsh and unreasonable provisions of the law that he fails to study the reasons for it. I have no right to speak for the committee, but I would be perfectly delighted to cooperate in trying to seek amendments that would modify the harshness of some of the provisions. But I did want to appeal to the Senator, and I do not want to be harsh about it; I am like the Senator from Missouri, I am growing mild as I grow older.

Mr. BALL. I am afraid I am not growing mild.

Mr. CARAWAY. Merely in our anxiety to protect some reckless, drunken driver, I do not want to see the defeat of this measure, and that is all it means.

Mr. REED of Missouri. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Missouri?

Mr. REED of Missouri. What right has the Senator to say that anybody on this floor wants to protect a reckless, drunken driver—

Mr. CARAWAY. Everybody who delays—

Mr. REED of Missouri. Because he does not agree to drastic penalties that will apply not to a drunken driver but to any good woman who happens to make the mistake of not reporting an accident? The Senator is discussing one question; I am discussing another. I will go as far as he wants to go, short of burning at the stake, to punish drunken drivers or men who recklessly run down children. We are not in any discord on that. But I insist, and the Senator must know, that he has no right to classify men who are opposed to putting those who make an innocent mistake in with those who commit

a crime, and inflict a jail penalty in either event, as being in favor of drunken drivers, or anything of the sort.

Mr. CARAWAY. The Senator has a perfect right to characterize everybody else as being wholly devoid of human sympathy that they want to put in a provision he does not approve.

Mr. REED of Missouri. No—

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Maryland?

Mr. CARAWAY. Pardon me just a minute.

Mr. BRUCE. I was just going to ask the Senator a question.

Mr. CARAWAY. I yield to the Senator. I thought he was asking for the floor. I will be glad to yield to him for a question.

Mr. BRUCE. I was simply going to ask the Senator whether he does not think that the whole situation could be dealt with much more satisfactorily if somebody would simply offer an amendment embodying the suggestions made by the Senator from Missouri?

Mr. CARAWAY. That is exactly the unanimous-consent request that is pending.

Mr. BRUCE. As far as I am concerned, I think the point taken by the Senator from Kentucky [Mr. STANLEY] and the Senator from Missouri [Mr. REED] is absolutely well taken, but it can be amended. The point should be presented in some concrete form.

Mr. CARAWAY. The unanimous-consent request was that the bill be taken up section by section.

Mr. BRUCE. Precisely.

Mr. CARAWAY. I do not feel that we should imperil its passage by laying it aside for somebody to rewrite it, and then come in and meet this exact situation. Let us read it, and when we reach these sections, I am perfectly willing to agree with the Senator from Missouri, because for all his sharp tongue, he is the kindest man in the Senate.

Mr. SWANSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Virginia?

Mr. CARAWAY. I yield.

Mr. SWANSON. I want to make the suggestion that tomorrow night we meet at 8 o'clock—

Mr. SMOOT. Saturday night?

Mr. SWANSON. Yes; Saturday night.

Mr. KING. I object.

Mr. SWANSON. Then, I suggest that on Monday night at 8 o'clock we take up this bill, and that no Senator shall be permitted to speak more than 10 minutes on the bill or 10 minutes on any amendment offered. Then we will accomplish something. If we put it off to another night and come here and have interminable debate, the bill will never be passed.

The PRESIDING OFFICER. There are three unanimous-consent agreements which have been offered, and the Chair is not clear which one is to be acted upon. Does the Senator from Delaware withdraw his request for unanimous consent so that the Senator from Virginia may submit his request?

Mr. BALL. I withdraw my request so that the Senator from Virginia may present his.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent that the Senate meet at 8 o'clock on Monday evening next for the consideration of the bill, and that no Senator shall be permitted to speak more than 10 minutes upon the bill, or any amendment thereto. Is there objection?

Mr. BAYARD. I object.

The PRESIDING OFFICER. Objection is made.

Mr. STANLEY. Mr. President—

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BALL. I renew my request.

The PRESIDING OFFICER. The Chair has recognized the Senator from Kentucky.

Mr. STANLEY. The necessity for sane and severe legislation punishing reckless driving in the city of Washington is perfectly manifest to every sensible person who has spent 30 days within the limits of the Capital City. That goes without saying. I am as sensible as is the Senator from Arkansas of the perils involved in the character of automobile driving that we see every day on the streets of the Capital. Life is endangered. The lives of little children are endangered, and that appeals to every honest and tender heart. But I wish to say to the Senator from Arkansas that there are other things that are as precious as life—the honor, the security, and the liberty of the citizen. It is the duty, and it is presumed to be within the province and the power of legislators, certainly within the power of the Senate, to enact legislation which shall punish the offenses to which the Senator has referred

without endangering the liberties and the rights of individuals who commit no offense.

Mr. CARAWAY. Will the Senator permit me to ask him a question? Is the Senator ready to offer an amendment? If he is, let him do it. I am not trying to characterize anybody's conduct. I would like to appeal to the Senator to let us proceed with the bill and offer amendments. I maintain that the automobile is a dangerous instrumentality. Dozens and dozens of people are killed here every year by reckless drivers, and many of those drivers are never known.

Mr. STANLEY. There is no question about that.

Mr. CARAWAY. Will the Senator be willing to let us take up the bill and amend it?

Mr. STANLEY. I will come to that. I will be through in just a moment. I wish to call the Senator's attention to this fact. He has lamented the fact that unless the bill is enacted into law, for instance, that reckless drivers, drunken or unconcerned about human life, will run down little children in the streets, will send their mangled bodies home to broken-hearted parents, and, with his peculiar powers of eloquence and satire, we could almost see before our eyes the body of the bleeding and helpless victim being carried home. Does the Senator realize that if the bill were enacted and made the supreme law of the land and all other acts governing the conduct of automobile drivers were repealed by its terms, it would be practically a license to people to commit the very offenses of which he complains? If a drunken driver in the city of Washington should run down a helpless child deliberately, with the deliberation which under the common law would amount to murder and which under the law as it now stands in the city of Washington and the District of Columbia would amount to murder, under this bill he could not be fined more than \$500 or imprisoned more than a year.

Mr. CARAWAY. The Senator is entirely wrong. The bill does not punish murder at all. The bill simply says that drivers doing certain things shall be punished in a certain way. There is no punishment for murder provided in the bill.

Mr. STANLEY. It does not reach the offense of which the Senator is complaining.

Mr. CARAWAY. It does. It gives the director the right to revoke such a driver's permit to drive, and there are a lot of reckless drivers who would think they were ruined if they were not permitted to drive their cars, and they will, therefore, be careful.

Mr. STANLEY. The theory of the Senator is that revocation of a permit is a more powerful deterrent than a noose in keeping drunken drivers off the streets of Washington?

Mr. CARAWAY. No; the Senator never understood me to say that, but the Senator did understand me to say the provisions of the bill are so harsh that it is going to make people careful. The Senator knows that. Of course, the Senator could say that because the crime of murder being punished by death does not always restrain people from killing, therefore we should not have any law with reference to murder.

I know and the Senator knows—and I beg everybody's pardon, but I feel it mighty strongly—that if we stand up here and merely waste our time and weep over possible hardships that may come to somebody who violates the law and then conceals it, we will get no legislation at all. Every day when I take up the paper I read where some drunken driver has killed some child. So help me Almighty God, if any reckless or drunken driver ever kills a child of mine, I will go and hunt him with a gun like I would a mad dog. If I were a member of the grand jury of the District of Columbia and some reckless driver killed some man's child, and that man proceeded to kill the reckless driver, and his case came before the grand jury, he would not be indicted as long as I sat on the jury. I think it is such a serious matter and the recklessness of drivers in the District of Columbia is so notorious that we ought to do something about it.

Mr. STANLEY. Mr. President, I wish now to reiterate the fact that there is much in the bill that is good and wholesome and should be enacted into law; for instance, the provision that no individual while under the influence of intoxicating liquor shall operate any motor vehicle in the District, and the punishment therefor is a fine of not less than \$100 nor more than \$500 for the first offense. That is adequate, just, commendable. To impose the same penalty for an accidental collision is absurd.

What the bill needs, as the Senator from Missouri [Mr. REED] has said, is a careful rewriting and careful amendment in such way as not to interfere with the legitimate rights of the citizens of the District of Columbia and of the city of Washington and as to not subject the drivers of automobiles to blackmail by the police or by enemies, and at the same time to protect the lives of pedestrians.

For that reason I ask unanimous consent that the bill may be temporarily laid aside; that it shall be taken up at a night session of the Senate on Monday night for passage; that in the meantime those who are interested in the legislation shall prepare amendments with care. It is impossible to amend the bill in a proper manner while it is being considered on the floor of the Senate.

The PRESIDING OFFICER. The Senator from Kentucky has renewed the unanimous-consent request previously submitted by the Senator from Virginia [Mr. SWANSON].

Mr. SWANSON. Without limitation of debate?

The PRESIDING OFFICER. Without limitation of debate.

Mr. SWANSON. I have no desire to waste the time of the Senate. It is 10 minutes after 10 and we have hardly done more than read the bill. It is useless to take the time of the Senate with these matters unless a limit is placed upon debate.

Mr. HEFLIN. Mr. President, I hope the request of the Senator from Virginia will be granted.

Mr. BRUCE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Maryland will state the point of order.

Mr. BRUCE. I note the fact that there is no quorum present. I think the Senate has demonstrated that it is absolutely incompetent to transact any business to-night. I think this farce ought to be brought to an end.

The PRESIDING OFFICER. The Senator from Maryland suggests the absence of a quorum. The clerk will call the roll.

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

Ball	Dial	McNary	Stanfield
Bayard	Fess	Metcalf	Stanley
Bingham	Harris	Moses	Swanson
Bruce	Heflin	Oddie	Trammell
Bursum	Howell	Pepper	Walsh, Mass.
Butler	Johnson, Minn.	Ransdell	Warren
Cameron	Jones, Wash.	Reed, Mo.	Watson
Capper	Keyes	Robinson	Willis
Caraway	King	Sheppard	
Copeland	McKellar	Simmons	
Curtis	McKinley	Smoot	

The PRESIDING OFFICER. Forty-one Senators have answered to their names. There is not a quorum present.

Mr. CURTIS. Mr. President, I ask that the unanimous-consent agreement be carried out and that the Senate take a recess until 12 o'clock to-morrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Under the unanimous-consent agreement heretofore entered into, the Senate stands in recess until 12 o'clock to-morrow.

Thereupon the Senate (at 10 o'clock and 15 minutes p. m.) took a recess until to-morrow, Saturday, February 14, 1925, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES

FRIDAY, February 13, 1925

The House met at 12 o'clock noon.

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

Our Heavenly Father, Thou who hast given us life, help us to love Thy will and walk in Thy way. Thy wonderful providence has been in the founding of the fair fortunes of our land. Upon these servants so much of our country's good and prosperity are dependent. O may the vision of our responsibility never pass until much wise and wholesome legislation is realized. May a day never go by without us asking God to bless our flag and all that it symbolizes. Whatever each day demands, enable us to be faithful to duty, and with reverent spirits always acquit ourselves like men. Through Jesus Christ our Lord. Amen.

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

### NATIONAL DEFENSE AND NATIONAL JUSTICE—A GUARANTY AGAINST AGGRESSIVE WAR

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to be allowed to extend my remarks in the Record on the subject of how to take the profits out of war, offering some definite ideas upon that general theme.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to extend his remarks in the Record in the manner indicated. Is there objection?

There was no objection.

Mr. McSWAIN. Mr. Speaker, so much has been said in a loose way about the general proposition on which both parties agree, "to take the profits out of war," that I feel some

definite statement should be made. There seemed to be about as many different notions of plans and ways as there are speakers. So far all seemed to be somewhat up in the air when details are called for.

No one person or group can justly claim exclusive credit for the idea of the proposition. Certainly many, doubtless thousands, had the rough outline of the idea forced into their consciousness by facts and conditions manifest on every hand during the recent war. It was inevitable that rational minds should thus conclude, seeing the indiscriminate draft of human beings, and seeing at the same time how many who escaped the draft made immense fortunes. Certainly the American Legion was among the first to formulate a statement of the principle. Certainly the Christian Science Monitor is entitled to great credit for disseminating the thought.

We must not forget that the gentleman from Illinois [Mr. MCKENZIE], now chairman of the Committee on Military Affairs, introduced on November 21, 1921, H. R. 9213, which was identical with H. R. 517 of the present Congress. That bill grew out of the same process of thinking and contains very valuable suggestions of practicable ways and means to remedy the evil.

BY "UNIVERSAL DRAFT," WHAT DO WE MEAN?

Let us be definite. Sweeping generalities are pleasing, but we must present a bill to a Congress composed of very practical men, representing a practical, matter-of-fact Nation. Our people believe in ideals, but they wish those ideals to be translatable into concrete action.

What final form must the noble sentiment to require all citizens to contribute equally to the burdens of war take in actual legislation? What is the concrete evil we desire to correct? We have seen one man called to endure military service, to be wounded, and perhaps to die, while another man who owes the common country just as much as or more than the soldier remains at home in safety and makes millions trading with our Government in war supplies or profiteering upon the civilian population, including the families of the soldiers at the front. Furthermore, we have seen these war profiteers take loud-mouthed credit for being "patriotic" because they bought Liberty bonds with these swollen fortunes. But remember that the interest and principal of all these war bonds can be paid only by labor, largely by manual labor, producing things to eat and wear, and that this labor will and must be performed in large part by the ex-soldier and his children and grandchildren. So the net result is that the soldier defends the profiteer in war and supports him in luxury in time of peace. This, then, must be the evil we have set ourselves to correct.

By "equality of burden for all in war" we can not mean absolute and ideal equality. We can not mean that all, from the President, Supreme Court judges, the executives of industry, and high Army and Navy officers, shall work for \$30 a month. We do not mean that all citizens, men and women, old and young, shall be conscripted. We do not mean that "all property of every form" shall be conscripted. We would not need "all property of every form." Then what do we mean?

(1) We mean that profiteering in war times on either the Government or the civilian population shall cease. This must be accomplished by stabilization of prices and control of supply and a single purchasing authority. To these and other measures severe penalties for accomplished or attempted acts of profiteering must be prescribed.

(2) We do not intend to confiscate any private property. We could not do so in the face of the fifth amendment to the Constitution. Even if we had constitutional warrant to take one man's property without payment and to leave another man's property untouched, we would be violating the fundamental maxim of equality of burden we have set out to accomplish. We propose that all property taken shall be paid for, but only at its actual ordinary economic value. We propose to set up a special "courts of compensation" to measure compensation in all cases where the owner exacts too much.

(3) Then we propose to accomplish some sort of rude but wonderfully improved "equality of burden" between the citizen in arms, suffering and dying, and the citizen back at home in safety, by requiring the "folks back home" to finance the war on a "pay-as-you-go" basis. Thus we escape the "taking of private property" inhibited by the fifth amendment and enter the realm of the taxing power. The simple formula is: "One citizen shall fight and another citizen (not fighting) shall work and pay while the fighting goes on." Can anyone doubt which of these two classes has the "softer snap"? In former wars "substitutes" brought high prices. How much would Grover Bergdall have gladly paid to escape military duty?

WHAT THE REPUBLICAN PARTY PROMISES

Plans perfected to stop war profiteering: One of the most important pieces of constructive work done by the department has been to work out a complete system for mobilizing industry in the event the United States should ever enter another war. "If this country is ever forced into another war, there must be no slackers and no profiteers." The errors of the Democratic administration shall never be repeated if the policy of the present Republican administration is continued. The burden of defending the country must be assumed by all, rich and poor, labor and capital, industrial worker as well as soldier. The owner of an industry and his employees must not be permitted to make exorbitant profits and to receive high wages while the soldiers are enduring hardships and dangers and meeting death. Modern warfare is no longer a conflict between armies but between nations, and every individual must do his part in his country's defense. This is an American policy. Equality of responsibility must go hand in hand with equality of opportunity. This policy has the support of the administration, and the Republican platform strongly indorsed it at Cleveland. (Extract taken from Republican Campaign Textbook, 1924, at page 368.)

THE CONSCIENCE OF THE WORLD APPROVES

A most thoughtful article covering the whole subject is contributed to the Atlantic Monthly for February, 1925, by Sisley Huddleston, and from it we take the following expressions:

It should be recalled that the proposal has been expressed in a single sentence as follows: "In the event of a declaration of war the property, equally with the persons, lives, and liberties of all citizens shall be subject to conscription for the defense of the Nation." If wars arise chiefly from political, territorial, and sentimental causes, they are often fostered by economic considerations, and when once war begins it is continued longer than need be because vested interests in war are immediately established. Anyone who had the smallest inside knowledge of the great European war must have been struck with the number of people who enriched themselves from 1914 to 1918 and for some time afterwards. For these people the war was a good thing. Whatever were the feelings which animated the bulk of the fighters it can not be denied that behind the armies in places of safety were those who were making money and whose professed patriotism may rightly be regarded as tainted.

Every country had its profiteers, and these profiteers were among those who most urged on the troops. If no profits whatever could in future be made out of a national tragedy—for war, whether it is won or lost, as we now see, a tragedy for all the belligerents—then at least we should be sure that only unselfish motives were animating the peoples engaged in fighting. But something more than the impossibility of making profits out of war is needed. The declarations of the great parties in America which appeal strongly to the best minds in Europe provide for the conscription not only of war profits but of property of any kind which may be required for the successful prosecution of war. One may doubt whether the diplomatists in 1914 would have been allowed to push matters to extremes had there been in existence laws by which private property was automatically placed at the disposal of the state.

INDUSTRIAL AMERICA IN THE WORLD WAR

(By G. B. Clarkson, p. 482)

All industry and all commerce were conformed to its policies. Like Carnot, the great war minister of the French First Republic, it was the organizer of victory. And not alone for America, but to a very important extent for the Allies. All-productive America was the commissary of its own armies and of those of the Allies. Thus the War Industries Board was comparable on the side of economic power to the American Army on the side of man power.

The analogy is complete in theory, but was not so in practice. The Nation conscripted its men by direct statute, but not so with its resources. In another war the principle of the selective draft should be applied to dollars as well as to men. Industry should be persuaded to cooperate of its own initiative, as in the World War; but behind all industrial mobilization should be the formally adopted principle of conscription, which is the direct inference of the conception of modern war as a war of all persons and things. Resources and facilities should be used with as little thought of profit as human life is used. In considering the work of the War Industries Board for the purpose of learning how to prepare for industrial mobilization for another great war our military authorities and Congress should not overlook the fact that the selective draft of industry is the logical twin of the selective draft of men. In the next war all industry—the whole economic life of the Nation—as well as human life should be conscripted. As has been said in chapter 9, "Nothing undermines the will to war so rapidly as the popular conviction of widespread profiteering and exploitation."

It is yet too early to determine how much the War Department and the Army have learned from the industrial and commercial experience of the World War. With an amazing but familiar lack of

foresight, Congress has made no pecuniary provision for the maintenance of a skeleton liaison between the Army and industry, though the Assistant Secretary of War is made responsible for the articulation of military and industrial forces, and there is slowly evolving a plan of familiarizing in peace time a nucleus of officers with industrial problems and processes and, conversely, of acquainting manufacturers with military requirements. Coordination of requirements is being studied and resources and facilities are being classified with the intent that in another emergency every great manufacturing plant will know what will be required of it. So far as the present officers of the General Staff and the supply agencies are concerned, the lesson of broad geographical distribution of requirements seems to be reasonably well understood, as well as the fact that all articles must be translated into terms of commodities.

Because of the information contained I invite especial attention to the following address by Mr. Baruch. His experience as chairman of the War Industries Board was invaluable in this connection:

ADDRESS BY BERNARD M. BARUCH AT CLEVELAND, OHIO, MAY 28, 1924

War, with its destruction of one's fellow men, is not a pleasant thing to think or talk about; but until some method is found and adopted whereby nations can settle their differences by the rule of law and reason, instead of by war and destruction, we must, without violence to our traditional predisposition to peace and the pursuits thereof, be ready to defend ourselves.

Wars are fought and won or lost on the land, on the water, in the air, and on those battle lines behind the front where the civilian forces stand. It is not enough to mobilize a nation's military strength; there must be a mobilization of its full economic resources, industrial, agricultural, and financial. These must be organized, coordinated and directed with the same strategy that governs the operations of the purely military arms of the service. The prodigious strain upon a country's productive capacity must be met and balanced to provide the means of warfare and to maintain the civilian population, as well as to preserve the economic fabric.

Unless the military and naval forces can get what they want when they want it, they are helpless. It is to meet this demand that it is necessary to have a thorough industrial mobilization. Making this mobilization in a proper manner according to our experience in the last war will, in addition, result in the taking of profit out of war, increasing vastly the morale of the civilian forces and destroying any incentive to make war for profit. Morale is one of the greatest elements of success in war, indeed it is equally as important as the military and industrial forces.

What herein is said is the result of the work of my associates and myself in the War Industries Board during 1917 and 1918, when we were confronted with the problem of seeing that the fighting forces of the allied and associated nations got what they wanted when they needed it without unnecessary dislocation of the industry of our country, unnecessary profit, or unnecessary suffering of our population.

As a result of that experience, I strongly recommend that legislation be put into effect that would give power to the President, in case of war or threatened war, to mobilize immediately, under supervision, the resources of the Nation. That would mean the mobilization of men, money, materials, manufacturing facilities, and maintenance, or food; the fixing of all prices; and the regulation and distribution of production. In charge of this work an industrial strategist or board should be placed. I am opposed, however, to boards except where final authority rests with the chairman, as divided authority causes indecision and indecision means defeat in war. The agency to put into execution the necessary legislation should be in existence and ready to be put into live being in case of war or threatened war.

This is about what would take place: The military authorities would put into effect a draft of the entire population, from which the required number of men would be drawn, and would place the necessary orders for equipment and matériel. The industrial strategist would then say from what industries the men should be taken, giving the draft boards a list of the essential and less essential industries and what proportion of its peace-time quota each industry should be permitted to produce.

Prices of materials, commodities, and, in fact, all things would be declared fixed as of such and such a date, and it would be illegal either to buy or sell at a different price. A price-fixing board or committee would be immediately inaugurated for the purpose of making such changes in prices as became necessary. The machinery to make all this effective could be immediately set up, as was done during the war through the State councils of defense.

Money would be mobilized the same as men and materials because a price would be fixed at which money could be used, but the money would be allocated for the purpose of winning the war the same as in the case of men and materials. This would tend to prevent a rise in prices, and would also prevent competitive bidding for labor. Let me say here, parenthetically, that the difficulty during the last war was not so much with labor as with the departments of the

Government, which bid strenuously one against another without any coordination. Even the departments within the Army itself bid against one another. Labor, like money and materials, would be allocated under the new plan. Because the prices of the things that labor would have to buy would be fixed there would be no necessity for demands for increased wages by labor.

The excess proportion, if any, of the profits in industry and internal revenue would go to the prosecution of the war. Thus, you would not only take the profit out of war, and make even peace-time profits impossible by increasing all taxes for war purposes, but you would place all the resources of the country at the command of the warring agencies. If such an organization, which we were approaching at the end of the war, had been put into effect at the beginning, the cost of the war, in my opinion, would not have been much more than one-half of what it was, and there would not have been charges of profiteering and economic chaos after the war.

The industrial strategist at the head of the war supply board above described would organize each industry by a committee from the industry's own ranks, headed by a Government director. This Government director would have associated with him representatives of each of the great departments of the Government which were interested in obtaining products of this industry. The committee of the industry would be told by the Government what was required and the price to be paid, but the manner and method of production would be left to the industry so as to allow the freest initiative possible in the circumstances. The fuel and oil industries, which were administered separately during the war, would be organized in the same manner as were the steel, copper, lumber, and other industries during the war. The railroads would also be under the control of this strategy board; indeed, everything except food. Food should be administered separately.

The Army and Navy would determine the number of men required and the things needed, and would order those things. The industrial strategist would tell the departments where they could get the men with the least dislocation of the machinery required for the support of the troops. He would direct where the orders for matériel should be placed, but the inspection and receiving of the matériel should be left to the departments. By specifying where orders should be placed not only the dislocation of industry would be avoided but also the jams that make delivery impossible.

After the war had proceeded but a few months it became evident that the crowding of war orders into the usual well-known manufacturing plants would result in such a jam that there would be no deliveries. In such manufacturing districts as New England, New York, Philadelphia, and Pittsburgh there was such enormous congestion of orders that it was not only impossible for the factories to turn them out but it was impossible for the railroads to carry the freight. Power companies also were not only unable to furnish all the power necessary for manufacturing but also for street-car and lighting purposes. So bad was the outlook that many of the orders in those districts had to be reallocated to localities where the congestion was not so great. This condition would never have occurred had such a board been in existence before the war as was created during the war and now outlined.

The industrial strategist when the various needs were placed before him would declare by a system of priorities where the men and materials should be used; and, furthermore, he would say where they could not be used. There would be a stimulation of production by putting more men, more money, and more transportation into the production of essentials for war, and a cutting off of demands by denying the use of men, money, materials, and transportation to industries not engaged in war work.

Priority—which means giving to a certain industry or branch of Government activity prior access to some requisite labor, service, or material—was and would be the most important instrument in this work, because on it depends the allocation of men, money, materials, and all other resources on the basis of their use toward the quickest winning of the war.

When I use the word "labor," I mean it in its broadest sense, and not in the narrower sense of those who labor with their hands. I mean anybody who renders service, whether a lawyer, a doctor, a banker, or a merchant.

The engineers of the country would be organized just the same as any industry into field engineers, mechanical engineers, electrical engineers, metallurgical engineers, mining engineers, chemical engineers, and so on. There should be appointed by the engineering societies committees whose members would know exactly what the men in their field could do.

During the war many great problems were constantly coming before us, and would come before this industrial strategy board, which could best be solved by these engineers. Your society would be called in to organize these committees as an important adjunct to the industrial strategy board. No more important function was performed during the war, or could be performed in the event of another war, by the men of your profession. Not alone would you be helpful in the solu-

tion of old and present problems, but most of the new problems that would face the industrial strategy board would have to be put up to and solved by you, for you are the only people capable of solving them.

Even the dissemination of news—and I do not say this in a spirit of criticism of what was done—would be organized as other industries. It was the opinion of the men associated with me that the matter of censorship should have been handled by a committee consisting of a representative of the Associated Press, the United Press, the International Press, and other like associations, as well as representatives of the magazines. This censorship committee would be presided over by a chairman, and Melville E. Stone was suggested for this place during the war. The idea of this is that all industries should be directed by the Government, but regulated by themselves.

All labor should be allowed as much freedom of action as possible in the circumstances. As far as practicable, skilled and unskilled labor should be permitted to select their own employment, and not be shifted from one place to another and from one business to another. That can be directed by priority rulings without the use of the draft or threat of the draft. These rulings would either stimulate or lessen production in many industries, businesses, and professions, and labor of its own accord would find employment where the demand existed. I am unalterably opposed to a draft of labor that would take a man from one position under military compulsion and place him in another.

During the war the final priority authority was vested in the chairman of the War Industries Board, but at his right hand always sat the military authority, whose necessities were met as far as possible. Priority was a final ruling that the industrial strategist made. It was governed by the military needs, although it was always taken into consideration that in the use of men, money, and materials we had to keep up the morale of the civilian population, which is one of the greatest forces in war. A judicious and wise use of our resources made for the morale of the people and kept them whole-heartedly behind the fighting forces at the front. Indeed, I think the establishment of such an organization as I am outlining ready to function would do much to increase that morale.

As a matter of fact, the War Industries Board as it was functioning at the end of the war was doing, either directly or indirectly, nearly all the things above enumerated.

General Crowder, who was in charge of the draft, had asked the chairman of the War Industries Board where he could obtain additional men needed for the Army in France with the least possible dislocation of the war-making industrial civilian machinery, and we were in the process of replacing male labor with women. By a system of priorities the board was allocating to our own Army and Navy, to the Allies, and to the essential war industries the things that they required. It was giving priority rulings as to transportation, and they were being followed out by the railroad administrator.

The railroad director ran his train service first on our priority rulings and secondarily on an economic basis. The Fuel Administration distributed fuel only on the rulings of the War Industries Board. The board was endeavoring to disentangle and remove the many conflicts and competitive efforts involved in labor and buildings. It was allocating power and making regulations for the hitching up of scattered units of power. It was changing orders from congested to less congested districts. It had actually carried into effect an order that no building involving \$2,500 or more should be undertaken without the approval of the War Industries Board. No steel, no cement, no material of any kind could be used for any purpose whatsoever unless the War Industries Board permitted it. No steel company could sell over 5 tons of steel unless approved by the director of steel. The Treasury would not permit the raising of money for any industrial or financial operation unless it was approved by the War Industries Board. The President issued an order that no commanding should be done by the Army, Navy, Shipping Board, or Food Administration without the approval of the chairman of the War Industries Board. Every raw-material industry, and indeed practically every industry, in the country was organized through appointment of committees, and none of these industries would do any business except under the rulings promulgated by the board. These rulings were made known through the issuance of official bulletins at irregular intervals and were widely distributed by the press, which, I should like to say here, cooperated in this most necessary work with a whole-hearted purpose that gave to the directions of the War Industries Board the instant and broad circulation they required. We were endeavoring to arrange it so that the fighting forces were to receive those things which they needed and no more, so that whatever was not actually required at the front was left to civilian purposes. Industries were curtailed, but never destroyed; skeletonized, but never killed. Indeed, the use of men, money, and materials was rapidly being brought into exactly that condition that I have previously brought to your attention as necessary in case of another war.

A charming woman in Washington complained to me during the war that she could not get a zinc cover for her kitchen table because the Government would not let her have it. That was and should have been a detail of the supervision in time of war.

The War Industries Board before the armistice had reached an absolute agreement with all the makers and distributors of wholesale and retail shoes to fix prices, qualities, and colors, to be effective July 1, 1919. Under this agreement a good, durable shoe could be bought for \$3.50. While the highest grade, I think, was to be sold at \$10.50. No one who did not have a card of the War Industries Board in his window could sell shoes. No jobber or manufacturer would sell shoes to anybody who did not have this card. The shoes were to be stamped Class A, B, and C, and they had to be of the quality prescribed. The country was so organized that there were committees in every district which would immediately report to Washington the name of any shoe retailer who did not carry out the regulations of the War Industries Board. Through restrictions on his labor, money, raw material, and transportation, no manufacturer would have been permitted to sell to any dealer violating the regulations.

The manufacturers in this country of men's and women's wearing apparel had, in 1918, been called to Washington, together with the retailers of various goods, and notified that certain regulations would have to be made in regard to retail prices and standardization of clothing because of the need of withdrawing from industry additional men and materials.

In addition some of the prices of materials bought from other countries were high because of the competitive bidding of the Allies and ourselves. The War Industries Board therefore urged and secured the appointment of a single executive to buy all the nitrate needed and to parcel it out by priority among the Allies and ourselves. Competition for wool, leather, platinum, manganese, and other things that were produced outside of this country and the nations associated with us in the war was in process of elimination in the same way by the nations associated in the war against our common enemy. In each executive there sat a representative of every allied nation, who would state the things that his particular nation wanted. The executive would obtain the priority rulings. The plan was to allocate to each nation nitrate, wool, etc., according to its needs.

The work of the conservation division was of great importance in eliminating innumerable styles and in saving men, money, and time. The Department of Commerce is trying to put into effect many of these things in peace time.

And so there was built up this great machine, which was enabling the military to put its mind on military operations and leave the industrial side of the war to those people who, by training and temperament, were able to handle the industrial side, just as the military people, by their training and temperament, were able to handle their side as specialists. No one can justly say that in these circumstances there will be any profit left in war or any profiteering in war; nor can anyone say it can not be done, for in 1918 it was being done.

A study of the picture that I have tried to give will demonstrate the following facts: Industry would be given the fullest self-control possible, except as to prices and to distribution, being left free to use its own initiative in carrying out the necessary war regulations. Capital would have the same burden, and would be left free within the limits of the needs of the war. Prices would be regulated on the basis of a fair return in the circumstances with the same relationship as in the time preceding the war. Men in the various industries and walks of life would bear the same proportionate burdens. Labor—and I mean labor and services in the broader sense—would be regulated by keeping the returns from its efforts in the same proportion as existed during peace time, because labor would not only be regulated, but also all the things necessary for one to eat and wear would be regulated in the same proportion. There would be Government direction and not Government control. As the Government has directed the use of its man power, it would direct the use of its economic power. There would be no possibility of war-time profiteering. Economic chaos after the war would be prevented or much lessened.

The thought naturally arises why, if regulation of prices and distribution of production can be done in war time, they can not be done in peace time. The answer is that this can not be done. In war there is the urge of common danger and common sacrifice and a spirit of service which, in my opinion, can not be brought about in peace time. Nor have we found a substitute for personal initiative. Even during the war, when regulations were put into effect, the endeavor was always made to leave as untrammeled as possible personal initiative and opportunity to gain from it so far as it did not affect the general interest.

The general attitude of business toward this plan during the World War was splendid. There may have been exceptions, but they were few and far between, and when they finally understood they cooperated whole-heartedly. An estimate of the spirit of service that characterized the work of the members of the board with whom I had the honor of being associated, of general business, and of such professional men as yourselves was expressed by Woodrow Wilson when he said that they had "turned aside from every private interest of their own and devoted the whole of their trained capacity to the tasks that supplied the sinews of the whole great undertaking. The patriotism, the unselfishness, the thoroughgoing devotion and distinguished capac-

ity that marked their toilsome labors day after day, month after month, have made them fit mates and comrades to the men in the trenches and on the seas."

**THE PRODUCTION, REFINING, AND MARKETING OF PETROLEUM AND ITS PRODUCTS**

Mr. HOWARD of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the matter of the production, refining, and marketing of petroleum and its products.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HOWARD of Oklahoma. Mr. Speaker, at this time there is much discussion relative to the prices of petroleum and its products. For the information of those interested appended hereto I submit a statement of facts and statistics gathered on the subject by myself and submitted to a meeting of the International Petroleum Congress at Tulsa, Okla., in October, 1923:

Were I to express my opinion on "Legislation and the oil industry," in a short and concrete statement, I would do so by saying that, like practically all other great industries, the oil industry needs little, if any, legislation, and that this industry, like most others, would be in a better position and function in the interest of all the people to a greater extent if some of the legislation or attempts at legislation which handicap the industry were eradicated and forgotten.

However, I realize that in these days when much enacted or proposed legislation is based upon political expediency that the oil industry, like many others, has been and must expect to be harassed and handicapped in many instances by legislators and politicians who too often seize upon opportunities through introducing and passing in our legislative bodies laws which for the time appeal to the people, but are not sound fundamentally. This I believe has been especially true in the matter of legislation and executive policies of many States in the Union toward the oil industry in the past few years, and there is little doubt but what the industry will, in the future, be subjected to attempts at passing much legislation seeking to control, regulate, and hamper the industry.

I do not seek to deny that relating to all industries there should be some safe, sound, and fundamental legislation, but in the passage of such legislation or the enforcement of executive policies toward the oil industry, I respectfully submit for the consideration of all legislators and executives that within the last few years the importance of the oil industry to the entire world has so grown that legislation detrimental to or that in anyway handicaps the safe, sound, and businesslike operation of the oil industry is just as harmful to the citizens of Nebraska, Iowa, our great cities and manufacturing centers, or any other nonproducing oil community, as it is to the communities in which the oil-producing fields of America are located. In other words, it is just as important to the citizenship where oil is not produced that those who do produce it are not handicapped in their efforts to at all times have at hand a supply of petroleum products as it is to the producer.

The man on the farm, in the city, in the factory, at the forge, and in practically whatever industry he may be engaged at this time certainly realizes that petroleum and its products are as necessary to his branch of industry and as beneficial as are the benefits to the man or company who produces this petroleum and its products. Consequently the legislator or executive located most remote from the areas where petroleum is produced is as much if not more interested in permitting petroleum and its products to be produced and furnished to his constituents under the most favorable circumstances to both producer and consumer as is the legislator or executive representing the oil-producing areas.

For these and many other reasons that could be advanced I am unable to analyze the public psychology which calls for repeated investigations of the oil business of the United States and which seems to put forth an insistent demand for legislative restrictions upon one of the few great industries of the country which has really shown itself competent to supply its commodities at reasonable prices under varying conditions of prosperity and distress.

For years the political atmosphere has been full of insinuations, indictment, and anathema against one or more branches of this industry. When we study the record of achievement of the oil business since prior to the war, note its prices and compare them with other commodities, compare its war record with the record of other lines of business and of labor, we seek in vain for a basis for indictment. Although not heavily interested in the oil business I have been convinced long ere this that most of the criticism directed against this great industry must necessarily arise from ignorance of the true facts.

As long ago as April, 1920, when I was a Member of Congress and when it was then proposed to investigate the oil industry under House

Resolution No. 501, because prices were rising, I arose on the floor of the House of Representatives and cited the statistical position of the industry, which at that time showed that we were consuming more than 60,000 barrels of oil per day in excess of our production, and asked why the plain, logical workings of the law of supply and demand in that instance should bring about a congressional investigation when similar phenomena in other industries were permitted to pass unnoticed. And on that occasion I said:

"Yet, to those most familiar with that business the question presents itself, 'Why an investigation of the one industry which distinguished itself above all others during the war and up to the present time in efficiency, promptitude, and patriotic endeavor to supply the petroleum needs of the allied world,' when other industries, not so distinguished, are permitted to pursue their unpatriotic course of profiteering through manipulation of prices and deliberate limitation of production?

"Whatever may be said of the oil men, it can not be successfully maintained that they have ever loafed on the job. When we entered the war and the Government was hurriedly taking over one industry after another, great anxiety was expressed concerning the supply of gasoline and oil for the allied armies at the western front. Representatives of the oil industry were called in to see what could be done to secure such a supply. There was talk of taking over the oil business. But the prompt answer of the oil representatives was that already, and in advance of the American Army, in advance of Government action, there was an adequate supply of American gasoline and oil at the western front and more of it was on its way across the Atlantic in American-owned tankers, while a continuous further supply was being transported across the continent to the Atlantic seaboard in tank cars and pipe lines owned and operated by American oil men.

"Never during the great World War did the American petroleum industry fall down, lag behind, nor bicker, nor bluster about prices, nor whine for special privilege. You will recall the true statement that we 'floated to victory on a sea of oil!'

And, at another point in my speech, I gave vent to the following expression of indignation:

"Finally, let me impress upon you that the oil industry is no longer in the hands of one company or coterie of operators, but is owned largely by a great number of independent, legitimate, and energetic American business men and thousands of investors throughout the United States. This industry has been legislated against, taxed at every turn, regulated without reason, vilified, discriminated against, misrepresented, and now it is proposed to investigate it."

And I am no forced to add that, after four years of investigation, and although during all that time and during the war American people were able to buy petroleum products at a lower price in comparison with the pre-war level than they were able to purchase other necessities of life, and although no profiteering was disclosed by the investigation of 1920 and no criminality revealed by the investigation of 1922, nevertheless, it is now proposed to prosecute the oil industry.

The inexplicable workings of the public mind when aided and abetted by false propaganda is one of the phenomena with which it appears we must become accustomed and prepare to combat by a simple exposition of the facts.

To my mind one of the bright spots in the history of American business, and one which evidences the keen foresight and business acumen of the American business man has been the remarkable manner in which those of the oil industry, from the smallest producer or manufacturer to the largest companies engaged in the oil industry, have kept pace with the remarkable and ever-growing demand for petroleum and its products. This is especially true when we consider the many, many hazards surrounding the oil industry, and then glance for a moment at the statistics of the last few years concerning same. Many people, both among legislators, executives, and private citizens, have an erroneous idea concerning the oil business. Too many of them only know of the successes of the industry, and their only vision of it is the bright side. Too many legislators, I fear, have not in the past had sufficient information as to the hazards, intricacies, and uncertainties of the oil industry, and I appeal to Congress, and insist that before you shall again give serious attention to any legislation affecting the oil industry that you give careful consideration to all phases of the question. For that reason I beg herewith to state a few facts and statistics concerning this great industry.

Crude petroleum is difficult and expensive to find and produce. Owing to the uncertain character of the production, it is necessary to accumulate stocks to tide the country over in case of sudden recession of production. Attending this circumstance, we have had such an increase in automotive vehicle production that the consumption of petroleum products has increased by leaps and bounds, thus necessitating a great expansion in the petroleum industry. For instance, in 1912 the motor-vehicle registration was 1,032,096 cars, while in

1923 this registration has passed the 13,000,000 mark. No other industry has been faced with a similar combination of circumstances.

In 1918 the consumption and export of crude and refined oil in the United States was slightly in excess of 380,000,000 barrels. In 1922 it was 586,000,000 barrels, and in the first six months of 1923 it was 339,000,000 barrels, or almost as much as for the entire year of 1918. I cite these figures merely to show how the importance and the responsibilities of the oil business have increased, yet, notwithstanding these facts, you will find that gasoline, with the exception of one or two months, has sold at a lower figure from 1917 to the present time than the average at which other commodities have been sold to the American public. The United States Bureau of Labor Statistics publishes each month an index figure showing at what percentage of the average price in 1913 commodities are now being sold at wholesale. In 1917, while we were at war, other commodities were sold at wholesale at an average from 181 to 186 per cent of the 1913 price. During that same period, gasoline sold from the tank wagon at from 132 to 135 per cent of the 1913 price. During 1918, when other industries were taking advantage of the war to sell their products at an average of from 185 to 207 per cent of the pre-war price, gasoline was leaving the tank wagon at from 135 to 142 per cent of its 1913 average. The same was substantially true of 1919. In April, 1920, when the investigation of the oil industry above referred to was started, the index price of gasoline was 166, while the average of all commodities, as published by the Bureau of Labor Statistics, was 266.

And during all these years and up to the present time the American people have been able to buy gasoline at a lower price in comparison to the 1913 average than they have been able to buy their shoes, their clothing, food, metal products, building materials, or house furnishing goods.

In March, 1922, when the agitation was started for the La Follette investigation of the oil industry, the index price of gasoline was 140, while the index price of all other commodities averaged 152. In May, 1923, when another hue and cry was raised about the price of gasoline, its index price was 128, while that of all other commodities was 156. In June of this year, it was 125, while that of all other commodities was 153, and, at the present time the average tank-wagon price in the United States is almost exactly what it was in 1913. In other words, it averages 18 cents per gallon, while the average price in 1913 was 15.6 cents per gallon, and yet, at this time, the average of other commodities is around 150.

The legislators and politicians, however, are not the only persons responsible for and demanding detrimental legislation for the oil industry and other great American industries. In May, 1922, the Massachusetts State Chamber of Commerce wrote to the Chamber of Commerce of Tulsa complaining that the retail price of gasoline was then 29 cents and seeking to enlist the aid of the Tulsa Chamber of Commerce in another congressional investigation of the alleged extortionate price of gasoline. The index figure on gasoline at that time was, as I have indicated above, 140. But what was the condition with regard to the goods manufactured in Massachusetts, from whence the letter came? By turning to the statistics of the Bureau of Labor we find the following index prices on shoes and other goods manufactured in Boston and New England at that time:

Shoes:	
Little boy's gun metal, blucher.	166.5
Child's gun metal, polish, high cut.	181.7
Misses' black, vici, polish, high cut.	173.2
Men's shoes:	
Black calf blucher.	208.8
Gun metal, Goodyear welt, blucher.	230.2
Gun metal, Goodyear welt, bal.	207.7
Women's shoes:	
Kid, Goodyear welt.	202.7
Kid, McKay, sewed, 8½-inch lace.	230.0
Patent-leather pumps.	261.8
Gingham, Lancaster 26½ inch, Boston.	218.4
Flannel, white.	194.2
Clay worsted	180.7

It would seem from these figures that the protest of the Massachusetts State Chamber of Commerce was another instance of the pot calling something else black, and in contemplating this statement from the Massachusetts State Chamber of Commerce I doubt if they have taken into consideration the fact that in the manufacture and distribution of the items above enumerated that petroleum and its products played at least a small part, and that in making the suggestion or demand they did they were as a matter of fact only asking the Tulsa Chamber of Commerce to join in a movement which would indirectly place an added burden upon their own manufactured articles.

In the very recent past there has been in many parts of the United States agitation relative to the prices of the products of crude petroleum, this being especially true in the case of gasoline. It is true that gasoline has been selling on an average at a higher price since 1913 than previous to that time, but I call attention to the fact that all other commodities have likewise commanded higher prices, and as

you look through the list which I herewith submit to you, you will find that none of the other commodities listed are selling at as low a price as the chief petroleum product:

*Index numbers of wholesale prices, 1923*

	May	June
Foods.	144	142
Cloths and clothing.	201	198
Fuel and lighting.	190	186
Metals and metal products.	152	148
Building materials.	202	194
Chemicals and drugs.	134	131
House-furnishing goods.	187	187
All commodities.	156	153
Gasoline (1913—15.6 cents)	128	125

These figures should be enough to demonstrate that not only is the oil industry furnishing gasoline at a low price, which is probably below the cost of production, but by reason of the fact that the oil industry must pay the higher price for everything it consumes, as indicated by the above list, the few dollars received by the oil industry are only worth about 65 cents each in purchasing power.

Few consumers of petroleum and its products realize that at all times, during either a feast or famine in oil, those engaged in the oil industry are busily engaged in developing new oil fields, entailing immense investments, many of a very uncertain nature, in order that at all times petroleum and its products may be available to the consumer upon his demand, and that even in days when there is a surplus of production everywhere the burden falls heavier upon the industry by reason of its obligation to have its products on hand and available for the consumer in the days when the flush fields have unloaded their production and there is, as has been the case several times during the last few years, a scarcity of crude petroleum.

Petroleum is hidden in the ground and can not be discovered and outlined as readily as other natural resources. This fact requires a great deal of exploration work, which is sometimes successful and at other times not. This fact in turn causes the production to vary in amount, so that at times we have insufficient production and have to rely upon the stocks or imports. At other times, such as during the past summer, we produce for a time more oil than we can consume. Whenever the production mounts upward the public reaction is for immediate reduction of prices, regardless of the necessity of building up stocks in flush production to supply our needs when production is inadequate. This important factor is overlooked by the public, and therein, in my opinion, is the chief error or fundamental fallacy underlying the criticism and hostility toward the industry.

It has been said that when the farmer overproduces he must suffer lower prices, and that the same reasoning applies to the oil producer. It is true that there are certain points of similarity between the farmer and the oil producer. For instance, they both have a degree of uncertainty in their business.

The farmer does not know when he plants his grain in the spring whether or not he will harvest a large crop or a small crop or no crop at all. When the oil producer starts his well he does not know whether he will get a large producer, a small producer, or no producer at all. When a farmer plants his crop he does not know whether he will get a good price, an indifferent price, or be unable to sell at any price. The same is true of the oil producer when he starts his operations. The farmer, as a rule, is compelled to take whatever price he is offered by the market makers elsewhere. The oil producer is likewise compelled to accept whatever price he is offered, because he has very little voice, if any, in announcing the price or interpreting the law of supply and demand. But if the farmer finds that too much wheat is being produced, he can turn his acres to other crops and thus ameliorate his condition, but the oil producer may not turn his well from the production of oil to the production of wheat or any other commodity. Oil production once opened up must be continued, else salt water approaches and ruins the well. And it is well that the production be continued, because the country's oil production at any given moment from any given number of wells is a decreasing function, and we do not know what the morrow may bring forth from the new exploration work being carried on. Six months' failure to bring in a new pool in the United States will always, owing to the steadily increasing consumption, result in the current production being inadequate to current needs. Therefore the necessity for large stocks.

I believe in the law of supply and demand, and I believe that it should be permitted to work in the oil industry as well as in others, but there are certain other considerations which must be taken into account in the case of oil. Since we are under the necessity of accumulating stocks in times of large production to take care of the famine which may always be just around the corner, the public should not demand drastic price cuts immediately when stocks begin to accumulate. The consumer should not demand a paradise in the case of this limited natural resource every time that production exceeds consump-

tion, because, if such were permitted, the industry would be given no opportunity to provide in times of plenty for the approaching times of famine.

In my opinion the economic history of the oil business does not justify hostile governmental interference. The only legislation of which I can conceive with reference to the oil industry, which would be constructive and not destructive, would be appropriate enactments in both the Federal Congress and the State legislatures whereby the members of the oil industry would be permitted to cooperate for the conservation of petroleum without danger of being indicted for violation of the antitrust law. During the past summer this valuable natural resource has been wasted by overproduction and glutinous consumption at ruinous prices. The public may have enjoyed this for a time, but the public will pay the penalty in the end. There was no way by which the oil industry, which wanted to conserve the supply, could legally do so. At the first suggestion that such an attempt be made there were threats of prosecution by both Federal and State Governments. This is a shortsighted and erroneous governmental policy. In view of the great need for conservation of petroleum for future use, the governmental attitude should be the exact opposite, and the oil industry should be authorized by law, both State and Federal, to cooperate in times of overproduction in any reasonable program of curtailment of production in order that the excess oil may be left in the ground until needed by the public. During the past summer some 2 or 3 per cent of the wells in the United States were producing half of the oil. These wells were located in seven or eight flush pools. If the oil industry had been authorized by law to cooperate in holding down the production of these pools, petroleum products could have been marketed at reasonable prices and in an orderly manner, and the country would have been assured of a more adequate supply for future use produced in an orderly manner from the known pools as occasion demanded.

Any industry which enjoys a constantly and rapidly increasing demand for its products is on a sound basis, and I, therefore, believe that the oil industry of this country is fundamentally sound. America is the world's greatest petroleum producing, refining, and consuming country. Petroleum has contributed far more to the prosperity of the country than the cash receipts of the units of the industry would indicate. Without it, the automobile would have been impossible. Without it, truck transportation would have been impossible. Without these, the present volume of business would have been impossible because the present volume of business depends upon rapid transportation. Without petroleum fuel and the means of transportation thereby supplied, the country's growth would have been checked in a number of ways, including the inability to feed the vast population of our large cities. The oil industry has arisen to the occasion and has supplied these needs at moderate prices. The obvious duty of the public and of the law-making bodies is to view with pride the growth of this industry and to entertain toward it a spirit of gratitude and cooperation rather than one of harping criticism and threatened persecution. With such a spirit and the proper liberalizing of our anti-trust laws so that the industry will be free to cooperate legitimately, the petroleum supremacy of America will extend on into the future years to the great glory and prosperity of our people. But if repressive measures, governmental red tape, and hostile legislation are now to be visited upon this industry, it will become less efficient, less dependable and less active, to the great loss and humiliation of the consumer who now complains though in the midst of a paradise.

#### INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. CRAMTON. Mr. Speaker, last night shortly before adjournment I secured consent to have until midnight to file the conference report on the Interior Department appropriation bill. The report was filed in due time and was sent to the Government Printing Office with a note for its inclusion in the RECORD of yesterday, but through some error it was not included. I desire to call the matter to the attention of the House at this time in order that the report may be included at this point in to-day's RECORD, and I ask unanimous consent that that may be done.

The SPEAKER. Without objection, the conference report will be printed in the RECORD of to-day.

There was no objection.

The report and statement is 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. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 23, 31, 36, 45, and 49.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 12, 13, 16, 17, 19, 20, 21, 22, 24, 25, 29, 39, 40, 41, 42, 46, 47, and 48, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "not to exceed \$2,000"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "\$35,000, of which \$10,000 shall be available only for the completion of the Taber feed canal"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "Provided, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law, providing for payment by the district or districts as hereinafter provided. The Secretary of the Interior shall by public notice announce the date when water is available under the project: Provided further, That no part of the sum hereby appropriated shall be expended for the construction of new canals or for the extension of the present canal system for the irrigation of lands outside of the 40,000 acres for the irrigation of which a canal system is now provided, until a contract or contracts shall have been executed between the United States and the State of Montana, whereby the State shall assume the duty and responsibility of promoting the development and settlement of the project after completion, securing, selecting, and financing of settlers to enable the purchase of the required livestock, equipment, and supplies and the improvement of the lands to render them habitable and productive. The State shall provide the funds necessary for this purpose and shall conduct operations in a manner satisfactory to the Secretary of the Interior: Provided further, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "to remain available until December 31, 1925"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Provided further, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation districts organized under State law, or water users' association or associations, providing for payment by the district or districts, or water users' association or associations, as hereinafter provided: Provided further, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended to read as follows: "Provided, That no part of this appropriation shall be used for construction purposes until a contract or contracts in form approved by the Secretary of the Interior shall have been made with an irrigation district or with irrigation dis-

triets organized under State law providing for payment by the district or districts as hereinafter provided. The Secretary of the Interior shall by public notice announce the date when water is available under the project: *Provided further*, That no part of the sum provided for herein shall be expended for construction on account of any lands in private ownership until an appropriate repayment contract, in form approved by the Secretary of the Interior, shall have been properly executed by a district organized under State law, embracing the lands in public or private ownership irrigable under the project, and the execution thereof shall have been confirmed by decree of a court of competent jurisdiction, which contract, among other things, shall contain a provision for an appraisal, showing the present actual bona fide value of all such irrigable lands fixed without reference to the proposed construction of said Kittitas division, and shall provide that until one-half the construction charges against said lands shall have been fully paid no sale of any such lands shall be valid unless and until the purchase price involved in such sale is approved by the Secretary of the Interior, and shall also provide that upon proof of fraudulent representation as to the true consideration involved in any such sale the Secretary of the Interior is authorized to cancel the water right attaching to the land involved in such fraudulent sale; and all public lands irrigable under the project shall be entered subject to the conditions of this section which shall be applicable thereto: *Provided further*, That no part of the sum hereby appropriated shall be expended for construction until a contract or contracts shall have been executed between the United States and the State of Washington pursuant to its land settlement act embodied in chapter 188, Laws of 1919, as amended by chapter 90, Laws of 1921, and by chapters 34 and 112, Laws of 1923, or additional enactments, if necessary, whereby the State shall assume the duty and responsibility of promoting the development and settlement of the project after completion, including the subdivision of lands held in private ownership by any individual in excess of 160 irrigable acres, the securing, selection, and financing of settlers to enable the purchase of the required livestock, equipment and supplies, and the improvement of the lands to render them habitable and productive. The State shall provide the funds necessary for this purpose and shall conduct operations in a manner satisfactory to the Secretary of the Interior: *Provided further*, That the operation and maintenance charges on account of land in this project shall be paid annually in advance not later than March 1, no charge being made for operation and maintenance for the first year after said public notice. It shall be the duty of the Secretary of the Interior to give such public notice when water is actually available for such lands"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In line 10 of the matter inserted by said amendment strike out the words "until used"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 27, 30, 34, 37, 38, 43, 44, and 50.

LOUIS C. CRAMTON,  
FRANK MURPHY,  
C. D. CARTER,

*Managers on the part of the House.*

REED SMOOT,  
CHARLES CURTIS,  
WM. J. HARRIS,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10020) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report:

On No. 1: Strikes out the language inserted by the Senate authorizing the President in meritorious cases to direct that the salaries of persons paid under the classification act might exceed the average of the compensation rates for the grade in those grades where only one position is allocated.

On No. 2: Strikes out the language proposed by the Senate authorizing the Secretary of the Interior to fix rates of compensation of field employees to correspond to rates established by the classification act for positions in the departmental services in the District of Columbia.

On Nos. 3, 4, 5, 6, 7, 8, and 9: Strikes out all Senate provisions for salaries and expenses of surveyors general and restores the House language abolishing those offices.

On No. 10: Appropriates \$840,290, as proposed by the House, instead of \$792,820, as proposed by the Senate, for surveying public lands.

On No. 11: Appropriates \$175,000, as proposed by the Senate, instead of \$125,000, as proposed by the House, for salaries and commissions of registers of district land offices.

On Nos. 12 and 13: Strikes out the House language providing for the consolidation of offices of register and receiver at certain specified land offices and provides instead for such consolidation of the offices of register and receiver at such land offices as may now have two officials.

On No. 14: Strikes out the House language limiting the pay of tribal attorneys for the Choctaw and Chickasaw Tribes to \$1,500 per annum, and retains the Senate language amended so as to authorize the Commissioner of Indian Affairs to determine the pay of such tribal attorneys within a limit of \$2,000 per annum each.

On No. 15: Strikes out the Senate language appropriating \$115,767.67 for payment of taxes to the counties of Stevens and Ferry in the State of Washington, on allotted Colville Indian lands.

On No. 16: Appropriates \$130,000, as proposed by the Senate, instead of \$120,000, as proposed by the House, for irrigation on Indian reservations.

On Nos. 17 and 18: Appropriates \$35,000 instead of \$10,000, as proposed by the House, and \$45,000, as proposed by the Senate, for the Flathead Indian irrigation project in Montana, and makes the money available for continuing construction as proposed by the Senate, and further provides that \$10,000 of the appropriation shall be available only for completion of the Taber feed canal.

On Nos. 19 and 20, relating to the appropriation for collection and transportation of Indian pupils to and from school, etc.: Makes \$7,000 of the appropriation available for obtaining remunerative employment and for payment of transportation and other expenses to their places of employment for "Indians" as provided by the Senate instead of "Indian youths" as provided by the House, and provides for the refund of such transportation and expenses when practicable.

On No. 21: Makes immediately available, as proposed by the Senate, the appropriation of \$20,000 for the enlargement of the school building at Sequoyah Orphan Training School, near Tahlequah, Okla.

On No. 22: Appropriates from Osage tribal funds \$20,620, as proposed by the Senate, instead of \$20,260, as proposed by the House, for the education of Osage children.

On No. 23: Strikes out the Senate language authorizing the maintenance outside the District of Columbia of the office of the director of reclamation economics.

On Nos. 24 and 25: Appropriates \$439,000, as proposed by the Senate, instead of \$408,000, as proposed by the House, for the Boise, Idaho, irrigation project, and eliminates the House language making the appropriation unavailable for investigations, examinations, surveys, or plans for or work upon any extension of the project.

On No. 26, relating to the Sun River project, Montana: Restores the House language modified by the elimination of the provision for terms of payment, and the provision for appraisal, etc., of private lands and by limiting the provision for State cooperation in settlement to the new division.

On No. 28: Appropriates \$25,000, as proposed by the Senate, for operation, maintenance, and incidental operations of the Williston (N. Dak.) irrigation project, amended so as to make the money available until December 31, 1925.

On No. 29: Reappropriates for the fiscal year 1926, as proposed by the Senate, any unexpended balance of the appropriation of \$315,000 made by the second deficiency act, fiscal year 1924, for continued investigations, commencement of construction, and incidental operations in connection with the Owyhee project, Oregon.

On No. 31: Appropriates \$900,000 as proposed by the House, instead of \$1,000,000 as proposed by the Senate, for Salt Lake Basin (Utah) irrigation project.

On No. 32, relating to the Salt Lake Basin project, Utah: Restores the House language, modified by elimination of the provisions for terms of payment and also by including option of organization of water users' association instead of irrigation district.

On No. 33, relating to the Kittitas division, Yakima project, Washington: Restores the House language, modified by elimination of the provisions for terms of payment.

On No. 35, relating to the Umatilla Rapids project, Oregon: Reappropriates and makes immediately available, as proposed by the Senate, the unexpended balance of the appropriation of \$50,000 for investigations of the feasibility of this project contained in the act of March 4, 1923 (42 Stat. L. 1540).

On No. 36, relating to cooperative investigations of the feasibility of reclamation projects, including Guernsey Reservoir of the North Platte project, the Spanish Springs project, the Owyhee and Vale projects, projects in the Salt Lake Basin of Utah, the Kittitas division of the Yakima project in Washington, and the Casper-Alcova project in Wyoming: Strikes out the Senate language reappropriating for 1926 any unexpended balances remaining at the close of the fiscal year 1925 from the appropriation of \$125,000 for these purposes made by the second deficiency act, 1924, approved December 5, 1924.

On Nos. 39 and 40: Appropriates \$285,000 as proposed by the Senate, instead of \$250,000, as proposed by the House, for the examination and classification of lands by the Geological Survey.

On No. 41, relating to the operation of mine-rescue cars: Retains the Senate language making the appropriation available for the purchase of cooks' uniforms, goggles, gloves, and other necessary equipment.

On No. 42, relating to the appropriation for testing fuel: Authorizes \$28,000, as proposed by the Senate, instead of \$23,000, as proposed by the House, for personal services in the District of Columbia.

On No. 43, relating to the appropriation for the Grand Canyon National Park: Authorizes the construction of a "comprehensive sewage-disposal system," as proposed by the House, instead of a "septic tank," as proposed by the Senate, at administrative headquarters on the south rim.

On No. 46, relating to Platt National Park, Okla.: Strikes out the House language appropriating \$11,920 for administration, protection, maintenance, and improvement, and \$6,000 for auto camps, including comfort stations, in all, \$17,920; and retains the Senate language appropriating a like aggregate amount for the same purposes in a lump sum.

On No. 47, relating to the appropriation for Yellowstone National Park: Authorizes \$6,600, as proposed by the Senate, instead of \$5,100, as proposed by the House, for purchase, maintenance, and operation of horse-drawn and motor-driven passenger-carrying vehicles.

On No. 48: Appropriates \$25,000, as proposed by the Senate, for the development of Carlsbad Cave, N. Mex.

On No. 49: Strike out the Senate language appropriating \$1,500 for installing of oil-burning equipment in the governor's residence, Juneau, Alaska.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 27, appropriating \$500,000 for the Spanish Springs irrigation project, Nevada.

On No. 30, appropriating \$500,000 for the Vale irrigation project, Oregon.

On No. 34, reappropriating the unexpended balance of the appropriation of \$375,000 for the Kittitas unit of the Yakima project, Washington, made by the second deficiency act, 1924, approved December 5, 1924.

On No. 37, relating to the salary of the Commissioner of Reclamation.

On No. 38, relating to the total under the Bureau of Reclamation.

On Nos. 43 and 44, appropriating \$90,000 for the development of oil shale.

On No. 50, relating to the appropriations for Howard University.

LOUIS C. CRAMTON,  
C. D. CARTER,  
FRANK MURPHY,

Managers on the part of the House.

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

THE SPEAKER. It is obvious there is no quorum present.

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

A call of the House was ordered.

The Clerk called the roll, when the following Members failed to answer to their names:

[Roll No. 66]

Aldrich	Browne, N. J.	Celler	Cummings
Beedy	Brumm	Clark, Fla.	Curry
Berger	Buckley	Cole, Ohio	Dallinger
Bixler	Butler	Corning	Davey
Brand, Ohio	Carew	Croll	Deal
Britten	Carter	Crosser	Dickstein

Dominick	Kunz	O'Connell, N. Y.	Snyder
Doyle	Langley	O'Connell, R. L.	Sproul, Kans.
Edmonds	Larson, Minn.	Oliver, N. Y.	Sullivan
Evans, Iowa	Lee, Ga.	Peery	Sweet
Favrot	Logan	Perlman	Taber
Fitzgerald	Lyon	Phillips	Vare
Funk	McNulty	Porter	Ward, N. C.
Gallivan	Magee, Pa.	Reed, W. Va.	Wason
Gilligan	Mapes	Roach	Werz
Goldsborough	Merritt	Rogers, Mass.	White, Kans.
Haugen	Michaelson	Rogers, N. H.	Williams, Ill.
Johnson, W. Va.	Moore, Ill.	Rosenbloom	Wolf
Jost	Moore, Va.	Rouse	Wood
Kendall	Morin	Sanders, Ind.	Wright
Kent	Nelson, Wis.	Schall	Wurzbach
Kless	Nolan	Sears, Nebr.	Zihlman
Kindred	O'Brien	Sherwood	

THE SPEAKER. Three hundred and thirty-nine Members have answered to their names; a quorum is present.

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

The motion was agreed to.  
The doors were opened.

#### DIVERSION BY CHICAGO OF WATER FROM LAKE MICHIGAN

Mr. RAINES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Chicago diversion.

THE SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks on the subject of the Chicago diversion. Is there objection?

There was no objection.

Mr. RAINES. Mr. Speaker, under the authority granted me to-day to extend my remarks in the RECORD on this subject, I desire to call attention to a remarkable publicity statement recently issued to newspapers by the Secretary of War and published in many newspapers in the United States.

For a long time we have heard much about the Chicago diversion and the deep waterway from the Lakes to the Gulf of Mexico. Anticipating the recent decision of the Supreme Court in this matter, the Committee on Rivers and Harbors of the House of Representatives last spring held extensive hearings, which will be printed in a few days, in order that when the Supreme Court rendered its opinion in the Chicago diversion matter, the committee would be ready immediately to act suggesting necessary legislation in order to legalize the flow and to take care of the equities of the lake cities, the Illinois River valley, and the deep-waterway proposition in the matter of which so much money has been expended and is still being expended by the city of Chicago and the State of Illinois.

#### CONGRESS TO BE RELIEVED OF RESPONSIBILITY

In a remarkable statement, just issued by the Secretary of War, Congress is to be relieved of all responsibility in the matter, and the Secretary of War, assisted by the engineers, proposes to assume full authority and responsibility and to exercise powers which under the Constitution, as I understand it, can only be exercised by Congress.

For the convenience of the Members of Congress and of others who may desire to look into this subject I call attention to the fact that the opinion rendered by the Supreme Court of the United States in this matter can be found printed in full in the CONGRESSIONAL RECORD of January 5 last at page 1288 of the temporary edition.

For the information now of the Congress and others I here-with print the remarkable "release" issued by the Secretary of War on the 9th day of this month:

#### WAR DEPARTMENT

#### STATEMENT ISSUED BY SECRETARY WEEKS REGARDING THE QUESTION OF THE DIVERSION BY THE SANITARY DISTRICT OF CHICAGO OF WATER FROM LAKE MICHIGAN

The Sanitary District of Chicago has submitted a request for a permit to divert an annual average of 10,000 cubic feet per second of water from Lake Michigan. This has been considered by Maj. R. W. Putnam, district engineer at Chicago, and by the Chief of Engineers, who both recommend that a permit be issued covering a period of five years to divert from Lake Michigan, through its main drainage canal and auxiliary channels, an amount of water not to exceed an annual average of 8,500 cubic feet per second, the instantaneous maximum not to exceed 11,000 cubic feet per second. This permit to be made conditional upon the following:

1. The Sanitary District of Chicago shall submit for approval and carry out a program of sewage treatment by artificial processes which will provide the equivalent of the complete (100 per cent) treatment of the sewage of a human population of 1,200,000 before the expiration of the permit, proper credit to be given for all completed portions of projects which are a part of its sewage-treatment program.
2. The sanitary district shall pay its share of the cost of such regulating or compensating works to restore the levels or compensate

for the lowering of the Great Lakes, if and when constructed, and post a guaranty in the way of a bond or certified check in the amount of \$1,000,000 as an evidence of its good faith in this matter.

3. The execution of the sewage-treatment program and the diversion of water from Lake Michigan shall be under the supervision of the United States district engineer at Chicago, and the diversion of water from Lake Michigan shall be under his direct control in times of flood on the Illinois and Des Plaines Rivers.

4. If within six months after the issuance of this permit the city of Chicago does not adopt a program for metering at least 90 per cent of its water service and provide for the execution of said program at the average rate of 10 per cent per annum thereafter, this permit may be revoked without notice.

The conditions recommended by the Chief of Engineers provide for the adoption and execution of a program of modern sewage-disposal plants of the maximum amount considered feasible within the next five years as part of a program which will permit the ultimate reduction of the amount of water to be diverted of 4,400 cubic feet per second or lower. The rate at which this program could be carried out would depend upon conditions which may develop in the future, but should be such as to complete the program in any event in not to exceed 20 years, and it is believed that this can be done without any unreasonable financial burden upon the city of Chicago.

The Chief of Engineers recently gave me a memorandum in which the question of my legal authority to grant the city of Chicago a permit for a diversion from Lake Michigan of a greater quantity of water than 4,167 cubic feet per second was discussed. This being a strictly legal question, I have referred the matter to the Department of Justice for an opinion, and pending the receipt of this information I can not say what permit, if any, I shall issue to the city of Chicago.

I expect to hold a hearing on this subject some time during the week beginning February 16, at a date to be announced later, when I will give both the proponents for the diversion and the objectors an opportunity to present arguments, but in holding the hearing I expect to limit the arguments on all sides to one or two persons, and hope to confine the discussion strictly to the matter contained in the application for a permit made by Chicago and the recommendations of the Chief of Engineers.

Understanding from the above "release" that the Secretary of War had referred a memorandum connected with this matter to the Department of Justice for an opinion, in company with Congressman WILLIAM E. HULL of Illinois, I called yesterday at the Department of Justice and found that the matter had reached Hon. James M. Beck, Solicitor General for the Department of Justice. After discussing the matter with him, I left with him a brief on the subject, a copy of which I now insert:

MEMORANDUM IN THE MATTER OF THE DIVERSION OF WATERS FROM THE LAKES

(By HENRY T. RAINY, Member of Congress from Illinois)

Hon. JAMES M. BECK,

*Solicitor General, Department of Justice.*

Washington, D. C.

In addition to the arguments presented to-day by the Hon. WILLIAM E. HULL, Member of Congress from Illinois, and myself on the occasion of our personal call at your office I desire to submit this memorandum as to the questions of law referred to the Department of Justice by the Secretary of War for an opinion in connection with the diversion of waters at Chicago from the Great Lakes.

THE OPINION OF THE SUPREME COURT OF THE UNITED STATES IN THE MATTER OF THE SANITARY DISTRICT OF CHICAGO V. THE UNITED STATES OF AMERICA

This was a unanimous opinion rendered by the court on the 5th day of January last affirming a decree for an injunction against Chicago issued by the District Court of the United States for the Northern District of Illinois. There can be no question at all as to what this opinion means. It simply means that the city of Chicago has no right to divert water from the Lakes unless the diversion is in compliance with the act of Congress of March 3, 1899 (ch. 425, sec. 10, 30 Stats. 1121, 1151):

"The decree for an injunction as prayed is affirmed, to go into effect within 60 days, without prejudice to any permit that may be issued by the Secretary of War according to law."

The law referred to, of course, is the above act of Congress of March 3, 1899. This act makes it unlawful to alter the "capacity of any port, etc., \* \* \* or a channel of any navigable river of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same." The questions at issue in the case involve the alteration of certain port or harbor depths on the Great Lakes and the increase in the channel depths of navigable waters of the United States. This is the only question considered by the Supreme Court and the only question involved in the Chicago diversion upon which the Chief of

Engineers has the right to make any recommendations and over which the Secretary of War has the right to exercise any authority whatever under the act of 1899. The question of sanitation was not even discussed in the opinion in this case, nor the question of channel depths in the rivers, except that the opinion contains the following language, which is clearly obiter dicta: "The interest which the river States have in increasing the artificial flow from Lake Michigan is not a right, but merely a consideration that they may address to Congress, if they see fit, to induce a modification of the law that now forbids that increase unless approved as prescribed. \* \* \* It is doubtful at least whether the Secretary was authorized to consider the remote interests of the Mississippi States or the sanitary needs of Chicago."

The Secretary of War has referred to the Department of Justice for an opinion, a memorandum submitted to him by the engineers and, of course, the opinion requested is an opinion as to the right of the Secretary of War and the engineers under the law of 1899 to provide a program of sewage treatment, etc., by the city of Chicago within a certain period of time. I respectfully contend:

1. That the engineers and the Secretary of War have no right under the act of 1899, or under any law to provide a program of sewage treatment, which must be followed by the sanitary district of Chicago.

2. I respectfully insist that the engineers and the Secretary of War have no right to apportion costs of building certain compensating works in the Lakes between the city of Chicago and the Federal Government, or between the city of Chicago and any State. This is a matter which is wholly within the jurisdiction of Congress, and I know of no act which authorizes the Secretary of War, or the engineers, to require a guarantee in the way of a bond or certified check to be given by any city in a manner of this kind. Such a guarantee would not at any time be worth the paper it is written on.

3. The act of 1899 does not give to the engineers and to the Secretary of War any authority whatever to suggest a sewage treatment program for the city of Chicago, or to provide for its execution within a period of time to be fixed by them.

4. The act of 1899 does not confer upon the engineers the right to require the city of Chicago to meter its water service, or to say to what extent the city of Chicago shall meter its water service.

If it is possible for the Chief of Engineers to attempt to adjust the equities of the Lake cities in this matter, we want to submit that there are other equities of tremendous importance which the Chief of Engineers and the Secretary of War entirely ignore in this matter. In our districts in Illinois farmers have built levees along the Illinois River, at an expense of fifteen or twenty million dollars. If the diversion from the Lakes is to continue, we are entitled to some sort of protection for our farm lands back of these levees as against this added flow from the Lakes. Our interests may not be as great in dollars and cents as the interest of the Lake cities, but the land back of our levees, which is being destroyed by the Chicago diversion, is worth fifty or sixty million dollars, and many of our farm drainage districts along the river are pumping out from the districts seepage water caused by the added flow from the Lakes, at an expense of a hundred dollars a day.

The city of Chicago can install its sewage-disposal plants in a much less period of time than the Chief of Engineers and the Secretary of War are disposed to grant. The State of Illinois granted to the Chicago Sanitary District extraordinary taxing and bonding powers, and the sanitary district is now levying every year \$11,000,000 less in taxes than they can levy under the law of Illinois, and the sanitary district can issue and have outstanding \$27,000,000 more of bonds than the district has outstanding at the present time, and the district can exercise extraordinary "special-assessment" powers granted by the State of Illinois.

The statement given out by the Secretary of War to the press is to the effect that in a period of time which will evidently much exceed 20 years the city of Chicago can dispose of its sewage in sewage-disposal plants "without any unreasonable financial burden upon the city of Chicago." The Secretary is absolutely right in this statement, but the powers as given to the city of Chicago by the State of Illinois were extraordinary powers to be used in cases of great emergency, and the emergency is now here. The sanitary district under the taxing powers given it by the State of Illinois can erect its plants, in my judgment, in a comparatively short period of time and 10 years ought to be the extreme limit for the erection of a complete system of sewage-disposal plants.

I respectfully submit that the equities presented by the Chicago diversion are such that congressional action is absolutely necessary, and there is no other form in which these various equities can be considered, and an act of Congress adjusting these equities and providing a method of meeting the various problems presented now, is the only solution, even if it requires an extra session of Congress to convene immediately after the adjournment of this session.

I also submit that the extreme power which the Secretary of War and the engineers can exercise in this matter is to suggest that any permit they may now issue will be limited to a reasonable number of

months to be suggested by them, in which legislation can be obtained by Congress meeting the problems presented now. It would be intolerable to submit to an executive officer of this Government the questions which now arise in this connection under the decision of the Supreme Court in the Chicago diversion case. The only permit which can be issued by the engineers is a permit under the act of 1899, and the act of 1899 does not permit the adjudication of the questions by the engineers and the Secretary of War.

I have been assuming that the Secretary of War has submitted to you for an opinion the propositions I have numbered from 1 to 4 above. If this is true, I insist that there is no authority in the law which will enable the Secretary of War to exercise any of the powers he proposes to exercise in the matter he has given out to the press.

If, however, the mere question submitted to you is whether a permit for the diversion from Lake Michigan of a greater quantity of water than 4,167 cubic feet per second can be granted, and if the Secretary insists that this is strictly a legal question, and is the only legal question involved, I respectfully contend that this is not a legal question at all. Under the act of 1899, the Secretary of War can authorize any diversion that will not injure harbor depths, and the amount that will not injure harbor depths is a question of fact for the Secretary and the engineers to determine, subject, of course, to review in the courts. If 4,167 cubic feet is the largest amount that can be diverted without injuring the harbor depths, that is the end of it; and they can not issue permits for more than that. However, as I remember the hearings before the Committee on Rivers and Harbors, and as I understand the record presented to the Supreme Court, a much larger amount than that can be diverted without injuring harbor depths as to any craft now navigating the Lakes. It is expected that at some time in the future the Lakes will be navigated by vessels which will require at least 5 or 6 inches more than is now available in some of the harbors, but that time will occur in the future, and a permit to continue the present flow for a reasonable period of time in order to enable the sanitary district to obtain legislation from Congress for that purpose can be granted without violating any law, and I insist that a year's time would be sufficient for that purpose. The engineers and the Secretary of War do not make the laws, and the only thing they have at any time in the past done in connection with the Chicago diversion is to say that more than 4,167 cubic feet will injure harbor depths, and upon what theory, I submit, can an amount of diversion greater than 4,167 cubic feet be a question of law?

Clearly the only questions of law they can submit is to whether or not they have under the law the right to provide a method of sewage disposal in Chicago, a time in which it can be accomplished, a metering of water in Chicago, and the requirement of a million-dollar bond from Chicago as an evidence of good faith, etc.

All of which is respectfully submitted.

HENRY T. RAINY,  
Member of Congress from Illinois.

In this connection and in further explanation of the effect of the suggestions contained in the "release" of the Secretary of War I herewith print a copy of a letter I am sending out to landowners in my congressional district:

Dr. H. E. Fletcher, Winchester, Ill.; Hon. H. V. Teel, Rushville, Ill., Chairman Board of Directors and Chairman Legislative Committee, Association of Drainage and Levee Districts of Illinois.

DEAR SIRS: I am writing to call your attention to the great victory just won by the Sanitary District of Chicago with the assistance of the officers of your organization. May I call attention briefly to what the recommendations of the engineers, if adopted, mean to the Illinois River Valley and to the cities along the river?

1. The dams will be forever retained in the river.  
2. Even with the dams retained the cost of a 9-foot channel in the river will amount to \$2,458,500, with gross annual costs of \$303,000. The cost to the Government of maintaining a 9-foot channel in the Mississippi River to Cairo will be practically prohibitive. The State of Illinois might as well give up its 9-foot waterway.

3. The taxpayers of the State of Illinois will sacrifice \$1,500,000 a year, and this sacrifice will continue indefinitely. The loss of water power amounts to that. It will mean that a very large part of the \$20,000,000 waterway bond issue must now be met in direct taxes. This is cheerful news for the people of the State of Illinois.

4. The recommendations of the engineers are a complete victory for the Canadian water-power interests and for the Aluminum Co. of America, a Mellon corporation and the world's greatest trust, and other corporations on the American side at Niagara.

5. There will be no Government aid for levees and levee districts on the Illinois River, and no payment of losses to farmers. At one blow the landowners on the Illinois River have apparently lost fifteen or twenty million dollars.

6. The Illinois River will not be cleaned up during the present generation.

Your president and his associates have labored consistently and at all times to "leave this matter to the engineers." They and their

immediate followers have packed every meeting held in the Illinois River Valley, hooting and insulting the speakers who stood for a constructive program for the valley.

The aid they have already rendered the sanitary district, the power interests, and the Aluminum Co., if this program of the engineers can be carried out, would easily amount to \$100,000,000. I am charitable enough to believe, however, that their conduct has been prompted by intense partisanship and dense ignorance as to the issues involved. The president of your association recently spent some time in Washington. I do not know with what interests he consorted. He certainly did not visit Congressman HULL or myself. Congressman HULL and myself are struggling along desperately here in an effort to do something for the only section of the country which has been injured by the Chicago diversion, and our efforts have been at all times misrepresented and our motives untruthfully presented by the officers of your association. We expect to keep up the fight now before the Attorney General of the United States, a little later before the Secretary of War, in an effort to save what we can of the provisions for the valley now embodied in the Hull bill. We can probably do nothing to adjust the equities of valley landowners and valley cities unless we can compel the sanitary district to apply to Congress for the legalization of the diversion. Members of Congress are now saying to us on every hand, "The organization which represents all of your districts and all of your cities is in favor of letting the engineers adjust this question. Why should Congress act?" Your president also holds himself out here as representing the "associated cities of the Illinois Valley for a clean river," and he claims to represent all the cities. I do not think there is such an organization as this. The cities of the Illinois River Valley by appropriate action should at once protest against the recommendations of the engineers, and if there is such an organization as this, this man ought at once to be removed as its secretary. My object in writing you gentlemen is to say that the legislative committee of the Association of Drainage and Levee Districts of Illinois ought to control the policy of that organization, and the executive committee, in pursuance of the powers always vested in executive committees, ought to call a meeting of the association at once at some convenient place, and at that meeting the conduct and the policy of your president ought to be denounced and repudiated. He ought to be at once removed from his office and another and a capable official installed in his place. This will give us an opportunity here in Washington to meet the charges hurled at us so frequently now, that the cities of the Illinois River Valley and the levee districts prefer to "leave this matter to the engineers."

I expect to make this letter public, in order that the valley cities and the landowners in the valley may know where the responsibility for the tremendous defeat which now impends should be placed.

Respectfully yours,

HENRY T. RAINY.

WASHINGTON, D. C., February 11, 1925.

#### EXECUTIVE USURPATION

This matter, it seems to me, is of tremendous importance. The functions of Congress are rapidly being absorbed by the bureaus of this Government, but I know of no other example of proposed executive usurpation that will at all compare with the powers the Secretary of War and the Chief of Engineers propose now to exercise in this matter.

#### INTERESTS VAST

I know of no subject brought before Congress in the last 50 years or even in a longer period of time than that which concerns more cities, more States, more great interests than this. I know of no subject which more imperatively requires legislation by Congress. Members of both branches of Congress will be derelict, indeed, if they quietly ignore this proposal of the Secretary of War and of the Chief of Engineers to "legislate" for the vast interests involved in the subject matter in controversy.

If the Congress permits this usurpation to go unchallenged and these powers can be usurped by an executive official of this Government, in the near future we may expect more and more usurpations of the powers of Congress by executive officers, but there can be no usurpation greater than is proposed now in the "release" of the Secretary of War.

#### OPINION OF DEPARTMENT OF JUSTICE

I do not know what the opinion of the Department of Justice will be in the matter, but I know what it ought to be. I realize that the Department of Justice has just won a victory in the Chicago diversion matter. They are probably quite content to rest on their laurels, but if the program of the Secretary of War goes through, the Chicago Sanitary District will also have won a tremendous victory, for the reason that the program of procedure announced in the "Release" is exactly what Chicago proposes to do and has proposed to do for a considerable period of time. The decision of the Supreme Court has not altered or changed her program in the least. After being

defeated in the Supreme Court, the Sanitary District of Chicago is to be permitted by the engineers, if Congress does not intervene in some way, to carry out exactly the program upon which she has entered. Therefore, both the Department of Justice and the trustees of the Sanitary District will have come out absolutely victorious.

I now print extracts from a speech I made on the subject of the Chicago diversion in Peoria, Ill., on the 24th day of January, 1925.

SPEECH OF HON. HENRY T. RAINY, MEMBER OF CONGRESS FROM ILLINOIS, AT PEORIA, ILL., SATURDAY, JANUARY 24, 1925

I am glad to meet to-day this representative body of Peoria citizens, and I am glad to see here also representative citizens from other points in the valley of the Illinois. Serious questions confront us now affecting the health of the people who live in this beautiful city and in all sections of the valley, questions affecting property values here and property values in the valley. In Peoria and contiguous villages 108,000 people live pleasantly and contentedly. From your wells you pump 31,000,000 gallons every day of water 100 per cent pure. I know of no other city of equal size in the United States of which this can be said. Your magnificent park system of 500 acres stretching along these bluffs is a matter of which every one of you can be proud. No other city on the continent of equal size can boast of such a magnificent park area. Your history extends back through nearly 250 years of time, filled with romance and achievement, but on the road through the decades ahead of you red signals of danger appear. The time has come for the people of this beautiful city and of all the Illinois River Valley to present a united front to the dangers just ahead. This is no time for quibbling, no time to pay any attention to the personal ambitions of individuals; but the time has come for action. Here 14 railroads center; 11 of them are parts of great national railway systems. At this point the Illinois River widens into one of the most beautiful lakes on the continent, and in the near future the Illinois River presents possibilities of transportation which no other river in the world at the present time presents.

#### CHICAGO

As citizens of Illinois, we are all proud of Chicago. We point with pride to the splendid resources of that great city by the Lakes, now in point of population the third largest city in all the world. One hundred thousand miles of railroads lead to Chicago. Her bank clearings amount to \$25,000,000,000 a year. In 1896 her post-office receipts were only \$5,000,000 per year. To-day they are \$30,000,000 per year. Five hundred million bushels of wheat finds its market here every year. Twenty million food animals are marketed every year in this great city. In 1871 fire destroyed nearly 18,000 buildings. In nine years the city was rebuilt, and since 1890 the city has been again rebuilt. Over 3,000,000 people live in Chicago, and one-half of the population of the United States lives within one night's ride of this great city. Anything is possible for Chicago, and the time has come when demands must be made on Chicago greater than any city on the continent has ever been asked to meet, but a city which can rebuild itself twice in a half of a century of time is prepared to meet demands greater than any other city on the continent has ever been asked to meet.

#### CONGRESSMAN WILLIAM E. HULL

I have served in Congress in 22 years with over 2,000 Members of Congress. I have known them all; I have seen them come and go. I can think of none of them who in the same period of time has made a better record than the record made by Congressman WILLIAM E. HULL, who with so much energy, force, and ability represents now this great congressional district. He has recently reintroduced in the Congress of the United States his waterway bill. In the form in which it has now been presented it contains provisions for the relief of the valley which I think will meet the situation. These provisions were all contained originally in my bill, which I shall not press for passage. I stand for the bill introduced by Congressman HULL. This bill in its present form and the bill I introduced contain the only provisions for the relief of the valley embodied in any of the several bills introduced on this subject.

While I have gone over it carefully with Congressman HULL, and while I think it is the best bill yet presented, I am aware, of course, of the fact that a careful study of the bill in the committee in the House and in the Senate and in conferences such as this will result in suggestions of great value which ought to be incorporated in this measure. I have had too much experience in bill drafting not to realize the difficulties connected with it. It would be foolish for this conference, or for any group of the Members of Congress, or for any committee of Congress to stand against amendments and changes in a matter so complicated and so important as the matter we are considering to-day. Already since the bill has been reintroduced suggestions have been made to me and to Congressman HULL by a distinguished citizen of Peoria and an able lawyer which, in my judgment, ought to be included in this bill. I refer to Hon. Claude U. Stone, of Peoria, my former colleague in the House of Representatives,

who represented with such distinction and credit this district in Congress. There are, however, certain propositions upon which we can unite and upon which we can all stand, and which must be crystallized into law.

#### CHICAGO SEWAGE

Whether the flow from the Lakes be 10,000 cubic feet of water per second or a much less amount than that, the water which comes down to us through the valley must be pure. Of the questions presented in connection with the waterway situation this is the paramount question, and upon this we can all agree. I have in my possession copies of a report soon to be printed with reference to the last investigations made as to Chicago sewage. They do not materially change the facts presented in former reports. We know that the great mass of filth coming down from Chicago has reached Peoria. We know that it extends below Peoria. We know that fish life in the river above Peoria has practically disappeared. We know that our bathing beaches are being deserted. Our summer homes along the upper river are no longer places in which we can spend delightful vacation hours. The plant life which belongs to clean water is rapidly disappearing.

In the stretches of the river above Peoria it has disappeared entirely. The oxygen content of the water in the river is growing less and less. Lyman E. Cooley, the greatest hydraulic engineer I ever knew, told me before the Chicago sewage came down that the food fish taken from the Illinois River yielded a rental every year in fish value of \$15 per acre. No other river in the world yielded until a few years ago as many tons per year of fresh-water food fish as the Illinois River. Salmon caught in the Columbia River are a salt-water fish. The fish industry is practically gone now from the entire river. Until recently sweet-pearl buyers from Paris could always be found in the cities along the river. They are gone now; the sweet-pearl industry has disappeared. The pearl-button industry has disappeared along the river. In the upper stretches of the river these plants alone grow which grow in filthy water, and that condition will soon be here, and in a few years will reach the lower valley. This was until now one of the most beautiful valleys on the continent. The waters of the upper Illinois River can no longer be used for purposes of pleasure. It is dangerous to health now to navigate these upper stretches of the river. The Illinois River, with all of its romance and its beauty gone, has now become the greatest and the most offensive open sewer to be found anywhere on the face of the earth. It is time for us to protest, and we propose from now on to shout our grievances from the housetops so that all may hear. I want to say now that no man knows the Congress of the United States better than I. Its personnel was never higher than it is now. The Congress of the United States will never enact into law a bill legalizing a diversion, whether it be great or small, from Lake Michigan which sends down to us this menace to health and to property values. In the fight we are about to make I ask for Congressman HULL and myself the support and the united support of all the people in the valley.

#### SEWAGE-DISPOSAL PLANTS

I have no patience with the proposition to give Chicago a quarter of a century of time in order to correct the conditions she has created. For nearly 25 years now she has been sending down upon us this flood of filth, and no serious attempt has been made on her part to prepare for the emergency which now confronts her. Is it not absurd, outrageous, un-American to ask us to wait another generation for the abatement of this nuisance?

#### THE BABY ACT

When we commenced to protest recently against the treatment to which we were being subjected by Chicago, her answer was to print in all the valley papers great staring advertisements charging in effect that we wanted to poison the babies of Chicago by compelling Chicago to discharge her sewage into the Lake. I do not know how many thousand dollars were spent by the sanitary district in advertising of this kind. In the future there will be other advertising of a similar nature. I deny, speaking, I am sure, for all the people who live in this valley, that any of us stand for such a proposition as this. Chicago is too big and too powerful to resort to such methods as these. Chicago has no moral right, no legal right to purify her water-supply, to clean up her rivers, by sending her sewage down to us to destroy the health of our people, and to destroy our property values.

#### THE TAXING ABILITY OF CHICAGO

A number of bills have been drawn by legal representatives of the Chicago Sanitary District and have been introduced in Congress. All of these bills merely in effect provide that Chicago in the future, if the flow is legalized, shall be required to take care of the sewage which may be developed by the increments of pollution which may from time to time occur hereafter. They all contemplate that the discharge into the Des Plaines and Illinois Rivers of sewage shall continue in the future in exactly the same proportions as at present. Representatives of the sanitary district insist that the taxing ability of Chicago under present laws will not enable her to build the sewage

disposal plants suggested by her engineers and pay for them in a less period of time than 25 years. They insist that they have already expended over \$25,000,000 in building sewage-disposal plants—some of them merely experimental plants—and that a program which will enable her to dispose of sewage so that only one-half as much will come down the Illinois River as now comes, will require the expenditure of \$100,000,000 more and will take at least one-fourth of a century. And they claim that they are levying about as much taxes now as the law will permit and that it will be impossible under the law to raise more than 40½ cents per \$100 of assessed value for sanitary district purposes; and they say that there is a "joker" in the law, which makes it impossible to raise more than that. If this statement is true and if there is a "joker" in the law, as they say there is, in good conscience and in fairness, representatives of the sanitary district ought now to be in Springfield attending the sessions of the State legislature trying to get the "joker" removed. They are, however, in Washington trying to get a permit from the engineers to continue indefinitely, or as long as the engineers will permit, the permit to run the present discharge into the river.

#### GREAT TAXING POWERS GIVEN TO THE CHICAGO SANITARY DISTRICT

When Chicago in 1889 found her water supply to be in danger and her future development and growth menaced, she was willing to agree to almost anything, and in that year she made most extravagant promises and has continued to make them, until now the flow has apparently become an established fact. The Chicago Sanitary District asked for extraordinary taxing powers and the legislature gave the district all the powers in this particular it demanded. The sanitary district act provides the trustees "may levy and collect taxes upon all the property in the sanitary district, provided they do not levy more per annum than 1 per cent of the value of the taxable property within the corporate limits as the same shall be assessed and equalized for the county taxes for the year in which the levy is made." The assessed value of the corporate property in the sanitary district in Chicago for 1923 amounts to \$1,917,926,501. The assessed value for the present fiscal year is estimated to amount to at least \$2,000,000,000. Under the sanitary district act, as amended in 1907, they can now collect every year \$20,000,000. They are collecting less than \$9,000,000. They can, therefore, if they levy and collect the limit allowed by the law, realize \$11,000,000 more a year than they are now collecting. This will enable them to complete in 10 years the sewage-disposal plants they now have in contemplation, and it will not require 25 years. And in this emergency we have the right to demand that the Chicago Sanitary District proceed to the very limit of taxation.

But representatives of the district insist that there are "jokers" in the law which keep them from levying this much, for the reason that taxes levied by counties and cities are subject to certain limitations, and, therefore, they say that if they levy more than 41 or 42 cents on \$100 the county clerk must scale the levy down. I deny that this is contemplated by the law. The duties imposed upon the sanitary district are "to levy and collect these taxes," and the act simply provides that when taxes are so certified to the county clerk they shall be collected and "enforced in the same manner and by the same officers as State and county taxes." This simply has reference to the machinery of its collection. The Chicago Sanitary District is a distinct corporate entity and these taxing powers were given to it and can not be taken away without amending the act which confers these powers.

#### BONDING

But if the sanitary district objects to taxes as high as this to meet the present emergency, they can issue bonds, and the law confers upon the district most extraordinary powers in this direction. The corporation may borrow money and issue bonds, but the act provides that the corporation shall not become indebted for any purpose to an amount in the aggregate to exceed 3 per cent of the valuation of taxable property in the district. If the next equalization should show values to the amount of \$2,000,000,000, and it will, then the district can issue bonds and become indebted to the amount of \$60,000,000 at one time.

#### WHAT IS THE OUTSTANDING BONDED INDEBTEDNESS OF THE SANITARY DISTRICT OF CHICAGO AT THE PRESENT TIME?

The reports they issue show that they have now outstanding \$33,000,000 worth of bonds. Their outstanding bonded indebtedness therefore this year is \$27,000,000 less than the law authorizes. They have a way, however, up there of selling bonds each year and creating a bond-redemption fund each year equal to about half as much as the amount received from the sale of bonds for that year. They therefore estimate that at the end of a very long term of years they will have outstanding at present taxing rates about as large an indebtedness as the present law, if unchanged, would enable them to carry at that time. They estimate that by 1946 the assessed valuation of property in the district will amount to \$3,300,000,000.

The facts to which I have just called attention can be obtained from a study of the reports they have issued. However, the state-

ments they issue are confusing indeed and they have succeeded in conveying the impression that the financial ability of that great district is much less than it really is under the law. If present burdens are to be lightened, the remedy is to issue bonds faster and levy a higher rate of taxes to retire. The law permits this and if it is true, as they claim, that there is a "joker" which prevents them from doing this, the thing for them to do is to ask the legislature to remove the "joker." I do not, however, think that any "joker" exists. They can levy these taxes and accomplish in 10 years their present program, and when they have done that they will not have done enough to purify the river; and if they want the present burden of taxes to be less they can make it less and issue more bonds, and take a longer time for redemption than they propose. But no matter how long it takes to redeem the bonds, it is the height of absurdity and an affront to us to direct that we must wait that long, or even one-half that long, for the application of enough funds to clean up the river.

#### SPECIAL ASSESSMENTS

The sanitary district act provides also for special assessments and for bonds, and bonds may be issued to the amount of 80 per cent of the unpaid portion of such assessments. Under the extraordinary powers given this corporation, they can by resorting to the special assessment section of the organic act raise as much money as they will need for construction purposes in any one year to build these sewage-disposal plants and under this section the plants may be built in even less than 10 years. The only thing to be considered, if the Chicago Sanitary District is in good faith and is willing to exercise the powers conferred upon the district at its own request, is how fast money can be intelligently and effectively expended in the building of sewage-disposal plants. But it is claimed by representatives of the district that the Supreme Court of Illinois in the case of *Mortell v. Clark*, volume 272, Illinois Supreme Court Reports, page 201, in the opinion rendered by Justice Clark, declared against the use of special assessments by the Sanitary District of Chicago. I deny that this opinion is subject to that construction. What improvements can the Sanitary District of Chicago make except to dispose of the sewage which threatens the value of \$2,000,000,000 worth of property there? If the decision of the Supreme Court of the United States makes impossible the disposal of it by the processes heretofore used—by sending it down the river to us in diluted lake water—and if the Congress of the United States should legalize the flow, but in the act legalizing it should require that the sewage be taken out of it in a given number of years and if the sewage can not be discharged in the lake, and under the law enacted by Congress it can not come down the river, what would happen to property values in Chicago? Under these circumstances will not the time have arrived for special assessments against the property in the Sanitary District of Chicago and what better method can you think of to preserve property values there than to levy special assessments for that purpose against the property that will be benefited by getting rid of the sewage in sewage-disposal plants. Chicago, therefore, has in addition to the methods I have just described this method of raising money under existing law. The Hull bill provides for the cleaning up of the river in 10 years, and I believe it can be done in 10 years. If it can not be done in 10 years, the bill provides for certain extensions to be made by the engineers. I do not think any extension will be necessary of the 10-year period.

#### PROTECTION OF LEVEES

Eighteen years ago I presented to old "Tama" Jim Wilson, then Secretary of Agriculture, the drainage problems of the Illinois River Valley. Until that time not a levee had been properly built on the Illinois River. No plan for disposing of the water which might run into drainage districts had ever been suggested. Every levee along the river was improperly constructed. At that time, the Secretary of Agriculture had a fund of nearly \$100,000 each year to be devoted to "farm drainage investigations." I succeeded in persuading the Secretary—and it was not a difficult task—to devote for two years nearly this entire fund to farm drainage problems in the Illinois River Valley. The department sent down there Mr. C. G. Elliott, the greatest farm drainage engineer in the world, who is now engaged in draining the Everglades in Florida. With a corps of assistants he went through the valley. Bulletins were issued on the subject, containing cross section of levees, which had failed and showing why they had failed. Various representatives of the department were sent to Holland to obtain first-hand data on levees there and the cuts printed showed cross sections of levees in Holland which had held back the sea and explained why they were successful. The reports told how to build levees along the Illinois River and where to build them; how to establish pumping plants and where to establish them; and as a result of these representations of the Government, I, myself, distributed many thousands of these bulletins through the Illinois River Valley, and as a result of the information and representations made by the Government, Illinois lands are now leveed—I do not know how much of them, probably 300,000 acres. I do not know how much the levees have cost, probably \$20,000,000. Lands leveed will produce in agricultural products every year probably \$10,000,000.

Fifty million dollars would be a conservative estimate of the value of all these Illinois River Valley lands now menaced by the floods from Lake Michigan. If this flow is legalized, or any part of it, the Government, not the Chicago Sanitary District, must undertake to protect these lands as against the excess flow from Lake Michigan. The Hull bill contains a provision to this effect. The Government now protects levees along the Mississippi River from Rock Island to the Head of the Passes upon the theory that the Mississippi is in a class by itself, receiving the discharge of the flood waters of many States. This kind of reasoning will apply, of course, to a much greater extent to the Illinois River when this flow is legalized.

I drew, myself, the act which extended Government aid for levees from Cape Girardeau, Mo., as far north as Rock Island, and presented the matter successfully before the committee and before Congress. It is now the law. I inserted this language in the waterway bill I introduced, and the language that was so inserted is now in the Hull bill. The equities of the situation are such that the Federal Government must give us this protection or stop this flow of water. If they protect us as against the added flow from the lake, it is not particularly material to us whether the added flow is 10,000 cubic feet, or much less than that, but whatever it is, we are in a position to insist on a proper degree of protection. In the event of this protection to us, and the bill enacted into law must contain it, if all the dams are removed and the water comes down to us pure, we will in all probability not be in a position to complain much as to the extent of the diversion.

#### THE AMOUNT OF THE DIVERSION

My bill provided for the removal of all the dams, Government and State, and the Hull bill contains also this provision. The original act in Illinois creating the sanitary district contemplates the removal of all the dams. If all the dams are to be removed and the diversion is 10,000 cubic feet, and the channel is to be 9 feet deep in the Illinois River, the total first cost of improving the river to the Government will be \$1,540,000, and the gross annual cost on account of the items of maintenance, operation, and interest will be \$139,700. If we are to maintain a channel depth of 9 feet in the river with all the dams removed, 7,500 cubic feet will be the minimum diversion, but this will cost the Government one-half million dollars more than it would cost if the diversion is 10,000 cubic feet, and the gross annual cost will amount to \$56,000 more than with a diversion of 10,000 cubic feet. The expenses of conducting the Government are so high, that it would be difficult to overlook economies of this kind. It would be easier to get a larger sum for levee maintenance with the dams out and a larger flow. These are matters for serious consideration. There are many of you, I know, who favor an ultimate reduction of this flow to the amount of the permit originally issued by the engineers. Upon reflection I think some of you will abandon this position.

#### NAVIGATION

The question of navigation on this river can not be overlooked. A flow of 10,000 cubic feet now added to the low-water channel depth of the Mississippi River at St. Louis raises it  $1\frac{1}{2}$  feet. If you admit to the river a flow as small as the original permit provided for, or even as small as 7,500 cubic feet, the cost of maintaining even an 8-foot channel in the Mississippi River from the mouth of the Illinois to Cairo will be almost prohibitive. An 8 or 9 foot channel in the Illinois River will mean nothing to us if we can not reach with the freight which originates here the lower stretches of the Mississippi River. In the old days when we talked about a deep waterway we thought we could visualize ocean vessels sailing grandly up from the sea through a 14-foot waterway to the Lakes. We know now this can never happen. Ocean-going vessels of the type now being used can not pass each other safely in a channel less than one-half mile wide. In some future centuries, when we can develop supermen of the type who built the canals we think we can see on Mars, we may have a waterway from Chicago to the sea with ocean-going vessels, but that time is too far away to cause us any anxiety at the present time; but we do have a barge traffic, which I can not now discuss, but which is proving successful, and barges can be successfully operated in 8 feet of water and easily operate in 9 feet of water. One towboat can carry as many barges from Illinois River points to New Orleans to transport in one tow as much freight as can be carried on many long standard trains, and the freight so carried moves down the river just as fast. It is doing it now on the Mississippi River. The Chicago district alone consumes 30,000,000 tons of coal a year. We can furnish it all by river from the Franklin County mines in Illinois. Good faith requires us to recognize and to stand for the navigation possibilities of the Illinois River. We will never get 14-foot depths, but we can get 9-foot depths and we can get 8-foot channel depths, and 8 feet may be enough. We are expending \$20,000,000 now on the Illinois waterway, which will be 8 feet deep in the earth portions and 10 feet deep in the rock portions. Perhaps 8 feet is enough to start with in the Illinois River, and we can get an 8-foot depth with a diversion of 10,000 cubic feet

per second and all the dams removed for a sum that will be so negligible in its first cost and in its gross annual cost as will not occasion the least difficulty in securing from Congress a sufficient appropriation.

#### WATER POWER

It is particularly easy for us to say that we in the valley are not interested in water power, but is it true we are not? And are we fair to the rest of the State when we take this position, if we do take it? I helped Lyman E. Cooley draw the amendment in 1909 to the constitution. I made 200 speeches in Illinois when the amendment was submitted. There were three of us who traveled over the entire State at our own expense. The amendment carried by the largest majority any State ever gave for an amendment to its constitution, or for any proposition of public policy. We represented that an immense amount of water power would be developed and that the water power would eventually pay the bonds and upon that theory the State of Illinois to-day is issuing bonds. The credit of the State, of course, is pledged under the amendment for the amount of these bonds.

The entire \$20,000,000 can be collected in taxes from the people and none of it obtained from water power, but would it be fair to the rest of the State to do this? We here in the valley are not the State of Illinois. We must obtain first of all these propositions for which we stand the united Illinois delegation. With a flow of 4,167 cubic feet per second, the State can only develop 31,000 horsepower. With a flow of 10,000 cubic feet per second the State can develop 61,000 horsepower. This power on a basis of 1 horsepower for each 10 tons of coal will be worth, considering its convenience and the probable cost of coal per ton, \$50 per horsepower per year, and it can be easily sold in manufacturing sections in northern Illinois for that much. A sacrifice, therefore, of 30,000 horsepower of electrical energy will mean a loss to the State of \$1,500,000 each year, and we must remember that this large amount of money can be collected for the State each year indefinitely in the future and long after the bonds and the interest on the bonds are paid. A development of electrical energy from a diversion of 10,000 cubic feet per second will mean an annual income for the State of Illinois of \$3,500,000. Under these circumstances can we afford to say here in the valley that water-power development means nothing to us? In the early days of railroad building Stephen A. Douglas saw the possibilities of obtaining a revenue from the Illinois Central road. There were many objectors then to his plans, but the legislature wisely enacted those suggestions into law. Is anybody sorry for it now? Those of you to whom the question of water-power development does not appeal need have no anxiety at all. The other States represented in Congress will fight that question for you, and the Canadian Government will make that fight also. As a matter of fact, this issue now presented by the Hull bill, for which I stand and to which I have contributed many passages from my own bill, leaves as the only subject of controversy the questions raised by the power interests of the Dominion of Canada. They are the real opponents of the navigation problems we are discussing now.

There is not another question raised by conflicting interests in connection with the legalization of this diversion that can not be taken care of, except the water-power interests of the Dominion of Canada, and I have no hesitancy in saying that against any foreign interests I am patriotic enough to stand for my own State and its waterways and the possibilities of their development and for my own country and the fullest possible navigation of all its great rivers.

#### LAKE LEVELS

The question of lake levels presents not the slightest difficulty. This question can be taken care of in the bill which legalizes this diversion. Chicago has already agreed to build movable weirs at the lake outlets and has passed an ordinance for that purpose. The cost will be almost negligible, and with these weirs constructed Lake cities can have better harbor depths than they have ever had.

#### CLAIMS OF FARMERS

The time has also come to demand that the claims of farmers against the sanitary district be adjudicated. Many of these claims have been turned over to attorneys, most of them on a contingent-fee basis, by which the attorney in charge of the claim receives one-half the amount recovered. One attorney in Chicago, if he should succeed in collecting all his claims, would probably make \$150,000 or \$200,000. As a result of the handling of these claims by attorneys, the whole matter has been so muddled in courts that it is doubtful whether anything can be recovered by resorting to the ordinary processes of the law. My bill contained provisions for the adjustment of these claims and these provisions now appear in the Hull bill. I provided for a commission on claims, a quick and expeditious way of presentation, and a speedy adjustment and payment. Claims can be presented before the commission by attorneys if claimants desire to do so, but the attorneys are not permitted to charge for their service fees in excess of 10 per cent of the amount recovered, and are subject to severe penalties if they accept more. If these provisions are written into the law which legalizes the diversion from Chicago, claimants,

who have now been so unfortunate as to turn their claims over to lawyers on a contingent basis, can still be represented before the commission created by the bill by the same attorneys, but the attorneys can not claim the compensation provided for in the unconscionable contracts they have made, but will be limited in their fees to 10 per cent of the amount recovered.

#### FACTORY WASTES

The two plants of the Corn Products Co., one at Pekin and one at Argo, discharge into the Illinois River factory wastes equivalent to the human sewage of a city of a million people. The packers discharge into the Chicago River and from thence into the Illinois River wastes from their great plants equivalent to the human sewage that may be developed by another city of a million people. No inland river in the world as far from tide water as the Illinois River receives a sewage discharge as great as comes from the Corn Products Co. and the packers, and this is in addition to the sewage of the population of over 3,000,000 in the Chicago sanitary district. The laws of Illinois furnish a remedy against this discharge, but some citizen, under the act of 1921, must make the complaint to the Illinois Department of Public Works and Grounds. A few days ago I made the complaint necessary under the laws of Illinois to start in motion the machinery of this great State. The Federal Government can do nothing in this matter. The State of Illinois alone must act. During the war when the activities of the packing plants in Chicago were greatest, the sewage waste of the packing plants could readily be detected in the river just above Peoria where tests were being made. In cleaning up the river it is as important for the State of Illinois to act as for the Federal Government to act in the matter of the Chicago sewage. In the fight which I have now inaugurated against the Corn Products Co. and the packing companies I ask the cooperation of all the people living in the valley.

#### MY OWN PERSONAL INTERESTS

I have, as far as I can, eliminated from my connection with these problems all personal ambitions. I do not belong to the party in power. I do not belong to the Rivers and Harbors Committee in the Congress of the United States. The bill which has any chance of passage must be introduced by and must bear the name of a member of the majority party, and must bear the name of a member of the Committee on Rivers and Harbors. My colleague fits into both of these requirements. His district is also more vitally interested than even my district in the problems of the Chicago diversion. He has given up all his time to this proposition. I expect to support him and his bill in every possible way and to utilize in that connection all the experience I have obtained during my long service in the Congress of the United States.

I have been most closely connected with this subject for many years. I recall that when the Chicago Sanitary District was created I delivered an address in my own county calling attention to the fact that the most beautiful river in the world was about to be polluted with sewage and calling attention to the very things which have now happened. I was a young lawyer just starting in the business of the practice of the law. It took me 10 years to overcome the effects of that speech in my own county. I was almost subjected to social ostracism. I was not known at that time up and down the river to any great extent, but wherever I was known I was severely criticized. I managed to live through it all. I think I am more responsible than any other man for the drainage investigation made 18 years ago which made possible the development so quickly of this great valley. I, therefore, experience a feeling of personal responsibility to the men who have invested their money in these districts and who are now sustaining losses. I, therefore, am demanding that my bill, which was enacted into law and under which the upper Mississippi River drainage districts are now being protected, shall also be extended to the Illinois River. I helped draw the amendment to the Constitution which was adopted in 1908 and with two prominent Republicans in Illinois and in order to give the movement a nonpartisan aspect, I made the campaign in Illinois for the amendment. After it was adopted the Chicago Sanitary District proposed to build 4 or 5 miles of the waterway through the water-power section in return for the water power that might be developed. Every Chicago paper supported the proposition. I appeared before the joint session of the legislature and opposed it. It was defeated by the legislature. No one else appeared against it. Under those circumstances, in a measure, I think I may say I contributed to saving for the entire State of Illinois the possibilities of an income from water power which may amount to as much as I have already indicated. Afterwards and when my own party was in power in Illinois a bill was proposed to build a 7-foot waterway for \$5,000,000 containing most extravagant propositions. It could not have been done; it contemplated the removal of none of the dams and the development of only a small amount of water power. It killed the entire proposition. It was impossible as an engineering achievement. I appeared before a joint session of the Illinois Legislature opposing it. The legislature adopted the Dunne waterway proposition by an overwhelming majority. It became necessary, however, to obtain the approval of the Secretary of War and the engineers.

The governor came down, accompanied by attorneys and prospective place holders, probably 50 or 75 of them. Both Senators from Illinois supported the proposition. Every Member of Congress from Illinois supported it. It had no opponent except myself. I appeared before the engineers and the Secretary, opposing the Dunne waterway proposition. The engineers refused to approve it. They found it was impossible as an engineering proposition, and there were other objections. It was defeated. Inasmuch as I alone opposed it, perhaps I was responsible to some slight degree for its defeat. If I was, I rendered a great service indeed. The present Illinois waterway law was enacted under the Lowden administration. I am sorry it was not enacted under the administration of a governor of my own party. It is ideal in every particular. It complies with all the promises we made to the people of Illinois in 1908, and the construction of the Illinois waterway has now commenced under its provisions and has made substantial progress indeed.

I think I may be pardoned for mentioning these facts personal to myself; I mention them simply to show the great interest I have always had in all the problems connected in any way with this great question.

The time for action has now come. The waterway, with its possible water-power developments, the cleaning up of the river, the protection of our levee districts, the connection of the Lakes with the sea through Illinois territory, with all that it means to this city and to property interests all along the river, is a possibility of the near future. We who represent now this valley and who are charged with responsibilities must first of all be able to convince a majority of 435 Members of Congress that we have back of us in the struggle upon which we are entering the support of this great State, and we hope also we can harmonize all differences with the Chicago Sanitary District and that the Chicago Sanitary District and the entire State of Illinois can stand together on all these propositions and for the principles now enunciated in the Hull bill. This is the time when personal ambitions must be submerged, when petty differences must be forgotten. The question which will soon be presented to the American Congress is one of the greatest questions involving at the same time transportation by water, sanitation, water power, and the preservation of Lake levels that have ever been submitted to the American Congress since the adoption of the Constitution.

#### MUSCLE SHOALS

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks on the Muscle Shoals conference report.

The SPEAKER. The gentleman from Iowa asks unanimous consent to extend his remarks on the Muscle Shoals conference report. Is there objection?

There was no objection.

Mr. HULL of Iowa. Mr. Speaker and gentlemen of the House, I am strongly opposed to the adoption of the conference report on the Underwood bill, which provides for the private leasing or Government operation of the great power and nitrate plants at Muscle Shoals.

It is doubtful if any piece of legislation with so peculiar a legislative history as this conference report ever reached the floor of this House for final enactment or rejection. Certainly the House has never considered the legislation at all in anything like its present form, either in committee or otherwise, and in the Senate the bill adopted was proposed as an amendment from the floor and never received committee action or scrutiny.

The "Ford offer" was considered in the House Committee on Military Affairs and was passed by the House at the last session of Congress over the protest of a strong minority. Some of the amendments proposed by the minority at that time to the "Ford offer," and which were rejected by the House, have been incorporated in the conference report. However, the conference report contains new propositions and imposes new obligations on the Government not contemplated either in the so-called "Ford offer" which did pass the House nor the Underwood amendment which the Senate adopted as its bill.

These new obligations are startling in their character. They commit the Government to build Dam No. 3, at its own expense, involving an expenditure of more than \$30,000,000, whereas 4 per cent interest is paid only on approximately \$20,000,000 of this amount; to build "an approach" to Dam No. 2, which undoubtedly means the project known as Dam No. 1, to cost nearly \$2,000,000; to expend \$100,000 in the employment of experts and advisory officers; and last, but by no means least, to purchase at the end of the lease period, unless the lease be renewed, the entire plant and equipment of the retiring lessee. Just what that will amount to no one can guess. It might mean fifty or a hundred million dollars.

Neither branch of Congress has ever consented to the lease of the power at Muscle Shoals on terms as inimical to the Government's interests as the terms authorized by the conference report. The Ford bill passed by the House would have

required Mr. Ford to pay far more money to the Government and included amortization payments argued as being sufficient to retire the entire investment. The Senate bill increased the required payments over the Ford terms. The conference report reduces them far below the Ford terms. The extent of the gift to Mr. Ford represented in the House bill was severely criticized by myself and other Members of this body. It is difficult to understand why the conference committee should have felt justified in increasing the amount of the gift far beyond that ever sanctioned by either branch of Congress.

The provision in the conference report relating to the end of the lease period is equally new and startling. The Ford bill provided for return to the Government of its entire investment in the dams by the end of the lease period. At least, the proponents of that measure so argued. The effectiveness of the amortization plan proposed was criticized in the House, but was, nevertheless, relied upon by a substantial majority as being capable of producing this result. The Senate bill made no provision for amortization, but neither did it provide for a preferred right of renewal to the lessee. The conference report not only makes no provision for amortization, but, on the contrary, gives the lessee a preferred right of renewal unless the Government shall pay the lessee the fair value at the time of the expiration of the lease of all his dependent property. Neither the House bill nor the Senate bill make even a suggestion of a provision like this, and its appearance for the first time in the conference report is a matter that should arouse the interest of every Member of the House.

Furthermore, the House bill required Mr. Ford to make certain payments for upkeep of the dams. The Senate bill did not contain this provision, but presumably took it into account in the required higher rental to be exacted from the lessee. The conference report, however, requires the President to reduce the rental terms far below those carried in the House bill and fails to restore the requirements in regard to maintenance.

In addition to the conference changes, not authorized by either the Senate or the House bill, there are innumerable instances in which the expressed purposes of the House have been ignored in the conference report. The views of the House with respect to amortization and maintenance have already been referred to. Another requirement of the House of equal importance was a definite amount of capital—in the Ford bill \$10,000,000—to be provided by the lessee. This stipulated amount was insisted upon by the House, even though it was dealing with the situation with respect only to Mr. Ford, whom it regarded as a highly responsible lessee as well as an industrial genius.

The conference report completely ignores this important feature. It deals with an unknown lessee, concerning whose responsibility no information is available, and makes no provision of any kind for a capital investment by such lessee of a single dollar.

With reference to the fertilizer guaranty, the conference report falls below what the House understood was the meaning of the requirements of the Ford bill. At the time of its passage by the House, I felt that the guaranteeing provisions for the manufacture of fertilizer were inadequate, but it was clearly the intention of the House to require that the lessee should make annually 40,000 tons of fixed nitrogen and from this product manufacture commercial fertilizers with the requisite additional forms of plant food. The Senate bill continued the 40,000 annual ton requirement and perfected the guaranty. The conference report has definitely lowered the requirement to 30,000 annual tons of fixed nitrogen. It still refers to 40,000 tons, but upon examination it will be found that this amount can be reduced by 10,000 annual tons by means of substitution of phosphoric acid. Now, gentlemen, the great outstanding factor in this entire proposition has been to make such disposition of Muscle Shoals as would insure an adequate supply of cheap fertilizers for the farmers of this country. Does this conference report carry any provision that will accomplish this? No; it does not! It is far weaker in this respect than the Ford bill, and even more so in respect to the Underwood bill. Let us have the facts. The proponents of the Ford bill assured the Members of this House that the Ford company would be required to manufacture annually 40,000 tons of fixed nitrogen continuously throughout the lease period. Those of us who were fighting certain provisions of the Ford bill called attention to the ambiguous language used in this fertilizer guaranty, but the House passed the Ford bill, with the understanding that 40,000 tons of fixed nitrogen were to be manufactured annually during the entire lease period.

The Underwood bill passed by the Senate definitely provided that 10,000 tons of fixed nitrogen must be manufactured during

the third year, 20,000 tons the fourth year, 30,000 tons the fifth year, and 40,000 tons the sixth year and annually thereafter. Under the terms of this conference report the farmers might have to wait 10 years before any great amount of fertilizer would be forthcoming from Muscle Shoals. The exact language used is as follows:

with an annual production of these fertilizers that shall contain fixed nitrogen of at least 10,000 tons during the third year of the lease period, and in order to meet the market demand said annual production shall be increased to not less than 40,000 tons the tenth year of the lease period, the terms and conditions governing the annual production within said 10-year period shall be determined by the President.

How much cheap fertilizer does such a clause as that guarantee? Why, it does not even make definite assurance that the farmers will receive any great amount of fertilizer until the expiration of 10 years.

Now, gentlemen, before closing I wish to again emphasize the point that the particular provisions of this conference report have never been considered in either of the proper House or Senate committees. We are not permitted to amend the bill, but must vote for its adoption or rejection as it now stands.

I shall vote against it because—

It gives away properties costing more than \$85,000,000 and for which no actual financial return is made to the Government by the proposed lessee.

The bill proposes that the Government lease these great nitrate plants free of charge; that it defray the cost of all improvements thereto; that it guarantee the lessee 8 per cent on his turnover; and that it shall make good any loss or damage resulting from acts of Providence.

It proposes to lease Dam No. 2 for an amount that is \$800,000 less than has already been offered.

It proposes that the Government expend \$33,000,000 in building Dam No. 3, whereas it will receive 4 per cent interest on only twenty to twenty-five million dollars of this amount.

There is no required capitalization for the proposed lessee.

There is no specific requirement for the distribution of the surplus power.

It is my belief that the conference report is more pernicious to the best interests of our Government than the Underwood amendment passed by the Senate, or the Ford bill passed by the House.

Our past experience should warn us against turning over Government properties of tremendous value to private individuals or corporations, without first making exhaustive effort to safeguard the present and future interests of the American people.

I hope that the Members of this House will reject this conference report and then proceed to enact legislation similar to the amendment proposed by Senator JONES of Washington, which authorizes the creation of a special commission to make thorough investigation of the entire problem and make definite recommendations to Congress.

#### ORDER OF BUSINESS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for two minutes out of order.

The SPEAKER. Is there objection?

There was no objection.

Mr. SNELL. Mr. Speaker, I want to give the tentative program for the next two or three days. Many gentlemen have asked me in regard to it and I thought it would be better to place it before the entire House at this time. It is the intention to complete the pending appropriation bill first. After the completion of the pending appropriation bill it is the intention to take up the rule on the amendment to the China trade act; after that, a rule on the Port Authority of New York bill; next, the passport visé bill; after that, a rule on the Garrett-Wadsworth proposed constitutional amendment. If possible, we hope to complete these four items this week. Monday is unanimous-consent day, and the first thing Tuesday, February 17, will be a rule providing for the consideration of the game refuge bill.

Mr. CONNALLY of Texas. Will the gentleman yield?

Mr. SNELL. Yes.

Mr. CONNALLY of Texas. Has the gentleman a rule on the agricultural relief program?

Mr. SNELL. There has not been a request for one yet. As soon as it comes, it will be considered.

Mr. WINGO. Will the gentleman yield for a question?

Mr. SNELL. Yes.

Mr. WINGO. Can the gentleman now give any indication when the silver bill will be brought up?

Mr. SNELL. Not yet; it has not been considered by the committee.

Mr. BLANTON. Will the gentleman yield for one question? Could the gentleman give us the program for the first week in next December?

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 9765. An act granting to certain claimants the preference right to purchase unappropriated public lands;

H. R. 8000. An act authorizing the Secretary of the Treasury to remove the quarantine station now situated at Fort Morgan, Ala., to Sand Island, near the entrance of the port of Mobile, Ala., and to construct thereon a new quarantine station; and

H. R. 9535. An act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1039. An act for the relief of the owners of the scow *W. T. C. No. 35*;

S. 1040. An act for the relief of the owners of the New York Sanitary Utilization Co. scow *No. 14*;

S. 3310. An act for the relief of the owners of the barkentine *Monterey*; and

S. 1370. An act authorizing the granting of war-risk insurance to Maj. Earl L. Nalden, Air Service, United States Army.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4109. An act to provide for the securing of lands in the southern Appalachian Mountains and in the Mammoth Cave regions of Kentucky for perpetual preservation as national parks;

S. 4162. An act to establish home ports of vessels of the United States, to validate documents relating to such vessels, and for other purposes; and

S. J. Res. 177. Joint resolution to amend section 2 of the public resolution entitled "Joint resolution to authorize the operation of Government-owned radio stations for the use of the general public and for other purposes," approved April 14, 1922.

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

*Ordered*, That the House of Representatives be requested to return to the Senate the message of the Senate together with accompanying papers, agreeing to the conference report on the bill (H. R. 10020) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes.

*Ordered*, That the House of Representatives be requested to return to the Senate the bill (S. 2424) to release the fees for grazing livestock on national forests.

THE AMERICAN FARMERS

The SPEAKER. By special order, the gentleman from Mississippi [Mr. RANKIN] is entitled to address the House for 20 minutes. [Applause.]

Mr. RANKIN. Mr. Speaker, one distinguished Member of the House asked me on what subject I had the courage to speak on Friday, the 13th. I replied that I was going to talk in the interest of the American farmers. He said he thought the supposedly unlucky date of Friday, the 13th, was entirely in keeping with the treatment the agricultural interests are receiving in this country to-day.

We seem to have reached the point in our economic development when agriculture has ceased to be a paying proposition, as is evidenced by the abandoned farms throughout the country, by the exodus of farm labor from the country to the towns and cities, and by the vast number of farm foreclosures in every State in the Union.

Personally I have supported every measure that has come before the House which I thought offered permanent benefit to the American farmers in any section of the country, and I have come to you this morning with a proposition that probably means more to the great mass of cotton growers in the United States than any other measure that has been before this House for many years.

It may be a matter of interest to you to know that on an average in every bale of cotton there are 33 bushels of seed, weighing about 1,000 pounds, or a half ton of seed produced with every bale of cotton raised. Last year, 1924, the cotton-seed crop of the United States amounted to about 6,750,000 tons, or more than 445,000,000 bushels. That is more than 50 per cent of the entire wheat crop of the United States.

More than 100 years ago a great pioneer by the name of William Dunbar analyzed cottonseed, possibly for the first time, and discovered the value of cottonseed oil. He predicted then that the time would come when cotton would be grown largely for the seed. Since that day we have developed the use of cottonseed products to where every scientific analysis and every practical demonstration shows that there is more intrinsic value in a bushel of cottonseed than there is in a bushel of corn. And according to every law of economics cottonseed ought to bring as high price as corn in the open market, and would do it, no doubt, if a man could sell his cottonseed under the same conditions that apply to the sale of corn.

But unfortunately those interested in the use of the products of cottonseed seem to have secured control of the cottonseed market to such an extent that they fix or depress the price to the great detriment of the cotton farmer, the man who produces the raw material to feed and clothe the world.

With the possible exception of wheat and corn there is no other plant on earth that contributes as much as does the cotton stalk to the support and comfort of mankind; and I am not so sure that, taken for all in all, the cotton plant should not come first.

It clothes the naked, it feeds the hungry, it adorns the rich, it warms the poor. No matter what a man's station in civilized life may be, he never loses contact with the products of the cotton plant from the time he dons the swaddling clothes of infancy until he occupies the shroud of old age.

It meets him in the dining room in the form of wholesome and palatable foods manufactured from cottonseed oil, the finest vegetable oil in the world. Practically every human being in America, as well as in a great many other countries, eats some of its products every time he goes to the table. It is clean, pure, and nourishing. Free from the dangers that attend the importation of oriental oils, it is also free from all the infectious or contagious diseases that are sometimes attributed to the use of animal food products. No anthrax, no typhoid, no tuberculosis is ever contracted by the use of this valuable product of the American farm.

It even feeds the cattle that furnish the milk and butter and beef supply of the country.

The very soap with which a man shaves or bathes, provided he uses the best, contains the product of the cottonseed in the form of the oil used in its manufacture.

And in addition to all that, it furnishes employment to the millions of the farms and factories who produce the raw material or transform it into the finished products.

To permit any concern or combination of concerns to control this great commodity seems to me to be an imposition on the farmers that Congress can not justify. I am therefore asking, in a resolution which I have introduced, that the proposition be given a thorough investigation.

The local oil-mill men will tell you that they are not responsible for this condition, and that they are making very little money. If that is true, they ought to gladly join us in helping to place the responsibility where it belongs. Somebody is making enormous profits out of the cottonseed-oil industry, and if the men who operate the small oil mills are also being imposed upon, as the farmers who grow the seed are, then we owe it them, as well as to the farmers, to make this investigation.

It is said that the oil concerns own and operate a large percentage, if not a majority, of the gins throughout the Cotton Belt. They operate these gins, in a great many instances, in connection with the oil mills, so they can buy the seed from the farmers' cotton just as they fall from the gin. They then run these seed through another gin and get possibly 20 to 25 pounds of what they call linters from the seed out of every bale of cotton. The independent ginners who have derived no profits from the linters or from the seed and their products have been unable to compete with the oil-mill gins, as a rule, and have therefore invariably abandoned the ginning business. Even the small cottonseed buyers, who a few years ago vied with each other in the purchase of cottonseed from the farmer's wagon, have been driven from the market until to-day there is practically no competition.

Not only that, but they have become so powerful and so far-reaching that they have even driven cottonseed from the daily

market quotations. You can not read the daily papers to-day and tell what raw cottonseed are worth in the open market. They give the price of cottonseed oil, which, by the way, is selling for more than the seed brought out of which it is taken; while at the same time I am informed by those who have had experience in buying cottonseed meal and hulls that they pay more for them than the seller received for the seed from which they come.

I hold in my hand a clipping which I took from one of the largest daily papers in the whole country, giving the market quotations on this subject, and the only prices given in that connection are of cottonseed oil and cottonseed meal. You can not take those quotations and figure out to save your life what cottonseed are worth.

What is the effect of this? When a farmer takes his cotton to town, to the gin, he must depend upon the concerns to which he sells the seed to inform him as to what cottonseed are "worth" on that particular day.

There is every indication of a gigantic combination in restraint of trade in violation of the antitrust laws of the United States; and I appeal to you this morning to help me get this resolution adopted providing for this investigation, in order that we may do justice to the farmers of the country who are growing cotton and cottonseed for a living. [Applause.]

You men from the wheat and corn growing States may think you are not interested in this great problem. But I want to tell you that cottonseed is a competitor, either directly or indirectly, of every farm commodity in the United States, and you can not hammer down and hold down the price of cottonseed and at the same time hold up the price of wheat and corn and hay and cattle and packing-house products.

Last year—1924—our farmers sold their cottonseed for about \$30 a ton, or around 50 cents a bushel. I know that, for I have in my possession now receipts from the sale of cottonseed raised on my own place. By every law of economic justice we ought to have received \$60 or \$65 a ton, or around a dollar a bushel.

Here is where the cooperative marketing system could do the farmers a great deal of good if properly carried out.

Mr. CARTER. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes; I will yield to the gentleman from Oklahoma.

Mr. CARTER. What would cottonseed meal in cakes sell for now?

Mr. RANKIN. I do not remember. I did not have the opportunity to investigate that, but if we had received the price we should have had for cottonseed the farmers of the cotton-growing States would have saved probably from \$130,000,000 to \$200,000,000—enough to pay the taxes on practically every cotton farm in the United States.

Mr. CARTER. Our experience in my State has been that cottonseed meal or cake itself, which is really a by-product of cottonseed, usually sells for from 50 to 60 per cent more than the seed does.

Mr. RANKIN. Men have told me that they sold their cottonseed and then bought the same weight of hulls and meal and paid more for the hulls and the meal than they got for the seed. Three bushels of seed produce about 2 gallons of oil.

Take the man who grows wheat. He is a direct competitor of the man who grows corn. Let wheat go to a high price and corn become cheap, and the men in the corn-growing States will sow their fields with wheat. The next thing there is an over-production of wheat and a corresponding depression in the wheat market. Drive the cotton growers from the market in this way, and they will be planting their fields in corn and wheat and other articles that come in direct competition with the products of your farms, to the final detriment of the farmers of both sections.

In the district which I have the honor to represent they have developed the dairy industry already to such an extent that one of the largest milk-condensing companies in the United States is placing one of its plants in the city of Starkville, in that district. We have one of the greatest dairy sections in the world. Whenever you drive those cotton growers into the dairy business or the cattle-growing business or to raising corn or wheat you make them permanent competitors of the wheat and corn and dairy farmers of the North and West.

Not only that, but your corn is turned into hogs and those hogs into packing-house products, where they come in direct competition with those various and sundry articles of food that are manufactured from cottonseed products, which are just as wholesome, just as clean as any that are turned out. There is no danger, as I said before, of catching anthrax from them. There is no danger of typhoid or tuberculosis, or any other

infectious or contagious disease, but we are giving to the American people one of the most healthful and cleanly food products the world has ever known. Thus it is coming in indirect competition with your corn, and whenever you drive the price of cottonseed down it is going to be reflected in the price of corn, which will be reflected in the price of wheat. You can not permit this condition to exist and at the same time continue to prosper one class of farmers at the expense of another.

I am not against this proposition because these interests have wealth. I do not care whether they are worth millions or billions, provided they do not use their wealth to take from one class of people that which rightly belongs to them.

The fundamental object of government is to keep the strong from oppressing the weak. And if, as I believe, this condition exists, and Congress refuses to give these people an opportunity to show that they are being imposed upon unjustly and unlawfully, then the American Congress will have failed to carry out the highest function delegated to it by the American people. [Applause.]

In my opinion, the farmers in the Cotton Belt are losing hundreds of millions of dollars as a result of this situation. Therefore I have started this fight, and so help me God, I am going to keep it up just as long as I am a Member of Congress and this condition seems to exist or get a thorough investigation made. [Applause.]

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes; I will yield to the gentleman from Texas.

Mr. HUDSPETH. We have this condition in the El Paso Valley. We have a cotton-oil mill there. I attempted to buy a carload of cottonseed to feed my cattle from one of the gins. The man in charge said that he could not sell it to me, and I asked him why. He said, "I have to sell to the cotton-oil men. If I sell to you, they will put me out of business." Has not the Federal Trade Commission to-day the power to regulate a matter of that kind?

Mr. RANKIN. The Federal Trade Commission would have the power, but they have not the power as I understand it to make a thorough investigation. At least, they have not the moral backing of Congress on it, as they will have if this resolution is passed.

Mr. HUDSPETH. Do I understand the gentleman has a resolution giving them that power?

Mr. RANKIN. I have the resolution here.

Mr. Speaker, I ask unanimous consent that the resolution which I have introduced on this subject may be referred to the Committee on Agriculture for their prompt consideration, as it will have to go to some committee before it can be taken up and considered by the House.

The SPEAKER. The gentleman asks unanimous consent that the resolution which he has introduced upon the subject be referred to the Committee on Agriculture. Is there objection?

Mr. SNELL. Mr. Speaker, reserving the right to object, let us have the resolution reported from the Clerk's desk.

The SPEAKER. Without objection, the Clerk will read the resolution.

The Clerk read as follows:

House Resolution 430

Whereas the prices of cotton seed are and for some time have been at an abnormally low level, with the result that the cotton growers have suffered heavy losses; and

Whereas there is no generally quoted market price for cotton seed, and the prices in different localities vary widely and without respect to the true value thereof; and

Whereas it is alleged that these abnormally low prices result from the existence of a combination among the principal purchasers of cotton seed in violation of the antitrust laws: Now therefore be it

Resolved, That the Federal Trade Commission is hereby directed to make an inquiry into the trade in cotton seed and cotton-seed products in order to determine whether the prices of cotton seed have been depressed, as alleged, by any combination of persons or corporations in violation of the antitrust laws, and to what extent the cotton growers have been deprived of a fair return for them.

Mr. SNELL. Mr. Speaker, I have no objection.

Mr. WHITE of Kansas. Will the gentleman yield if he has time to do so?

Mr. RANKIN. I will.

Mr. WHITE of Kansas. I understand that the purpose the gentleman seeks to accomplish is the investigation of the manufacturer, the shipper, and the wholesaler. Is that right?

Mr. RANKIN. Yes; and of those interests that are buying from the farmer.

Mr. WHITE of Kansas. And they fix the price?

Mr. RANKIN. Yes; that is the contention.

Mr. WHITE of Kansas. And the gentleman contends it is a monopoly?

Mr. RANKIN. Yes.

Mr. WHITE of Kansas. I want to say to the gentleman we used to consume in my county, in my section of the State, thousands of carloads of the products of the factory after the oil had been extracted, and if I understood the gentleman aright he said that the cottonseed was \$30 per ton, and that the price of the product after the oil was extracted was more than the price of the seed?

Mr. RANKIN. Yes.

Mr. WHITE of Kansas. I have thought a good deal along that line. The freight rate on that product is so high from the factory to that section of Kansas, where a very large amount of cottonseed was used in feeding stock, that it makes it prohibitive.

Mr. RANKIN. Yes.

Mr. WHITE of Kansas. We do not use a carload of cottonseed where we used to use 10 carloads of cottonseed a few years ago?

Mr. RANKIN. Exactly.

Mr. WHITE of Kansas. You had a great crop of cottonseed last year and the price of your product after the oil is extracted was \$40 to \$45 a ton in Kansas City, and the price of the cake was from \$37 to \$40. I do not know the price of the hull, but it seems like an outrageous situation.

Mr. RANKIN. Yes; it is.

Mr. WHITE of Kansas. Pardon the interruption?

Mr. RANKIN. I thank the gentleman from Kansas for his information.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that the resolution referred to be referred to the Committee on Agriculture. Is there objection? [After a pause.] The Chair hears none.

Mr. RANKIN. Mr. Speaker, I desire to say to the gentleman from Kansas [Mr. WHITE] that I was reliably informed by a farmer who had had experience that he paid more for the meal and hulls at the mill where he sold his seed than he received for the same weight in cottonseed, without any freight charges.

Mr. WHITE of Kansas. And that is after the most valuable quality has been extracted?

Mr. CARTER. The oil being the most valuable product?

Mr. RANKIN. Oh, yes; after the oil has been taken out.

Mr. WHITE of Kansas. If the gentleman will permit me, we are in exactly the same fix there in Kansas in respect to your product that the dairymen of the State of New York are in in regard to the product of alfalfa, which formerly went to the State of New York by the trainload, and which now can not be used there on account of the freight rates.

Mr. RANKIN. In other words, they seem to be fixing the prices of the farmer's cottonseed and getting them far below the cost of production, or their real market value, and at the same time farmers in other parts of the country who buy the meal and hulls with which to feed their cattle are charged as much for them as they were when cottonseed brought twice as much in the open market as they do to-day. Therefore, I hope you will all join me in giving this matter a thorough investigation in order that we may bring to our farmers some measure of relief. [Applause.]

The SPEAKER. The time of the gentleman has expired.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL

Mr. ROSENBLUM, 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 bill:

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.

ENROLLED BILLS SIGNED

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

H. R. 4610. An act for the relief of the estate of Filer McCloud;

S. 78. An act for the relief of the owners of the barge *Anode*;

S. 82. An act for the relief of the owners of the steamship *Comanche*; and

S. 84. An act for the relief of the owners of the steamship *Ceylon Maru*.

LEGISLATIVE APPROPRIATION BILL

Mr. DICKINSON of Iowa. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12101.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12101, with Mr. SNELL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12101, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 12101) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes.

Mr. STENGLE. Mr. Chairman, I desire to amend that paragraph on page 30, line 14, by changing the figures \$105,178 to \$106,498.

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

The Clerk read as follows:

On page 30, line 14, strike out the figures "\$105,178" and insert in lieu thereof the figures "\$106,498."

Mr. STENGLE. Mr. Chairman, the purpose of my amendment is to secure, if possible, a slight increase of \$5 per month for 22 guards who are now employed, and have been for a long while, in the Library of Congress. In 1924 their salaries were \$95 a month. In 1925, notwithstanding they were given an increase for the purpose of allocation and reclassification in that bureau or department of \$133,000, the record shows that the salaries for those guards remain at \$95 a month, from which, as they have always had to do, they were compelled to purchase two uniforms a year. At that time last year efforts were made on the part of some other Members of the House as well as myself to secure for these underpaid Government servants, because of their courtesy and their faithfulness and their long service, a slight increase of \$5 a month. The records show that last year when the question was raised assurance was given that provision had been made for an increase for these guards. But in checking up on the records of the Committee on Appropriations as well as the pay rolls in that department I discover that there has been no increase whatever, and in this appropriation now before us another increase of \$40,000 in round numbers is provided for that department, and not one cent is allocated to these employees.

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

Mr. STENGLE. Certainly.

Mr. CASEY. Why have the salaries of these men not been increased along with the others?

Mr. STENGLE. I can not answer that. You will have to ask that of those in charge of them.

Mr. CASEY. Am I right in understanding the gentleman to say that these men are receiving only \$95 a month?

Mr. STENGLE. Yes; \$95 a month, and they have to buy two uniforms annually.

Mr. CASEY. I think the gentleman ought to put a 5 in front of the increase of \$5 and make it \$55.

Mr. STENGLE. If it were possible to add more, I would gladly do it. But under the rule of averages in the classification law we are compelled to hold it down to this small sum. I did not want to offer an amendment that can be thrown out on a point of order for the reason that the classification law will be violated.

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

Mr. STENGLE. Yes.

Mr. BLANTON. The gentleman's position is so meritorious that neither the chairman in charge of this bill nor anyone else hardly would make a point of order against it. I suggest that he revise his amendment in line with the suggestion of his colleague from Pennsylvania.

Mr. STENGLE. I prefer not to do it, for fear of making my request unreasonable, because the Library this year in its estimates had a provision for an increase of \$60, and somebody threw a monkey wrench into the works while the matter was proceeding, and it was thought that it was impossible under the law of averages to give them the increase, and it went out. I submit that under section 6 of the classification law provision can be made for the increase, and it should be.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STENGLE. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GRIFFIN. Mr. Chairman, will my colleague yield?

Mr. STENGLE. Certainly.

Mr. GRIFFIN. What would these guards be entitled to under the reclassification act as it stands?

Mr. STENGLE. One thousand two hundred dollars.

Mr. GRIFFIN. Why have they not been classified so as to give them \$1,200 under the law?

Mr. STENGLE. Because of the viciousness in the administration of the reclassification law. [Applause.]

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

Mr. STENGLE. Yes.

Mr. UPSHAW. The gentleman will remember that when we were discussing the matter of guides and salaries yesterday the gentleman from Texas very wisely stated that no man can properly support a family in the city of Washington for less than \$2,500 a year. These people live in the city, and why not increase their salaries?

Mr. STENGLE. Let me use the balance of my time myself. I want to place in the RECORD a fact which comes from the bureau. During the year 1924 there was an average of 3,000 visitors a day in the Library. The watchmen and guards under their present title work in three shifts, so that not more than eight guards at any one time meet and greet these 3,000 visitors from all over the world. There is a rule there, unlike the rule here or in the House Office Building, that compels all these guards to stand on their feet all day, and not sit down except for a half hour at lunch time.

Now, I want to read to you how faithful these men have been. Sweeny has been there 30 years; Murphy, 30 years; McNamara, 30 years; Murphy No. 2, 30 years; Karbach, 30 years; Wood, 30 years; Bazata, 28 years; Lott, 28 years; Haas, 30 years; McConchi, 19 years; Hennessy, 25 years; Yancy, 26 years; Dawson, 25 years; Courtade, 10 years; Johnson, 8 years; Hayes, 6 years; Williams, 5 years; Snyder, 30 years; Keefe, 40 years.

I ask you, my friends, after this long, faithful public service, courteous as these men are, are they not entitled to an honest day's wage for faithful service? [Applause.] Let me put in the RECORD the appropriations approximately. In 1924, for the personal service of that bureau, there was appropriated \$732,000, and in 1925, in order to reclassify them in accordance with the act of 1923, \$865,000, an increase of \$133,000. This bill gives \$40,000 more, making a total of \$905,000, and not one penny of it is allocated to increase the pay of the men who are performing this faithful service.

I do not want to say any more. I believe you are men of fair play, and I ask you to join with me, and I ask the committee to concede the justice of my plea and grant these men the additional \$60 a year. [Applause.]

Mr. DICKINSON of Iowa rose.

Mr. BOYLAN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. DICKINSON of Iowa. Mr. Chairman, this amendment ought not to prevail. I want to explain to you the situation with reference to these guards in the Library and the custodial service in general in the various departments of the Government. When the classification act was put into operation the custodial service was allocated into grade 3. In grade 3 the salaries run from \$1,020 to \$1,260 per year. When this classification act went into effect these guards in the Library were receiving practically a maximum of \$1,140 per year. That being the case, they were not able to get the increase in salary that the other employees of the Library were given. If you come in now and raise these salaries, you will find there are 790 people employed in the different departments of this Government as guards; there are 611 of them that are receiving \$1,020 per year, there is one receiving \$1,040, there are 84 receiving \$1,080, there are 67 receiving \$1,140, and there are 5 guards in the service receiving \$1,200 a year. The amendment that the gentleman from New York has now presented would affect 25 guards. Who are the men with whom he would place these men on a parity?

They are five men who are on the outside service in the Department of Agriculture, and they have the power of arrest. Their duties are entirely different from the duties of the other guards in that service and entirely different from the duties of guards in the various other departments of the Government.

Mr. STENGLE. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. STENGLE. Will it be possible on this appropriation bill to help any of those men down town.

Mr. DICKINSON of Iowa. Absolutely not.

Mr. STENGLE. Then do two wrongs make a right?

Mr. DICKINSON of Iowa. Oh, the gentleman from New York comes here and says, Will two wrongs make a right? Let me remind you that there are 700 other guards who are not to be taken care of in the way of a raise in salary to this extent. Now, where were the friends of these guards when the reclassification act was passed?

Every one of you voted for that act, and if a wrong was committed, it was committed when you passed the reclassification act. As a matter of fact, these guards have been receiving this pay for years and they were receiving the top salary for guards as provided in the reclassification act, for which, as I say, all of you gentlemen voted. You are now asking that we take 22 of these men and give them a preference over other guards in other parts of the Government service, and if you do that you will bring about a disorganization in every department of the Government, so far as the pay of the guards is concerned.

Mr. STENGLE. Will the gentleman yield for a further question?

Mr. DICKINSON of Iowa. Yes.

Mr. STENGLE. The gentleman made the statement a while ago that the fault was with the reclassification act.

Mr. DICKINSON of Iowa. I did not say that there was any fault with the reclassification act, and I am not confessing there was any fault.

Mr. STENGLE. I was not here when the reclassification act was passed, but did the gentleman vote for it?

Mr. DICKINSON of Iowa. I did, and I believe in it. But I want to say that if you will sit on the Appropriations Committee for a little while you will find the same argument that is being presented in behalf of these guards being made on behalf of practically every other employee of this Government, namely, that in Washington they can not live on their salaries; and, in fact, I have heard a lot of Congressmen say the same thing within the last few days.

Mr. BLANTON. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. BLANTON. The gentleman complains that there are other guards in other departments who draw too low salaries.

Mr. DICKINSON of Iowa. No; I did not say anything of the kind. I say that this service has been allocated at this salary, and it is not my fault.

Mr. BLANTON. When the distinguished gentleman from Iowa becomes the able Secretary of Agriculture he can rectify that matter in that one department.

Mr. DICKINSON of Iowa. No, sir. It is up to you and the other Members on the floor of this House who voted for the reclassification act. I am not to blame for the many salaries in the Government that are too low, and this House is not justified in raising the pay of the guards at the Library when the pay of guards performing similar duties in other departments is not raised, simply because one or two guards in the Library are continually lobbying with Members of Congress and sending people to my office day after day and telling me these guards can not live on the pay they are receiving, when, as a matter of fact, they have been living on that pay for 30 years.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

Mr. BLANTON. Mr. Chairman, I shall not object, but I reserve the right to say that these men have not lived during those 30 years, but they have just existed.

Mr. DICKINSON of Iowa. Well, has not the gentleman lived on his salary, and is he not one of those now saying that Members of Congress can not live on their present congressional pay?

Mr. BLANTON. No; I am not.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. STENGLE. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. STENGLE. The gentleman just made a statement about these men running around to the offices of Members of Congress and carrying on a propaganda. I want to say for the purpose of this RECORD that not one of these men has ever been to see me and has never made any such request. My

heart and soul makes the demand, and I am responding to my conscience.

Mr. DICKINSON of Iowa. Well, we are all aware of the fact that the gentleman is always contending that he is the friend, and practically the only friend, of the poor man, when, as a matter of fact, there are others here who are his friends as well. I do not know whether any of these men interviewed the gentleman or not, but I do know that they have been interviewing some Members of Congress, and I do know that they have sent people who are patrons of that library to see me. It seems to me they ought to be ashamed of themselves for talking to such people about it and saying, "Will you not go over and see the chairman of the legislative committee and have him raise our salaries," when, as a matter of fact, they have been absolutely allocated under the reclassification act. The reason they did not get any advance in salary was because of the fact that their salary was above the average salary of the average person in their grade, and this grade of work is commensurate with this grade of pay.

Mr. SMITH. Will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. SMITH. I would like to ask the gentleman whether an employee of the Government is beyond his rights as an American citizen when he speaks to a Member of Congress? [Applause.]

Mr. DICKINSON of Iowa. Oh, no; but I am saying this to you: You are allowing 709 of these guards to go unattended to because they happen to be down in the State Department or at the Monument or at some other place where they do not happen to come in contact with you, and because these men happen to be in contact with you you think they are the only men who are in this Government service. That is what I am saying to you. Now, they have the nicest place to work of any guards in the entire Government service. Why? Because the Library is the most pleasant, the most dignified, the best kept, and the nicest place in this entire Government for any guard to work in. Now, on top of that, let me suggest this to you—

Mr. SCHAFER. Will the gentleman yield?

Mr. DICKINSON of Iowa. No; I want to complete my statement. I think I know as much about this as any of you gentleman do and I want to explain it to you a little bit.

There are now in this service in the Library 69 people, all of whom, with the exception of two, are receiving less salary than the salary of the men they are trying to raise right here. There are 22 messengers over there getting \$1,020 and \$1,080 a year. There are two mechanics getting \$1,080 a year. There are two laborers getting \$1,080 a year, and there is one laundress getting \$1,080 a year. These people have been denied a raise in this bill. Why? Because under the allocation under the classification act these people were all given an advance, and everyone who was given an advance last year was denied a promotion this year.

What do we do for the guards? They have been complaining that they work seven days a week. In this bill we provide for three additional guards, so they will work six days in the week, with Sunday off. What they are trying to do here is to come in, if you please, and not only work six days in the week, which gives them one day off, which I think they are entitled to, but they are now trying to have their salary increased, so that they will be put on a parity with the guards of only one service in the entire Government service, and they are the five men in the Agricultural Department that have the power of arrest, and are on what is known as outdoor service in the Department of Agriculture.

Mr. BLANTON. Will the gentleman yield for just one question?

Mr. DICKINSON of Iowa. Yes.

Mr. BLANTON. I just want to congratulate the gentleman on giving these guards holiday on Christmas and New Year.

Mr. DICKINSON of Iowa. We have given them Sunday.

Mr. BLANTON. That is something everybody has and everybody is entitled to.

Mr. DICKINSON of Iowa. Let me suggest just one other thing. Let me suggest to you humanitarians here, that have so much sympathy in your hearts, that over there in the Library this is the one great service in the entire Government where they have a long waiting list to get on the pay roll and have had all of these years.

I hope this amendment will not be agreed to.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. MEAD. Mr. Chairman and gentlemen of the committee, I would hesitate to say a word on this occasion or take up the time of the House, but if you look into the RECORD you will

find that I brought this question before the House when this measure was under consideration in the last Congress. At that time I asked the gentleman in charge of the legislation if there was any relief to be granted these splendid men that guard the Library of Congress and he answered me in the affirmative. Since that time I have worn out several lead pencils trying to ascertain just where that relief existed. The guards have not discovered it nor have I. I believe, my friends, it is high time that we should give these men serious and favorable consideration.

Now, I heard the chairman of the committee talk about the rules and the reclassification act, and the beautiful books and the grandeur of the building in which these men are employed. But they can not eat the rules nor live on the grandeur of the building. [Applause.] The amendment offered by the gentleman from New York [Mr. STENGLE] still keeps within the rule, and, in my judgment, it should be adopted. His statement that two wrongs do not make a right is still unanswered by the chairman of the committee. I think that before this debate is over—at least before the CONGRESSIONAL RECORD is printed in the morning—the chairman should change the statement he made and never let it go down in the history of this country that he made the statement that if these men with 30 or 40 years of service have lived all these years, why can not they live to-day on the meager, miserable salaries they now receive. [Applause.]

Mr. STENGLE. Will the gentleman yield?

Mr. MEAD. I will.

Mr. STENGLE. Will the gentleman kindly put in the Record, if he can, how much they receive for the Sunday work they perform?

Mr. MEAD. They receive the meager sum of \$2.33 for Sunday work, and when we provide the three additional guards the statement of the gentleman in charge of the bill that they will receive Sundays off should be modified by saying that they would occasionally receive a Sunday off, because the three additional guards can not give 22 men every Sunday off. I believe Sunday to be a day of rest, and a law should be enacted that would give every guard in the Government service at least one day of rest in seven. [Applause.]

My friends, when the chairman of the committee makes the statement that these men ought to be ashamed of themselves to come before Members of Congress, the only body who can raise their salaries, when he says that they ought to be ashamed of themselves, I think that Congress ought to be ashamed of itself to compel them to come around and beg for bread for themselves and children.

Mr. BLANTON. Will the gentleman yield?

Mr. MEAD. Yes; I will.

Mr. BLANTON. I have talked to numerous colleagues on the floor and I can not find a man that these guards ever appealed to. They have a right to do it, but they have not done it.

Mr. MEAD. I believe the gentleman is right, and these men ought not to be ashamed of themselves, but unless the record is changed I think it is the chairman who ought to be ashamed of himself. He ought to change that statement before it goes into print.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MORTON D. HULL. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended one minute so that I may ask him a question.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from New York be extended for one minute. Is there objection?

There was no objection.

Mr. MORTON D. HULL. I would like to ask the gentleman as to the character of the service that these men perform—is there any hazard in it, any real service, or only the decorative type?

Mr. MEAD. In answer to that question let me say that if you are going to grade all salaries on the hazard involved, we might also include the salary of Representatives, and the gentleman's salary and the guard's salary would then be about equal. [Laughter and applause.]

Mr. MORTON D. HULL. That does not answer the question that I asked.

Mr. MEAD. We are not talking about the hazard of the position. That is entirely out of the question.

Mr. DICKINSON of Iowa. I would like to know how it happens that the gentleman from New York is so sympathetic for these guards and yet has not come in here in respect to the salary of some 734 other guards carried in other appropriation bills and solicited an increase for them.

Mr. MEAD. In answer to that question I would say that as Members of Congress we can only meet and right a wrong when it presents itself. I would gladly join the gentleman to correct the other evils existing in the Federal service.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I think I have as good a record on labor legislation as any man in Congress. I have been 16 years on the floor of the House, and for 12 years prior thereto I was a member of the State Senate of Colorado. That makes a continuous service of 28 years legislating, and during all of that time I have been on the roll of honor of all labor unions in the country. That record speaks for itself. Now, as the ranking minority member on the committee in charge of this bill, I feel it would be hardly fair for me to sit absolutely quiet and let the chairman of the subcommittee assume all of the burden of this criticism. This committee considered this matter very carefully; and while I agree that all of these guards ought to have more pay, yet I do not like to hear Members state on the floor of this House that Uncle Sam is paying contemptible and measly and starvation salaries to his employees. As a matter of fact, we have raised the salaries of the employees of the Government over \$100,000,000 a year in the last two years. I think we ought to pay some attention to the people out home, who are footing the bills. That is an enormous additional burden on the seriously overburdened taxpayers of this country, and I do not think we ought to raise the salaries of its Government employees every year.

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

Mr. TAYLOR of Colorado. No; I can not yield to anyone at present. Everybody's salary has been very greatly raised during the past year or two. As a matter of fact, the Congressmen themselves are the only ones in the entire Government service from top to bottom, and throughout the length and breadth of this country, whose pay has not been raised very recently. Our salaries have not been changed during the past 17 years. The only reason these 22 guards' salaries were not raised by the general reclassification act is because they had a raise just prior to the enactment of that law, and when the classification was made they were in a grade that did not allow any additional raise at this time. We are told every hour of every day that this Appropriations Committee is not a legislative committee; and yet we are jumped on all of the time for not putting in the bill matters that are purely legislation. That is not our province. I understand there are some 790 of these guards in Washington. And it is quite true that the guards in the Congressional Library have the nicest place to work in all Washington. That is the finest building on this continent. Nobody could have a more delightful place to guard than that is. Three thousand people are passing through that place every day, and four-fifths of them women and children.

These guards do not have to stand outdoors in the snow and sleet and rain. They never get wet or get sunburned.

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

Mr. TAYLOR of Colorado. I will not. There is no place else in Washington where the guards have such a good place or as easy a time, or where they have better surroundings. There is an enormous waiting list all the time for those soft snaps. I am not criticizing these men; I congratulate them on their good luck. They are fine, courteous men, but I am calling attention to the fact that there are about 750 other guards in Washington. Why do you not think about them? They are already getting the worst of it. That is something that the House should legislate upon rather than stand here and criticize the chairman of this subcommittee because he will not raise the pay of these 22. These 22 are not any better or entitled to any more consideration than the rest of them. My sympathy goes out to all of them. I am not in favor of making favorites of these already favored few. You champions of these fortunate guards ought to take up in a proper way the movement for a horizontal raise, and if the House wants to do that, all well and good. But I want the House to vote on this matter with its eyes open. We ought to say whether or not we want to especially favor and pick 22 men out of all the guards in Washington, men that now have the easiest and best jobs of all of them. Many of the other guards have to stay outdoors in all kinds of weather, and do not get a chance to see and make friends of many Congressmen. I object to the raising of the salary of these 22 men and not paying any attention to all of the others. This action is utterly unfair to hundreds of more deserving men. We ought to consider all of them rather than simply deal especially with those who are lucky enough to come

in contact with you gentlemen and who have the choicest place there is in all Washington in which to work, besides having many opportunities that scarcely any other guards have.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. DOWELL rose.

Mr. DICKINSON of Iowa. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection?

Mr. STENGLE. Reserving the right to object, I do not believe we need 30 minutes of debate. The House is ready to vote on this now.

Mr. JOHNSON of Washington. In that way we might save \$1,300 worth of printing in the RECORD.

Mr. WATKINS. Mr. Chairman, I ask unanimous consent that all debate upon this paragraph and all amendments thereto close now. We are ready to vote.

The CHAIRMAN. The gentleman from Oregon asks unanimous consent that debate upon the paragraph and all amendments thereto do now close.

Mr. DOWELL. Mr. Chairman, I make the point of order that that is not in order, while I have the floor.

The CHAIRMAN. The gentleman was only tentatively recognized. The Chair really recognized the gentleman from Iowa [Mr. DICKINSON], the chairman of the subcommittee.

Mr. DICKINSON of Iowa. I do not think it is fair to close debate now. The chairman of the Committee on the Library, the gentleman from Massachusetts [Mr. LUCE], who has more to do with the Library than all the gentlemen who have spoken, desires an opportunity to speak.

The CHAIRMAN. The gentleman can object to the request. Is there objection to the request of the gentleman from Oregon?

Mr. DICKINSON of Iowa. Mr. Chairman, I object.

Mr. WATKINS. Then, Mr. Chairman, I move that all debate upon the paragraph and all amendments thereto close in 10 minutes.

Mr. DOWELL. Mr. Chairman, I make the point of order that I have the floor and gentlemen can not take me off my feet to make a motion.

The CHAIRMAN. The Chair has already ruled that the gentleman from Iowa [Mr. DOWELL] had not been recognized, but that he recognized the gentleman from Iowa [Mr. DICKINSON]. The question is on the motion of the gentleman from Oregon.

The motion was agreed to.

Mr. DOWELL. Mr. Chairman and gentlemen of the committee, I will not occupy the five minutes, but I want to emphasize, if I may, in just a few words, what has already been said in favor of this amendment. The argument made by the chairman of the subcommittee and by the ranking minority member is that because we can not raise the salaries of other employees therefore we should not raise the salaries of those who are now before us to-day. [Applause.] That argument is unfair, because we all know that under the legislative program we can only consider these as they come under the bills before the House. [Applause.] And this program, carried to its logical conclusion, would never change the salary of a Government employee, because they can not necessarily all come before us at once, and it seems to me that the amount provided by this committee is so small, and even with the amendment added the salary is so small, that no Member of this House should raise his voice in opposition to this small increase to these low salaries [applause]; and I hope this amendment may be carried by the unanimous vote of this committee.

Mr. LUCE. Mr. Chairman, under the rules the Committee on the Library, of which I am a member, is charged with the responsibility of the conduct of the Library. Inasmuch as the Appropriation Committee holds the purse strings our direct control is somewhat restricted, but in theory we are supposed, at any rate, to be consulted in matters relating to the conduct of that institution. This proposal has not been presented to the committee that you have intrusted with the responsibility in this matter. Our advice and our judgment have not been asked, which, in my opinion, is the first deviation from the course of orderly conduct that we might well pursue. Secondly, a few days ago the exigency of the situation as we approach the closing hours of the session compelled the limiting of debate to 40 minutes on a measure contemplating an increase of salaries of three or four hundred thousand employees of this Government by \$60,000,000 a year, less time than that which has been consumed here on a proposal to increase by \$60 a year the salaries of a very few other employees. I need no more than call attention to the dispropor-

tion here existing to show you the danger of starting on a policy of precipitating upon the floor of this House in the closing days of this session debate on the desire or demand of any small group of public employees for more money. By voting for this measure, without having received even the judgment of your committee created for the purpose of study and advice, you invite every one of between 60,000 and 70,000 persons in this city to come here and take of your time, your precious time, to consider his individual demand. It was but a short time ago that in order to act prudently on this question of compensation, to systematize this problem of salaries, we passed a reclassification act. We turned over the decision of this matter to those whom we intrusted with the determination of a right scale of salaries, and under that act these men have received that classification which in the judgment of the man who is at the head of the Library is the right and fair thing, taking into account all the considerations involved.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. LUCE. I can not take up any other phase of the matter in five minutes, save this third consideration, that you interfere with the judgment of the head of the institution. He has not here been quoted once. Nobody has said that he believes or does not believe he made a mistake. Gentlemen come here and take almost an hour of the time of the House without having gone through that preliminary which the orderly conduct of the business of the Government demands.

For these reasons I urge you, I beg you not, without thoughtful consideration, to invite renewal of the hauling and pulling between various classes of employees, not to revive the pressure they can bring to bear, by breaking down the barrier which you yourselves raised against it. I yield to the gentleman from Ohio.

Mr. MURPHY. I am sure in the interest of making a fair statement that the gentleman will find in the record that Mrs. Woods, who is the able assistant of the Superintendent of the Library, stated that they had an appropriation sufficient to pay the additional \$60 a year and that the Budget showed \$1,200 a year allocated for these guards. Now, that was the wisdom of those who are in charge of the Library, and that is the situation, and I am sure I may mention that in the way of a correction.

Mr. DICKINSON of Iowa. I want to suggest we denied the increase to all of these others who are getting \$1,020, as well as those whom the gentleman from Ohio suggests, in reference to the guards, therefore we are discriminating here against the classification.

The CHAIRMAN. The time of the gentleman has expired, all time has expired. Without objection all pro forma objections will be withdrawn and the question recurs on the amendment offered by the gentleman from New York [Mr. STENGLE].

The question was taken; and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. DICKINSON of Iowa) there were—ayes 86, noes 35.

So the amendment was agreed to.

The Clerk read as follows:

For extra services of employees and additional employees under the Librarian to provide for the opening of the Library Building on Sundays and on legal holidays, at rates to be fixed by the Librarian, \$3,550.

Mr. HUDSPETH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. HUDSPETH. I desire to ask the gentleman from Iowa, who is in charge of this bill as chairman of the subcommittee [Mr. DICKINSON], a question. We have raised the salaries of the guards in the Library, and I voted for it. What are the salaries of these young men who wait on us in the congressional reading room? What salaries do they get?

Mr. DICKINSON of Iowa. If the gentleman has reference to the messengers, they get all the way from \$1,020 to \$1,260.

Mr. HUDSPETH. These men who look up matters generally for Congressmen—they are not messengers. I do not think they would be classed as messengers. They stay there on Sundays, and late at night. I would like to ask the gentleman what salaries they are getting?

Mr. GREEN. Let me make a suggestion to the gentleman, if he will yield.

Mr. HUDSPETH. Yes; I yield gladly to my friend from Iowa [Mr. GREEN].

Mr. GREEN. Those persons to whom the gentleman refers—I do not know what their official title is—are expected to be men of wide culture and reading, and when Members of Con-

gress go in there and ask for a book on any subject, this or that, no matter how abstruse it may be, those young men are expected to walk into the Library alcoves and bring it back. Consequently they must be men of education and development along those lines. Otherwise they could not do the work properly.

Mr. HUDSPETH. I think they measure up to that standard splendidly. I was informed that they got only \$1,200 a year.

Mr. DICKINSON of Iowa. Junior clerks get from \$1,200 to \$1,500.

Mr. HUDSPETH. Does not the gentleman from Iowa think that a man of high character and accomplishment such as those described by my friend from Iowa [Mr. GREEN] should get more money than that? I certainly do.

Mr. DICKINSON of Iowa. I do not know about that. Maybe this committee wishes to repeal the whole classification act.

Mr. HUDSPETH. No; I do not, but simply wish to do justice to these faithful, efficient gentlemen who so courteously serve us in the congressional reading room, and who are very much underpaid.

Mr. LUCE. Is the gentleman not bringing to the attention of the House in these instances the result of his observations with respect to a small portion of the people employed in the Library that he has come in contact with, while forgetting a large number of other employees with whom he does not come in contact? For my part, I would gladly see the whole pay roll of the Library increased in order that we might get even better service, but to pick out a few men whom we meet when we go in and out and with whom we come in contact and forget the others seems to me grossly unfair.

Mr. HUDSPETH. I do not come in contact with all the employees of the Library, but I do come in contact with those I have mentioned. How they can subsist, and those especially with families, on \$1,200 a year is beyond my comprehension.

Mr. DICKINSON of Iowa. Mr. Chairman, under the reclassification act for the 600 employees in the Library we increased the pay roll over there \$145,000 a year.

Mr. HUDSPETH. What would that average per employee? Can the gentleman state?

Mr. DICKINSON of Iowa. Between two and three hundred dollars per employee.

Mr. HUDSPETH. Of course, that assists some. But I trust that my friend from Massachusetts [Mr. LUCE], who is chairman of the Committee on the Library, will investigate those matters, as I think he will in the next Congress, for I am going to bring the matter to his attention, and reward those who should be rewarded with higher salaries where, in his opinion, they deserve it, and I am sure there are many underpaid.

Mr. GREEN. Mr. Chairman, will the gentleman yield again?

Mr. HUDSPETH. Yes.

Mr. GREEN. I suggest to my friend that one man who was in there a long time, who died a few years ago, got \$2,200, which, I think, was very insufficient, and some of these others who are there now get much less salaries than that.

Mr. HUDSPETH. I thank my friend from Iowa for his valuable contribution. I spend every moment I can spare from my official work in the congressional reading room; every request I make of these attendants is cheerfully complied with. They are underpaid, and I am going to use my best efforts to secure more adequate compensation for them.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CABLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. CABLE. Yesterday the Senator from Idaho [Mr. BORAH], as chairman of the Special Committee on Campaign Expenditures, submitted its report, pursuant to Senate Resolution 248, wherein the Senator and the committee recommended the enactment of a Federal corrupt practices act. The act recommended is the identical one that has been before the Senate and the House throughout the Sixty-eighth Congress and was adopted favorably by not only the House and the Senate, but approved by President Coolidge. Permit me to give you a short history of the legislation:

Sixty-seventh Congress: Several bills introduced, both in Senate and House, but no final action taken.

Sixty-eighth Congress: Hearings on H. R. 8956 February 21 and 28 and March 13, 1924. May 13, 1924, H. R. 8956 reported by House Committee on Election of President and Representatives in Congress (Report 721). May 26, 1924, amendment to postal salary bill offered by Senator BORAH adopted by Senate.

June 3, 1924, House substituted H. R. 8956 for Borah amendment. Thereafter both Senate and House adopted conference report on postal salary bill, including as Title II this amendment known as "the Federal corrupt practices act of 1924."

President Coolidge in his veto message of June 7, 1924 (S. Doc. 149), referring to this amendment, stated:

If that provision stood alone, I should approve that part of the bill relating to campaign funds.

January 29, 1924, Senator WALSH of Massachusetts offered this same amendment to the postal salary bill, and on roll call the vote in the Senate was 71 for to 3 against. The House refused to accept the bill, claiming it was a revenue-producing measure and must originate in the House.

February 11, 1925: Senate Committee on Post Offices and Post Roads struck out all after the enacting clause in the House measure and substituted the Senate measure, including as title 3, under the heading "Federal corrupt practices act, 1925." That bill is now pending in the Senate.

As the measure stands it appears to have the approval of the President. It has the approval of Senator BORAH and his special committee appointed to investigate and study campaign expenditures; also almost unanimous approval of all Members of the Senate, as evidenced by the vote on the amendment sponsored by Senator WALSH of Massachusetts. It apparently has approval of a majority of the Members of the House, if we may judge the House by its vote of 361 to 6 on the conference report. There is need for new legislation.

#### THE NEED FOR NEW LEGISLATION

The existing law regulating corrupt practices in elections has been enacted in piece-meal fashion and consists of six separate acts of Congress passed, respectively, in 1907, 1909, 1910, 1911, 1912, and 1918. These laws are in part antiquated because of additional amendments to our Constitution. They are unconstitutional in part because of the decision of the United States Supreme Court in the Newberry case. They handicap the honest candidate through certain limitations which were enacted before the number of voters was doubled by the adoption of the nineteenth amendment. The law fails to require proper publicity of contributions made between elections, and thus huge contributions, given oftentimes with the hope of a reward or favor, are not reported. H. R. 8956 represents an attempt to make an orderly revision of the existing law, eliminate its uncertainties and unconstitutional portions, and add provisions deemed necessary to cure defects in the present statutes.

#### THE NEWBERRY CASE

Section 4 of Article I of the Constitution is the basis for corrupt practices legislation. It provides that "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

Section 8 of the act of June 25, 1910 (ch. 392, 36 Stat. 822), as amended, hereinafter referred to as the "present corrupt practices act," provides in part as follows:

No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum in the aggregate exceeding \$5,000 in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum in the aggregate exceeding \$10,000 in any campaign for his nomination and election. \* \* \*

Truman H. Newberry was a candidate for the Republican nomination for United States Senator from Michigan at the primary election held August 27, 1918, and, by reason of his nomination therein, became a candidate at the general election on November 5, 1918.

A Michigan statute (sec. 1, act No. 109, Laws of 1913) provided in part that "No sums of money shall be paid, and no expenses authorized and incurred by or on behalf of any candidate to be paid by him in order to secure or aid in securing the nomination to any public office or position in this State, in excess of 25 per cent of one year's compensation or salary of the office for which he is candidate." A like limitation is put upon expenditures to obtain election after nomination. Taken with the State enactment, the Federal statute prohibited the

expenditure by Newberry of more than \$3,750. He and other persons were indicted and were convicted in the district court, under this provision of the present corrupt practices act, for exceeding the specified limit.

Upon appeal to the United States Supreme Court, Mr. Charles E. Hughes, attorney for the plaintiffs in error in the case of Newberry v. United States (256 U. S. 232), argued that the statutory provision in question was unconstitutional for the reason that the regulation prescribed by the statute was not comprehended within the term "manner of holding elections," and that the term "election," as used in the Constitution, could not be construed to include the nomination of a party candidate by a primary or political convention.

The majority of the court, in its opinion, adopted the spirit of this argument and held that the statute, in so far as it attempted to regulate the nomination of a candidate for Senator, was unconstitutional.

"The ultimate question for solution here," said the court, "is whether under the grant of power to regulate 'the manner of holding elections' Congress may fix the maximum sum which a candidate therein may spend or advise or cause to be contributed and spent by others to procure his nomination." They answered the question thus:

We can not conclude that authority to control party primaries or conventions for designating candidates was bestowed on Congress by the grant of power to regulate the manner of holding elections. The fair intendment of the words does not extend so far; the framers of the Constitution did not ascribe to them any such meaning. Nor is this control necessary in order to effectuate the power expressly granted. On the other hand, its exercise would interfere with purely domestic affairs of the State and infringe upon the liberties reserved to the people.

In view of this opinion, section 2 of the bill specifically provides that the term "election" does not include a primary election or convention of a political party. The limitation in the bill as to expenditures by a candidate applies only to the campaign leading up to the final election and not to the primary campaign as the existing statute endeavored to do. In the opinion of the committee the limitation upon expenditures in a primary campaign is rendered impossible by the decision in the Newberry case, and it is deemed desirable that this portion of the statute should be finally clarified.

#### STATES SHOULD ACT

Because Congress specifically refrains from attempting to regulate primaries and nominating conventions, the responsibility is placed directly with the several States, and it is the hope and belief of the committee that this action will result in the passage of proper corrupt practices laws by the States which have not already passed satisfactory legislation on this important subject.

The States of Illinois, Mississippi, Rhode Island, Tennessee, and Arkansas have no corrupt practices laws whatever.

In Colorado, Delaware, Georgia, New York, Pennsylvania, Vermont, and Arizona there is no limit to the amount which a candidate may expend. In New Jersey the limit is as high as \$50,000.

In Idaho, Iowa, Virginia, and Florida the law applies to primaries but not to elections. Therefore in these States there is no limit on expenditures in elections, other than as imposed by the valid portions of the present Federal statutes.

#### DIRECT ELECTION OF SENATORS

The present corrupt practices act was passed prior to the adoption of the seventeenth amendment to the Constitution. The bill, therefore, eliminates the provisions regulating the election of Senators by the legislatures of the several States, and effectively regulates the election of Senators by the people in accordance with the present constitutional status. The seventeenth amendment was declared in a proclamation by the Secretary of State, dated May 31, 1913, to have been ratified by the legislatures of the required number of States. It will be observed that Congress has thus delayed for practically 11 years this particular revision in the corrupt practices act.

#### WOMAN SUFFRAGE

The nineteenth amendment was ratified since the present law was enacted. The number of voters has been approximately doubled, and the cost of campaigning has naturally been considerably increased. The present law, where no State limitation applies, permits expenditure of \$10,000 for nomination and election by a candidate for Senator. There should be no hard and fast rule limiting campaign expenses to a fixed amount, because the conditions existing in various parts of the country are so widely different. A candidate for

Senator in New York, for instance, should be permitted to expend more money than a candidate in a State with a very small population. A candidate having 500,000 voters, say, in his State should not be limited necessarily to the amount which a candidate having only 25,000 voters in his State may spend. With this in view the bill provides in section 9 as follows:

SEC. 9. (a) A candidate, in his campaign for election, shall not make expenditures in excess of the amount which he may lawfully make under the laws of the State in which he is a candidate, nor in excess of the amount which he may lawfully make under the provisions of this act.

(b) Unless the laws of his State prescribe a less amount as the maximum limit of campaign expenditures, a candidate may make expenditures up to—

(1) The sum of \$10,000 if a candidate for Senator, or the sum of \$2,500 if a candidate for Representative, Delegate, or Resident Commissioner; or

(2) An amount equal to the amount obtained by multiplying 3 cents by the total number of votes cast at the last general election for all candidates for the office which the candidate seeks, but in no event exceeding \$25,000 if a candidate for Senator or \$5,000 if a candidate for Representative, Delegate, or Resident Commissioner.

(c) Money expended by a candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or expended for his necessary personal, traveling, or subsistence expenses, or for stationery, postage, writing, or printing (other than for use on billboards or in newspapers), for distributing letters, circulars, or posters, or for telegraph or telephone service, shall not be included in determining whether his expenditures have exceeded the sum fixed by paragraph (1) or (2) of subdivision (b) as the limit of campaign expenses of a candidate.

#### PUBLICITY FOR CAMPAIGN CONTRIBUTIONS

Purity in politics is desired by both parties. An election is a public affair, and participation therein is a public duty. Publicity throughout the year of contributions received by political organizations, particularly large sums, will go a great way in preventing corrupt practices in elections. The purchase of power and influence either by a candidate, by means of large expenditures, or by individuals or interests by means of great contributions, reflects both upon our Government and on those from whom the power is derived. Not only should there be a limitation of expenditures, but there should also be prompt and proper publicity of contributions and expenditures. Recently in Washington we have read in the newspapers of large contributions given by certain wealthy men to both political parties, no report being made and filed containing such receipts. The evil does not lie so much in the contribution as in its purpose. If proper publicity is given, the contributor will hesitate to carry water on both shoulders by giving to both parties. Such a donor expects some return, a favor for his contribution. This bill, requiring publicity throughout the entire year, will go far to cure this evil. Under the present law reports are made by political committees just before and immediately after elections. The public has no knowledge of contributions made in the meantime, and therefore, to secure proper publicity of such contributions, this bill in section 5 provides as follows:

SEC. 5. (a) The treasurer of a political committee shall file with the clerk between the 1st and 10th days of March, June, and September in each year, and also between the 10th and 15th days, and on the 5th day next preceding the date on which a general election is to be held at which candidates are to be elected in two or more States, and also on the 1st day of January, a statement containing complete as of the day next preceding the date of filing—

(1) The name and address of each person who has made a contribution to or for such committee in one or more items of the aggregate amount or value, within the calendar year, of \$100 or more, together with the amount and date of such contribution;

(2) The total sum of the contributions made to or for such committee during the calendar year and not stated under paragraph (1);

(3) The total sum of all contributions made to or for such committee during the calendar year;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of \$10 or more has been made by or on behalf of such committee, and the amount, date, and purpose of such expenditure;

(5) The total sum of all expenditures made by or on behalf of such committee during the calendar year and not stated under paragraph (4);

(6) The total sum of expenditures made by or on behalf of such committee during the calendar year.

(b) The statements required to be filed by subdivision (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(c) The statement filed on the 1st day of January shall cover the preceding calendar year.

I have worked for the enactment of this measure for more than three years and expect to see it become a law before the close of my term in Congress.

MR. RAMSEYER. Mr. Chairman, I rise in opposition to the pro forma amendment. The gentleman from Ohio [Mr. CABLE] who just addressed the House made some reference to the postal salary bill which recalls the proceedings in this House on Tuesday, February 3, about 10 days ago, when, by the action of this House, the postal pay and postal rates bill was returned to the Senate on the ground that it was in violation of Article I, section 7, clause 1, of the Constitution, which provides that "All bills for raising revenue shall originate in the House of Representatives." I am very glad that there are a few members of the Ways and Means Committee present, because I wish to address my remarks particularly to them.

I hold in my hand volume 3 of Franklin's Works, by Bigelow, which, beginning on page 407, contains the testimony of Dr. Benjamin Franklin in the British House of Commons. In order that you may get the setting of this testimony I shall insert in the RECORD at this place the statement of the editor, which precedes the testimony. The editor's statement is as follows:

"THE EXAMINATION OF DR. BENJAMIN FRANKLIN, IN THE BRITISH HOUSE OF COMMONS, RELATIVE TO THE REPEAL OF THE AMERICAN STAMP ACT, IN 1766

[From the journal of the House of Commons, as given by Mr. Vaughan]

"February 3, 1766: Benjamin Franklin and a number of other persons ordered to attend the committee of the whole house, to whom it was referred to consider further the several papers, which were presented to the house by Mr. Secretary Conway.

"February 13: Benjamin Franklin, having passed through his examination, was excepted from further attendance.

"February 24: The resolutions of the committee were reported by the chairman, Mr. Fuller; their seventh and last resolution, setting forth that it was their opinion that the house be moved that leave be given to bring in a bill to repeal the stamp act."

The account of the examination was first published in 1767, without the name of the printer or publisher. It was translated into French, and widely circulated in Europe. It has been frequently reprinted in both the English and French languages. [Editor.]

At the time of this examination Benjamin Franklin was Deputy Postmaster General of North America. He was the greatest authority of his time on postal affairs. He knew as much as any living man of his time about the subject of taxation. He was a recognized and outstanding scholar of the world and was also a member of the Constitutional Convention.

MR. CABLE. Will the gentleman yield?

MR. RAMSEYER. Yes.

MR. CABLE. He was the first postmaster ever removed for political activities.

MR. RAMSEYER. That is fine and that is to his credit. [Laughter.] A postmaster who does not show some political activity ought never to get the job. This examination of Doctor Franklin took place before the Committee of the Whole House of the British House of Commons in 1766. Doctor Franklin was called before that committee to testify on the subject of the stamp tax and to advise the British Parliament in regard to the attitude of the colonies toward that tax. During the course of the examination Doctor Franklin had something to say on postage rates which ought to shed light on the very important question that was before this House on last Tuesday a week ago. In order to demonstrate to you that Doctor Franklin was familiar with the subject of taxation and knew what he was talking about, I will read some questions and answers which are not directly on the point as to whether money paid to the Post Office Department is a tax or a charge for service rendered. His testimony starts out like this, on page 409:

Q. What is your name and place of abode?—A. Franklin, of Philadelphia.

Q. Do the Americans pay any considerable taxes among themselves?—

A. Certainly; many and very heavy taxes.

Q. What are the present taxes in Pennsylvania, laid by the laws of the colony?—A. There are taxes on all estates, real and personal; a poll tax; a tax on all offices, professions, trades, and businesses, ac-

cording to their profits; an excise on all wine, rum, and other spirits; and a duty of £10 per head on all negroes imported, with some other duties.

Q. For what purposes are those taxes laid?—A. For the support of the civil and military establishments of the country and to discharge the heavy debt contracted in the last war.

Remember that the time of this examination was in 1766.

Q. How long are those taxes to continue?—A. Those for discharging the debt are to continue till 1772 and longer if the debt should not be then all discharged. The others must always continue.

On page 410 I read this question and answer:

Q. Are not you concerned in the management of the post office in America?—A. Yes. I am Deputy Postmaster General of North America.

Then, on page 419, I read this question and answer:

Q. Was it an opinion in America before 1763 that the Parliament had no right to lay taxes and duties there?—A. I never heard any objection to the right of laying duties to regulate commerce; but the right to lay internal taxes was never supposed to be in Parliament, as we are not represented there.

Throughout his testimony Doctor Franklin conceded the right of Great Britain to lay taxes to regulate commerce on the theory that the sea was theirs, that the British had to maintain by their fleets the safety of the navigation on the sea, and keep it clear of pirates. Therefore, Doctor Franklin argued that the British had a natural and equitable right to some toll or duty on merchandise carried through that part of the British dominions toward defraying the expenses of the ships and to maintain the safety on the sea. However, throughout his testimony Doctor Franklin denied the right of the British Parliament to impose an internal tax without the consent of the people of the colonies.

The Stamp Act says—

So Franklin testified on pages 422-3—

we shall have no commerce, make no exchange of property with each other, neither purchase, nor grant, nor recover debts; we shall neither marry nor make our wills, unless we pay such and such sums; and thus it is intended to extort our money from us, or ruin us by the consequences of refusing to pay it.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. RAMSEYER. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five additional minutes. Is there objection?

There was no objection.

Mr. RAMSEYER. Doctor Franklin denied the right of the British to lay any internal taxes because the Colonies had no representation in the British Parliament. Beginning at the bottom of page 428 and continuing on page 429 are these questions and answers:

Q. Suppose an act of internal regulations connected with a tax; how would they receive it?—A. I think it would be objected to.

Q. Then no regulation with a tax would be submitted to?—A. Their opinion is that when aids to the crown are wanted, they are to be asked of the several assemblies, according to the old-established usage, who will, as they always have done, grant them freely; and that their money ought not to be given away without their consent by persons at a distance, unacquainted with their circumstances and abilities. The granting aids to the crown is the only means they have of recommending themselves to their sovereign, and they think it extremely hard and unjust that a body of men, in which they have no representatives, should make a merit to itself of giving and granting what is not its own, but theirs, and deprive them of a right they esteem of the utmost value and importance, as it is the security of all their other rights.

Here now I come to a question followed by the answer of Doctor Franklin that I want you to hear. As I said before, Doctor Franklin was denying the right of the British Parliament to levy internal taxes. He further stated that the colonists would never submit to such taxes. The examiner then tried to get Doctor Franklin to admit that money paid for postage on a letter was such a tax and that the colonists were not objecting to it. I read:

Q. But is not the post office, which they have long received, a tax as well as a regulation?—A. No; the money paid for the postage of a letter is not of the nature of a tax; it is merely a quantum meruit for a service done; no person is compellable to pay the money if he does not

choose to receive the service. A man may still, as before the act, send his letter by a servant, a special messenger, or a friend if he thinks it cheaper and safer.

This statement of Doctor Franklin is as applicable to-day as it was then. On page 448 I read this question and answer, as follows:

Q. Is not the post-office rate an internal tax laid by act of Parliament?—A. I have answered that.

On page 449 Doctor Franklin reasserts his position in his answer to this question:

Q. Do they consider the post office as a tax or as a regulation?—A. Not as a tax, but as a regulation and convenience; every assembly encouraged it and supported it in its infancy by grants of money, which they would not otherwise have done, and the people have always paid the postage.

I wish to state in conclusion that up to this good hour, and I think I may be permitted to say that I have given this subject very careful study, I have not run across a single authority, nor have I heard of a single authority, during the colonial days or since, not a single authority on postal matters, nor a reputable law writer, nor a decision of any court that has held or holds, either directly or indirectly, that a bill to fix postage rates comes within the meaning of Article I, section 7, clause 1 of the Constitution requiring that—

All bills for raising revenue shall originate in the House of Representatives.

And I now challenge the members of the Ways and Means Committee to bring onto the floor of this House any authority which sustains them in their position.

Mr. GREEN. Will the gentleman yield?

Mr. RAMSEYER. Yes; I yield to the gentleman.

Mr. GREEN. Is not my friend aware that at the time of which he speaks the Post Office Department was often used as a means for raising revenue for the Government and not simply in payment of a service? And is not the gentleman aware that Doctor Franklin himself made a great profit out of the operations of the post office?

Mr. RAMSEYER. There is nothing in that statement except that when you charge more for the service than the service costs you are rendering the service at a profit. That does not change the nature of a bill to fix postage rates on mail matter.

Mr. GREEN. The gentleman has not answered the first part of my question.

Mr. RAMSEYER. But that does not change the nature of a bill for regulating charges for services performed by the Post Office Department just because the charges imposed mean a profit instead of a loss to the Government.

Mr. GREEN. Let me ask the gentleman one further question and then I am through. Does not the gentleman think it would have been more appropriate to have made his challenge at some time when the members of the Ways and Means Committee could be heard rather than some time when they could not be heard, and at a time when the chairman of the committee in charge of the bill is begging Members not to take time with matters like this?

Mr. RAMSEYER. The gentleman from Iowa and other members of the Ways and Means Committee have the same opportunity to be heard that I have and they can get the floor to produce their authorities now or to-morrow or any time between now and the adjournment of this Congress, or they can extend their remarks in the RECORD, without taking up any time of the House.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TILSON. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be continued one minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILSON. The gentleman has asked for authorities. I ask him to read *United States v. Bromley* (12 How. 88) and *Warren v. Fowler* (4 Blatchford 311).

Mr. RAMSEYER. I have read those cases and I wish to inform the gentleman now that neither one of those cases makes any reference whatever to Article I, section 7, clause 1, of the Constitution of the United States, and that those cases are not in point at all.

Mr. TILSON. But they specifically state that income from postal receipts is just as much revenue as if it came from duties on imports.

Mr. RAMSEYER. If the gentleman had heard my argument of February 3, he would know, and if he did not hear my argument and will do me the honor to read it in the RECORD, he will learn that I discussed the cases on which he relies, and demonstrated, I think, that those cases are not applicable at all to the question before us. There is a very clear distinction between the meaning of the word "revenue" as popularly used and sometimes employed in the statutes, and the meaning of the word "revenue" as used in Article I, section 7, clause 1, of the Constitution.

Mr. TILSON. I refer to the sense in which the Supreme Court used it, for it is the Supreme Court speaking in these two decisions.

Mr. RAMSEYER. The first case cited by the gentleman was decided by the Supreme Court; the second was decided by the United States District Court for the Southern District of New York. But those two cases were decided without any reference to Article I, section 7, clause 1, of the Constitution. No reference whatever is made in either one of those cases to this constitutional provision. Each of those cases undertook to construe a Federal statute and not this constitutional provision. These two cases were cited and distinguished in a very able opinion found in *Michels v. James* (13 U. S. Court Reports, 207; Federal Cases, No. 15, 464). In my argument I quote from this case at length. This case is directly in point and "on all fours" with the proposition before us. *Michels* against *James* has never been overruled and is the law of the land to-day.

In conclusion I quote the following sentences from *Michels* against *James*:

A bill regulating postal rates for postal service provides an equivalent for the money which the citizen may choose voluntarily to pay. He gets the fixed service for the fixed rate, or he lets it alone, as he pleases and as his own interests dictate. Revenue, beyond the cost, may or may not be derived from the service and the pay received for it, but it is only a very strained construction which would regard a bill establishing rates of postage as a bill for raising revenue within the meaning of the Constitution. This broad distinction existing in fact between the two kinds of bills, it is obviously a just construction to confine the terms of the Constitution to the case which they plainly designate. To strain those terms beyond their primary and obvious meaning, and thus to introduce a precedent for that sort of construction, would work a great public mischief.

The views of this court and the views of Benjamin Franklin on this question at issue are as nearly alike as views expressed on the same question at different times and by different individuals can possibly be.

In my argument of February 3 I cited and discussed a number of cases decided by the Supreme Court in which Article I, section 7, clause 1, of the Constitution was directly in issue. Those cases I then cited and discussed are in point and squarely against the position of the Ways and Means Committee. To-day I have submitted the authority of Benjamin Franklin. Franklin helped to write the Constitution, and his statements in the testimony from which I have quoted ought to have some weight in construing the language used in Article I, section 7, clause 1, of the Constitution. [Applause.]

Mr. VINSON of Kentucky. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and to speak out of order.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks in the RECORD and to speak out of order. Is there objection?

There was no objection.

Mr. VINSON of Kentucky. Mr. Chairman and gentlemen of the committee, I find in the issue of the Washington Times of Wednesday, February 11, 1925, news carried to the country of a discovery great in moment and, perhaps, containing elements of ill portent. The article in question carries headlines in the following language:

Coolidge rides on "horse"—Mechanical mount got wires twisted, but he's good again for exercise.

The discovery in question relates to the failure of our distinguished President, Mr. Coolidge, to use sure-enough horses and makes known to the world that in lieu of the splendid stable of equines he has substituted a marvelous invention in the form of a mechanical and electrical horse.

In view of such important discovery, I feel called upon to impart this information to the House and to further disseminate it among the people of our country.

The article in the Times, referred to, reads in full as follows:

#### COOLIDGE RIDES ON "HORSE"—MECHANICAL MOUNT GOT WIRES TWISTED, BUT HE'S GOOD AGAIN FOR EXERCISE

President Coolidge has hit upon a new method of assuring himself a daily ride on horseback.

He has abandoned the bridle paths of the Mall and Rock Creek Park. For several weeks the equines in the White House stable have been idle.

Seeking an easier method of equestrianism, the President has installed a hobbyhorse in the White House and rides it three times a day for periods of 15 minutes each.

By the simple expedient of pressing an electric button, the President can command this horse to change his pace—he can trot, pace, canter, or gallop as the mood of the Chief Executive dictates. The steed is said to be an excellent example of electrical mechanism.

#### STEED'S WIRES TWISTED

A misfortune, however, befell the horse some days ago. Some of the internal wiring got twisted and the steed apparently attempted to pace and trot at one and the same time.

He naturally failed in the attempt, but information is not available as to whether President Coolidge was thrown from his steed in this accident or not.

The horse temporarily was put out of commission and had to be repaired.

#### RECOVERS ITS VIGOR

Now it has recovered its ancient vigor and the President again is taking his domestic horseback rides.

The President has not disclosed his reasons for abandoning the excellent stable at his disposal in order to ride a hobbyhorse.

It is believed that the time-saving motive was at least partially responsible. So far as can be learned the new mechanical steed is giving excellent satisfaction and the President likes the change.

The "horse" is headless and tailless, and quite stationary. It produces, by mechanical motion, however, all of the gaits of a living, breathing equine.

With the aid of this contrivance—which is nothing more than one of the mechanical horses such as are found in the gymnasiums on ocean liners to aid passengers in limbering up—the Executive is enabled to get all of the exercise of the bridle path without a third of the trouble and exertion.

#### REAL HORSES RESTING

Several riding horses are quartered in the White House stables, but only once has Mr. Coolidge taken advantage of the opportunity to ride one of these real steeds. That came shortly after his entry into the White House when he took one brisk morning ride through Potomac Park.

One reason advanced for the President's preference for indoor riding as against a gallop on the bridle path lies in the nasal and throat affliction from which he suffers.

Recently, when he attended the Chicago Livestock show the dust which was stirred up by the hoofs of the horses and cattle in the arena irritated the President's nose and throat greatly, and it was not until after his return to Washington that he recovered entirely from the ill effects.

While it is foreign to my make-up, as affected by my antecedents, my training, or my desires, I am gripped with the fear that such a theme, fit to be preserved in the annals of our history and literature, might be omitted therefrom, and I have deemed it fit to woo the Muse, the Goddess of Song, to the end that the present House of Representatives and our generation will be edified therefrom, and that the classic theme will be preserved for our posterity.

Guided by such purpose, I present to you my humble effort:

#### CAL'S "HOBBYHORSE"

The Prince of Wales, astride a steed,  
Is a picture of world renown;  
When the horse bestirs, as is its need,  
The Crown Prince hits the ground.

Mr. LUCE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman from Massachusetts will state his point of order.

Mr. LUCE. It has frequently been held that words tending to bring the Chief Executive of the Nation into ridicule or disrepute are out of order.

Mr. BLANTON. Mr. Chairman, I make the point of order that the gentleman's point of order is not well taken.

The CHAIRMAN. The gentleman from Massachusetts has the floor.

Mr. BLANTON. But I make the point of order that the gentleman's point of order is not well taken and that the President of the United States stands on the same footing as any other individual.

The CHAIRMAN. The gentleman from Texas will desist.

The gentleman from Massachusetts has the floor, and there is one point of order pending and the Chair can not entertain two points of order at the same time.

Mr. LUCE. I make the point of order, Mr. Chairman, that the gentleman's words are intended to cast ridicule upon the Chief Executive of the United States.

Mr. VINSON of Kentucky. Mr. Chairman, I feel certain that the gentleman is hasty in his conclusion. I think when he listens to this piece of poetry he will denominate it a classic.

Mr. LUCE. The title of the gentleman's remarks which he avers to be poetry would indicate the purpose of his utterance.

Mr. BLANTON. Mr. Chairman, I make a point of order against the gentleman's point of order.

The CHAIRMAN. The gentleman can not do that.

Mr. BLANTON. The chairman of the Committee on Rules may say that I can not, but I can.

Mr. BARKLEY. Mr. Chairman, I make the further point of order that the gentleman from Massachusetts not being a prophet, is unable to tell in advance whether the language to be used by my colleague will cast ridicule on the Executive or not.

The CHAIRMAN. Has the gentleman from Massachusetts any authority to sustain his point of order?

Mr. LUCE. It is a familiar principle of parliamentary law, on which I could produce authority if I had time.

Mr. WINGO. I wish to remind the Chair that from time immemorial lese majesty has been a serious proposition, and my friend should plead that.

Mr. LUCE. Mr. Chairman, may I be further heard on the point of order?

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts.

Mr. LUCE. Mr. Chairman, my training was in a legislative assembly, where the principle involved—

Mr. CONNALLY of Texas. Mr. Chairman, the gentleman from Massachusetts is arguing the point of order, and the gentleman should not take the floor, but should address the Chair and not the House. The gentleman from Kentucky has the floor.

Mr. LUCE. Mr. Chairman, my training has been in a legislative assembly where the principle involved in the point of order I raised has been so strictly applied that no reference whatever to the chief executive of the State, except in connection with official messages which he has laid before the legislature, would be permitted. In this body there has been a broader construction of parliamentary rules and a wider latitude, and criticism of the Chief Executive has often been indulged in by Members of each branch; but unless my memory is at fault it has been held that language intended to cast ridicule on the Chief Executive is out of order.

Mr. CONNALLY of Texas. Mr. Chairman, in reply to the gentleman from Massachusetts I want to say that the gentleman from Kentucky has not yet completed his remarks, and the presumption is that when he continues he will speak the truth and the presumption further obtains that those remarks will be in order because it is assumed every Member is observing the rules until it is demonstrated that he has not. I will say that if the gentleman from Kentucky does utter language that transgresses the rules the gentleman from Massachusetts will have the liberty of asking that his words be taken down and stricken from the Record and that they not appear in the proceedings. How does the gentleman from Massachusetts know what the words are? I say further that the rule that the gentleman invokes as being practiced in Massachusetts has never been observed in this Chamber as far as my limited experience has gone. The House, the Congress, has always claimed the privilege of criticizing the President, or any other branch of the Government save the Senate, and it could do that except for a rule of this body that it can not.

Mr. LUCE. I refrained from making the point of order until the gentleman had read the title of the verses he was about to deliver, and the point of order is based on the title. It was not a case of prophecy or expectation, but on the words that were uttered. As to the question of whether or not the rules and precedents of the House do or do not permit ridicule of the Chief Executive, I shall leave that to the judgment of the Chair.

Mr. CONNALLY of Texas. I will say to the gentleman from Massachusetts that I do not subscribe to the theory that we ought to indulge in anything that would cast reflection on any other branch of the Government, but I do contend for liberty of speech on this floor, because it is the only forum that the Representatives of the people have.

Mr. LUCE. It has been a principle of the Anglo-Saxon race that liberty ought not to descend to license.

Mr. CONNALLY of Texas. I contend the House has control of this matter and when proceedings violate the rules the gentleman can object, and with his usual eloquence may persuade the House to strike it from the Record. The newspapers a day or two ago carried a statement about which the gentleman from Kentucky is going to address himself, and I heard no one, not even the gentleman from Massachusetts, rise on the floor and denounce the press for carrying the statement or caricature of the President. I saw a statement yesterday purporting to be based upon information issued from the White House relating to this matter, and I heard no gentleman rise up in his place and say that it reflected on the dignity of the Executive, or denounce it as transgressing the prerogative of the President.

Mr. RAMSEYER. I have read the rules of the House through a number of times, and as I remember it there is no specific rule against criticizing the President or any member of his Cabinet, is there?

Mr. CONNALLY of Texas. Not that I ever heard of.

Mr. RAMSEYER. There is a specific rule against reflecting on Members of the other body.

Mr. CONNALLY of Texas. That is true. There is a positive rule about that.

Mr. RAMSEYER. I frankly confess I do not quite get the logic of the position of the gentleman from Massachusetts [Mr. LUCE]. Usually he is logical. In the absence of a special rule to the contrary, it seems to me that the gentleman would be entitled to criticize the action of the President as well as anyone else.

Mr. CONNALLY of Texas. Mr. Chairman, I just want to leave this suggestion with the Chair: It is not a question of the right of a Member to speak here generally, it is a question of whether or not what he says here infringes any rule of the House. I submit there is no rule of this House that is infringed at this point, and we can not assume that it is going to be infringed. It is merely a matter of taste as to whether the gentleman shall submit these remarks.

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

Mr. CONNALLY of Texas. Yes.

Mr. BLANTON. This might be considered an indignity and affront to the Commonwealth of Massachusetts, and if it is going to be an affront to the Commonwealth of Massachusetts, possibly we would better have the matter deferred or withdrawn.

The CHAIRMAN. Under section 363 of the House Manual, and Digest, under Jefferson's Manual, there is the following:

In Parliament, to speak irreverently or seditiously against the King, is against order.

Under that is this comment:

This provision of the parliamentary law is manifestly inapplicable to the House of Representatives; and it has been held in order in debate to refer to the President of the United States or his opinions, either with approval or criticism, provided that such reference be relevant to the subject under discussion and otherwise conformable to the rules of the House.

The gentleman from Kentucky [Mr. VINSON] obtained unanimous consent to proceed out of order, so that there is no special subject before the House. Under these references the Chair would not undertake to rule the matter out of order. There is another way open to the gentleman from Massachusetts. He can ask that the words be taken down and then that the House may decide. At present, the Chair overrules the point of order.

Mr. VINSON of Kentucky. Mr. Chairman and gentlemen of the committee, I feel aggrieved, indeed, that my position should be misunderstood by the gentleman from Massachusetts [Mr. LUCE]. If the gentleman had permitted the reading of the poem, I feel certain that he would find that the President's surname is not mentioned therein. But, seriously, and viewing the matter wholly apart from my being made the storm center of the point of order just considered by the Chair, it would be a sad, sad day in our country's course in history to inaugurate a rule that would prevent criticism, and perhaps constructive criticism, of an official of our Government, even though it be the Chief Executive himself.

While I was not present to observe it first-hand, the gentleman from Massachusetts [Mr. LUCE] forgets that the Record of yesterday brimmed full to overflowing with the snaps and snarls toward a world figure, declining in health, who occupied the Executive chair—I refer to our own beloved leader, Woodrow Wilson.

Again, I attempt to present my humble effort:

CAL'S "HOBBYHORSE"

The Prince of Wales, astride a steed,  
Is a picture of world renown.  
When the horse bestirs, as is its need,  
The Crown Prince hits the ground.

Silent Cal is a more cautious chap  
Than the young Prince, brave and good.  
He profited by the princely mishap,  
And bought a horse of wood.

Electric currents fill its veins  
Instead of thoroughbred blood,  
So it never gives its rider pains,  
Or throws him in the mud.

The "hobbyhorse," 'tis easily seen,  
Is as silent as its master.  
It trots and canters in one spot,  
The "jockey" urging it faster.

Cal's "horsie" is without a name,  
As have derby winner plucky.  
But soon it will have equal fame  
With the horses of Old Kentucky.

But unlike the horses of Old Kentucky,  
Unexcelled for their vim and vigor,  
The White House steed will never buck,  
And mar the President's "figger."

It might be well to find a name;  
We would suggest, of course,  
One that would bring undying fame,  
"Economy"—for Cal's "Hobby" horse.

For Cal upon an autumn day  
Essayed a splendid task  
When he pitched his wondrous crop of hay  
In the campaign that's just passed.

Summoned were the movie men  
To "shoot" this pastoral scene,  
But the President's "real" exercise  
The public has not seen.

In Homeric days we will recall,  
During the famous siege of Troy,  
A wooden horse within the walls  
That city did destroy.

'Twould not be very strange, indeed,  
If history should repeat,  
And discovery of the White House steed  
Should encompass Cal's defeat.

Some may entertain regret,  
To see their idol sway,  
But we wonder—owning such a steed,  
Why the President pitched hay.

Mr. DICKINSON of Iowa. Mr. Chairman, now that we have had all of the poems read and all of those that anybody can remember recited, I hope we may proceed with the reading of the bill, without interruption.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

For printing and binding for the Library of Congress, including the Copyright Office and the publication of the Catalogue of Title Entries of the Copyright Office, binding, operation, repair, and maintenance of motor-propelled passenger-carrying vehicles for official use of the officers of—

Mr. DICKINSON of Iowa. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DICKINSON of Iowa: Page 31, after line 2, insert a new paragraph as follows:

"Payment for piecework and work by the day or hour from the appropriations for the fiscal year 1925 for the legislative reference and card index services, Sunday and holiday openings, and special and temporary services, are authorized from July 1, 1924, to June 30, 1925, at rates fixed by the Librarian."

Mr. DICKINSON of Iowa. Mr. Chairman, this is merely for the purpose of clearing up an uncertainty in respect to a ruling by the comptroller.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

PUBLIC PRINTING AND BINDING

To provide the Public Printer with a working capital for the following purposes for the execution of printing, binding, lithographing, mapping, engraving, and other authorized work of the Government Printing Office for the various branches of the Government: For salaries, compensation, or wages of all necessary officers and employees additional to those herein appropriated for; to enable the Public Printer to comply with the provisions of law granting holidays and Executive orders granting holidays and half holidays with pay to employees; to enable the Public Printer to comply with the provisions of law granting 30 days' annual leave to employees with pay; rents, fuel, gas, heat, electric current, gas and electric fixtures; bicycles, motor-propelled vehicles for the carriage of printing and printing supplies, and the maintenance, repair, and operation of the same, to be used only for official purposes, including purchase, exchange, operation, repair, and maintenance of motor-propelled passenger-carrying vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer (not exceeding \$4,000); freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses; stationery, postage, and advertising; directories, technical books, and books of reference (not exceeding \$500); adding and numbering machines, time stamps, and other machines of similar character; machinery (not exceeding \$200,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; for expenses authorized in writing by the Joint Committee on Printing for the inspection of printing and binding equipment, material, and supplies and Government printing plants in the District of Columbia or elsewhere (not exceeding \$1,000); for salaries and expenses of preparing the semimonthly and session indexes of the CONGRESSIONAL RECORD under the direction of the Joint Committee on Printing (chief indexer at \$3,150, one cataloguer at \$2,880, and two cataloguers at \$2,150 each; and for all the necessary labor, paper, materials, and equipment needed in the prosecution and delivery and mailing of the work, \$2,400,000, to which shall be charged the printing and binding authorized to be done for Congress, the printing and binding for use of the Government Printing Office, and printing and binding (not exceeding \$1,000) for official use of the Architect of the Capitol when authorized by the Secretary of the Senate, in all to an amount not exceeding this sum.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman if he knows anything about the CONGRESSIONAL RECORD. I have been advised recently that the rule which heretofore prevailed of binding the CONGRESSIONAL RECORDS and sending them out to your district has been done away with. Can the gentleman tell us what the rule is?

Mr. DICKINSON of Iowa. I will have to refer the gentleman to Mr. JOHNSON of Washington, of the Joint Committee on Printing.

Mr. McKEOWN. The law fixes the number of RECORDS which come to us.

Mr. JOHNSON of Washington. Does the gentleman mean the number sold to the public?

Mr. McKEOWN. No; I mean the allotment to Congressmen.

Mr. JOHNSON of Washington. That has not been changed.

Mr. McKEOWN. I have been making inquiry and they say under some rule we have been deprived of them, we do not have the amount—

Mr. JOHNSON of Washington. I think the gentleman and all gentlemen have the same number. It is not desirable to print great numbers of RECORDS to fill unused orders.

Mr. McKEOWN. I want to say this: We used to receive some 35 or 40 copies of the daily RECORD, and bound the rest and sent them to different schools, colleges, and so forth, and—

Mr. JOHNSON of Washington. The gentleman is on something else. The appropriations for binding have been reduced, I believe.

Mr. McKEOWN. Under what authority are these bound RECORDS not furnished any more?

Mr. JOHNSON of Washington. For the reason Congress has declined to appropriate large sums for miscellaneous or congressional binding.

Mr. McKEOWN. How many do they bind, what disposition is made of those RECORDS, who gets the RECORDS?

Mr. JOHNSON of Washington. No one gets a set number of bound RECORDS. Each Member may make application for certain bindings and if the fund for binding is not exhausted they will be bound. Everybody knows Mr. Smith, in charge of the printing, with an office in the Rotunda, and if the gentleman will ask him, I am sure, he can explain it to him in detail.

Mr. McKEOWN. I would like to have that information because heretofore always in Congress you had a number allotted to you. If you did not want to send all to your district the others were available at the end of the session and you could send them to high schools, colleges, and libraries, but now we come here and if a man does not send all out he can not get any bound volumes, and I wanted to know what rule they are working under and what the circumstances are?

Mr. JOHNSON of Washington. I will be glad to make inquiry, I am free to say I do not know.

The CHAIRMAN. The proforma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

No part of any money appropriated in this act shall be paid to any person employed in the Government Printing Office while detailed for or performing service in any other executive branch of the public service of the United States unless such detail be authorized by law.

Mr. LOZIER. Mr. Chairman, I move to strike out the last word. I want to proceed for five minutes on a subject that is not political or partisan. I have not taken any part in the debate.

Mr. DOWELL. What is the subject?

Mr. LOZIER. The subject is the interest rate and the effect of foreign loans thereon.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed out of order for five minutes. Is there objection?

Mr. DOWELL. I object; we have had enough of extraneous debate.

Mr. McKEOWN. Mr. Chairman, I move to strike out the last word.

Mr. DOWELL. I withdraw my objection to the gentleman from Missouri having the floor.

Mr. McKEOWN. Mr. Chairman, I want to ask the gentleman from Iowa this question. In the gentleman's report they say that you have turned back \$7,500 for the House Office Building for furniture. I want to ask the gentleman from Iowa in view of the fact that we can not get sufficient file cases or sufficient bookcases over in our offices why did he turn that amount back?

Mr. DICKINSON of Iowa. There was a special appropriation of \$7,500 last year for that purpose.

Mr. McKEOWN. Is it sufficient?

Mr. DICKINSON of Iowa. Yes; we have plenty of those on hand.

Mr. McKEOWN. They will not give me any.

Mr. DICKINSON of Iowa. How many does the gentleman want?

Mr. McKEOWN. I have been asking for them a number of times.

Mr. DICKINSON of Iowa. They have a rule, they give a new Member two and increase it up to five. There are some Members of Congress who ask for 15 or 20.

Mr. McKEOWN. There are some who get more than their share and some who do not get enough.

Mr. DICKINSON of Iowa. How many did the gentleman get?

Mr. McKEOWN. I just received two.

Mr. DICKINSON of Iowa. Make application and I am sure the gentleman will get them.

Mr. McKEOWN. I have been after them for a year and always I meet the statement that there are none and no funds, while I see other Members seem to have more than they can put in their rooms.

The CHAIRMAN. The pro forma amendment is withdrawn. The gentleman from Missouri [Mr. LOZIER] asks unanimous consent to proceed out of order for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LOZIER. Mr. Chairman and gentlemen, before the World War the United States was a debtor nation, but we emerged from that conflict the greatest creditor nation in the world. We had not only discharged all our foreign indebtedness, but other nations had become indebted to us in amounts aggregating more than \$11,000,000,000, and in addition we had accumulated in the United States, surplus wealth and treasure beyond the dreams of avarice.

Controlling as we do such a large proportion of the world's wealth, one would naturally suppose that there would be a

radical reduction in interest rates, but on the contrary, interest rates have been steadily climbing for the past six years, and in financial quarters, it is positively asserted that another increase in interest rates is impending and inevitable.

Recently in the course of the general debate on this legislative appropriation bill, I emphasized the importance of a reduction of interest rates on farm mortgages and other obligations of the agricultural classes, and expressed the hope that economic conditions might soon result in such reduction. I then stated that the lending of enormous sums abroad was largely responsible for the high interest rates in the United States. In 1924 loans aggregating \$1,209,000,000 were made abroad by the American banks, trust companies, and capitalists. After deducting \$235,988,500 of this amount, which represented refunding transactions, the net amount of foreign loans in 1924 was \$973,011,500.

Of the new capital loaned abroad in 1924, \$520,650,000 or 53.5 per cent went to Europe; \$121,011,500 or 12.4 per cent to Asia; \$150,810,000 or 15.5 per cent to Latin America; and \$180,540,000 or 18.6 per cent to Canada and Newfoundland.

In all 76 foreign loans were made in 1924, of which 17 aggregating \$557,026,500, or 57.2 per cent were made to governments; 7 aggregating \$43,752,000, or 4.5 per cent were to provinces; 17 aggregating \$62,291,000, or 6.4 per cent were to municipalities, and 35, aggregating \$309,942,000 or 31.9 per cent were to corporations. Loans were made to the following foreign governments: Japan, Germany, France, Belgium, Argentina, Netherlands, Switzerland, Sweden, Norway, Greece, Hungary, Czechoslovakia, Peru, Dominican Republic, and Newfoundland.

I now submit a list of foreign loans made by American banks, trust companies, and capitalists in 1924:

Foreign loans in 1924

	Principal amount	Subdivision total	Grand total
EUROPE			
Government:			
German Government ext. loan	\$110,000,000		
Government French Republic	100,000,000		
Kingdom of Belgium (2) (partly ref.)	80,000,000		
Kingdom of the Netherlands	40,000,000		
Government of Switzerland	30,000,000		
Swedish Government	30,000,000		
Kingdom of Norway	25,000,000		
Greek Government	11,000,000		
Czechoslovak Republic	9,250,000		
Kingdom of Hungary	9,000,000		
		\$444,250,000	
Municipal:			
Finnish gtd. mun. loan (Government guaranty)	7,000,000		
City of Rotterdam	6,000,000		
City of Trondhjem	2,500,000		
City of Oslo (Christiania)	2,000,000		
City of Bergen	2,000,000		
City of Carlsbad	1,500,000		
		21,000,000	
Corporate:			
Railroad—			
Paris-Lyons-Med. R. R.	20,000,000		
Nord Ry	15,000,000		
Paris-Orleans R. R.	10,000,000		
		45,000,000	
Public utility—			
Union Electrique Paris	4,000,000		
Lower Austrian Hydro-Elec.	3,000,000		
Power			
Christiania Tramway Corporation	1,400,000		
		8,400,000	
Industrial—			
Ind. Mtg. Bk. Finland (Government guaranty)	12,000,000		
Solvay & Co. (ref.)	10,000,000		
French National Mail S. S.	10,000,000		
Krupp Works	10,000,000		
		42,000,000	
Total corporate		95,400,000	
Total European			\$560,650,000
LATIN AMERICA			
Government:			
Government Argentine nation (3) (partly ref.)	80,000,000		
Republic of Peru	7,000,000		
Republic of Bolivia	5,765,000		
Dominican Republic	2,500,000		
		95,265,000	
Municipal:			
City of Buenos Aires	8,490,000		
City of Bogota	6,000,000		
City of Medellin	3,000,000		
		17,490,000	

## Foreign loans in 1924—Continued

	Principal amount	Subdivision total	Grand total
<b>LATIN AMERICA—continued</b>			
Corporate:			
Railroad—			
Cuba Northern R. R.	\$7,680,000		
International R. R. of Central America	1,000,000	\$8,680,000	
Industrial—			
Andes Copper Mining Co.	40,000,000		
Cuban Dominican Sugar Co.	15,000,000		
Comp. Azuc. Antilla	6,000,000		
Cespedes Sugar Co.	3,000,000		
Sugar Estates Oriente (stock)	2,000,000		
Venezuelan Petroleum Co. (stock)	1,875,000		
Ferrer Sugar Co.	1,500,000	69,375,000	
Total corporate		78,055,000	
Total Latin American			\$190,810,000
<b>ASIA</b>			
Government:			
Japanese Government (partly refunded)	150,000,000	150,000,000	
Corporate:			
Public utility—			
Great Consolidated Electric (Daido)	15,000,000	15,000,000	
Industrial—			
Independent Bank Japan (Ltd.) (Government guaranty)	22,000,000	22,000,000	
Total corporate		37,000,000	
Total Asiatic			187,000,000
<b>CANADA</b>			
Government:			
Dominion (refunded)	90,000,000	90,000,000	
Provincial:			
Ontario	20,000,000		
British Columbia	10,150,000		
Nova Scotia	3,500,000		
Saskatchewan	3,041,000		
Manitoba	2,600,000		
Alberta	2,500,000		
New Brunswick	1,961,000		
Municipal:			
Montreal—Ref. and impr.	9,700,000		
Great Winnipeg water district	3,040,000		
Toronto	3,000,000		
Ottawa	2,460,000		
City of Winnipeg	2,000,000		
Ottawa	1,816,000		
Calgary	1,776,000		
Corporate:			
Railroad—			
Canadian National	55,375,000		
Canadian Pacific	10,000,000		
Public utility—			
Duke-Price Power Co.	12,000,000		
Montreal Tramways and Power	11,266,000		
Winnipeg Electric Co.	6,000,000		
United Securities (Ltd.)	2,500,000		
Shawinigan Water & Power Co.	2,300,000		
Industrial—			
St. Maurice Paper Co.	2,600,000		
Pacific Mills (Ltd.)	1,875,000		
St. Regis Paper Co.	1,500,000		
Howard Smith Paper Mills (Ltd.)	1,471,000		
Cosmos Imperial Mills, (Ltd.)	1,000,000		
King Edward Hotel	1,000,000		
Admiral Beatty Hotel Co.	600,000		
Total corporate		10,046,000	
Total Canadian		100,487,000	
Government Newfoundland	3,500,000	267,040,000	
Total Canadian (incorporated Newfoundland)	3,500,000	3,500,000	
New financing, principal amount		270,540,000	
REFUNDING			
Dominion Canada	90,000,000		
Government Argentine Nation	40,000,000		
Japanese Government	65,988,500		
Kingdom of Belgium	20,000,000		
Solvay & Co.	10,000,000		
Less total refunding		235,988,500	
Net new financing		973,011,500	

NOTE.—All items of foreign financing running for less than one year have been omitted from the above list.

The above amount does not present the entire outward movement of capital, since only foreign securities publicly offered for sale in America are included in the above compilation. To the \$973,011,500 should be added a large number of short-term bank credits and a very considerable amount of direct industrial investments made abroad. Charles E. Herring, commercial attaché at Berlin, reports that according to unofficial but reliable estimates that the short-term credits to Germany alone in 1924 amounted to approximately \$100,000,000. This included \$10,000,000 to the German railroad and to German coal, potash, dye, and sugar syndicates, and advances to the cities of Berlin and Cologne.

Numerous other credits were granted in the United States to Europe—one to the Bank of Finland for the timber industry of that country, a revolving credit of \$25,000,000 to the All-Russian Textile Syndicate, and \$5,000,000 to the Danish Bank of Issue for exchange stabilization purposes. A loan of \$7,000,000 was made to a steel company. None of these loans are included in the foregoing table of foreign loans floated in the United States in 1924, the aggregate of which was \$973,011,500.

Obviously, lending \$973,011,500 of new American capital to foreign governments, foreign provinces, foreign cities, and foreign corporations has materially reduced the supply of money available for State, county, city, railway, corporation, and farm loans in the United States. We are not only financing 17 foreign governments, but we are financing foreign railways, foreign cities, foreign provinces, and foreign corporations. That this policy inevitably means higher domestic interest rates no fair-minded person will deny.

During the last six years the banks, trust companies, and capitalists of the United States have loaned abroad approximately \$4,000,000,000, as follows:

1919	\$739,190,000
1920	384,584,000
1921	694,204,000
1922	663,993,000
1923	538,315,000
1924	1,200,000,000
Total	4,229,286,000

I have not before me the figures showing what proportion of these amounts represented refunding transactions, but I am quite sure that after making full allowance for refunding operations these foreign loans in the last six years will exceed \$3,750,000,000.

Now, while I do not believe in "economic imperialism" or "financial isolation," I nevertheless believe that the withdrawal of these huge sums from the United States and their investment elsewhere has had the effect of advancing interest rates and retarding the rehabilitation of American agriculture and other productive activities.

Will anyone contend that the lending of these enormous sums abroad has not automatically resulted in the raising of interest rates in this country?

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

Mr. LOZIER. Yes; I yield to the gentleman from Ohio.

Mr. BEGG. If we do not loan money to these countries abroad, how would they be in position to buy our products?

Mr. LOZIER. Answering the distinguished gentleman from Ohio, who is one of the most useful Members of this House, may I say that I do not advocate that we hold ourselves entirely aloof from foreign nations? I believe in making a just and reasonable contribution to the reconstruction of the nations that were devastated and reduced to penury as a result of the World War. I realize the necessity of assisting in the rehabilitation of Europe, and I do not challenge the policy of making foreign loans, provided, of course, the money is not needed at home and if such loans are within reasonable limits and bottomed on actual or potential values. But I do insist that we have gone entirely too far in our effort to play the part of an international good Samaritan.

The financial papers in the last few weeks have frequently called attention to the fact that we are going to dangerous extremes in lending such tremendous sums of American money abroad, and that this policy has raised and will continue to raise domestic interest rates and thereby impose increased burdens on the American people and retard the industrial and economic rehabilitation in America. Very little of this money loaned abroad is exchanged directly or indirectly for our products.

The Department of Commerce, in a recent bulletin, in commenting on the flotation of foreign securities in the United States during the year 1924, admitted that a very considerable portion of these loans to Europe was utilized for reconstruction purposes and will not directly benefit our trade. One of

the inevitable effects of these lavish loans abroad will be the speedy rehabilitation of European industry, which will, of course, mean stronger European competition for the world markets. In other words, we are sending huge sums abroad to reconstruct European industries and enable them to invade not only our home market but foreign markets in which American industry and commerce now have an advantage.

Mr. DOWELL. Then does the gentleman say we should place a tariff against ourselves to protect ourselves?

Mr. LOZIER. I do not at this time care to discuss the tariff question or any specific remedies, as my time is limited. I desire to stick closely to my text and discuss the folly of lending abroad such a large proportion of our surplus wealth.

The international banks justify their foreign loans on the ground that they contribute toward the financial and economic reconstruction of foreign governments, foreign provinces, foreign cities, foreign railroads, and foreign corporations. That is true, but by lending such large amounts abroad are we not preventing or at least delaying the financial and economic reconstruction of American agriculture, American industries, American railroads, American corporations, and other American productive activities?

These international money changers say that by making these loans we increase the productive capacities of the borrowers. That is true, but by lending so lavishly abroad do we not withhold capital from the American people, maintain high interest rates, and thereby relatively decrease the productive capacities of our domestic population?

I realize the importance of restoring economic order and stabilizing finances abroad. I appreciate the importance and the necessity of our foreign trade and the exchange of commodities between nations, but I am convinced that we should first set our own house in order. The financial and economic reconstruction of our own diversified vocational activities is of first or supreme importance, and unless we radically curtail this prodigal investment of American capital in foreign securities, our productive capacities will be materially impaired, to our very serious economic disadvantage. In the last six years our investment in foreign loans has averaged approximately \$700,000,000 annually. How long can we maintain this policy without curtailing the productive energies of our own people?

Now, what is the effect to these loans to foreign governments, foreign municipalities, and foreign corporations? Obviously, they have reduced to the extent of approximately \$1,000,000,000 the amount of money available for loans in the United States, and the amount of money available to carry on our domestic business. These foreign loans have withdrawn money that otherwise would be available for farm loans and for productive purposes in the United States, and sent it across the seas to foreign lands. These foreign loans have substantially reduced the supply of money available for loans and business purposes in the United States, resulting inevitably in an increase in the interest rate, or at least prevented a reduction of the interest rates on domestic loans.

So, in the end, the farmer and other vocational groups are paying very dearly for the policy by which the United States undertakes to finance foreign governments, foreign cities, foreign railroads, foreign corporations, and foreign industrial and commercial concerns. It is logical to assume that if these funds are kept in the United States, they will be available for loans and for productive business purposes, and interest rates would consequently decline.

This diversion of our surplus capital to foreign lands automatically raises the domestic interest rates or prevents a reduction of interest rates, and this not only injuriously affects the farmers, but all classes of persons who conduct their business in whole or in part on borrowed capital.

Please do not misunderstand me. If the economic conditions in the United States were different, and if we had more than enough money to supply the loan demands of the farmers and other classes, and to carry on our domestic activities, it might then be advisable for American bankers, trust companies, and capitalists to make loans abroad, provided, of course, they are well secured. But as long as there is a strong demand in the United States for money for productive purposes and for loans, it seems to me an unwise and short-sighted policy to deny our own citizens and send our funds abroad. Why not supply our local needs first? Why adopt a policy that withdraws from our own people the funds so necessary for the rehabilitation of agriculture and other domestic activities? The high interest rate paid, or promised, on these foreign loans attracts capital and is drying up our supply of money available for domestic, farm, industrial, and commercial loans.

The ultimate effect of lending these enormous amounts abroad is to reduce the supply of money available for loans in the

United States and for domestic productive business activities. These foreign loans are milking the money market dry. The surplus capital in the United States is largely controlled by the great banking institutions in the great cities. These banks very largely control the investment of these funds. They can direct their investment in farm loans, in loans for domestic productive purposes, or they can divert these funds into foreign investment channels, and this they are doing to the great detriment of agriculture and other productive industries that in whole or in part depend on borrowed capital to carry on their activities.

While I do not advocate a policy of financial isolation and while I believe there are times when American capitalists are justified in lending money abroad, still I do not favor such a policy as long as there is an active demand and crying need for these funds at home. The wise policy would be to first supply the domestic demand, after which conservative and well-selected loans abroad may be permissible. But until we have reached the point of domestic saturation, American money ought to be used to supply the needs of the American people. This policy will insure lower interest rates and give a new impetus to the commercial and industrial activities of the Nation. [Applause.]

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF SUPERINTENDENT OF DOCUMENTS

For the Superintendent of Documents, assistant superintendent, and other personal services in accordance with "the classification act of 1923," \$362,720.

Mr. JOHNSON of Washington. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 35, line 7, after the figures "\$362,920" insert: "Provided, That employees in the office of the Superintendent of Documents may be paid compensation for night, Sunday, holiday, and overtime work at rates not in excess of the rates of additional compensation for such work allowed other employees of the Government Printing Office under the provisions of the act entitled 'An act to regulate and fix the pay for employees and officers of the Bureau of the Government Printing Office,' approved June 7, 1924."

Mr. BLACK of Texas. Mr. Chairman, I make a point of order on that.

Mr. JOHNSON of Washington. Will the gentleman withhold it for a moment?

Mr. BLACK of Texas. I will withhold it.

Mr. JOHNSON of Washington. I wish to say that the Comptroller General on November 14 last ruled that men working at night in the document division—

Mr. BLACK of Texas. I will say to the gentleman that I have read the hearings.

Mr. JOHNSON of Washington. Can not the gentleman then agree with me that it is highly advantageous to place all these employees under the same rate of pay?

Mr. BLACK of Texas. I suppose the gentleman's amendment is the same amendment as that submitted to the committee by the Public Printer?

Mr. JOHNSON of Washington. No. It carries out a plan in detail. We took up the matter in the Committee on Printing.

Mr. BLACK of Texas. What additional cost will it add to the Government?

Mr. JOHNSON of Washington. It will not add anything, but should save money. There is no reason why any of the document employees should work overtime. If this amendment is adopted, they will receive 15 per cent for night work instead of 20 per cent, required now to be paid. The two classes will be equalized, and I think there will be a saving to the Government.

Mr. BLACK of Texas. If we undertake to put exceptions on everything that comes along, pretty soon we will have no classification act at all.

Mr. JOHNSON of Washington. I think it is a saving of money. The gentleman from Pennsylvania [Mr. KIESS] and the gentleman from South Carolina [Mr. STEVENSON] and myself went over the matter lately. There is now confusion in having two classes of employees, one of whom is paid 20 per cent for work at night and the other is paid 15 per cent for night work. That produces serious confusion.

Mr. BLACK of Texas. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again read.

Mr. BLACK of Texas. Mr. Chairman, if I understand the gentleman's amendment, it refers only to night work?

Mr. JOHNSON of Washington. Yes. The idea is to have night work paid for at a uniform rate in the Government Printing Office. These document people get 20 per cent extra for work at night, but the printers handling the same kind of documents get 15 per cent. It is merely a limitation.

Mr. BLACK of Texas. With the assurance of the gentleman from Washington, I will not press the point of order.

When the amendment was first read I was under the impression it was the same amendment suggested by the Public Printer to the Committee on Appropriations, which would have taken all of the employees under the Superintendent of Documents out of the reclassification act and would have put them under the Kiess Act. I would have objected to that amendment, but I withdraw the reservation to this amendment.

Mr. BLANTON. Mr. Chairman, I renew the reservation in order to ask a question. What necessity is there for these document workers to work at night?

Mr. JOHNSON of Washington. It is necessary in the distribution of documents.

Mr. BLANTON. Every Member of the House this morning received a 40 or 50 page document from the Bureau of Education that is not worth the paper it is printed on. If the gentleman will go back to his office and look at that document I am sure he will agree with me that it should not have been mailed out and should not have been printed. There is not a school-teacher in the United States who will say that it is worth a thrip, but as long as documents like that are printed they may have to work at night.

Mr. JOHNSON of Washington. We are getting rid of them as fast as we can.

Mr. BLANTON. I am not going to make a point of order against the amendment because I follow the gentleman from Washington on a great many things.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Washington.

The amendment was agreed to.

The Clerk read as follows:

In order to keep the expenditures for printing and binding for the fiscal year 1926 within or under the appropriations for such fiscal year, the heads of the various executive departments and independent establishments are authorized to discontinue the printing of annual or special reports under their respective jurisdiction: *Provided*, That where the printing of such reports is discontinued, the original copy thereof shall be kept on file in the offices of the heads of the respective departments or independent establishments for public inspection.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word and ask unanimous consent to proceed out of order.

Mr. DICKINSON of Iowa. What is the gentleman going to talk on?

Mr. LAGUARDIA. I am going to talk on a bill that passed the House and is now pending in the Senate, a very important matter.

Mr. DICKINSON of Iowa. What is the bill?

Mr. LAGUARDIA. The postal air mail bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed out of order. Is there objection?

There was no objection.

Mr. LAGUARDIA. Mr. Chairman and gentlemen, some time ago the House passed a bill (H. R. 6942) authorizing the Postmaster General to establish lines for the carrying of mail by airplanes. The purpose of the bill was to provide the organic law establishing air-mail routes. Our air mail at the present time is merely a budgetary item, and each year the appropriation made by the House is subject to a point of order. I pointed out at the time that we ought to utilize all of our air forces for civil, commercial, and other useful purposes. Some of the older Members of the House will remember that since December of 1918, when I returned from the service, I have urged upon this House the necessity of uniting all of our air activities into one department in order to train personnel and keep them occupied in useful and commercial flying. This was in December of 1918. I predicted at the time, and since at every opportunity I have had to talk on the subject, that unless we did that we would spend hundreds of millions of dollars and have absolutely nothing to show for it; that if we permitted the Navy Department, the War Department, the Post Office Department, the Marine Corps, and the Department of Agriculture each to

have its own air service we would have these departments conflicting with each other, and that instead of cooperation and coordination and instead of there being harmony we would have these departments at ends fighting each other, and to-day, gentlemen, the hearings before the special committee justify the stand I took every time an appropriation bill was before this House appropriating money for air purposes.

Mr. BLANTON. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. BLANTON. I want to suggest to the distinguished gentleman from New York that he bring this matter before the caucus on February 27.

Mr. LAGUARDIA. Oh, the gentleman knows the gentleman from New York will not attend the caucus on that day.

Mr. BLANTON. I understand the gentleman from Ohio has rescinded his stand against the gentleman from New York and has backed away from the proposition that would eliminate him from the caucus.

Mr. LAGUARDIA. I will say to the gentleman from Texas that I have made arrangements with the superintendent of the building, and I am going to have one of the telephone booths and hold my own caucus.

Mr. BLANTON. Has the gentleman arranged about the patronage and committee assignments for his party?

Mr. LAGUARDIA. The gentleman is too busy attending to legislation to think of patronage. There will be a bill here in a very few minutes that the gentleman is very much interested in, just loaded with improper provisions.

But let me get back to the Air Service.

On December 17, 1918, while the Post Office appropriation bill was before the House I dwelt upon the subject. This was in the third session of the Sixty-fifth Congress, and I want to read what I said then. I read from page 574 of the RECORD of that session:

We have these 200 Handley-Pages that will be built and turned over to the Army. Now, then, the law provides that the Army shall furnish the machines to the Post Office Department. Is it not better to use these machines for the service and utilize them instead of letting them stay in the hangars rotting away or be worn out by practice flights? A machine will last just so long, and no longer. If you leave it in the hangar it will get out of line and out of use in a certain time. \* \* \* Now, with the personnel that we have, let me see, we have in the United States 6,083 finished pilots, and we have 4,835 flying cadets. These boys are finishing their course in flying.

\* \* \* Now, the intention of the Army is to give these men this training. We want to maintain, if we can, a sufficient force of trained pilots. These boys will be flying across country to make up this time, to get this experience. Why can we not utilize them in carrying on this mail service instead of having them make circles over the field and going across country in chase of an imaginary enemy? My whole purpose is to utilize what we have on hand and experiment for this year and next year before we go into this very extensive scheme of the Post Office Department. \* \* \* Inasmuch as the Army is now experimenting with these very things, and inasmuch as we have appropriated money for the Army to do that very thing, let them do it in connection with this service. Then we will have not only a real Air Service for military purposes but also a well-regulated Postal Air Service. Then the money appropriated for the Army will not have been entirely wasted. \* \* \* There is no doubt that we have sufficient planes in the Army and the Navy to carry out every reasonable undertaking that the Post Office Department desires to experiment on. No doubt about that.

Now, as to the personnel. We have to train young men to fly. A good many men who have not had the opportunity to go abroad are eager and anxious to do a little more flying. They know that they are not expert flyers, and they want to get all the experience they can. So this would furnish an excellent opportunity to establish the Air Postal Service with the personnel that it now has on hand.

The Postmaster General says that in order to carry out the scheme he presents to the committee he will require a thousand pilots, which he intends to pay \$300 a month, 1,000 mechanics, which he will pay \$160 a month, and 1,500 helpers.

The total amounts to \$7,575,000. That is for personnel alone. The Army could furnish the same number of men, and on their present pay it would cost only \$4,261,500, a difference of \$3,313,500; but I say that we would save more—I say that it is a saving of the entire amount of \$7,000,000 if the Army Air Service carries this mail. The Army is going to spend this money anyhow, and these men will be flying over the fields, or in formation flying in the air, if we do not use them for the Post Office. There is a total saving of \$7,000,000 on the personnel. That is something which can be easily figured. But when you take the whole United States and endeavor to establish an Air Service with as many machines as it will require, we are going into the hundreds of millions of dollars. \* \* \*

Mr. MCKENZIE. If you are going to take the flyers from the Army or the Navy, how do you expect to get them? By volunteering on the part of the men, or does the gentleman assume that the War Department would have the power to detail a man who had enlisted for military service to do civilian work? Has the gentleman gone into that?

Mr. LAGUARDIA. Absolutely, and unless we do that, we are going to have an Army and a Navy on our hands which is not up to date. You have to give all of these men practical experience. I will go further and say that I do not see any reason why we can not use our Navy for transporting mails and cargo. I would sooner have the ships used in useful occupation than chasing around the ocean in wild flights. We are coming to that.

The type of planes which will eventually be used for carrying mail will be the multiengine type of bombing machine. The piloting of these ships in day and night flights, under varying conditions of weather, will develop in our pilots the very skill in air navigation that is required in time of war, and the element of regularity involves a disciplinary factor that is of great importance. The practical training that our mechanics would receive is obvious, and it will also bring about constant development of material through the experience gained by many hours of flight under widely varying conditions. As an example of this we may cite the use of radio-direction apparatus. I spoke about that a moment ago. Also radiotelephony, improvements in compasses, automatic stabilizers, improvements in various other things, which will give us the very opportunity that we are looking for to develop a real air service.

Mr. MANN. Do I understand the gentleman's recommendation is that the air service that carries the mail shall be under the direction and control of the War Department?

Mr. LAGUARDIA. No; I would not recommend that. My suggestion would be that the Post Office Department outline the routes and call upon the War Department to turn over the planes to carry the mail.

Mr. MANN. I am speaking of the carrying of the mail.

Mr. LAGUARDIA. Yes.

Mr. MANN. That that is to be under the operation of the War Department after the mail leaves the post office and is put on the airplanes?

Mr. LAGUARDIA. And delivered, just as it is now carried by a rail-way or a steamboat.

Mr. MANN. Personally, I do not see why that might not be feasible, although, as a rule, departments do not work well together.

Mr. MOON. Does not the gentleman think it would be better for the War and Navy Departments to turn over their airplanes to the Post Office Department for the purpose of carrying the mail, that being its function? The Post Office Department could use the aviators under proper regulations.

Mr. LAGUARDIA. Well, we are going to have a united air service, there is no doubt about that, unless we continue to waste millions of dollars. We have now the Army service, the Navy service, the Marine service, the Postal service; we have the Bureau of Standards experimenting; we have five different branches of the Government wasting millions, and if we unite all of them, the same as England has done and Italy is doing and France is doing, we will save millions—not thousands, but millions. We are coming to that, and when we have this service, it will be the easiest thing in the world to take care of all the needs of the Post Office Department. What I am trying to do is, inasmuch as the post office only desires to experiment—it asks nothing for the present; they say they have enough machines for this year—let us save this \$2,000,000 and use the machines and personnel we have to carry on this scheme if they want to carry it out.

Mr. GREEN of Iowa. If the gentleman will pardon the interruption, it seems to me to be as reasonable for the Post Office Department to ask to operate the engines on the railroad as to operate these.

Mr. LAGUARDIA. It is an analogous case.

Now gentlemen, it seems to me that with the experience of the past, the mistakes of the past, and present results, we should now and from now on give more care, thought, and attention to legislation and appropriations for aviation. I hope none of my colleagues will get the impression that I am assuming an "I told you so" attitude. I am not. When I spoke in 1918, in 1919, or at any time thereafter on the subject of aviation, I simply sought to give the House the benefit of my experience, observation, and study of the subject. I sincerely hope though that from now on we will get a more attentive hearing when we speak for a united service and for greater caution in expending appropriations.

In keeping with this policy of resisting every attempt for a constructive coordination of our aviation activities, my bill, it seems, has struck a snag at the other side of the Capitol. Another bill which passed the House on the same day authorizing the Postmaster General to contract with private operators for the carrying of mail by airplanes has passed the Senate,

has been signed by the President, and is now law. I do hope that the real friends of aviation will do something to awaken my bill from its slumber in the committee.

The CHAIRMAN. The time of the gentleman from New York has expired.

The Clerk completed the reading of the bill.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer an amendment.

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

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado: On page 37, after line 17, add a new section, as follows:

"SUBSEC. A. When used in this section, unless the context indicates otherwise—

"The term 'service' means the Capitol Guide Service created by subsection B.

"The term 'board' means the board created by subsection B.

"The term 'guide' means any member of the Capitol Guide Service.

"The term 'building' means the United States Capitol Building.

"SUBSEC. B. There is hereby created an organization, to be known as the Capitol Guide Service, which shall be under the supervision and control of a board consisting of the Architect of the Capitol, the Sergeant at Arms and Doorkeeper of the Senate, and the Sergeant at Arms of the House of Representatives.

"SUBSEC. C. It shall be the duty of the service, under regulations promulgated by the board, to furnish free guide services to any person or persons desiring to view the interior of the building. The service shall consist of a chief guide, who shall receive a salary of \$1,800 a year, and 10 guides, who shall each receive a salary of \$1,500 a year. Appointments to and removals from the service shall be made by the board. All appointees to the service shall be chosen solely upon the basis of the special qualifications which fit them for the duties to be performed."

Mr. BLANTON. Mr. Chairman, I make a point of order on the amendment.

Mr. MURPHY. Mr. Chairman, I make the point of order against the amendment that it is legislation on an appropriation bill.

Mr. BLANTON. I make the further point of order, Mr. Chairman, if I am in order, that the Committee on Appropriations has no authority over such legislation as is proposed in this amendment; that another committee of the Congress has authority over it; and the further point of order that this is not a limitation; and the further point of order that it is not such proposed legislation as would bring it within the Holman rule.

Mr. TAYLOR of Colorado. Mr. Chairman, I make a point of order against this speech.

Mr. BLANTON. And it is not germane to the bill or to any paragraph in the bill.

Mr. TAYLOR of Colorado. Mr. Chairman, it seems to me I have never heard of a member of the committee not being permitted to offer an amendment and have it read from the desk before it is considered and before the Chairman can rule whether it is in order or not.

The CHAIRMAN. The Chair has not ruled; but there is nothing to prevent a Member from rising in his seat and making a point of order.

Mr. TAYLOR of Colorado. It seems to me almost discourteous to do it before the amendment is read, and I insist upon a reading of the amendment.

Mr. CHINDBLOM. Mr. Chairman, a point of order. It is under the rules proper to make a point of order when sufficient of the amendment has been read to indicate that it is out of order.

The CHAIRMAN. The gentleman can ask unanimous consent that his amendment be read in full.

Mr. TAYLOR of Colorado. I ask unanimous consent that the amendment be read, Mr. Chairman.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that his proposed amendment may be read in full for the information of the House.

Mr. BLANTON. With the reservation of points of order pending against it?

The CHAIRMAN. Yes; purely for information. Is there objection?

There was no objection.

The Clerk continued the reading of the amendment, as follows:

Subsec. D. The board shall make and promulgate the regulations necessary for the operation of the service. Such regulations shall cover the schedules and routings of tours through the building, the oral informative data to be supplied the public, the personal conduct of

members of the service when on duty, the uniforms and insignia for the service, and such other phases of the work as in its judgment may be requisite.

SUBSEC. E. No guide shall make any charge for his official services, nor shall he in the course of official duty speak in praise or censure of any person. Any violation of the provisions of this section shall be punished by immediate dismissal.

SUBSEC. F. No souvenirs, books, pamphlets, or cards shall be sold in the building, except as hereinafter provided. The board shall have prepared an official pamphlet containing such historical and descriptive data concerning the building and the works of art therein as it may deem advisable, and copies thereof shall be kept on sale to the public at cost at the headquarters of the service. The expense of printing and binding the pamphlet shall be defrayed from the appropriation for printing and binding for Congress.

SUBSEC. G. The headquarters of the service shall be maintained in the rotunda of the building, and a guide shall be on duty there at all times during the hours the building is open to the public.

SUBSEC. H. The necessary expenses incident to the establishment and maintenance of the service, including uniforms and insignia for each guide, shall be defrayed from the appropriations made for such purposes. All appropriations for the service shall be disbursed, one-half by the Secretary of the Senate and one-half by the Clerk of the House of Representatives.

SUBSEC. I. The board may detail any guide to supplement the Capitol police when special occasions in the building or on the Capitol Grounds require additional police and the performance of the regular duties of the service are necessarily temporarily suspended by such occasion.

SUBSEC. J. For carrying out the purposes of this section the sum of \$18,000 is appropriated, to be disbursed as provided in subsection H.

SUBSEC. K. This section shall take effect on July 1, 1925.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Colorado not only creates new positions that are not now authorized by law but also prescribes additional duties for present officers of the Government. There is no question in the mind of the Chair that this is legislation unauthorized by law, and therefore the Chair sustains the point of order.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer another amendment.

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

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado: On page 37, after line 7, add as a new section the following:

"SEC. 4. No charge in excess of 15 cents per capita shall be made for guide services rendered by the Capitol guides to persons visiting the Capitol Building."

Mr. CHINDBLOM, Mr. BLANTON, and Mr. MURPHY reserved a point of order on the amendment.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is not only legislation unauthorized on an appropriation bill but it is a change of existing law and changes the official duties of certain officers of the Government, and this committee has no authority to bring in such legislation.

The CHAIRMAN. Does the gentleman from Colorado desire to be heard?

Mr. TAYLOR of Colorado. Yes, Mr. Chairman. So far as the law is concerned, there is no law upon the subject. This is a matter of regulation. There is a regulation that can be changed at any time. It is a matter that has heretofore been regulated by the guides, and it seems to me it is purely within our authority to decide what the Sergeant at Arms shall do in respect to the regulation of the guides.

The CHAIRMAN. In the opinion of the Chair the amendment would impose additional duties on the Sergeant at Arms and is legislation proposed on an appropriation bill, and therefore the Chair sustains the point of order.

Mr. TAYLOR of Colorado. Mr. Chairman, I offer another amendment.

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

The Clerk read as follows:

Amendment offered by Mr. TAYLOR of Colorado: Page 37, line 17, after the word "law" insert:

"SEC. 4. No souvenirs, books, pamphlets, or cards shall be sold in the Capitol Building, except as provided in this section. The Architect of the Capitol shall have prepared an official pamphlet containing such historical and descriptive data concerning the building and the works of art therein as he may deem advisable and copies thereof shall be kept on sale to the public at cost under such rules as the Architect shall prescribe. The expense of printing and binding the pamphlet shall be defrayed from the appropriation for printing and binding for Congress."

Mr. MURPHY. Mr. Chairman, I make a point of order against the amendment as being legislation on an appropriation bill.

Mr. BLANTON. Mr. Chairman, I make the additional point of order that it is a change in existing law and changes the duties of certain officers whose duties are now prescribed by law, and further, that it is not germane either to the bill or to the preceding paragraph.

Mr. TAYLOR of Colorado. Mr. Chairman, it does seem to me that none of the objections made by the gentleman is tenable. In the first place, there is no law authorizing anybody to sell books or postal cards or junk of any kind in this building. There is no authority of that kind anywhere. In the second place, we have charge of this Capitol Building, or at least this end of it, and it is pusillanimous it seems to me for us to decline to exercise control over the building and determine how it shall be managed and who, if anybody, shall sell things here. We can provide here, if we want to, that guides may sell peanuts or chewing gum or anything else here, and it would not be a violation of any law. Furthermore, any offered amendment would be a regulation to protect the public. It does seem to me when it has been shown here, as I showed you yesterday, that people are selling a lot of stuff in this building for two or three times what it is worth, without any authority of law, that it is then within the province of this committee to consider and adopt an amendment to this bill to regulate how and what shall or shall not be sold in the building.

Mr. BLANTON. Will the gentleman yield?

Mr. TAYLOR of Colorado. Yes.

Mr. BLANTON. Has the Appropriation Committee the right to make regulations?

Mr. TAYLOR of Colorado. This is not the Appropriation Committee; this is the Committee of the Whole. This House has the right to make regulations; yes. This House has the right to regulate its own affairs and regulate them on or by any bill. It has a right to say how the building shall be managed and what, if anything, shall be sold in it.

Mr. HUDSPETH. If this House has not the right to regulate what shall be done in the building, who has the right? Suppose a nuisance should be established in a corridor?

Mr. TAYLOR of Colorado. Suppose there was another saloon opened up here in the building? It has only been 19 years since the saloons were put out of this building, and we have the absolute right to suppress or put out other nuisances. I want those private books and other stuff put out of here.

Mr. MURPHY. The gentleman will not say that the Appropriation Committee put the saloons out of the building?

Mr. TAYLOR of Colorado. No. The good women of this country put the saloons out of this building. But I am not offering this as a member of the Appropriations Committee, I am offering it as a Member of this House, and on the floor of the House, on a bill pertaining to our own House of Representatives affairs, and it seems to me that when I am merely trying to have an official guidebook prepared under the supervision of the Architect of the Capitol and sold to the public at cost, we could not render any better service to the country in a small way than by doing so. I do not want to have this House further tolerate the practice of practically using official coercion to induce people to buy something they do not want and pay twice what it is worth for it.

Mr. MURPHY. There is a proper and regular way, in an orderly manner, of doing what the gentleman seeks to do. The gentleman himself knows how it should be done; he knows quite well that since the Appropriations Committee has been functioning under the Budget he should not attempt legislation of any kind on an appropriation bill. This is so obviously legislation that I do not care to discuss it further.

The CHAIRMAN. The Chair is ready to rule. There is no question but that the House has the right to legislate on any proposition, but when it does so legislate it must legislate according to the rules of the House adopted by the House. This amendment presented by the gentleman from Colorado prescribes new and additional duties for the Architect of the Capitol and also regulates the people coming into the Capitol and regulates the Capitol itself. There is no question but that it is legislation.

Mr. DOWELL. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. Has the Architect of the Capitol control of the Capitol Building?

The CHAIRMAN. That is not a parliamentary question, but this amendment prescribes additional duties for him, and he is an employee of the Capitol.

Mr. DOWELL. If it is the duty of the Architect of the Capitol, he may do this if there is no legislation under authority of law.

The CHAIRMAN. The Chair sustains the point of order.

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

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 12101) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1926, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. DICKINSON of Iowa. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. HOWARD of Nebraska. Mr. Speaker, I make the point that there is no quorum present.

Mr. DICKINSON of Iowa. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed and the Sergeant at Arms was directed to bring in absentees.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 67]

Aldrich	Drewry	Logan	Rogers, Mass.
Aswell	Edmonds	Lyon	Rogers, N. H.
Beck	Evans, Iowa	McKenzie	Rouse
Beedy	Favrot	McLeod	Sabath
Berger	Fitzgerald	McNuity	Sanders, Ind.
Black, N. Y.	Foster	Magee, Pa.	Schall
Bloom	Fulbright	Mapes	Sears, Nebr.
Britten	Funk	Merritt	Seger
Browne, N. J.	Gilbert	Michaelson	Silverwood
Brumm	Glatfelter	Miller, Ill.	Smithwick
Burdick	Goldsborough	Moore, Ill.	Snyder
Butler	Hall	Moore, Va.	Sullivan
Carew	Hawes	Morin	Swing
Celler	Hayden	Nelson, Wis.	Taber
Clark, Fla.	Hoover	Newton, Mo.	Tincher
Clarke, N. Y.	Hull, William E.	O'Brien	Tydings
Cole, Ohio	Johnson, Ky.	O'Sullivan	Underhill
Collins	Johnson, W. Va.	Oliver, N. Y.	Vare
Connolly, Pa.	Keller	Oliver, Ala.	Voigt
Cook	Kelly	Paige	Ward, N. Y.
Cramton	Kendall	Park, Ga.	Ward, N. C.
Croll	Kent	Parker	Wason
Crosser	Kerr	Peery	Welsh
Crowther	Kless	Perkins	Wertz
Cummings	Kindred	Perlman	Wilson, Miss.
Curry	Knutson	Phillips	Winter
Davey	Kunz	Porter	Wolf
Dempsey	Lampert	Pou	Wood
Dickstein	Langley	Prall	Woodruff
Dominick	Larson, Minn.	Reed, W. Va.	Wright
Doyle	Leatherwood	Richards	Wurzbach
Drane	Lee, Ga.	Roach	Yates

The SPEAKER. Three hundred and two Members have answered to their names—a quorum.

Mr. DICKINSON of Iowa. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The previous question has been ordered on the legislative appropriation bill and amendments thereto to final passage. Is a separate vote demanded upon any amendment?

Mr. DICKINSON of Iowa. Mr. Speaker, I demand a separate vote upon the Stengle amendment.

The SPEAKER. Is a separate vote demanded upon any other amendment? If not, the Chair will put them en masse. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Page 30, line 14, strike out "\$105,178" and insert "\$106,498."

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

The question was taken.

Mr. STENGLE. Mr. Speaker, I demand a division.

The House proceeded to divide.

Mr. DOWELL. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Iowa demands the yeas and nays. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Two gentlemen have risen, not a sufficient number. A division is demanded.

The House divided; and there were—aye 128, noes 52.

So the amendment was agreed to.

The SPEAKER. The question now 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. DICKINSON of Iowa, a motion to reconsider the vote by which the bill was passed was laid on the table.

#### OMNIBUS PENSIONS

Mr. FULLER. Mr. Speaker, I call up the bill (H. R. 12175) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois calls up an omnibus pension bill and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

Mr. BLANTON. Mr. Speaker, this bill ought to be considered in Committee of the Whole, and while I am in favor of the bill, I object.

The SPEAKER. Objection is heard.

Mr. FULLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12175, an omnibus pension bill.

The motion was agreed to.

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. 12175, with Mr. SNELL in the chair.

The Clerk reported the title of the bill.

Mr. FULLER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. BLANTON. Mr. Chairman, at this time I must object. This bill ought to be read.

Mr. FULLER. But it will be read later for amendment.

Mr. BLANTON. I know, but there are some very bad rules that are coming up here in a few minutes.

The CHAIRMAN. The gentleman from Texas objects, and the Clerk will read.

The Clerk proceeded to read the bill.

Mr. BLANTON (interrupting the reading). Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FULLER. Mr. Chairman, this is the second omnibus pension bill reported from the Committee on Invalid Pensions during the present session of Congress, and is the last bill that will be reported during this session. The bill is simply an omnibus of private pension bills which have been agreed upon by the Committee on Invalid Pensions. It contains altogether 411 private bills, bills that have been introduced severally by practically every Member of the House. I do not know that there is any objection to the passage of the bill, unless some Member desires time, who is opposed to the bill, I ask that the bill be read for amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read the bill, as follows:

*Be it enacted, etc.* That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John B. Lang, late of Company B, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Nellie L. Grady, helpless and dependent daughter of James Nilan, alias James Hines, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Herman Wagner, alias Henry Burnett, late of Company E, Tenth Regiment New York Cavalry Volunteers, and Company E, First Regiment New York Provisional Cavalry, and pay him a pension at the rate of \$50 per month.

The name of Anna B. Eicher, widow of Marcellus H. Eicher, late of Company G, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah E. Wilderman, widow of William L. Wilderman, late of Company I, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month through a legally appointed guardian in lieu of that she is now receiving.

The name of William Woodby, helpless and dependent son of Hezekiah Woodby, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of \$20 per month.

The name of James H. Beaman, late unassigned, Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Lucy J. Popejoy, widow of John S. Popejoy, late of Companies A and H, Twenty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Alice E. Deitrick, widow of John Deitrick, late of Company B, Seventh Regiment Pennsylvania Volunteer Reserve Infantry (Thirty-sixth Regiment Pennsylvania Volunteers), and Company K, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lydia J. Warburton, helpless and dependent daughter of John B. Warburton, late of Company E, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Lillie Geske, helpless and dependent daughter of Charles Geske, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and Company A, Second Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Hattie Geske, helpless and dependent daughter of Charles Geske, late of Company K, Ninety-third Regiment Illinois Volunteer Infantry, and Company A, Second Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Francis S. Haynes, alias Francis S. Reedy, late of Company H, Second Regiment Missouri Volunteer Cavalry, and Companies I and F, Forty-third Regiment Illinois Volunteer Infantry, and Nineteenth Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Jennie E. Starry, widow of Jerome B. Starry, late of Company I, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet Gardner, widow of Amos T. Gardner, late of Company K, First Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Young, widow of George Young, late of Companies K and B, Thirty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Enaline Sloat, widow of Frederick Sloat, late of Company G, Two hundredth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susanna E. Shannon, widow of John T. Shannon, late of Company D, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Joanna A. Lawrence, widow of George W. Lawrence, late of Company B, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah C. Peterson, former widow of Riley C. Hodge, late of Company B, Thirty-first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza A. Holtz, widow of John S. Holtz, late of Company K, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Lydia A. Stare, widow of John A. Stare, late of Company A, One hundred and sixty-sixth Regiment Pennsylvania Drafted Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hannah M. Atha, widow of William P. Atha, late of Independent Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Rachel Norfolk, widow of Edwin S. Norfolk, late of Company I, Fifth Regiment Illinois Cavalry Volunteers, and pay her a pension at the rate of \$30 per month through a legally appointed guardian.

The name of Mary L. Speer, former widow of Felix Obanion, late of Company A, Sixteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Orpha H. Lawton, widow of James Lawton, late of Company D, One hundred and eighty-fifth Regiment Infantry, One

hundred and twenty-first Regiment, Company I, and Sixty-fifth Regiment, New York Volunteer Infantry, and Battery I, Fourth Regiment United States Artillery, and pay her a pension at the rate of \$30 per month.

The name of Sarah P. Deem, widow of Edward W. Deem, late of Company D, Fourteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of George Taylor, helpless and dependent son of David Taylor, late of Company F, Thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Martha Abernathy, widow of Levi Abernathy, also known as Abernathey, late of Company D, Fifty-sixth Regiment Enrolled Missouri Volunteer Militia, and pay her a pension at the rate of \$30 per month.

The name of Patrick H. Bushnell, also known as Patrick Bushell, late of Company H, One hundred and ninety-fourth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Annie D. Delevan, widow of Joseph Delevan, late of Company A, Fourth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Alice May, widow of Charles H. May, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, and Company H, Second Regiment Pennsylvania Provisional Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Sarah M. Boyle, widow of James A. Boyle, late of Company E, One hundredth Regiment Pennsylvania Volunteer Infantry, and Troop L, Second Regiment United States Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ida V. Forbes, widow of Thomas O. Forbes, late of Company D, Thirty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rachael B. Platter, widow of Henry B. Platter, late of Company A, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Josephine Overbaugh, widow of Lewis C. Overbaugh, late of Company C, Two hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Hildreth, widow of George V. Hildreth, late of Company E, Twenty-sixth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Joshua McWaid, late of Capt. Franklin Frooman's Company F, Thirtieth Regiment Enrolled Missouri Militia and Capt. Alexander R. Tate's Company F, Thirtieth Regiment Enrolled Missouri Militia, and pay him a pension at the rate of \$50 per month.

The name of Francis Back, former widow of John Fehr, late of Company B, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen Buckley, widow of Bartholomew Buckley, late of Company I, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Emma Justice, widow of Andrew C. Justice, late of Company A, Fifty-third Regiment, and Company G, Fifty-first Regiment, Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Martha J. Mitzel, widow of William H. Mitzel, late of Company B, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Snyder, widow of William Snyder, late of Company B, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Koch, widow of George Koch, late of Company A, Eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sallie Cope, widow of Woodson Cope, late of Company E, Eighth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Fuller, widow of Marshall C. Fuller, late of Company I, Sixteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary D. Smith, widow of Channing Smith, late of Company A, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Zimmerman, known as Mary J. Zinnerman, widow of Jacob Zimmerman, late of Company D, Forty-fourth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Jennie Meyer, helpless and dependent daughter of William J. Meyer, late of Thirty-second Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Adaline E. Fetz, helpless and dependent daughter of Charles Fetz, late of Captain Brown's Independent Company, Indiana Legion Infantry, and Captain Adam L. Knapp's Company A, Seventh Regiment Indiana Legion, and pay her a pension at the rate of \$20 per month.

The name of Katherine L. R. Parker, widow of Edmund A. Parker, late of Company F, Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca Backman, widow of Charles M. Backman, late of Company E, One hundred and seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Martha E. Lowery, widow of William Lowery, late of Company L, Eighth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie Hall, widow of Carr Hall, late of Company H, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Horace G. Sherman, helpless and dependent son of Leroy Sherman, late of Company H, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of \$20 per month.

The name of Sarah F. Esarey, widow of John C. Esarey, late of Company G, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret Beck, widow of Ludwig Beck, late of Company E, Fourteenth Regiment Indiana Volunteer Infantry, and Battery C, Fourth Regiment United States Volunteer Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Louisa E. Beck, helpless and dependent daughter of said Margaret and Ludwig Beck, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaret Beck, the name of said Louisa E. Beck shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Margaret Beck.

The name of Julia M. Murphy, widow of Henry Murphy, late of Company D, Eighth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances M. Loper, widow of George P. Loper, late of Company F, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Isidor P. Roberts, former widow of William B. Evans, late of Company D, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nellie B. Ainsworth, helpless and dependent daughter of Thomas Ainsworth, late of Company G, Ninety-eighth Regiment New York Militia Infantry, and pay her a pension at the rate of \$20 per month.

The name of Magdalene Emrich, widow of William F. Emrich, late of Company G, Ninth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Lucy M. Walker, widow of Charles M. Walker, late of unassigned Second Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lucinda E. Miller, widow of Francis H. Miller, late of Company K, Sixth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth B. Painter, widow of Isaac N. Painter, late of Company C, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Johnson, widow of Ashley Johnson, late of Company B, Seventy-ninth Regiment Indiana Volunteer Infantry, and Company E, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amelia A. Wood, widow of James Wood, late of Company M, First Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Albert M. Kirby, helpless and dependent son of Francis M. Kirby, late of Company A, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Phoebe A. Ross, former widow of Jacob Shepler, late of Company C, Fifth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Rodgers, widow of James Rodgers, late of Tenth Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of James McDonald, helpless and dependent son of John F. McDonald, late of band Third Brigade, Second Division, Twentieth Army Corps, Civil War, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Joseph Alters, alias Joseph Alter, late of Company I, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Rachel L. Spencer, former widow of James H. Quillen, late of Company D, Fourteenth Regiment Indiana Volunteer Infantry, and Company C, First Regiment Indiana Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nancy E. Quillen, helpless and dependent daughter of said Rachel L. and James H. Quillen, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rachel L. Spencer the name of said Nancy E. Quillen shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Rachel L. Spencer.

The name of Emma C. Alton, widow of Albert M. Alton, late of Company D, One hundred and eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Julian Embick, widow of Aaron Embick, late of Company E, One hundred and thirty-seventh Regiment Pennsylvania Volunteer Infantry, and Company D, First Regiment Pennsylvania Veteran Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Piper, widow of Henry B. Piper, late of Company E, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Crum, widow of Moses Crum, late of Company I, Two hundred and fifth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Burdett, widow of Reason Burdett, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret J. Coss, widow of Theodore Coss, late of Company G, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret R. McClanahan, now Humphrey, former widow of David McClanahan, late of Company C, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Flora A. Fuller, widow of Thaddeus H. Fuller, late of Independent Company, Trumbull Guards, Ohio Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mary E. Deselms, widow of Spencer Brown Deselms, late of Company K, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Vanfossen, helpless and dependent daughter of George Vanfossen, late of Company B, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Anna F. Ault, widow of Joseph C. Ault, late hospital steward Second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Victor Clark, helpless and dependent son of Robert B. Clark, late of Company A, One hundred and thirty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Margaret A. Hankins, widow of James W. Hankins, late of Company E, One hundred and forty-ninth Regiment Ohio National Guard Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Clarissa Jameson, widow of William C. Jameson, late of Company I, First Regiment Illinois Volunteer Cavalry, and Company H, Fourteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Fitchett, widow of Elias Fitchett, alias Elias Fidget, late of Battery B, Second Regiment United States Volunteer Colored Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Levina Lebert, widow of William R. Lebert, late of First Independent Battery Iowa Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances A. Burdsal, widow of Caleb S. Burdsal, Jr., late of Captain McClain's independent battery, Colorado Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amanda Hall, widow of Robert W. Hall, late of Company D, Seventy-second Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of William M. Silver, helpless and dependent son of Joshua J. Silver, late of Company H, One hundred and fifty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Daniel W. Roberts, late of Capt. Henry N. Cook's Boone County Missouri Militia, and pay him a pension at the rate of \$50 per month.

The name of Elizabeth Lilly, widow of Byron Lilly, late of Company E, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca M. Reese, widow of Austin D. Reese, late of Company I, One hundred and forty-second Regiment Ohio National Guard Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan V. Rogers, widow of Charles W. Rogers, late of Company C, Seventy-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Catherine D. Jones, widow of John F. M. Jones, late of Capt. Valsain G. Latham's Company K, Ninth Regiment Provisional Enrolled Missouri Militia, Capt. Shamwell Parham's Provisional Company A of the Maries County Enrolled Militia of Missouri, and Capt. John M. Beezley's Company B, Maries County Battalion Enrolled Missouri Militia, and pay her a pension at the rate of \$30 per month.

The name of Polly Saylor, widow of Samuel Saylor, late of Company E, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Snyder, widow of Henry Snyder, late of Company I, Thirty-first Regiment Indiana Volunteer Infantry, and First Regiment United States Veteran Engineers, and pay her a pension at the rate of \$30 per month.

The name of Mary A. Fife, widow of Andrew Fife, late of Company D, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Victoria M. Dean, former widow of Liberty B. Sampson, late of Company B, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah E. Hamilton, widow of William W. Hamilton, late of Company F, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret M. Blackard, widow of William L. Blackard, late of Company H, One hundred and twentieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Sherbondy, widow of George W. Sherbondy, late of Company I, Twelfth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Laura Sherbondy, helpless and dependent daughter of said Mary E. and George W. Sherbondy, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary E. Sherbondy, the name of said Laura Sherbondy shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Mary E. Sherbondy.

The name of Anne L. Pomorin, widow of Francis Pomorin, late of Company I, One hundred and fifty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Norman, widow of James B. Norman, late of Company H, Forty-third Regiment Missouri Volunteer Infantry, and Company D, Fifty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Amy A. Purdy, helpless and dependent daughter of Alexander Purdy, late of Company G, First Regiment Michigan Sharpshooters, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Josephine E. Grant, widow of James P. Grant, late of Company C, Thirty-second Regiment Maine Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary A. E. Howard, widow of John H. Howard, late of Company E, Twelfth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of James H. Osborn, late of Capt. M. T. Haller's company of scouts, Barbour County, West Virginia State Troops, Civil War, and pay him a pension at the rate of \$50 per month.

The name of Ann M. Barker, widow of Charles Barker, late of Company D, One hundred and fifteenth Regiment, and Company C, Seventeenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rosanna A. Moe, widow of Augustus R. Moe, late of Company B, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan B. Churchill, widow of Elroy Churchill, late of Company A, First Regiment New York Mounted Rifles, and Company A, Twenty-third Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Susanna Cutshaw, widow of William Cutshaw, late of Company A, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa Whiteleather, widow of Joseph Whiteleather, late of Company K, One hundred and fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Danford, widow of Lorenzo Danford, late of Company E, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Michael Bibus, late of Captain Houck's Artillery company, Sixty-fifth Regiment New York National Guards, and Company C, Eleventh Regiment United States Volunteer Infantry, and pay him a pension at the rate of \$24 per month.

The name of Nora B. Hardy, widow of John Q. Hardy, late of Company G, Eleventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Lottie J. Heintzman, helpless and dependent daughter of Jacob Heintzman, late of Company F, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Addie Allen, widow of William Allen, late of Company F, One hundred and fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah L. Heintzman, helpless and dependent daughter of Jacob Heintzman, late of Company F, Ninety-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary A. Radney, widow of Henry Radney, late of Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jane Prather, widow of George M. Prather, late of Company B, First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Catharine Davis, widow of Caleb R. Davis, late of Company E, Ninety-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rebecca Scott, widow of John H. Scott, late of Company B, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Jackson, former widow of Solomon Crabtree, late of Company H, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary F. King, widow of Newton King, late of Company C, Fifty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Mills, widow of William Mills, late of Company F, Fifth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura A. Moore, widow of Orton Moore, late of Company F, First Regiment New Hampshire Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Stowe, widow of Frank Stowe, late of Company K, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Pheobe S. Deardourff, widow of John Deardourff, late of Company C, Fiftieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hester R. Michael, widow of Jacob O. Michael, late of Company F, Second Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie Vandegrift, widow of George W. M. Vandegrift, late of Company E, Ninth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Theodora E. Eisenbart, widow of Casper A. Eisenbart, also known as Anton Eisenbart, late of Company D, Twenty-seventh Regiment Enrolled Missouri Volunteer Militia, and pay her a pension at the rate of \$30 per month in lieu of that she is now receiving.

The name of Matilda A. Jackson, widow of Lockhart F. Jackson, late of Company I, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Abbie Osborn, widow of Allen Osborn, late of Company D, First Regiment Michigan Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Agnes Rayburn, widow of William H. Rayburn, late of Company I, Fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Maggie Brown, helpless and dependent daughter of Anderson Brown, late of Company D, Fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Adaline R. Springer, widow of William O. G. Springer, late surgeon's steward, United States Navy, Civil War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary J. Alton, widow of Cyrus D. Alton, late of Company G, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Stella M. Wagner, helpless and dependent daughter of Henry Wagner, late of Company A, Second Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary E. Wakefield, widow of George Wakefield, late of Company D, Sixty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriett L. Steele, widow of Samuel Steele, late of Company A, Seventy-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca J. Crist, widow of Ervin Crist, late of Company I, Forty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nancy I. Martin, widow of Ezekiel Martin, late of Company E, Seventy-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frederick M. Davis, late of Capt. William N. Wilson's Company D, Fifty-sixth Regiment Missouri Enrolled Militia, and pay him a pension at the rate of \$50 per month.

The name of Lucinda Bush, widow of Henry Bush, late of Company K, One hundred and sixty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Daniels, widow of Ormando R. Daniels, late of Company E, Fiftieth Regiment New York Volunteer Engineers, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth J. Chambers, widow of Henry Chambers, late of Company K, Twelfth and Twenty-seventh Regiments Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Adie Hemmings, widow of Charles T. Hemmings, late of Company I, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Lizzie J. Fagin, widow of Abner D. Fagin, late of Company F, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Phedora J. Black, former widow of John L. Black, late of Company K, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Cordelia A. Wilson, widow of Thomas R. Wilson, late of Company E, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret M. Altman, widow of John F. Altman, late of Company E, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lewis M. Kuhns, helpless and dependent son of William K. Kuhns, late of Company K, Sixth Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Catherine Elchhorn, widow of George Elchhorn, late of Companies L and E, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Bethena Starkey, widow of George W. Starkey, late of Company I, Ninety-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Millie Burton, widow of John W. Burton, late of Company G, Forty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mell A. Jones, widow of Decatur Jones, late of Company C, Hoffman's battalion Ohio Volunteer Infantry and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maude Grinstead, helpless and dependent daughter of George T. Grinstead, late of Company F, Eighth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Anna McCann, widow of Benjamin F. McCann, late of Company A, Thirty-sixth and Thirty-fourth Regiments Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucinda D. Woods, widow of Milton Woods, late of Company D, Tenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mahala D. Heriford, former widow of Howley Heriford, late of Company C, Twenty-third Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna L. Adams, helpless and dependent daughter of Thomas B. Adams, late of Battery K, Second Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Katharine Whitaker, widow of William Whitaker, late of Company I, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emily J. Cunningham, widow of William P. Cunningham, late of Company K, Thirteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Clarinda Moore, widow of Jacob Moore, late of Company E, Ninety-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lutheria Bachelder, widow of Charles M. Bachelder, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Cecil C. Cardinal, helpless and dependent son of Franklin Cardinal, late of Company D, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Frances Payne, widow of Edgar Payne, late of Company B, One hundred and ninth Regiment United States Volunteer Colored Infantry, and pay her a pension at the rate of \$30 per month.

The name of Amanda C. Dunham, widow of Abram Dunham, late of Company D, Eleventh Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura V. Adams, widow of Wiley Adams, late of Company G, Seventy-ninth Regiment United States Volunteer Colored Infantry, and pay her a pension at the rate of \$30 per month.

The name of Gideon C. Lewis, late of Company I, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month in lieu of that he is now receiving.

The name of Addie M. Jackson, widow of Thomas Jackson, late of Company F, Seventy-second Regiment Ohio Volunteer Infantry, and Company D, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Flora A. Overmire, widow of Albert Overmire, late of Company K, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret S. Morrall, widow of John E. Morrall, late of Company E, Fifty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary C. Gleason, widow of John Gleason, late of Companies G and F, Eighty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Behymer, widow of Thomas J. Behymer, late of Company A, Fifth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Sarah Wurtshaugh, widow of John Wurtshaugh, late of Company C, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Bradford, widow of Rual M. Bradford, late of Company G, One hundred and fifty-fourth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma J. Fogg, now Burke, former widow of Pleasant W. Fogg, late of Company F, Thirteenth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura J. Hicks, widow of James L. Hicks, late of Companies F and E, Ninth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Guld, former widow of George R. Housel, late of Company G, Forty-seventh Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Marinda Smith, widow of Jeremiah Smith, late of Seventh Independent Battery Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Caroline C. Bower, widow of Reuben W. Bower, late of Company H, Seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Genevra Hatheway, widow of Martin Hatheway, late of Battery C, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Dorcas Quigley, widow of William L. Quigley, late of Company D, Eighty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah Blodgett, widow of Jared O. Blodgett, late of Company G, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria A. Breed, widow of Alonzo Breed, late of Company A, Twentieth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Priscilla A. Atwood, widow of Thomas A. Atwood, late of Company A, Sixteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah L. Darr, widow of John J. Darr, late of unassigned Sixty-first Regiment, and Company D, Eighty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Persiller Parmley, widow of John R. Parmley, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary V. Rankins, widow of Thompson Rankins, late of Company K, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Emily Plunket, widow of Jesse Plunket, late of Company E, Fifty-third Regiment Kentucky Mounted Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Elizabeth Weller, widow of Sanford H. Weller, late of Company F, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lizzie J. Yeagley, widow of Charles H. Yeagley, late of Company E, Thirty-eighth Regiment, and unassigned One hundred and twenty-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Sarah E. Madison, widow of George R. Madison, late musician Fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rose E. Cain, widow of Anthony Cain, late of Company A, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Edward Jones, late of Company H, One hundred and fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Kate Sherman, widow of William N. Sherman, late of Company B, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Hester, widow of James H. Hester, late of Company D, Second Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eady Elizabeth Ripple, former widow of James D. Harryman, late of Company K, Eighth Regiment Missouri State Volunteer Militia Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elda L. Rutherford, helpless and dependent daughter of Fielding L. Rutherford, late of Company G, Fourth Regiment Missouri State Volunteer Militia Cavalry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Margaret A. Saunders, widow of Francis M. Saunders, late of Company B, Twenty-second Regiment Missouri Volunteer Infantry, and Company I, Seventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Webbert, widow of David Webbert, late of Company G, One hundred and thirty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria L. Stewart, former widow of Samuel S. McCreery, late of Company A, Second Battalion Pennsylvania Volunteer Militia, and Company A, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Marvin, widow of Philip O. Marvin, late of Company F, One hundred and thirtieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Rachel Price, widow of George W. Price, late of Company B, Sixtieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Charlotte M. Combs, widow of Carroll L. Combs, late of Company C, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Madlum Milledge, widow of Stephen S. Milledge, late of Company G, One hundred and first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca A. Kidd, widow of George Kidd, late of Company D, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Caroline I. Minneley, widow of Henry Minneley, late of Company A, Fifty-sixth Regiment Pennsylvania Emergency Militia Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Henrietta Grubb, widow of David Grubb, late of Company A, Forty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Matilda Arnold, widow of Alvin Arnold, late of Company G, One hundred and fifty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Martin, widow of Azariah F. Martin, late of Company L, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Phoebe E. Betts, former widow of George Halter, late of Company E, One hundred and sixty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elvesta E. Carper, widow of James W. Carper, late of Company F, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Katie Krieger, widow of Jacob Krieger, late of Company K, One hundred and first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Carpenter, widow of Albert R. Carpenter, late of Company E, Seventy-first Regiment New York State Volunteer Militia Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eliza A. Frost, widow of Nathaniel E. Frost, late of Company A, One hundred and thirty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary H. Hight, widow of John S. Hight, late of Company K, Third Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah Ladson, former widow of John Hines, late of Company I, Second Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$20 per month.

The name of Margaret McCullough, widow of William McCullough, late of Company F, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Polly Couch, widow of Elijah Couch, late of Company I, Fourteenth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Margaret Richards, widow of James H. Richards, late of Company A, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Jamison, widow of Henry J. Jamison, late of Company G, Fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Abby E. Trussell, widow of Augustus J. Trussell, late of Company A, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ceila Ann Powell, widow of Ambrose C. Powell, late of Company A, Second Regiment Florida Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Graham, widow of John W. Graham, late of Company D, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Gille, helpless and dependent daughter of Christian Gille, late of Company F, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mary E. Armstrong, widow of John W. Armstrong, late of Company B, Sixth Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia F. Browning, widow of Arthur Browning, late of Company A, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rachel A. Dennis, widow of George Dennis, late of Company B, Third Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mary J. Miller, widow of John B. Miller, late of Company M, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Schwab, widow of John M. Schwab, late of Company I, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Wentz, widow of James H. Wentz, late of Company D, One hundred and twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Prudence E. Bair, widow of George Bair, late of Company G, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Oliver Ellis, late of Captain L. W. Storey's company, Volunteer Militia of Missouri, North Missouri Railroad Bridge Guards, and pay him a pension at the rate of \$50 per month.

The name of Jennie Wagner, widow of George Wagner, alias George Mellen, late of Company D, Fifty-sixth Regiment United States Volunteer Colored Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eliza Price, widow of William A. Price, late of Company B, First Regiment Provisional Enrolled Missouri Volunteer Militia, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah J. Mersereau, widow of Fayette Mersereau, late of Company F, One hundred and forty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Alice J. Selby, widow of Henry Dalton Selby, late of Company E, Third Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Maria Bliss, widow of Samuel Bliss, late of Company C, Second Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Lewis C. Jones, helpless and dependent son of Thomas M. Jones, late of Company H, Thirteenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of \$20 per month in lieu of that he is now receiving.

The name of Edith Heu-de-Bourck, widow of William H. Heu-de-Bourck, late of Company L, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary E. Burrell, widow of James Burrell, late of Company A, Thirty-eighth Regiment, and Company F, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Line, former widow of George H. Norris, late of Company G, Eighty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ann Boggs, widow of Oliver P. Boggs, late of Company B, Seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Keller, helpless and dependent daughter of George W. Keller, late of Company I, Nineteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Melinda J. Eubanks, widow of William Eubanks, late of Company C, First Regiment Arkansas Volunteer Cavalry, and pay her a pension at the rate of \$50 per month through a legally appointed guardian in lieu of that she is now receiving.

The name of Benjamin F. Ewing, late of Company M, Thirty-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of \$50 per month.

The name of Lindy Slusher, widow of John F. Slusher, late of Company I, Twenty-fourth Regiment Kentucky Volunteer Infantry, and Company K, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Watkins, widow of Oliver M. Watkins, late of Company G, One hundred and thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary R. Hamilton, former widow of William Nicholson, late of Company K, Seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah J. Garthwait, widow of Oliver C. Garthwait, late of Company D, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Margaret C. Westbrook, widow of Joshua Westbrook, late of Company K, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Hattie E. Harvey, widow of Francis A. Harvey, late of Company E, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sate L. Retan, former widow of Azariah C. Brundage, late of Company I, Thirty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Catherine F. Edsall, former widow of William H. Edsall, late of Company E, Eleventh Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucy Lamb, widow of Hiram Lamb, late of Company B, Seventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice L. Pond, widow of Aaron B. Pond, late of Company K, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary C. Marvin, widow of Charles M. Marvin, late unassigned, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Caroline Cox, widow of Edward Cox, late of First Independent Battery, Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Georgia A. Godwin, widow of Cornelius Godwin, late of Capt. William H. Smith's Company E, Third Battalion, First Regiment Kentucky Capitol Guards, and pay her a pension at the rate of \$30 per month.

The name of Frances Miller, widow of Thomas J. Miller, late of Company F, Forty-seventh Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Corwin, widow of George W. Corwin, late of Company B, One hundred and fiftieth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Weston, widow of Hiram J. Weston, late of Company B, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Rachel Wood, widow of Samuel Wood, late of Companies G and B, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Katie Wood, helpless and dependent daughter of said Rachel and Samuel Wood, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Rachel Wood the name of said Katie Wood shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of \$20 per month from and after the date of death of said Rachel Wood.

The name of Elizabeth Siegler, widow of John F. Siegler, late of Company H, Eighth Regiment California Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ida M. Uline, widow of George A. Uline, late of Company D, One hundred and twenty-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Carrie E. Miett, widow of Oliver Miett, late of Company B, Third Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of \$30 per month.

The name of Matilda Hester, former widow of Alexander C. Noble, late of Company A, Eleventh Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Chadwick, widow of Thomas W. Chadwick, late of Company F, Twelfth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen Manix, widow of John Manix, late of Company G, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Hattie Reynolds, widow of Henry Reynolds, late of Second Battery Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of \$30 per month.

The name of Nathan S. Hamilton, helpless and dependent son of Richard S. Hamilton, late of Company I, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of Ellen Gowin, widow of David Gowin, late of Company D, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Henrietta D. Washburn, widow of Ira Washburn, late of Company E, One hundred and eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Laura R. Cummings, widow of Frederick A. Cummings, late of Company B, Second Regiment Massachusetts Volunteer Infantry, and Ninth Independent Battery Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Virginia Hubley, widow of Samuel Hubley, late of United States Navy, Civil War, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Rachel Peace, widow of Joseph Peace, Jr., late of Company A, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan O. Jellison, widow of Benjamin H. Jellison, late of Company C, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Miriam C. Buck, widow of Erastus A. Buck, late of Captain Graham's Cavalry Company, attached to Fourteenth Regiment Missouri Volunteer Infantry (Home Guard), and pay her a pension at the rate of \$30 per month.

The name of Ellen Litzel, widow of Peter Litzel, late of Company E, Eleventh Regiment and Company I, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah C. Gross, widow of Reuben Gross, late of Company F, Sixth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah Andrews, helpless and dependent daughter of Joseph M. Andrews, late of Company C, Second Regiment Tennessee Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Mary J. Herbert, widow of Henry H. Herbert, late of Company K, Sixteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emma S. Gray, widow of James K. Gray, late of Company A, Twelfth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca Powell, widow of Sylvestus Powell, late of Battery F, First Regiment West Virginia Volunteer Light Artillery, and Company B, Seventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jemima Mechling, widow of George Mechling, late of Company G, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Anne Davis, widow of Thomas W. Davis, alias Thomas D. Evans, late of United States Navy, Civil War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Henry P. Hull, late military telegrapher, Civil War, and pay him a pension at the rate of \$50 per month.

The name of Hattie Johnson, widow of Franklin Johnson, late of Company B, Twenty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Anna E. Reeves, widow of Hiram J. Reeves, late of Company D, Fifty-seventh Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Carrie E. Carley, widow of William T. Carley, late acting master's mate, United States Navy, Civil War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Luther L. Duel, late of Company D, Eighty-sixth Regiment New York Volunteer Infantry, and Company C, First Rifles Thirteenth Pennsylvania Reserves, Forty-second Regiment Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Nancy J. Sheay, widow of Michael A. Sheay, late of the One hundred and twenty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mae L. Cornell, helpless and dependent daughter of Rollin T. Cornell, late of Company B, One hundred and fifty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$20 per month.

The name of Angeline Stuck, widow of John C. Stuck, late of Company B, One hundred and fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Cora O. Russell, widow of Francis M. Russell, late of Company G, One hundred and sixty-first Regiment Ohio National Guard Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Ellen Montis, widow of Sol Montis, late of Company F, One hundred and forty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia H. Piatt, widow of George A. Piatt, late of Company D, One hundred and forty-fifth Regiment Ohio Volunteer Infantry and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Powell, widow of Edmond W. Powell, late of Company A, Thirty-third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Molla A. Parker, widow of Orrin C. Parker, late of Companies G and E, Eighth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah F. Buck, widow of Sewell M. Buck, late of Company F, First Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Charles H. Putnam late of Capt. James O. Chandler's company, National Guards, New Hampshire Volunteer Militia, and pay him a pension at the rate of \$50 per month.

The name of Viola H. Pugh, widow of Obadiah Pugh, late of Company H, Thirteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eldora Howard, widow of Jerry Howard, late of Company B, Seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Synethia Freeman, widow of Seth Freeman, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maria H. Kame, widow of William T. Kame, late of Company G, Eleventh Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Aleda Cobb, widow of Oliver H. Cobb, late of Company K, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary H. Kline widow of Benneville Kline, late of Company H, One hundred and thirty-eighth Regiment Ohio National Guard Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lucilla B. Lobdell, widow of James E. Lobdell, late of Company G, One hundred and forty-third Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Weller, helpless and dependent daughter of Charles Weller, late of Company I, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Amelia Harvey, widow of George W. Harvey, late of Company I, Fourteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie O'Donahue, widow of Patrick O'Donahue, late of Company M, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Rittenhouse, widow of James Rittenhouse, late of Company D, Nineteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mania Vartanian, widow of Dr. Garabed E. Vartanian, late contract surgeon, Eighteenth Regiment United States Volunteer Infantry, Civil War, and pay her a pension at the rate of \$30 per month.

The name of Margaret J. Hambaugh, widow of William A. Hambaugh, late of Company G, Third and Fifth Regiments Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emsey O. Young, widow of David Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary E. Read, widow of Herbert H. Read, late of Company H, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary L. Greenwood, widow of Joseph Greenwood, late of Company I, Forty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriett Gale, widow of Rufus Gale, late commissary Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Agnes Presho, widow of John Presho, late of Company C, One hundred and eighty-ninth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances A. Neighbors, widow of George W. Neighbors, late of Company A, Twelfth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca Pardue, widow of John C. Pardue, late of Company K, Ninth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Josephine McDonald, widow of John McDonald, late of Company K, Second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Dora Brückner, widow of Richard Brückner, late of Company G, Thirty-ninth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Alice R. Holmes, widow of Bartholomew Holmes, late of Company E, Fifty-fourth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mary L. Hershberger, widow of Eli Hershberger, late of Company G, One hundred and sixty-second Regiment Ohio National Guard Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Wilder, widow of J. Prescott Wilder, late of Seventh Battery, Massachusetts Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Priscilla A. Fuller, widow of William M. Fuller, late of Company L, Eighth Regiment New York Heavy Artillery, and Company H, Tenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary C. Gibbs, widow of Judson B. Gibbs, late of Company C, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louise Hatch, widow of Alonzo H. Hatch, late of Company C, Sixty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Eva M. Fleck, widow of William H. Fleck, late of Company E, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Hannah E. Owen, widow of Gideon C. Owen, late of Company C, Ninety-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Bennett, widow of Frank Bennett, late of Company D, Eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sallie E. Copeland, widow of William W. Copeland, late of Company G, Sixth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary J. Chisholm, widow of John P. Chisholm, late of Company L, Twenty-second Regiment Pennsylvania Volunteer Cavalry, and Company L, Third Regiment Pennsylvania Provisional Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Samantha McCann, widow of Spencer McCann, late of Company F, Ninety-seventh Regiment, and Company I, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Margaret Ahern, widow of Patrick F. Ahern, alias Patrick Herring, late of Company A, Third Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret R. Skidmore, widow of Hiram Skidmore, late of Company I, Third Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary H. Willcox, widow of William W. Willcox, late of Company B, Second Regiment United States Sharpshooters, and Company I, Twenty-fourth Regiment Veteran Reserve Corps, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Mary L. Glidden, former widow of Harrison Henry, late of Company K, Twenty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Serena Bean, helpless and dependent daughter of Cyrus Bean, late of Company C, One hundred and fiftieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Mollie S. Hutchinson, widow of William Hutchinson, late of Company B, Seventy-seventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Della Bertrand, widow of Isaac C. Bertrand, late of Company D, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth Downs, widow of William H. Downs, late of Company G, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa J. Honaker, widow of Benjamin Honaker, late of Company H, Fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Polly F. Gould, widow of William K. Gould, late of Company K, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Elizabeth C. Waters, widow of John R. Waters, late of Company K, One hundred and fortieth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frances A. Horr, widow of Llewellyn Horr, late of Company F, One hundred and sixteenth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia D. Gould, widow of George Gould, late of Company B, Second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah Capron, widow of Edmund Capron, late of Company B, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Sarah L. Hogle, widow of Alanson Hogle, late of Company E, Sixty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan Land, widow of Nathan Land, late of Company A, Third Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth Nye, widow of William Nye, late of Company F, Eighth Regiment Michigan Volunteer Infantry, and Company H, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Stadler, widow of John G. Stadler, late of Company B, Tenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary A. Redd, widow of Mordecai Redd, late of Company I, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of R. Elvina McDonald, widow of George W. McDonald, late of Company K, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and Company K, Thirteenth Regiment Pennsylvania Reserve Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ellen Williams, widow of Noah S. Williams, late of Company F, Fortieth Regiment Illinois Volunteer Infantry, and Company K, Thirteenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jennie Dickinson, helpless and dependent daughter of James D. Dickinson, late of Company D, Seventeenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Richard King, late of Capt. Patrick Berry's Stone County company, Missouri Volunteer Militia, and pay him a pension at the rate of \$50 per month.

The name of Lucinda Geary, widow of Paul Geary, late of Company A, Sixty-sixth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Frances H. Underwood, widow of George D. Underwood, late of Company E, First Regiment Wisconsin Volunteer Cavalry, and Company C, Eighty-eighth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice A. Minick, widow of John S. Minick, late of Company D, Fifth Regiment Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of John Nidey, helpless and dependent son of Timothy Nidey, late of Company E, Eighty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Sadie Humphrey, widow of William W. Humphrey, late of Company F, One hundred and eighty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mary Campbell, widow of Joseph Campbell, late of Company F, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Dorthula E. Smith, widow of John R. Smith, late of Company G, Twenty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Eliza Hatten, widow of Francis W. Hatten, late of Company I, Ninth Regiment West Virginia Volunteer Infantry, and Company D, First Regiment West Virginia Veteran Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah F. Berry, widow of William Berry, late of Captain Galbraith's company, Alabama Scouts and Guides, and pay her a pension at the rate of \$30 per month.

The name of Pauline Lieball, former widow of William Kaiser, late of Companies E and D, Sixth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy Beverage, widow of Rufus M. Beverage, late of Company A, Sixty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jemima E. Downer, widow of Erasmus H. Downer, late of Company A, Fourteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha E. Henderson, widow of Francis M. Henderson, late of Company H, Fourteenth Regiment, and Company M, Eighth Regiment, Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Blanche J. Barnard, widow of Edgar A. Barnard, late of Company A, Eighty-fourth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia E. Cook, widow of Edwin L. Cook, late of Company E, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Louisa D. Smith, widow of Leslie Smith, late captain, First Regiment, and lieutenant colonel, Twentieth Regiment, United States Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Harriet A. Daniels, widow of William B. Daniels, late of Company C, Thirteenth Regiment United States Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nancy J. Strickland, widow of Cyrus Strickland, late of Company H, Fifty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Tuttle, widow of Edward P. Tuttle, late of Company B, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca J. Eveland, widow of Stephen B. Eveland, late of Company I, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Mary Wisehart, widow of Joshua R. Wisehart, late of Company A, Eighteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Josephine A. Albee, widow of William H. Albee, late of Company I, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Maggie Flora, widow of John Flora, late of Company F, Eighty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Margaret A. Lawrence, widow of Cyrus Lawrence, late of Company A, Fifteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Mabel E. Callahan, helpless and dependent daughter of George W. Callahan, late of Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and Signal Corps United States Army, and pay her a pension at the rate of \$20 per month.

The name of Catherine Bridgford, widow of William Bridgford, late of Company K, Ninety-sixth Regiment, and Company I, One hundred and forty-ninth Regiment, New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Annie E. Allen, widow of Stanton P. Allen, late of Company C, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Julia A. Duell, widow of Dennis Duell, late of Company E, One hundred and forty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Nannie E. Ladd, widow of Edgar P. Ladd, late of Company E, First Regiment New York Mounted Rifles, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Charles R. Booth, helpless and dependent son of Edward Booth, late of Company K, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$20 per month.

The name of David S. Barnhart, late of Company C, Sixth Regiment and Fourteenth Regiment, New York Heavy Artillery, and Company G, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Annie M. Goss, widow of Richard Goss, late of Troop I, Sixth Regiment United States Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Loucinda J. Dixon, widow of William E. Dixon, late of Company C, Fifty-second Regiment Kentucky Mounted Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Joseph Greenwood, late of Company H, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Rachel B. Smart, widow of James C. Smart, late of Companies I and E, Eighth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah A. Jellison, widow of William Jellison, late of Company K, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Amanda M. Armstrong, widow of John H. Armstrong, late of Company H, Thirteenth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rebecca Odell, widow of James M. Odell, late of Company I, Thirty-sixth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan Kemberlin, widow of John G. Kemberlin, late of Company B, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jane Johnson, widow of Adam Johnson, late of Company G, One hundred and fifty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah F. Vier, widow of George Vier, late of band, Second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha Martin, widow of Robert Martin, late of Company G, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Henrietta Bowker, widow of Sherman O. Bowker, late of Company C, Ninety-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Lois I. Dugan, widow of Michael Dugan, late of Company D, One hundred and sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Jane Langerak, widow of William Langerak, late of Company F, Fourth Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Samuel R. Proud, also known as Samuel Proud, late of Company E, Twentieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$50 per month.

The name of Emma Hayden, widow of Emanuel S. Hayden, alias Edward S. Hayden, late of Company F, Fourteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Emogene E. Perrin, widow of Amos D. Perrin, late of Company I, Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Elizabeth A. Brown, widow of Joseph H. Brown, late of Company E, One hundred and sixty-third Regiment Ohio National Guard Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Ursula Lamphier, widow of Alonzo M. Lamphier, late of Company E, Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$30 per month.

The name of Mary J. Vail, widow of John M. Vail, late of Company H, One hundred and sixty-eighth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha H. Nunn, former widow of William M. F. Hiser, late of Company B, Twenty-first Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Dora A. Lee, helpless and dependent daughter of Andrew J. Lee, late of Company C, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Harriet J. Webber, widow of Walter J. Webber, late of Fourteenth Independent Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan McDonald, widow of John H. McDonald, late of Company H, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Katherine Kraft, widow of Peter Kraft, late of Company B, First Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of \$40 per month in lieu of that she is now receiving.

The name of Maria E. Ross, former widow of Benjamin A. Sherwood, late of Company A, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Julia A. Springer, widow of John C. Springer, also written Springer, late of Company K, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Nancy P. Andrus, widow of Orrin R. Andrus, late of Company D, Twelfth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sophronia Burden, widow of William Burden, late of Company I, Third Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Alice Cox, widow of Mark Cox, late unassigned, Thirty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of \$30 per month.

The name of Elizabeth L. Conklin, widow of John H. Conklin, late of Company A, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Susan M. Mozley, widow of James M. Mozley, late of Company M, Sixth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Sarah I. Axline, widow of John T. Axline, late of Company B, Second Battalion Missouri State Militia Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of May Pennington, helpless and dependent daughter of Allison C. Pennington, alias Alfred C. Pennington (late of Company D, One hundred and sixty-eighth Regiment Pennsylvania Volunteer Infantry), and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Elvira S. Halligan, widow of John H. Halligan, late of Company H, Twenty-eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Martha A. Bechtel, widow of Frederick Bechtel, late of Company G, Twenty-third Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Frank L. Rider, helpless and dependent son of David Rider, late of Company G, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Orrilla Smith, widow of Wilbur Smith, late of Company E, One hundred and sixth Regiment New York Volunteer Infantry, and pay her a pension of \$54 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Nettie D. Smith, helpless and dependent daughter of said Orrilla and Wilbur Smith, \$12 a month of the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Riley R. Smith, helpless and dependent son of said Orrilla and Wilbur Smith, \$12 a month of the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Orrilla Smith the names of Nettie D. Smith and Riley R. Smith shall be placed on the pension roll at the rate of \$20 per month to each of them from and after the death of said Orrilla Smith.

The name of Electa Bellen, widow of Anthony Bellen, late of Company K, Eleventh Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rose McKenzie, widow of John D. McKenzie, late of Company H, Tenth Regiment Michigan Volunteer Infantry, and Company G, First Regiment Michigan Volunteer Cavalry, and Company B, First Battalion of Cavalry, Mississippi Marine Brigade, and pay her a pension at the rate of \$30 per month.

The name of Nancy A. McKinzie, widow of John W. McKinzie, late of Company C, Fortieth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Eva B. Lynch, helpless and dependent daughter of Uriah Lynch, late of Company K, Twenty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of \$20 per month in lieu of that she is now receiving.

The name of Mary A. Thompson, widow of George A. Thompson, late of Company M, Tenth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of Rose Wernig, helpless and dependent daughter of John P. Wernig, alias Werrick, late of Company K, One hundred and sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay her a pension at the rate of \$20 per month through a legally appointed guardian.

The name of Clarinda A. Spear, widow of Otis G. Spear, late of Company B, Fourth Regiment Maine Volunteer Infantry, and acting master's mate, United States Navy, Civil War, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The name of George O. Flowers, helpless and dependent son of Samuel M. Flowers, late of Company K, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of \$20 per month through a legally appointed guardian.

The foregoing bill is a substitute for the following House bills referred to said committee:

H. R. 928. John B. Lang.	H. R. 9973. Martha Johnson.	H. R. 10569. Hester R. Michael.	H. R. 11100. Sarah J. Mersereau.
H. R. 997. Nellie L. Grady.	H. R. 9974. Amelia A. Wood.	H. R. 10572. Annie Vandegrift.	H. R. 11104. Alice J. Selby.
H. R. 1216. Herman Wagner, alias Henry Burnett.	H. R. 9975. Albert M. Kirby.	H. R. 10583. Theodore E. Eisenbart.	H. R. 11105. Maria Bliss.
H. R. 1523. Anna B. Eicher.	H. R. 9977. Phoebe A. Ross.	H. R. 10584. Matilda A. Jackson.	H. R. 11109. Lewis C. Jones.
H. R. 1535. Sarah E. Wilderman.	H. R. 9978. Mary A. Rodgers.	H. R. 10610. Abbie Osborn.	H. R. 11112. Edith Heu-de-Bourck.
H. R. 2101. William Woody.	H. R. 9986. James McDonald.	H. R. 10619. Agnes Rayburn.	H. R. 11113. Mary E. Burrell.
H. R. 3018. James H. Beaman.	H. R. 9989. Joseph Alters, alias Joseph Alter.	H. R. 10620. Maggie Brown.	H. R. 11116. Elizabeth A. Line.
H. R. 3123. Lucy J. Popcoy.	H. R. 10052. Rachel L. Spencer.	H. R. 10623. Adaline R. Springer.	H. R. 11118. Ann Boggs.
H. R. 4358. Alice E. Deitrick.	H. R. 10061. Emma C. Alton.	H. R. 10635. Mary J. Alton.	H. R. 11127. Elizabeth Keller.
H. R. 5510. Lydia J. Warburton.	H. R. 10063. Julian Embick.	H. R. 10638. Stella M. Wagner.	H. R. 11137. Matilda J. Embick.
H. R. 5657. Lillie Geske.	H. R. 10068. Mary E. Piper.	H. R. 10640. Mary E. Wakefield.	H. R. 11141. Benjamin F. Ewing.
H. R. 5658. Hattie Geske.	H. R. 10070. Mary A. Crum.	H. R. 10642. Harriett L. Steele.	H. R. 11144. Lindy Slusher.
H. R. 7127. Jennie E. Starry.	H. R. 10081. Martha Burdett.	H. R. 10656. Rebecca J. Crist.	H. R. 11145. Mary A. Watkins.
H. R. 6171. Francis S. Haynes, alias Francis S. Reedy.	H. R. 10084. Margaret J. Coss.	H. R. 10658. Nancy I. Martin.	H. R. 11148. Mary R. Hamilton.
H. R. 7161. Harriet Gardner.	H. R. 10088. Margaret R. McClanahan, now Humphrey.	H. R. 10661. Frederick M. Davis.	H. R. 11150. Sarah J. Garthwait.
H. R. 7707. Mary L. Young.	H. R. 10089. Joseph Alters, alias Joseph Alter.	H. R. 10673. Lucinda Bush.	H. R. 11152. Margaret C. Westbrook.
H. R. 7862. Emaile Sloat.	H. R. 10091. Mary E. Deselms.	H. R. 10693. Mary L. Daniels.	H. R. 11153. Hattie E. Harvey.
H. R. 8191. Susanna E. Shannon.	H. R. 10093. Elizabeth Vanfossen.	H. R. 10697. Elizabeth J. Chambers.	H. R. 11154. Sate L. Retan.
H. R. 8386. Joanna A. Lawrence.	H. R. 10094. Anna F. Ault.	H. R. 10698. Adile Hemmings.	H. R. 11156. Catherine F. Edsall.
H. R. 8419. Sarah C. Peterson.	H. R. 10098. Victor Clark.	H. R. 10700. Lizzie J. Fagan.	H. R. 11159. Lucy Lamb.
H. R. 8572. Eliza A. Holtz.	H. R. 10117. Margaret A. Hankins.	H. R. 10705. Phedora J. Black.	H. R. 11164. Alice L. Pond.
H. R. 8597. Lydia A. Stare.	H. R. 10129. Clarissa Jameson.	H. R. 10714. Margaret M. Altman.	H. R. 11165. Mary C. Marvin.
H. R. 8697. Hannah M. Atha.	H. R. 10162. Mary Fitchett.	H. R. 10715. Lewis M. Kuhns.	H. R. 11174. Caroline Cox.
H. R. 8699. Rachel Norfolk.	H. R. 10173. Levina Lebert.	H. R. 10720. Catherine Eichorn.	H. R. 11177. Georgia A. Godwin.
H. R. 8702. Mary L. Speer.	H. R. 10208. Frances A. Burdsal.	H. R. 10741. Bethena Starkey.	H. R. 11181. Frances Miller.
H. R. 8719. Orpha H. Lawton.	H. R. 10214. Amanda Hall.	H. R. 10742. Millie Burton.	H. R. 11183. Mary A. Corwin.
H. R. 8771. Sarah P. Deem.	H. R. 10217. William M. Silver.	H. R. 10743. Mell A. Jones.	H. R. 11184. Martha Weston.
H. R. 8873. George Taylor.	H. R. 10220. Daniel W. Roberts.	H. R. 10749. Maude Grinstead.	H. R. 11188. Rachel Wood.
H. R. 8990. Martha Abernathy.	H. R. 10240. Elizabeth Lilly.	H. R. 10755. Anna McCann.	H. R. 11190. Elizabeth Siegler.
H. R. 9007. Patrick H. Bushnell.	H. R. 10241. Rebecca M. Reese.	H. R. 10756. Lucinda D. Woods.	H. R. 11191. Ida M. Ulne.
H. R. 9089. Annie D. Delavan.	H. R. 10243. Susan V. Rogers.	H. R. 10759. Mahala D. Heriford.	H. R. 11192. Carrie E. Miett.
H. R. 9260. Alice May.	H. R. 10251. Catherine D. Jones.	H. R. 10761. Anna L. Adams.	H. R. 11198. Matilda Hester.
H. R. 9326. Sarah M. Boyle.	H. R. 10319. Polly Saylor.	H. R. 10765. Katharine Whitaker.	H. R. 11205. Sarah A. Chadwick.
H. R. 9417. Ida V. Forbes.	H. R. 10322. Elizabeth Snyder.	H. R. 10773. Emily J. Cunningham.	H. R. 11207. Ellen Manix.
H. R. 9451. Rachel B. Flatter.	H. R. 10328. Mary A. Fife.	H. R. 10774. Clarinda Moore.	H. R. 11216. Hattie Reynolds.
H. R. 9467. Josephine Overbaugh.	H. R. 10332. Victoria M. Dean.	H. R. 10778. Lutheria Bacheider.	H. R. 11218. Nathan S. Hamilton.
H. R. 9484. Mary J. Hildreth.	H. R. 10345. Sarah E. Hamilton.	H. R. 10779. Cecil C. Cardinal.	H. R. 11220. Ellen Gowin.
H. R. 9506. Joshua McWald.	H. R. 10346. Margaret M. Blackard.	H. R. 10780. Frances Payne.	H. R. 11222. Henrietta D. Washburn.
H. R. 9507. Francis Back.	H. R. 10372. Mary E. Sherbony.	H. R. 10792. Amanda C. Dunham.	H. R. 11223. Laura R. Cummings.
H. R. 9541. Ellen Buckley.	H. R. 10374. Anne L. Fomorin.	H. R. 10793. Laura V. Adams.	H. R. 11227. Virginia Hubley.
H. R. 9565. Emma Justice.	H. R. 10383. Elizabeth A. Norman.	H. R. 10798. Gideon C. Lewis.	H. R. 11229. Rachel Peace.
H. R. 9575. Martha J. Mitzel.	H. R. 10395. Amy A. Purdy.	H. R. 10799. Flora A. Overmire.	H. R. 11230. Susan O. Jeilson.
H. R. 9576. Sarah A. Snyder.	H. R. 10398. Josephine E. Grant.	H. R. 10800. Margaret S. Morrall.	H. R. 11231. Mirlam C. Buck.
H. R. 9579. Mary L. Koch.	H. R. 10401. Mary A. E. Howard.	H. R. 10802. Mary C. Gleason.	H. R. 11234. Ellen Litzel.
H. R. 9602. Sallie Cope.	H. R. 10403. James H. Osborn.	H. R. 10804. Mary E. Behymer.	H. R. 11235. Sarah C. Gross.
H. R. 9645. Mary A. Fuller.	H. R. 10417. Ann M. Barker.	H. R. 10805. Elizabeth Bradford.	H. R. 11239. Sarah Andrews.
H. R. 9646. Mary D. Smith.	H. R. 10437. Rosanna A. Moe.	H. R. 10805. Emma J. Fogg, now Burke.	H. R. 11241. Mary J. Herbert.
H. R. 9647. Mary J. Zimmerman, known as Mary J. Zimmerman.	H. R. 10438. Susan B. Churchill.	H. R. 10806. Laura J. Hicks.	H. R. 11243. Emma S. Gray.
H. R. 9686. Jennie Meyer.	H. R. 10441. Susanna Cutshaw.	H. R. 10808. Elizabeth A. Guild.	H. R. 11245. Rebecca Powell.
H. R. 9736. Adaline E. Fetz.	H. R. 10443. Louisa Whiteleather.	H. R. 10812. Marinda Smith.	H. R. 11246. Jemima Mechling.
H. R. 9752. Katherine L.R. Parker.	H. R. 10445. Mary A. Danford.	H. R. 10813. Caroline C. Bower.	H. R. 11263. Anne Davis.
H. R. 9778. Rebecca Backman.	H. R. 10447. Michael Bibus.	H. R. 10818. Genevra Hathaway.	H. R. 11264. Henry P. Hull.
H. R. 9794. Martha E. Lowery.	H. R. 10451. Nora B. Hardy.	H. R. 10820. Dorcas Quigley.	H. R. 11265. Hattie Johnson.
H. R. 9848. Jennie Hall.	H. R. 10452. Lottie J. Heintzman.	H. R. 10821. Sarah Blodgett.	H. R. 11269. Anna E. Reeves.
H. R. 9877. Horace G. Sherman.	H. R. 10453. Addie Allen.	H. R. 10822. Maria A. Breed.	H. R. 11270. Carrie E. Carley.
H. R. 9902. Sarah F. Esarey.	H. R. 10454. Sarah L. Heintzman.	H. R. 10823. Priscilla A. Atwood.	H. R. 11277. Luther L. Duel.
H. R. 9929. Margaret Beck.	H. R. 10456. Mary A. Radley.	H. R. 10824. Sarah L. Darr.	H. R. 11278. Nancy J. Sheay.
H. R. 9933. Julia M. Murphy.	H. R. 10504. Jane Prather.	H. R. 10831. Persillier Parmley.	H. R. 11286. Mae L. Cornell.
H. R. 9934. Frances M. Loper.	H. R. 10505. Catharine Davis.	H. R. 10836. Emily Plunket.	H. R. 11294. Angeline Stuck.
H. R. 9939. Isadora P. Roberts.	H. R. 10508. Rebecca Scott.	H. R. 10838. Mary Elizabeth Weller.	H. R. 11297. Corn O. Russell.
H. R. 9942. Nellie B. Ainsworth.	H. R. 10516. Mary Jackson.	H. R. 10840. Laura J. Piatt.	H. R. 11298. Mary Ellen Montis.
H. R. 9943. Magdalene Enrich.	H. R. 10518. Mary F. King.	H. R. 10843. Maria L. Stewart.	H. R. 11302. Mary Powell.
H. R. 9953. Lucy M. Walker.	H. R. 10519. Elizabeth Mills.	H. R. 10844. Charles H. Putnam.	H. R. 11305. Melia A. Parker.
H. R. 9970. Lucinda E. Miller.	H. R. 10520. Laura A. Moore.	H. R. 10846. Emily Plunket.	H. R. 11306. Charles H. Putnam.
H. R. 9971. Elizabeth B. Painter.	H. R. 10540. Elizabeth Stowe.	H. R. 10848. Margaret A. Saunders.	H. R. 11316. Viola H. Pugh.
	H. R. 10550. Pheobe S. Deardourff.	H. R. 10849. Elizabeth Rippey.	H. R. 11318. Eldora Howard.
		H. R. 10851. Elda L. Rutherford.	H. R. 11319. Synethia Freeman.
		H. R. 10929. Margaret A. Saunders.	H. R. 11321. Maria H. Kame.
		H. R. 10937. Mary A. Webb.	H. R. 11326. Aleda Cobb.
		H. R. 10939. Maria L. Stewart.	H. R. 11330. Mary H. Kline.
		H. R. 10942. Mary E. Marvin.	H. R. 11335. Lucilla B. Lobbell.
		H. R. 10945. Rachel Price.	H. R. 11337. Mary Weller.
		H. R. 10959. Charlotte M. Combs.	H. R. 11341. Amelia Harvey.
		H. R. 10962. Madlum Milledge.	H. R. 11343. Jennie O'Donahue.
		H. R. 10964. Rebecca A. Kidd.	H. R. 11350. Mary E. Rittenhouse.
		H. R. 10975. Caroline L. Minneley.	H. R. 11372. Maria Vartanian.
		H. R. 10978. Henrietta Grubb.	H. R. 11379. Margaret J. Hambaugh.
		H. R. 10979. Matilda Arnold.	H. R. 11380. Eunice O. Young.
		H. R. 10981. Mary E. Martin.	H. R. 11386. Mary E. Read.
		H. R. 10990. Phoebe E. Betts.	H. R. 11390. Mary L. Greenwood.
		H. R. 10991. Elevesia E. Carper.	H. R. 11393. Harratt Gale.
		H. R. 10992. Katie Kreiger.	H. R. 11394. Agnes Prescho.
		H. R. 10999. Mary E. Carpenter.	H. R. 11395. Frances A. Neighbors.
		H. R. 11000. Eliza A. Frost.	H. R. 11397. Rebecca Pardue.
		H. R. 11004. Mary H. Hight.	H. R. 11398. Josephine McDonald.
		H. R. 11005. Sarah Ladson.	H. R. 11400. Dora Brückner.
		H. R. 11010. Margaret McCullough.	H. R. 11401. Alice R. Holmes.
		H. R. 11016. Polly Couch.	H. R. 11416. Mary L. Hersherberger.
		H. R. 11020. Margaret Richards.	H. R. 11419. Elizabeth Wilder.
		H. R. 11024. Elizabeth Jamison.	H. R. 11420. Priscilla A. Fuller.
		H. R. 11027. Abby E. Trussell.	H. R. 11423. Mary C. Gibbs.
		H. R. 11038. Celia Ann Powell.	H. R. 11428. Louise Hatch.
		H. R. 11045. Mary A. Graham.	H. R. 11437. Eva M. Fleck.
		H. R. 11048. Elizabeth Gille.	H. R. 11450. Hannah E. Owen.
		H. R. 11059. Mary E. Armstrong.	H. R. 11451. Mary Bennett.
		H. R. 11060. Julia F. Browning.	H. R. 11453. Sallie E. Copeland.
		H. R. 11086. Rachel A. Dennis.	H. R. 11455. Mary J. Chisholm.
		H. R. 11089. Mary J. Miller.	H. R. 11459. Samantha McCann.
		H. R. 11090. Mary A. Schwab.	H. R. 11460. Margaret Ahern.
		H. R. 11092. Mary E. Wentz.	H. R. 11463. Margaret R. Skidmore.
		H. R. 11094. Prudence E. Bair.	H. R. 11464. Mary H. Willcox.
		H. R. 11096. Oliver Ellis.	H. R. 11465. Mary L. Glidden.
		H. R. 11097. Jennie Wagner.	H. R. 11467. Serena Bean.
		H. R. 11098. Eliza Price.	H. R. 11471. Mollie S. Hutchinson.
			H. R. 11477. Delia Bertrand.
			H. R. 11478. Elizabeth Downs.
			H. R. 11479. Louisa J. Honaker.
			H. R. 11480. Polly F. Gould.
			H. R. 11484. Elizabeth C. Waters.
			H. R. 11486. Frances A. Horr.
			H. R. 11489. Julia D. Gould.
			H. R. 11490. Sarah Capron.

H. R. 11491. Sarah L. Hogle.  
 H. R. 11494. Susan Land.  
 H. R. 11499. Elizabeth Nye.  
 H. R. 11507. Martha Stadler.  
 H. R. 11508. Mary A. Redd.  
 H. R. 11509. R. Elvina McDonald.  
 H. R. 11512. Ellen Williams.  
 H. R. 11513. Jennie Dickinson.  
 H. R. 11515. Richard King.  
 H. R. 11516. Lucinda Geary.  
 H. R. 11518. Frances H. Underwood.  
 H. R. 11520. Alice A. Minick.  
 H. R. 11521. John Nidey.  
 H. R. 11525. Sadie Humphrey.  
 H. R. 11526. Mary Campbell.  
 H. R. 11530. Dorthula E. Smith.  
 H. R. 11539. Eliza Hatten.  
 H. R. 11549. Sarah F. Berry.  
 H. R. 11550. Pauline Lieball.  
 H. R. 11558. Nancy Beverage.  
 H. R. 11563. Jemima E. Downer.  
 H. R. 11567. Martha E. Henderson.  
 H. R. 11569. Blanche J. Barnard.  
 H. R. 11570. Julia E. Cook.  
 H. R. 11571. Louisa D. Smith.  
 H. R. 11573. Harriet A. Daniels.  
 H. R. 11574. Nancy J. Strickland.  
 H. R. 11576. Martha Tuttle.  
 H. R. 11577. Rebecca J. Eveland.  
 H. R. 11579. Mary Wilehart.  
 H. R. 11592. Josephine A. Albee.  
 H. R. 11598. Maggie Flora.  
 H. R. 11601. Margaret A. Lawrence.  
 H. R. 11604. Mabel E. Callahan.  
 H. R. 11606. Catherine Bridgford.  
 H. R. 11608. Annie E. Allen.  
 H. R. 11609. Julia A. Duell.  
 H. R. 11612. Nannie E. Ladd.  
 H. R. 11616. Charles R. Booth.  
 H. R. 11618. David S. Barnhart.  
 H. R. 11620. Annie M. Goss.  
 H. R. 11622. Loucinda J. Dixon.  
 H. R. 11627. Joseph Greenwood.

H. R. 11631. Rachel B. Smart.  
 H. R. 11632. Sarah A. Jellison.  
 H. R. 11647. Amanda M. Armstrong.  
 H. R. 11650. Rebecca Odell.  
 H. R. 11652. Susan Kemberlin.  
 H. R. 11655. Jane Johnson.  
 H. R. 11659. Sarah F. Vier.  
 H. R. 11661. Martha Martin.  
 H. R. 11662. Henrietta Bowker.  
 H. R. 11663. Lois I. Dugan.  
 H. R. 11673. Jane Langerak.  
 H. R. 11676. Samuel R. Proud.  
 H. R. 11678. Emma Hayden.  
 H. R. 11685. Emogene E. Perrin.  
 H. R. 11686. Elizabeth A. Brown.  
 H. R. 11688. Ursula Lamphier.  
 H. R. 11691. Mary J. Vail.  
 H. R. 11692. Martha H. Nunn.  
 H. R. 11896. Dora A. Lee.  
 H. R. 11717. Harriet J. Webber.  
 H. R. 11719. Susan McDonald.  
 H. R. 11728. Katherine Kraft.  
 H. R. 11732. Maria E. Ross.  
 H. R. 11733. Julia A. Springer.  
 H. R. 11735. Nancy P. Andrus.  
 H. R. 11741. Sophronia Burden.  
 H. R. 11743. Alice Cox.  
 H. R. 11763. Elizabeth L. Conklin.  
 H. R. 11765. Susan M. Mozley.  
 H. R. 11773. Sarah I. Axline.  
 H. R. 11778. May Pennington.  
 H. R. 11779. Elinora S. Halligan.  
 H. R. 11780. Martha A. Bechtel.  
 H. R. 11782. Frank L. Rider.  
 H. R. 11783. Orrilla Smith.  
 H. R. 11784. Electa Bellen.  
 H. R. 11790. Rose McKenzie.  
 H. R. 11803. Nancy A. McKinzie.  
 H. R. 11812. Eva B. Lynch.  
 H. R. 11829. Mary A. Thompson.  
 H. R. 11863. Rose Wernig.  
 H. R. 11876. Clarinda A. Spear.  
 H. R. 12166. George O. Flowers.

Mr. FULLER. Mr. Chairman, I move that the committee rise and report the bill back to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SNELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12175, and had directed him to report the same back to the House with the recommendation that it do pass.

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

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

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

#### MUSCLE SHOALS

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that my colleague, Mr. DAVIS, of Tennessee, may have permission to extend his remarks in the RECORD on the subject of Muscle Shoals, and include therein certain telegrams.

The SPEAKER. Is there objection?

There was no objection.

Mr. DAVIS of Tennessee. Mr. Speaker, the different Members of the Tennessee delegation received telegrams identical with the following, except addressed to the different Members:

NASHVILLE, TENN., February 11, 1925.

HON. LAMAR DAVIS,

Washington, D. C.:

Am sending you copy of resolution unanimously adopted by the Tennessee State senate, urging that the bill on Muscle Shoals very clearly and explicitly provide that power from Muscle Shoals be limited to the national defense and to the production of fertilizer and that all power not needed for these purposes be sold for distribution. It appears that the conference report is indefinite and ambiguous on this point and that a lessee might divert power to other purposes. We respectfully and earnestly urge that the contract be so definite that all power shall be distributed excepting that actually and directly used in peace time for the one purpose of fertilizer production. If necessary to defeat conference report to establish this principle, believe it should be defeated. Kind regards.

GILES EVANS.

To this telegram all the Members of the Tennessee delegation in the House replied by telegram, as follows:

WASHINGTON, D. C., February 12, 1925.

HON. GILES EVANS,

State Senate, Nashville, Tenn.:

We have received your telegrams advising of resolution adopted by the State senate relative to the bill on Muscle Shoals. Copy of resolution not received, but we assume your telegrams state substance fully.

We have carefully and thoroughly studied the conference report on this measure, and in our opinion the public interests are fully protected and provision thoroughly made for scrupulously carrying out the intent of section 124 of the national defense act of 1916 under which this project has been constructed. It was initiated and completed not as a power project but for the manufacture of explosive ingredients in times of war and fertilizer in times of peace. The carrying out of these purposes has been our primary thought throughout all the years of consideration of this proposition. Section 9 of the conference report reads as follows: "That the surplus power not required for the fixation of nitrogen or for the manufacture of fertilizers or other useful products which will reduce the cost of the fertilizers shall be sold for distribution: *Provided*, That all contracts for the sale of said power for public utility or industrial purposes shall contain the proviso that said power may be withdrawn on reasonable notice at any time during the lease period if and when said power is needed for the manufacture of fertilizers." Provision is also made in the conference report for the construction of Dam 3, in which our people are deeply interested. The words in the quotation above—"or other useful products which will reduce the cost of the fertilizers"—merely constitute a limitation intended to assure the cheapest possible production of fertilizer and explosives and is in accord with the language and spirit of the act of 1916. We have worked earnestly for many years to bring this matter to such a culmination, and we should regard the failure of the conference report now as little short of a public calamity, because the Secretary of War has been officially advised in an opinion from the Judge Advocate General that he has the authority under existing law to lease the water power and has officially declared his purpose of so doing should legislation fail at this session.

If this be done and all power passes under the lease, the nitrate plant will be left standing idle, and we fear the difficulties of ever putting it into operation through future legislation will be rendered practically insurmountable. Familiar as you are with parliamentary procedure, you will readily understand that the conference report, if the Senate shall pass it, can not be amended by the House, but must be voted up or down as a whole. We have given our best efforts for years to a solution of this problem in the public interest, working against difficulties that at times were most depressing and impeded by influences vigorously antagonistic to the purposes intended in the act of 1916. We believe that if your honorable body understood as we think we understand all the ramifications of this perplexing question you would agree with us in the support of the conference report.

FINIS J. GARRETT.

B. CARROLL REECE.

JOSEPH W. BYRNS.

GORDON BROWNING.

CORDELL HULL.

HUBERT F. FISHER.

J. WILL TAYLOR.

SAM D. McREYNOLDS.

EWIN L. DAVIS.

W. C. SALMON.

To-day, and subsequent to the dispatch of said telegraphic reply, the different members of the Tennessee delegation received letters, as follows:

SENATE CHAMBER, STATE OF TENNESSEE,

Nashville, February 11, 1925.

Hon. EWIN LAMAR DAVIS,

House Office Building, Washington, D. C.

DEAR MR. DAVIS: I am inclosing herewith a resolution unanimously adopted by the Tennessee State Senate to-day and which I hope may be placed in the CONGRESSIONAL RECORD. A disposition of Muscle Shoals which shall strictly limit the project to the national defense and to fertilizer in peace time and to the use of all excess power distributed to our citizens is most vital to the people of the South.

With kind regards,

Sincerely yours,

GILES L. EVANS.

This letter was accompanied by the resolution, which reads as follows:

Whereas the potential energy of the Tennessee River at Muscle Shoals has long been considered by the people of the South a great natural asset capable of the generation of a large amount of hydroelectric power; and

Whereas the United States, because of the emergency of the World War began the development of said river for the production of nitrates for explosives; and

Whereas the United States is continuing the construction of the said development, one unit of which will be ready for operation some time during the present year; and

Whereas the South takes pride in the fact that it has such a potential asset, which may serve all the people of the country in the emergency of war, but which it believes should in peace time serve the people of the South and as far as possible the people of our common country: Now therefore be it

Resolved by the Senate of the Sixty-fourth General Assembly of the State of Tennessee, That in the disposition of Muscle Shoals by the United States Congress, the following principles, we think, should be observed:

First. That the project be maintained so as to be at all times immediately available for the United States in the emergency of war;

Second. That power in peace time be used for the production of fertilizer;

Third. That the Tennessee River and its tributaries be developed wherever there are power or navigation and flood control possibilities inasmuch as this will contribute to the usefulness of the project both in time of war and peace and inasmuch as it appears that the power values of such developments will yield fair revenue to the United States on the cost thereof;

Fourth. That power not needed for the national defense or the production of fertilizer be sold for distribution under regulation as to rates charged and conditions of service and at the lowest reasonable cost so that States, cities, counties, persons, or companies may construct transmission lines and distribute electric energy over the widest possible area in order that this distributed power may contribute to the prosperity and convenience of as many citizens of the country as possible in that—

It will stimulate industry and commerce;

It will increase the production of products of the farm and lower the cost of the farmer's production and will in many ways even not yet known contribute to the convenience, comfort, and happiness of the people;

Fifth. That the act providing for the distribution of the power be so definite and explicit in its terms as to prevent any lessee of this project from using the same for any purpose not herein mentioned thereby defeating the participation by the people of the country in the full values of the power not needed for national defense or for the production of fertilizer: Be it

*Resolved further*, That a copy hereof be sent to each of the Representatives of Tennessee in the United States Congress as a petition that they may lend their best efforts to the disposition of this vast project on the principles hereinbefore set out.

#### THE CHINA TRADE ACT

Mr. SNELL. Mr. Speaker, I call up House Resolution No. 382, a privileged report from the Committee on Rules, which I send to the desk and ask to have read.

Mr. BLANTON. Mr. Speaker, before that is done, I make the point of order that there is no quorum present.

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

The Clerk read as follows:

#### House Resolution 382

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7190, to amend the China trade act, 1922. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and a minority member of the Judiciary Committee, the bill shall be read for amendment under the five-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage.

Mr. SNELL. Mr. Speaker—

Mr. BLANTON. Mr. Speaker—

The SPEAKER. The gentleman from New York has the floor.

Mr. BLANTON. Mr. Speaker, I make a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. With such a rule as this, under the rules of the House that time should be given to those who are against the measure. Now, this rule—

The SPEAKER. The Chair overrules the point of order.

Mr. BLANTON. Well, it gives an hour—

The SPEAKER. The gentleman is out of order.

Mr. BLANTON. To those who are in favor of the bill—of course, I can not help myself if the Chair rules that way.

Mr. SNELL. Mr. Speaker, the resolution, if adopted, simply provides for the consideration of the bill (H. R. 7190) which deals with certain amendments to the China trade act which was passed in 1922. As is usual when we pass some regulatory act of this character after it has been in effect for a while we find certain other things necessary to be done in order to perfect the act. It is found by the people interested in this legislation that the end which was intended to be accomplished by the original act is not being accomplished but it needs additional amendments. We wanted to put the people engaged in business in China under the China trade act under American regulations in the same position to get business in foreign countries as British capitalists are. Under the present regulations a British corporation pays no income tax on the amount

of income derived from the corporation doing business outside of the kingdom while if one is capitalized under the American law they pay 12½ per cent to the Federal Government, and in addition to that any person holding stock in a corporation at home when he makes out his income tax is entitled to get credit for the normal tax that is paid by the corporation, but if the same person holding stock in a corporation under the China trade act, although the corporation paid the tax, he would not be entitled to that credit in his own personal income tax, so in that way we are levying a double tax as far as the individual is concerned and that is remedied in this bill. We have something like \$300,000,000 invested in China or in that part of the world. Less than 2 per cent have taken advantage of the China trade act and are operating under that act at the present time. Of the something over 400 companies doing business there I believe only 9 of them are doing business under the present China trade act. The purpose of the original act was to help our people get business in foreign countries. It was not a tax revenue measure. While we are not getting much tax at the present time, and I do not expect we will get much under the new act, I do feel it will help to put our nationals in a better position to get foreign business; as that was the intent of the original act it seems to me that at this time these amendments should be adopted to help as far as possible to expand our foreign business. The other day the House in consideration of the Commerce bill was so interested in the expansion of our foreign trade that they raised the amount appropriated by the Committee on Appropriations and that recommended by the Budget some \$300,000; that was exactly along the same line as this bill. And we certainly will not lose any money, and perhaps we may increase our foreign trade. I trust the resolution and the bill will be adopted.

I will reserve the remainder of my time.

Mr. GARRETT of Tennessee. I would like a few minutes to yield?

Mr. SNELL. How much time?

Mr. GARRETT of Tennessee. Will the gentleman give me 10 minutes?

Mr. SNELL. I yield 10 minutes to the gentleman from Tennessee to use as he desires.

Mr. GARRETT of Tennessee. I yield five minutes to the gentleman from Texas [Mr. GARNER]. [Applause.]

Mr. GARNER of Texas. Mr. Speaker and gentlemen of the House, I merely want to call your attention to the provisions of the China trade act and to what appears to me to be the reason for this legislation. At the same time I desire to give you in a sentence my reason for opposing it. The Members will recall that in 1922 we passed what is known as the China trade act. I opposed that measure. It went only so far at that time as to give exemption to a corporation from the payment of its taxes. That was not as bad as the present bill, and the result is that these identical people, knowing that the former measure had not relieved the individual stockholders of the payment of taxes, come back to Congress at this time and ask for another exemption from taxation. Of course, the matter was presented to the Committee on Ways and Means, as a great many other interests are presented, and the Committee on Ways and Means declined to give them this exemption. They then went to another committee, a very responsible committee, composed of very distinguished men in this House, and they secured a report from them.

Now what does this do, and do you want to do what the China trade act does in this instance?

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. GARNER of Texas. Yes.

Mr. DYER. I will ask the gentleman from Texas if the Committee on Ways and Means did not approve of this?

Mr. GARNER of Texas. No, sir; they did not. They waived their jurisdiction only. The gentleman should understand the position of the Committee on Ways and Means.

What does this do? You make it possible to invest \$3,000,000,000 and have it exempted from taxation. Gentlemen, do you want to do that? Do you want to embark on the policy in this country of exempting citizens from taxation? I think we all agree that the American flag on the seas is a most desirable thing for the American people. I do not know of anything that the American people are more inclined to support in the way of special legislation than putting the American flag on the sea. But suppose now that the English Government should exempt corporations engaged in maritime activities from the payment of an income tax. Would you adopt their method and policy? Because England, forsooth, exempted her shipping interests from taxation, would you exempt from taxation our corporations that are in the shipping business? I do not think you would. Yet that might be desirable. It is de-

sirable to have foreign trade, but it is not sufficiently desirable to have foreign trade to justify the exemption of people engaged in it from taxation; and that is what this means.

There have been, I suppose, a dozen or more interests before the Committee on Ways and Means asking for exemptions, and the Lord knows we have enough of them now. That law has got to be looked after very closely in the future. Many things are exempted now. But here is an overt act of Congress giving to a certain class of American citizens exemption from taxation. Why do you do it?

They say that because England exempts her nationals from taxation under these circumstances you are going to exempt yours. Now, if the American Navy must follow American investments abroad and we have got to keep up the Navy by taxation, why should not those interests pay taxes, the same as other people? If you are going to embark on a policy of giving exemption from taxation to certain classes of citizens, then I suggest that you take into consideration the farmer, who seems to be suffering, and for whom the President seems to be concerned. Will you exempt farmers and all farm organizations from taxes in order that they might compete with others, and prosper in this country? I do not think you would, and yet that is exactly what is proposed to be done in this instance. You are attempting here to exempt certain classes of people simply because the British Government exempts her citizens under like conditions.

I do not care what the English Government or any other government does in that respect. It is bad policy to exempt any certain class of citizens from taxation in this country, and I hope the rule will not be adopted, and that these people will not be given that exemption. [Applause.]

Mr. SNELL. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

The SPEAKER. The gentleman from Pennsylvania is recognized for five minutes.

Mr. GRAHAM. Mr. Speaker and gentlemen of the House, I have the very greatest respect for the ability and skill of the gentleman from Texas [Mr. GARNER], who has just addressed you, but I am surprised to-day at some of the statements which have been made. There is no such bugaboo before the House as the opening of the door for unlimited exemptions of capital, either in China or elsewhere. This bill is confined to China, and it is called properly "The China trading act." It is intended to correct two evils. I am not speaking now generally of the bill, but of the taxing feature of the bill which is contained in two of the sections, the last in the bill but one.

Now, under the existing law, under section 230 of the revenue law, corporations are taxed 12½ per cent. That is the law of the land to-day. The corporation in China is taxed 12½ per cent. If another corporation is a stockholder in that corporation and receives a dividend, that dividend must be expressly accounted for, and another 12½ per cent paid on that dividend. Is that fair? Is that giving our nationals a fair chance in China?

Again, every individual taxpayer under the law has the right to an exemption or credit for taxes for dividends received from domestic corporations. That is not true with regard to the Chinese trading act; and if a man puts his money in that kind of a corporation, he must account for it and pay the normal tax upon it, as well as the excess-profits tax, which no American citizen pays on the dividends received from other corporations which are domestic corporations.

This bill corrects those two evils, and it provides, further, that so far as the taxing power is concerned, in order to put our corporations on an equality with the corporations that are its competitors in China, there shall be counted all stocks held by citizens of the United States or citizens of China, and the aggregate of that stock shall be deducted in figuring the payment of 12½ per cent tax on the corporation; and to that extent a special dividend, provided under the old act of 1922 and reiterated in this, is made to the stockholders of the United States. And when that is done, then the corporation to that extent is free of the 12½ tax. The United States corporation stockholder would be relieved from paying the double tax. The individual stockholder would be relieved to the extent of his normal tax, relieved from paying a normal tax when the corporation pays the 12½ corporation tax. And that is only fair play, and it is what is recognized in every return made by an individual in this country.

Now, I want to call your attention to another thing. My friend from Texas [Mr. GARNER] says the Committee on Ways and Means waived its jurisdiction. Here is a letter, addressed to me as chairman of the Committee on the Judiciary, in answer to a letter transmitting a copy of this bill to the Committee on Ways and Means for its consideration. I read:

COMMITTEE ON WAYS AND MEANS,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., May 3, 1925.

Hon. GEORGE S. GRAHAM,  
Chairman Committee on the Judiciary,  
House of Representatives.

MY DEAR MR. CHAIRMAN: With further reference to your letter of April 25, transmitting a copy of H. R. 7190, a bill to amend the China trade act, for a report thereon by the Committee on Ways and Means, I would state that this committee has considered the same and by a majority vote approved the provisions of the bill so far as they pertain to individual and corporation incomes.

Very truly yours,

W. R. GREEN, Chairman.

Was that simply waiving jurisdiction? That was approving the bill. Secretary Mellon has approved the bill and Secretary Hoover has approved the bill.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. SNELL. Mr. Speaker, I yield the gentleman two additional minutes.

Mr. GRAHAM. And twice before this House has favorably passed on the very same provisions that are contained in this bill.

Mr. CONNALLY of Texas. Will the gentleman yield for a question?

Mr. GRAHAM. Yes.

Mr. CONNALLY of Texas. Will the gentleman please explain the object of section 29, the last clause in this bill? How did that clause find its way into the bill?

Mr. GRAHAM. Section 12 of the bill provides for an amendment of paragraph 13 of subdivision (b) of section 213 of the revenue act.

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. SNELL. Mr. Speaker, I yield two additional minutes to the gentleman.

Mr. GRAHAM. The only change in that paragraph from the old law consists in the change of one word. Instead of "citizen" of China it reads "resident" of China. Otherwise it is verbatim the same as in the original bill.

Mr. CONNALLY of Texas. The gentleman has not answered my question. I asked him as to section 29, the last paragraph in the bill on page 7.

Mr. GRAHAM. Section 29 is a provision inserted in the law to prevent appeals to other methods of doing business in China except under this act of Congress. It is simply making a concrete and uniform system to govern the trade with China, so that all people who do business in that country under a charter shall do it, unless they go to foreign charters, as they are being forced to do now, under the China trade corporation act.

Mr. WINGO. Will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. WINGO. Did I understand the gentleman correctly when he said that that provision would prevent a corporation organized under the laws of the State of Pennsylvania from doing business in China?

Mr. GRAHAM. The gentleman can read the paragraph, and if it does not do that, then I am very much mistaken.

Mr. WINGO. I am asking the gentleman a courteous question. Is that the intention of the gentleman?

Mr. GRAHAM. Yes. The report says:

The effect of this amendment would be limited largely to discontinuing the further incorporation of concerns in China—

under the prior act of Congress.

The SPEAKER. The time of the gentleman has again expired.

Mr. SNELL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. SNELL) there were—ayes 76, noes 91.

Mr. SNELL. Mr. Speaker, I make the point of order that there is no quorum present, and object to the vote on that ground.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-two Members are present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and

the Clerk will call the roll. The question is on agreeing to the resolution.

The question was taken; and there were—yeas 157, nays 141, not voting 134, as follows:

[Roll No. 68]

YEAS—157

Ackerman	Fleetwood	Lindsay	Sinnott
Aldrich	Fredericks	Longworth	Smith
Anderson	Free	Luce	Snell
Andrew	Freeman	McFadden	Speaks
Bacon	French	McLaughlin, Mich.	Sprout, Ill.
Barbour	Frothingham	McLaughlin, Nebr.	Sprout, Kans.
Beers	Fuller	McLeod	Stalker
Begg	Garber	MacLafferty	Stephens
Bixler	Gibson	Madden	Strong, Kans.
Black, N. Y.	Gifford	Magee, N. Y.	Strong, Pa.
Boies	Graham	Major, Mo.	Summers, Wash.
Brand, Ohio	Green	Manlove	Sweet
Brown, Wis.	Griest	Michener	Swing
Burtiness	Guyer	Miller, Wash.	Temple
Burton	Hadley	Mills	Thatcher
Cable	Hardy	Minahan	Tillman
Chindblom	Hawes	Montague	Tilson
Christopherson	Hawley	Moore, Ohio	Timberlake
Clague	Hayden	Moores, Ind.	Tincher
Clancy	Hersey	Murphy	Tinkham
Clarke, N. Y.	Hickey	Nelson, Me.	Treadway
Cole, Iowa	Hill, Md.	Newton, Minn.	Vaile
Colton	Hoch	Nolan	Vestal
Cooper, Ohio	Howard, Okla.	Parker	Vincent, Mich.
Corning	Hudson	Patterson	Wainwright
Cramton	Hull, M. D.	Purnell	Watkins
Crowther	Hull, W. E.	Quayle	Watres
Cullen	Hull, Iowa	Ransley	Watson
Dallinger	Johnson, S. Dak.	Reece	Weller
Darrow	Johnson, Wash.	Reed, N. Y.	Weish
Dempsey	Kearns	Robinson, Iowa	White, Kans.
Denison	Ketcham	Robison, Ky.	White, Me.
Dickinson, Iowa	Knutson	Rosenblom	Williams, Ill.
Dowell	Kopp	Sanders, Ind.	Williams, Mich.
Dyer	Kurtz	Sanders, N. Y.	Williamson
Elliott	LaGuardia	Scott	Winslow
Fairchild	Leach	Shreve	Wyant
Faust	Leatherwood	Simmons	
Fenn	Leavitt	Sinclair	
Fish	Lehlbach		

NAYS—141

Abernethy	Dickinson, Mo.	Lazaro	Rubey
Allen	Doughton	Lilly	Sanders, Tex.
Allgood	Driver	Lozler	Sandlin
Atmon	Eagan	McClintic	Schafer
Arnold	Evans, Mont.	McDuffie	Schneider
Aswell	Fisher	McKeown	Sears, Fla.
Ayres	Fulmer	McReynolds	Shallenberger
Bankhead	Gallivan	McSwain	Sites
Barkley	Gardner, Ind.	McSweeney	Spearing
Bell	Garner, Tex.	Major, Ill.	Steagall
Black, Tex.	Garrett, Tenn.	Mansfield	Stedman
Blanton	Garrett, Tex.	Mead	Stengle
Bowling	Gasque	Milligan	Stevenson
Box	Geran	Mooney	Summers, Tex.
Boyce	Greenwood	Moore, Ga.	Swank
Boylan	Griffin	Morehead	Tague
Brand, Ga.	Hammer	Morris	Taylor, W. Va.
Briggs	Harrison	Morrow	Thomas, Ky.
Browning	Hastings	O'Connell, N. Y.	Thomas, Okla.
Buchanan	Hill, Ala.	O'Connell, R. I.	Tucker
Bulwinkle	Hill, Wash.	O'Connor, La.	Underwood
Busby	Hooker	O'Connor, N. Y.	Upshaw
Byrnes, S. C.	Howard, Nebr.	Oldfield	Vinson, Ga.
Byrns, Tenn.	Huddleston	Oliver, Ala.	Vinson, Ky.
Canfield	Hudspeth	Park, Ga.	Voigt
Cannon	Humphreys	Parks, Ark.	Weaver
Carew	Jacobstein	Peavey	Wefald
Carter	Johnson, Tex.	Quin	Williams, Tex.
Clearay	Jones	Ragon	Wilson, Ind.
Collier	Kerr	Rainey	Wilson, La.
Connally, Tex.	Kincheloe	Raker	Wilson, Miss.
Connelly	King	Rankin	Wingo
Cooper, Wis.	Kvale	Rayburn	Woodruff
Crisp	Lanham	Reed, Ark.	
Davis, Tenn.	Lankford	Richards	
Deal	Larsen, Ga.	Romjue	

NOT VOTING—134

Anthony	Curry	Hull, Tenn.	McNulty
Bacharach	Davey	James	MacGregor
Beck	Davis, Minn.	Jeffers	Magee, Pa.
Beedy	Dickstein	Johnson, Ky.	Mapes
Berger	Dominick	Johnson, W. Va.	Martin
Bland	Doyle	Jost	Merritt
Bloom	Drewry	Keller	Michaelson
Britten	Edmonds	Kelly	Miller, Ill.
Brown, N. J.	Evans, Iowa	Kent	Moore, Ill.
Brumm	Fairfield	Kiess	Morgan
Buckley	Favrot	Kindred	Morin
Burdick	Fitzgerald	Kunz	Nelson, Wis.
Butler	Foster	Lampert	Newton, Mo.
Campbell	Frear	Langley	O'Brien
Casey	Fulbright	Larson, Minn.	O'Sullivan
Celler	Funk	Lea, Calif.	Oliver, N. Y.
Clark, Fla.	Gambrill	Lee, Ga.	Paige
Cole, Ohio	Gilbert	Lineberger	Peery
Collins	Glatfelter	Linthicum	Perkins
Connally, Pa.	Goldsborough	Logan	Perlman
Cook	Hall	Lowrey	Phillips
Crosser	Haugen	Lyon	Porter
Cummings	Holaday	McKenzie	Pou

Prall	Schall	Taylor, Tenn.	Wise
Rathbone	Sears, Nebr.	Thompson	Wolff
Reed, W. Va.	Seger	Tydings	Wood
Reid, Ill.	Sherwood	Underhill	Woodruff
Roach	Smithwick	Vare	Wright
Rogers, Mass.	Snyder	Ward, N. Y.	Wurzbach
Rogers, N. H.	Sullivan	Ward, N. C.	Yates
Rouse	Swoope	Wason	Zihlman
Sabath	Taber	Wertz	
Salmon	Taylor, Colo.	Winter	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. Anthony with Mr. Doyle.

Mr. Wason with Mr. Favrot.

Mr. Beedy with Mr. Bland.

Mr. MacGregor with Mr. Kent.

Mr. Ward of New York with Mr. Lee of Georgia.

Mr. Magee of Pennsylvania with Mr. Kunz.

Mr. Britten with Mr. Bloom.

Mr. Wertz with Mr. Martin.

Mr. Brumm with Mr. Collins.

Mr. Michaelson with Mr. Lowrey.

Mr. Burdick with Mr. Buckley.

Mr. Woodruff with Mr. Lea of California.

Mr. Miller of Illinois with Mr. Cook.

Mr. Campbell with Mr. Logan.

Mr. Connolly of Pennsylvania with Mr. O'Brien.

Mr. Davis of Minnesota with Mr. Casey.

Mr. Perkins with Mr. Lyon.

Mr. Curry with Mr. Celler.

Mr. Perlman with Mr. McNulty.

Mr. Evans of Iowa with Mr. Crosser.

Mr. Fitzgerald with Mr. Drewry.

Mr. Hall with Mr. Croll.

Mr. Rogers of Massachusetts with Mr. Davey.

Mr. Haugen with Mr. Rouse.

Mr. James with Mr. Jost.

Mr. Thompson with Mr. Gilbert.

Mr. Swoope with Mr. Jeffers.

Mr. Lampert with Mr. Salmon.

Mr. Kelly with Mr. Pou.

Mr. Roach with Mr. Wolff.

Mr. Newton of Missouri with Mr. Drane.

Mr. Wood with Mr. Prall.

Mr. Morin with Mr. Fulbright.

Mr. Butler with Mr. Sherwood.

Mr. Mapes with Mr. Glatfelter.

Mr. Bacharach with Mr. Smithwick.

Mr. Rathbone with Mr. Cummings.

Mr. Frear with Mr. O'Sullivan.

Mr. Taber with Mr. Goldsborough.

Mr. Vare with Mr. Johnson of West Virginia.

Mr. Zihlman with Mr. Gambrill.

Mr. Morgan with Mr. Rogers of New Hampshire.

Mr. Kiess with Mr. Dickstein.

Mr. Underhill with Mr. Taylor of Colorado.

Mr. Kendall with Mr. Johnson of Kentucky.

Mr. Taylor of Tennessee with Mr. Sullivan.

Mr. Seger with Mr. Dominick.

Mr. Reid of Illinois with Mr. Clark of Florida.

Mr. Funk with Mr. Kindred.

Mr. Paige with Mr. Browne of New Jersey.

Mr. Fairfield with Mr. Wright.

Mr. Phillips with Mr. Oliver of New York.

Mr. Wurzbach with Mr. Moore of Virginia.

Mr. Merritt with Mr. Tydings.

Mr. Winter with Mr. Hull of Tennessee.

Mr. Yates with Mr. Ward of North Carolina.

Mr. Porter with Mr. Sabath.

The result of the vote was announced as above recorded.

The doors were opened.

#### INTERIOR DEPARTMENT APPROPRIATION BILL

**THE SPEAKER.** The Chair lays before the House the following communication from the Senate:

**Ordered.** That the House of Representatives be requested to return to the Senate the message of the Senate, together with accompanying papers agreeing to the conference report on the bill (H. R. 10020) entitled "An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926," and for other purposes.

Without objection, the request will be complied with.

There was no objection.

#### THE CHINA TRADE ACT

**Mr. GRAHAM.** Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7190) to amend the China trade act, 1922.

**The SPEAKER.** The question is on the motion of the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 126, noes 33.

So the motion was agreed to.

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. 7190, with Mr. TILSON in the chair.

The Clerk read the title of the bill.

**Mr. GRAHAM.** Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

**THE CHAIRMAN.** The gentleman from Pennsylvania asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

**MR. BLANTON.** Mr. Chairman, reserving the right to object, the vote a little while ago indicated there were 10 Members who did not understand the bill, and I object. I think the bill ought to be read.

The Clerk read the bill, as follows:

*Be it enacted, etc.* That subdivision (a) of section 4 of the China trade act, 1922, is amended by striking out the word "five" and inserting in lieu thereof the word "three."

Sec. 2. That paragraph (6) of subdivision (b) of section 4 of said act is amended to read as follows:

"(6) The names and addresses of at least three individuals (a majority of whom, at the time of designation and during their term of office, shall be citizens of the United States), to be designated by the incorporators, who shall serve as temporary directors; and."

Sec. 3. That paragraph (7) of subdivision (b) of section 4 of said act is amended to read as follows:

"(7) The fact that an amount equal to 25 per cent of the amount of the authorized capital stock has been in good faith subscribed to."

Sec. 4. That subdivision (c) of section 4 of said act is amended to read as follows:

"(c) A China trade act corporation shall not engage in the business of discounting bills, notes, or other evidences of debt, of receiving deposits, of buying and selling bills of exchange, or of issuing bills, notes, or other evidences of debt, for circulation as money; nor engage in any other form of banking business; nor engage in, nor be formed to engage in, the business of owning or operating any vessel, unless the controlling interest in such corporation is owned by citizens of the United States, within the meaning of section 2 of the shipping act, 1916, as amended."

Sec. 5. That section 4 of said act is amended by adding thereto the following new subdivision:

"(d) A China trade act corporation shall not engage in any business until at least 25 per cent of its authorized capital stock has been paid in in cash, or, in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors, and such corporation has filed a statement to this effect under oath with the registrar within six months after the issuance of its certificate of incorporation, except that the registrar may grant additional time for the filing of such statement upon application made prior to the expiration of such six months. If any such corporation transacts business in violation of this subdivision or fails to file such statement within six months, or within such time as the registrar prescribes upon such application, the registrar shall institute proceedings under section 14 for the revocation of the certificate."

Sec. 6. That subdivision (b) of section 6 of said act is amended to read as follows:

"(b) Shall have a corporate seal and may, with the approval of the Secretary, alter it."

Sec. 7. That section 7 of said act is amended to read as follows:

"Sec. 7. Each share of the original or any subsequent issue of stock of a China trade act corporation shall be issued at not less than par value, and shall be paid for in cash, or in accordance with the provisions of section 8, in real or personal property which has been placed in the custody of the directors. No such share shall be issued until the amount of the par value thereof has been paid the corporation; and when issued, each share shall be held to be full paid and nonassessable; except that if any share is, in violation of this section, issued without the amount of the par value thereof having been paid to the corporation, the holder of such share shall be liable in suits by creditors for the difference between the amount paid for such share and the par value thereof."

Sec. 8. Subdivision (b) of section 9 of such act is amended to read as follows:

"(b) The number, qualifications, and manner of choosing and fixing the tenure of office and compensation of all directors; but the number of such directors shall be not less than three, and a majority of the directors, and the president and the treasurer, or each officer holding a corresponding office, shall, during their tenure of office, be citizens of the United States."

Sec. 9. The third sentence of subdivision (a) of section 10 of such act is amended to read as follows:

"The holders of two-thirds of the voting shares, represented in person or by proxy, shall constitute a quorum at such meetings authorized to transact business."

Sec. 10. That section 20 of said act is amended by inserting "(a)" before the word "That," and by adding thereto the following new subdivision:

"(b) Every China trade act corporation shall maintain in the District of Columbia a person as its accredited agent upon whom legal process may be served in any suit to be brought in the Supreme Court of the District of Columbia, and who is authorized to enter an appearance in its behalf. In the event of the death or inability to

serve, or the resignation or removal, of such person, such corporation shall, within such time as the Secretary by regulation prescribes, appoint a successor. Such corporation shall file with the Secretary a certified copy of each power of attorney appointing a person under this subdivision, and a certified copy of the written consent of each person so appointed."

Sec. 11. That subdivisions (a) and (b) of section 264 of the revenue act of 1921, added to said act by section 21 of the China trade act, 1922, are amended to read as follows:

"Sec. 264. (a) That for the purpose only of the tax imposed by section 230 there shall be allowed, in the case of a corporation organized under the China trade act, 1922, a credit of an amount equal to the proportion of the net income derived from sources within China (determined in a similar manner to that provided in section 217) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by (1) persons resident in China, the United States, or possessions of the United States, and (2) individual citizens of the United States or China, wherever resident, bears to the par value of the whole number of shares of stock of the corporation outstanding on such date: *Provided*, That in no case shall the amount by which the tax imposed by section 230 is diminished by reason of such credit exceed the amount of the special dividend certified under subdivision (b) of this section.

"(b) Such credit shall not be allowed unless the Secretary of Commerce has certified to the commissioner (1) the amount which, during the year ending on the date fixed by law for filing the return, the corporation has distributed as a special dividend to or for the benefit of such persons as on the last day of the taxable year were resident in China, the United States, or possessions of the United States, or were individual citizens of the United States or China, and owned shares of stock of the corporation, (2) that such special dividend was in addition to all other amounts, payable or to be payable to such persons or for their benefit, by reason of their interest in the corporation, and (3) that such distribution has been made to or for the benefit of such persons in proportion to the par value of the shares of stock of the corporation owned by each; except that if the corporation has more than one class of stock, the certificates shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such persons, and that the amount certified has been distributed in accordance with the method so provided."

Sec. 12. That paragraph (13) of subdivision (b) of section 213 of the revenue act of 1921, added to said subdivision by section 26 of the China trade act, 1922, is amended to read as follows:

"(13) In the case of a person, amounts distributed as dividends to or for his benefit by a corporation organized under the China trade act, 1922, if, at the time of such distribution, he is a resident of China and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him."

Sec. 13. That the China trade act, 1922, is amended by adding at the end thereof the following new section:

"Sec. 29. Hereafter no corporation shall be created under any law of the United States extended over citizens of the United States in China, for the purpose of engaging in business within China."

With the following committee amendments:

On page 2, beginning at line 21, strike out the word "A," and in line 22 strike out "shall not engage in any business," and insert: "No certificate of incorporation shall be delivered to a," before the words "China Trade Act Corporation," and after the word "Corporation" insert "and no corporation shall be complete."

On page 4, in line 16, after the words "United States," insert "resident in China."

**MR. DYER.** Mr. Chairman—

**THE CHAIRMAN.** The gentleman from Missouri is recognized. Under the rules the gentleman has 30 minutes.

**MR. BLANTON.** A point of order, Mr. Chairman.

**THE CHAIRMAN.** The gentleman will state his point of order.

**MR. BLANTON.** I make the point of order that the rule which the House just passed by 10 majority provides that the chairman of the Rules Committee shall control the time. If the Chair will inspect the rule he will see that. I have no objection to the gentleman from Missouri speaking, but after we pass a rule by 10 majority we ought to enforce it.

**THE CHAIRMAN.** The gentleman is incorrect in his statement. The rule provides that the time shall be controlled by the chairman of the Judiciary Committee.

**MR. BLANTON.** That is what I intended to say, the chairman of the Judiciary Committee, who is Mr. GRAHAM, of Pennsylvania.

**THE CHAIRMAN.** The Chairman understands that the gentleman from Pennsylvania is temporarily absent, and the gentleman from Missouri, Mr. DYER, is the ranking member,

and it is the usual custom of the House that the ranking member acts for the chairman.

Mr. BLANTON. The chairman is present now, Mr. Chairman, and I insist that the chairman exercise his prerogative.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAHAM] is entitled to recognition.

Mr. GRAHAM. I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, this legislation is for the purpose of perfecting the China trade act, which became a law September 19, 1922. In both of the previous Congresses, the Sixty-sixth and Sixty-seventh, the House voted in favor of everything, practically, that we are asking for here. In the Sixty-sixth Congress, under suspension of the rules, we voted almost unanimously for it. It then went to the Senate, but reached the Senate too late to be taken up there. In the last Congress it went through this House by a very large majority under a call of committees. The bill that passed in the Sixty-sixth Congress and the one in the last Congress had practically all of the provisions that are now contained in the law and in this proposed amendment. When the bill that we passed in the last Congress went to the Senate amendments were added that made the law unsatisfactory in many respects and causes the necessity for this bill at the present time.

The revenue feature is but a small consideration in this legislation. The amendments which are proposed, and which are set out in the report and explained in detail, would convince anyone that they are for one purpose only, and that is to make the act workable and to protect fully and completely the good name of this country, so that no "wild cat" companies can operate and go on, to the disgrace of the good name of the United States. The amendments are numerous but of small consideration except in that they perfect the bill. There are no drastic amendments, and I submit to the gentlemen of the committee that if they will go over the report and read the amendments which the committee has proposed and the explanation of them, they can not possibly have any objection unless they have the purpose and the desire to prevent the United States taking its proper part in the commerce of the Far East.

To-day over 300 American concerns are operating in China under British law. American agents are operating there under British law because there is no other law they can operate under to protect their interests for which they have been sent to China.

Mr. WINGO. Will the gentleman yield?

Mr. DYER. I will yield to the gentleman.

Mr. WINGO. Is it true that one amendment which the bill carries will provide that a citizen, say of the State of Missouri or Arkansas, a resident of the United States, invests his money in the capital stock of one corporation doing business in China and under this bill the dividends received from that corporation are not taxable as income? That is one of the major amendments?

Mr. DYER. Dividends from China trade companies received by citizens residing in the United States are not exempt in their income-tax returns either in the China trade act, 1922, or these proposed amendments.

Mr. WINGO. Why is that done, to put us on a footing with England?

Mr. DYER. That is not done, I will say to the gentleman, either as to America or Great Britain. Dividends to citizens of these countries resident in Great Britain or the United States from China trade companies are not exempted as to their income-tax returns. Dividends of China trade corporations are not exempt as to these Americans, and there is no intention of doing that so far as we are concerned.

Mr. JACOBSTEIN. Will the gentleman yield?

Mr. DYER. Yes.

Mr. JACOBSTEIN. Is there any reason why the capital invested in China should be given a preference to other portions of the world?

Mr. DYER. Yes; I think so, because in China conditions are different. Risks are great. China is not provided with laws to properly protect American business. We must provide American laws for American corporations. There are no laws in China under which they can incorporate and protect themselves.

Mr. MILLS. Will the gentleman yield?

Mr. DYER. Yes.

Mr. MILLS. I understand the gentleman from Missouri to say, in answer to a question by the gentleman from Arkansas, that in case of a citizen of the United States, a resident of the United States, dividends derived from China corporations would be exempt from his personal income tax?

Mr. DYER. No; not unless he is a resident of China.

Mr. Chairman, the primary purposes which it was contemplated this legislation would accomplish can be summarized as follows:

1. Put American interests doing business in China on an "equality" with other nationals doing business in China from the standpoint of home corporation and individual income taxation.

2. A means of inducing Chinese capital to participate with American capital in undertakings in China under American control and management.

3. Provide a uniform and practical manner for creating corporations under a Federal law to do business in China under the protection and control of American laws administered by the United States—Federal—Court for China, American consular courts in China, and a registrar of companies in China, and also to accord to such undertakings in China the greatest possible benefit from the American Diplomatic and Consular Services in China.

The law as passed and as it now stands does not fully accomplish any of the above primary purposes and in addition is faulty and burdensome to the following extent:

1. The law is faulty in that it imposes a large measure of repetitive or double taxation on dividends paid by China trade act corporations, which repetitive taxation is not imposed on the dividends of any class of American domestic corporations.

2. The law is burdensome in that it requires the withholding at source of these repetitive taxes on dividends to nonresident alien shareholders which is not required in connection with the dividends paid by any class of American domestic corporations.

3. The law is faulty in that it does not provide the full measure of American control of China trade act corporations which was intended and which is necessary for the proper and safe administration of the act.

4. The law is incomplete in that it does not provide a uniform means for Federal incorporation to engage in business within China.

In addition there are a number of provisions of the law which can be simplified and clarified which will make it more workable and useful.

None of the amendments proposed by this bill to the China trade act, 1922, are drastic. None of them go any further, in substance, than the previous bills the House has passed upon this subject. The amendments are simply to perfect the law and to do what we intended to do and did do in the beginning and which the Senate amended, so as to make this new legislation necessary. I set out in the report, No. 321, which I filed with this bill on March 18, 1924, a detailed explanation of the amendments, their necessity, the justification for them, and so forth. A reading of this report will bear out what I have stated as to the great need of these amendments.

China is far away from the United States. It is difficult to focus the attention of Members of Congress upon it. Yet our foreign trade is one of the most important matters that we, as legislators, are concerned about. The United States can not go ahead unless new avenues are opened up for its surplus products. China with its vast territory, its friendliness to the United States, and the great development now going on within its boundaries, makes that country our greatest field for endeavor in this respect. We have in China many splendid Americans. They are doing everything they possibly can to build American trade within and with China. It is our duty to help them, not only because they are citizens of the United States, but for the additional reason that it will bring increased commerce between the United States and China. The Chinese are a fine people, and vast improvements are taking place in China now. It will only be a short time until China will be fully organized and operating as a responsible government, so far as the whole of the country is concerned. Its leaders are patriotic and able. But China needs our help in trade as well as in a financial way. We ought to give all possible assistance to China. We should help her to put her finances upon a solid and safe basis, so that that great country and its people can go ahead and develop its immense resources and, therefore, bring prosperity, enlightenment, and happiness to all of its people. This legislation is one step in that direction. Others must follow and we must show our real friendship for this great and wonderful country and its people.

Mr. SUMNERS of Texas. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. WINGO].

Mr. WINGO. Mr. Chairman, I appreciate the anxiety of my friend from New York [Mr. MILLS] to lessen the blunt effect of what is proposed here, in view of the fact that he has led the fight against the exemption from taxation of securities or bonds issued to enable school districts in the State of New

York to get funds to build schoolhouses, and of cities to get funds to pave their streets.

The trouble with this bill is, and I say it in all kindness, there seems to be a multiplicity of interpretations; nobody seems to know what it does. The gentleman from Pennsylvania was plainly in error in an answer he made when on the floor, and he will admit it now. The gentleman from Missouri [Mr. DYER], when the gentleman from New York [Mr. MILLS] quizzes him, readily admits that he is mistaken about the answers he made to me.

Mr. GRAHAM. Will the gentleman yield to me?

Mr. WINGO. Yes.

Mr. GRAHAM. I will say frankly that my answer to the gentleman was not correct. The law, instead of being copied from the resolution which was in different phraseology, has been changed in the print of the bill. The bill was substituted for the resolution and the last paragraph provided that no corporation doing business in China can be created except under the China trade act.

Mr. WINGO. I say the gentleman was in error. I am not criticizing the gentleman; I am calling attention to the fact that no three of the gentlemen agree with the man who wrote the report. And they do not agree with the Secretary of the Treasury, and they do not agree as to what the British law is.

Mr. WEFAULD. Will the gentleman yield?

Mr. WINGO. Yes.

Mr. WEFAULD. Is not that a good reason why the bill should not be passed?

Mr. WINGO. I want to discuss the bill on its merits. I want to encourage foreign trade, but this is not the way to do it, and this bill will not do it. I challenge the committee to deny that your present law does what the gentleman from New York insists that this does. The present law only went far enough to exempt the income of residents of China.

What did they say? I am speaking advisedly, because I have a friend interested in Chinese trade. He says, "In order to get the exemption I have to reside in China," and so they have brought in this bill to say that if the gentleman from Missouri [Mr. DYER] and I invest a million dollars each in one of these China corporations the income that we receive, represented by the dividends from that corporation, shall be exempt. I challenge the gentleman to deny it. That is the object of the bill. That is the insistence that has been made to me by one of my constituents. I think that is what the bill does. Let us read what Uncle Andy Mellon says about it. He ought to be a good authority for you Republicans. He says:

The present exemption of a corporation organized under the China trade act is in proportion to the amount of stock owned by citizens of the United States resident in China. The proposed amendment would extend this exemption in proportion to the amount of stock owned by persons resident in China, the United States, or possessions of the United States, and by individual citizens of the United States or China, wherever resident.

The second suggested amendment would make dividends from a corporation organized under the China trade act exempt from tax in the hands of residents of China, regardless of citizenship.

You go further than the present law. What is sought by this bill is to exempt capital invested in a corporation chartered under the United States China trading act, even though the person investing the capital may be a citizen of the British Empire. That is what is intended. That is what Mr. Mellon recommends. Let me read further from what Mr. Mellon says:

This amendment would make a special case of those residents of China who own stock in corporations organized under the China trade act, and would provide for treatment of dividends from such corporations different from that accorded to other income received by citizens of the United States resident outside the United States. An American citizen resident outside of the United States and receiving income from sources outside the United States is taxed upon such income. Under this amendment, however, an American citizen resident in China and receiving income from a corporation organized under the China trade act would not be taxed.

This bill more than meets the competition of England. If I am a citizen of Great Britain and a resident of the city of London and I invest that same million dollars which I referred to a while ago in a British-Chinese corporation, the British law does not exempt my dividends from the British income tax, and I challenge the gentleman from New York to contradict that statement. I am correct, am I not?

Mr. MILLS. Yes.

Mr. WINGO. And yet the gentleman talks about wanting to match Great Britain. I have only read this bill hurriedly, and as you amend by referring to this and that, it is hard to tell exactly what it is, but I know what is wanted, and what they think they are getting. They think they are going to make it more attractive to take out an American charter than a British charter. Great Britain does not exempt dividends from her Chinese corporations to the resident of London, even though he be a citizen of the British Empire. It is intended by this act, whether they have done it or not, to exempt such income wherever he may be residing.

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

Mr. WINGO. Yes.

Mr. MILLS. The gentleman does not understand that an American citizen, a resident of the United States, would be exempt as to the dividends that he would receive?

Mr. WINGO. I do not understand the gentleman's question.

Mr. MILLS. Assuming that an American citizen, a resident of the State of New York, receives dividends from a China corporation, the gentleman does not mean to imply that those dividends would be exempt.

Mr. WINGO. That is what the proponents of this bill claim they want done, and I imagine that is what they do.

Mr. MILLS. I want the gentleman to understand that is not so, and I think that if he will glance at section 12 on page 7 of the bill he will see very clearly that the exemption limits it to a resident of China.

Mr. WINGO. Then what change is being made from the present law? That is the present law.

Mr. GRAHAM. Oh, no.

Mr. WINGO. I may be in error, but I went into that present law and fought it, and they contended that is what they did.

Mr. GRAHAM. The only word changed in that section is to strike out the word "citizen" and insert the word "resident." It applied only to citizens of China, and now it applies also to residents of China, who would be American citizens.

Mr. WINGO. I differ with the gentleman.

Mr. GRAHAM. That is the law, and there is no question about it.

Mr. WINGO. Because a man sat in the gallery when we passed that bill, and he said he still retained his citizenship in the United States and that he has been a resident of China for a great many years.

Mr. GRAHAM. I do not care what he said.

Mr. WINGO. And it was urged that he was over there enduring the hardships of life, and simply because he resided over there he ought not to be expatriated. The gentleman was pointed out in the gallery. The gentleman from Pennsylvania says that he is now going to make it a question of residence and not of citizenship. Is that it?

Mr. GRAHAM. That is what the bill says.

Mr. WINGO. The gentleman proposes, then, that the question of residence shall determine the tax exemption and not citizenship? That means a British citizen, if he meets the residence requirement, would be exempt from taxation?

Mr. GRAHAM. How can you tax a British citizen in China who owns stock in the corporation? Is the Britisher subject to taxation?

Mr. WINGO. Does the chairman of the Judiciary Committee tell me that when we issue a Federal charter to an American corporation that we can not control at its source the dividends that corporation pays?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GRAHAM. Mr. Chairman, I want to say a few words on the subject of taxation, and I regard the rest of the bill a matter that will not produce much controversy, but on the question of taxation there are two propositions. To-day there is double taxation. Now, ought these people to be subject to that? I have no doubt about this, and I am not stating that which is not the result of careful study. My attention was riveted upon the question of taxation and not to the few amendments that are made in the bill. The last paragraph in the bill was supposed to have been quoted from the resolution, and that was perfectly clear, and when the time comes I shall offer an amendment saying that hereafter no corporation for the purpose of engaging in business within China shall be created under any law of the United States other than the China trade act, which would mean to put the control of this under the China trade act; this every reasonable man would wish to accomplish.

Mr. MORTON D. HULL. Will the gentleman yield?

Mr. GRAHAM. I will.

Mr. MORTON D. HULL. I wish the gentleman would clarify his statement in reference to the double system of taxation. To what does the gentleman refer?

Mr. GRAHAM. I would refer to it in two sentences. Whenever a dividend is paid to a citizen of the United States from the China corporation, that citizen must pay a normal tax on it. Now, it is not true, as every lawyer knows, of dividends from domestic corporations, when he receives a dividend from a domestic corporation he pays no normal tax on it. Again, wherever the corporation pays the 12½ per cent corporation tax the normal tax is relieved from the shoulder of the individual taxpayer. Now, as the law stands he is obliged to pay it on all dividends from a corporation under the China trade corporation act, and the corporation also is to pay 12½ per cent. That is what I call double taxation. Now, there is another sense in which it is double taxation. A corporation which holds stock in a China trade corporation and receives a dividend from the latter on its stock must include that dividend in the profits of the corporation and pay 12½ per cent on it as part of its earnings. Is that fair?

Mr. WEFALD. Will the gentleman yield?

Mr. GRAHAM. I do.

Mr. WEFALD. Is not that tax again shifted back again to the Chinese?

Mr. GRAHAM. No; not in any way. I can not yield any more, because I have not the time.

Mr. WEFALD. Were not these same arguments made here last year when we passed the revenue bill, that the common people paid all the taxes?

Mr. GRAHAM. No.

Mr. WEFALD. Yes; it was.

Mr. GRAHAM. Well, that is a difference of opinion between myself and my friend. [Laughter.] Now, I am trying to show you where there is a double taxation. Now, this bill is to relieve that and go one step further. A corporation created under the China trade act will have the right, if this bill becomes a law, to take the aggregate holdings therein of citizens of the United States whether they live in China or live in the United States or any of its possessions; that is the only language that is incorporated in the text of the bill that changes the old law, and it will be relieved from paying the 12½ per cent corporation tax to that extent. Upon the stock held by Britshers or anybody else it must pay 12½ per cent tax. Now, I say that that is the law as stated in this bill, and there can be no dispute about it.

Now, the paragraph to which my friend from Arkansas refers, you will notice in Mr. Mellon's letter, relates to the last portion of this subject, which is contained in section 12 of the bill:

In the case of a person—

You will observe—

amounts distributed as dividends to or for his benefit by a corporation organized under the China trade act, 1922, if, at the time of such distribution, he is a resident of China and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him.

That paragraph is changed only in one word. Under the old law it said "citizen" of China. We say "resident" of China, so that that would include every American who in the pursuit of the extension of business in China who took up his residence in China; and that is a perfectly fair provision in this bill.

Mr. JACOBSTEIN. Mr. Chairman, will the gentleman yield there for a question?

Mr. GRAHAM. Yes.

Mr. JACOBSTEIN. As to this question of double taxation, would this double taxation exist for those doing business in South America, for instance?

Mr. GRAHAM. No. I do not see how that can arise.

Mr. JACOBSTEIN. Is it a preference to those doing business in China as against persons doing business in other parts of the world?

Mr. GRAHAM. I do not see how that is related to the subject we are considering.

Mr. JACOBSTEIN. I was wondering whether a general law could not be passed to relieve people from double taxation.

Mr. GRAHAM. No. This is specifically in regard to trade with China.

Mr. CARTER. The gentleman from New York is trying to find out whether this same thing does not now exist with reference to trade in South America. Does this condition of double taxation exist in South America as it now exists in China?

Mr. GRAHAM. I do not now know whether or not such a condition exists. I do not see how it can.

Mr. JACOBSTEIN. I am talking about an American who may be engaged in trade in some foreign country other than China. Can the gentleman from New York [Mr. MILLS] tell us whether there is double taxation in trade not carried on under this act?

Mr. MILLS. An American citizen residing in a foreign country would pay an income tax to the United States as an American citizen and would pay an income tax in the country in which he resides on the income derived from business there, where he is a resident. In that case he would be taxed twice, whereas an American citizen who is a stockholder in this corporation would be relieved of the double taxation.

Mr. JACOBSTEIN. In other words, this would be in behalf of a special class of people, and in that respect it would be class legislation.

Mr. GRAHAM. This act does not do what the gentleman says. It is an act to put on an equality our people who are in China with those who are our competitors in that country.

Mr. JACOBSTEIN. You are putting them on an equality with foreigners doing business in China, but not on an equality with other American citizens doing business in other portions of the world?

Mr. GRAHAM. Yes. But that is not the point with the subject of the China trade act.

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

Mr. GRAHAM. I regret I can not yield.

Mr. WINGO. I yielded to the gentleman twice.

Mr. GRAHAM. Well, I will yield to the gentleman.

Mr. WINGO. I want to ask the gentleman in regard to certain language of the bill on page 5, at the bottom of the page. I want to know what persons are excluded from this classification, starting on line 24 of page 5: "(1) Persons resident in China, the United States, or possessions of the United States, and (2) individual citizens of the United States or China wherever resident." Can the gentleman name me a person who is not included in one of those classes?

Mr. GRAHAM. The language of the old law is this: "Individual citizens of the United States or China resident in China." This bill is intended to enlarge the application of the law to people who reside in the United States or in the possessions of the United States in addition to those who reside in China.

Mr. WINGO. And in addition to that, citizens of the United States or of China wherever they reside?

Mr. GRAHAM. Yes.

Mr. WINGO. In other words, the present law allows a person to claim exemption on the stock owned by persons resident in China. You add "persons resident" and you also add "individual citizens of the United States or China, wherever they may reside."

Mr. GRAHAM. Yes. That language was intended to cover the difficulty, as I explained at the beginning of my remarks, where the citizen of the United States is obliged to pay the normal tax, and he could not be relieved if it applied only to citizens resident in China.

That is the only manner in which they could be relieved of paying the normal tax; the payment of which they are now relieved from in the matter of stock held in domestic corporations. In addition to that—answering again, to some extent, the gentleman's question as to South America—if a citizen were a stockholder in a corporation doing business in South America, and it were a domestic corporation—and if created in the United States it would be—he would not be subject to the payment of that tax in that manner; but in the China trade act he is expressly exempted by the language of the act itself. So that although it is classed as a domestic corporation, he is not permitted to have an exemption with respect to the payment of the normal tax on a dividend declared by that corporation. If you will read the sections of the internal revenue law relating to individual tax returns, relating to corporation tax returns, and relating to insurance companies' tax returns, you will find in each one of them these words, when they cover the exemptions, "except dividends received from corporations created under the China trade act." Now, when that exception exists it creates an inequality. It does not apply to any other domestic corporation created under the laws of this land, and the language used in the bill is the only language that could correct this in that particular.

Mr. HOCH. Will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. HOCH. Does that provision affect in any way the surtax upon income derived from dividends declared by these China trade corporations?

Mr. GRAHAM. No; the surtax is still applicable. They have got to account for these dividends in making up their

returns for the payment of the surtax. It only applies to the normal tax.

Mr. HOCH. So it puts them exactly on a par with dividends declared by domestic corporations?

Mr. GRAHAM. Exactly. It puts them on a par with dividends declared by domestic corporations and does nothing more. The whole purpose of this act is to correct those inequalities. It is the purpose to relieve our corporations of the handicap under which they are now laboring in China and put them on a fair, square basis with citizens who own stock in other domestic corporations.

Mr. Chairman, I reserve the balance of my time.

Mr. LAGUARDIA rose.

The CHAIRMAN. For what purpose does the gentleman from New York rise?

Mr. LAGUARDIA. To make a point of order. I have to go home and look up my Chinese atlas, and I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count.

Mr. GRAHAM. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, 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. 7190) to amend the China trade act, 1922, and had come to no resolution thereon.

#### AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Mr. SNELL, from the Committee on Rules, submitted a privileged report (H. Res. 440) for the consideration of House Joint Resolution 68, proposing an amendment to the Constitution of the United States, which was referred to the House Calendar.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WELLER, for two days, on account of important business.

Mr. MAPES (at the request of Mr. CRAMTON), for to-day, on account of illness.

#### ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to: accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until to-morrow, Saturday, February 14, 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:

872. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, United States Army, reports on preliminary examination and survey of Shrewsbury River, N. J.; to the Committee on Rivers and Harbors.

873. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the Navy Department for the fiscal year ending June 30, 1925, amounting to \$17,025,000; supplemental estimates for the fiscal year ending June 30, 1926, amounting to \$13,000,000; in all, \$30,025,000, and drafts of proposed legislation affecting existing appropriations pertaining to the Navy Department (H. Doc. No. 622); to the Committee on Appropriations and ordered to be printed.

874. A communication from the President of the United States, transmitting supplemental estimate of appropriation for extraordinary repairs and refurbishing of the Executive Mansion, \$50,000 (H. Doc. No. 623); to the Committee on Appropriations and ordered to be printed.

875. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the legislative establishment of the United States, for the fiscal year 1925, in the sum of \$750, for the procurement of two marble pedestals for busts to be placed in the Capitol Building (H. Doc. No. 624); to the Committee on Appropriations and ordered to be printed.

876. A communication from the President of the United States, transmitting proposed legislation affecting an existing appropriation of the Department of Agriculture for the fiscal year 1925 (H. Doc. No. 625); to the Committee on Appropriations and ordered to be printed.

877. A communication from the President of the United States, transmitting a communication from the Secretary of War submitting an estimate of appropriation in the sum of

\$5,808.75 to pay claims for damages by collisions, river and harbor work, which have been adjusted and settled by the Chief of Engineers, United States Army (H. Doc. No. 626); to the Committee on Appropriations and ordered to be printed.

878. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment of the United States for the fiscal year 1925, to remain available until June 30, 1926, in the sum of \$251,800 (H. Doc. No. 627); to the Committee on Appropriations and ordered to be printed.

879. A communication from the President of the United States, transmitting a communication from the Postmaster General submitting an estimate of appropriation in the sum of \$375.05 to pay claims which have been adjusted and require an appropriation for their payment (H. Doc. No. 628); to the Committee on Appropriations and ordered to be printed.

880. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the fiscal year ending June 30, 1925, for the War Department, for the repair of the elevator in the Washington Monument, amounting to \$10,000 (H. Doc. No. 629); to the Committee on Appropriations and ordered to be printed.

881. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the Department of Justice for the fiscal year ending June 30, 1925, amounting to \$33,000 (H. Doc. No. 630); 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. WAINWRIGHT: Committee on Military Affairs. S. J. Res. 124. A joint resolution to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers; with amendments (Rept. No. 1485). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCE: Committee on the Library. H. R. 12261. A bill authorizing the appropriation of \$5,000 for the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams; without amendment (Rept. No. 1486). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 11926. A bill to authorize the reimbursement of certain persons for the loss of personal effects at the naval training station, Hampton Roads, Va.; without amendment (Rept. No. 1487). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on Public Buildings and Grounds. S. J. Res. 163. A joint resolution to accept donations of furniture and furnishings for use in the White House; with amendment (Rept. No. 1484). Referred to the House Calendar.

Mr. PARKER: Committee on Interstate and Foreign Commerce. S. 4178. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Hudson River between the States of New York and New Jersey; without amendment (Rept. No. 1488). Referred to the House Calendar.

Mr. PARKER: Committee on Interstate and Foreign Commerce. S. 4179. An act to authorize the Port of New York Authority to construct, maintain, and operate bridges across the Arthur Kill between the States of New York and New Jersey; without amendment (Rept. No. 1489). Referred to the House Calendar.

Mr. PARKER: Committee on Interstate and Foreign Commerce. S. 4203. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Kill Van Kull between the States of New York and New Jersey; without amendment (Rept. No. 1490). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 440. A resolution providing for the consideration of H. J. Res. 68, proposing an amendment to the Constitution of the United States; without amendment (Rept. No. 1491). Referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

##### Under clause 2 of Rule XIII.

Mr. HILL of Alabama: Committee on Military Affairs. S. 1232. An act for the relief of Stephen A. Winchell; without amendment (Rept. No. 1483). 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. SEARS of Florida: A bill (H. R. 12282) providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Orlando, Fla.; to the Committee on the Judiciary.

By Mr. GLATFELTER: A bill (H. R. 12283) granting the consent of Congress to the county commissioners of the counties of York and Lancaster, in the State of Pennsylvania, and their successors, to construct a bridge across the Susquehanna River between the borough of Wrightsville, in York County, Pa., and the borough of Columbia, in Lancaster County, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHAFER: A bill (H. R. 12284) to amend the organic act of Porto Rico, approved March 2, 1917; to the Committee on Insular Affairs.

By Mr. CURRY: A bill (H. R. 12285) to create a department of air, defining the powers and duties of the secretary thereof, providing for the organization, disposition, and administration of a United States air force, and providing for the development of civil and commercial aviation, the regulation of air navigation, and for other purposes; to the Committee on Military Affairs.

By Mr. MAGEE of New York: A bill (H. R. 12286) to provide for the appointment of one additional district judge for the northern and western districts of New York; to the Committee on the Judiciary.

By Mr. RANKIN: Resolution (H. Res. 439) directing the Federal Trade Commission to make an inquiry into cottonseed products, and for other purposes; to the Committee on Agriculture.

By the SPEAKER (by request): Memorial of the Legislature of the State of Wisconsin petitioning Congress to protest against the surrender of Muscle Shoals to private interests; to the Committee on Military Affairs.

By Mr. FLEETWOOD: Legislature of the State of Vermont passed a joint resolution approved by the governor urging Congress to participate in the World Court on the Harding-Hughes terms, as approved by President Coolidge; to the Committee on Foreign Affairs.

By Mr. BROWNE of Wisconsin: Memorial of the Legislature of the State of Wisconsin, petitioning Congress against the surrender of Muscle Shoals to private interests; to the Committee on Military Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of Ohio: A bill (H. R. 12287) to reinstate in the naval service John C. F. Yarnell; to the Committee on Naval Affairs.

By Mr. LAZARO: A bill (H. R. 12288) granting a pension to Addie I. Parsons; to the Committee on Invalid Pensions.

By Mr. MANLOVE: A bill (H. R. 12289) granting a pension to William Higginbottom; to the Committee on Invalid Pensions.

By Mr. SCHAFER: A bill (H. R. 12290) for the relief of John W. Lewis; to the Committee on Military Affairs.

Also, a bill (H. R. 12291) for the relief of Maj. F. Ellis Reed; to the Committee on Claims.

By Mr. SNELL: A bill (H. R. 12292) granting insurance to Lydia C. Spry; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 12293) granting an increase of pension to Eliza S. Stacks; to the Committee on Invalid Pensions.

Mr. WILLIAMS of Michigan: A bill (H. R. 12294) granting an increase of pension to Alice Root; to the Committee on Invalid Pensions.

By Mr. WILSON of Indiana: A bill (H. R. 12295) granting an increase of pension to Sarah A. Hagan; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

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

3775. By the SPEAKER (by request): Petition of board of supervisors, San Francisco County, Calif., requesting Congress to appoint a committee to be present at the celebration of California's diamond jubilee; to the Committee on Rules.

3776. By Mr. ARNOLD: Petition from sundry citizens of Noble, Ind., protesting against the passage of the compulsory Sunday observance bill; to the Committee on the District of Columbia.

3777. By Mr. KNUTSON: Petition of sundry citizens of Aitkin County, Minn., opposing the passage of the Sunday observance law and any other religious legislation which may be pending; to the Committee on the District of Columbia.

3778. By Mr. KVALE: Petition of G. L. Budd and 62 other citizens of Alexandria, Minn., requesting the House of Representatives to defeat proposed legislation aiming at compulsory observance of the Sabbath; to the Committee on the District of Columbia.

3779. By Mr. LEA of California: Petition of 356 residents of Tehama County, Calif., protesting against passage of the so-called Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3780. By Mr. McREYNOLDS: Petition of the citizens of the State of Tennessee, protesting against the passage of Senate bill 3218, compulsory Sunday observance bill; to the Committee on the District of Columbia.

3781. By Mr. NEWTON of Minnesota: Petition signed by sundry citizens of Minneapolis, Minn., in protest against the compulsory Sunday observance bill for the District of Columbia; also all other religious legislation; to the Committee on the District of Columbia.

3782. By Mr. PHILLIPS: Affidavits to accompany House bill 12272, granting a pension to Emma Augusta Schramm; to the Committee on Invalid Pensions.

3783. By Mr. SINCLAIR: Petition of 44 residents of Billings County, N. Dak., protesting against Senate bill 3218 and all other religious legislation; to the Committee on the District of Columbia.

3784. By Mr. SNYDER: Petition of citizens of Vienna and Blossvale, N. Y., protesting against the passage of Senate bill 3218 or other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

3785. By Mr. WILLIAMS of Michigan: Petition of C. S. Owen and 17 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.

3786. Also, petition of Mrs. Mary A. Fisher and 7 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.

3787. By Mr. WYANT: Protest of executive committee of the Port of Philadelphia Ocean Traffic Bureau, against Butler bill (S. 3927); to the Committee on Interstate and Foreign Commerce.

## SENATE

SATURDAY, February 14, 1925

(Legislative day of Tuesday, February 3, 1925)

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

The PRESIDING OFFICER (Mr. MOSES in the chair). At the time of taking a recess last night no quorum having been developed, the Secretary will again call the roll.

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

Ashurst	Fernald	Ladd	Robinson
Ball	Fess	Lenroot	Sheppard
Bayard	Fletcher	McKellar	Shields
Bingham	Frazier	McKinley	Shipstead
Borah	George	McLean	Shortridge
Brookhart	Glass	McNary	Simmons
Broussard	Gooding	Mayfield	Smith
Bruce	Greene	Metcalf	Snoot
Bursum	Hale	Moses	Spencer
Butler	Harrel	Norbeck	Stanfield
Cameron	Harris	Norris	Stanley
Capper	Harrison	Oddie	Sterling
Caraway	Heflin	Overman	Swanson
Copeland	Howell	Pepper	Trammell
Couzens	Johnson, Calif.	Phipps	Underwood
Curtis	Johnson, Minn.	Pittman	Walsh, Mass.
Dale	Jones, Wash.	Ralston	Walsh, Mont.
Dial	Kendrick	Ransdell	Warren
Dill	Keyes	Reed, Mo.	Watson
Edge	King	Reed, Pa.	Willis

Mr. HARRISON. I wish to announce that the senior Senator from Rhode Island [Mr. GERRY] is absent because of illness. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed the following-entitled bills, in which it requested the concurrence of the Senate: