gentleman, as a scholar, as a lawyer, as a judge, and as a statesman, and above and beyond all these as an American.

Judge COLT was a friend of the new citizen. As chairman of the Senate's Committee on Immigration, he appreciated the American problem and sympathized with those who sought our shores to make good. He was eager to welcome those who came with the spirit of America and the desire to achieve success in this land of opportunity.

Looking at the problem from the broad viewpoint of America, and what America could do to enrich herself and aid the world, he feared no influx of foreign elements, if they came with the desire to make good Americans.

Rhode Island was well represented in the Senate by Judge COLT. He was, perhaps, of the old school. But the old school is representative of Rhode Island. If we of Rhode Island to-day can hold to the traditions of our founders, none ever need be ashamed. Passing through, as we are, these doubtful days of reconstruction, let us remember the principle upon which Rhode Island was founded—as Judge COLT remembered it—liberty to all within the law.

Personally I mourn the loss of Judge COLT as a friend. Personally I realize what he meant and what he represented. But in his life and in his work, I realize that Rhode Island has been enriched. I know that he was a representative of Rhode Island spirit. I know that that spirit has been strengthened by his acceptance of public office.

And so I know that he has accomplished much and his message to us would be "Carry on."

And so, in closing, let me repeat: The streets of his quiet home town are thronged with those whom he loved and with those whom he served, with those who knew him best. Here they are gathered from every land. Here some are thinking of loved ones across the seas. They know his broad vision and they know that while he lived he would welcome to our shores everyone who would measure up to the standard of a true American citizen.

As he is borne to his grave they preserve their silence, their silent prayers, their tears—these furnish his tribute.

And we who served with him, we acquiesce.

ADJOURNMENT

The SPEAKER pro tempore. Pursuant to the resolution heretofore adopted the House will now stand adjourned.

Accordingly (at 4 o'clock and 10 minutes p. m.) the House adjourned until to-morrow, Monday, February 16, 1925, at 12 o'clock noon.

## SENATE

### MONDAY, *February 16, 1925*

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

Our Father, we bless Thee for the days as they pass and recognize Thy claims upon us in the various forms of duty which call us to responsible and noble action. We do pray that this day may be a day full of interest, full of large outlook, and with the consciousness when it closes of a day well spent. Hear us, we beseech of Thee. Bless those in authority, remembering the President and all related to the Government of this great Nation. We ask in Jesus' name. Amen.

HUBERT D. STEPHENS, a Senator from the State of Mississippi, appeared in his seat to-day.

NAMING A PRESIDING OFFICER

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

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D. C., February 16, 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.

THE JOURNAL

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Tuesday, February 3, 1925, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed a bill (H. R. 7190) to amend the China trade act, 1922, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8522) granting to certain claimants the preference right to purchase unappropriated public lands; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SINNOTT, Mr. SMITH, and Mr. RAKER were appointed managers on the part of the House at the conference.

The message returned to the Senate in compliance with its request the bill (S. 2424) to reduce the fees for grazing livestock on national forests.

PETITIONS AND MEMORIALS

The PRESIDING OFFICER laid before the Senate the following joint memorial of the Legislature of Idaho, which was referred to the Committee on Banking and Currency:

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, F. A. Jeter, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 1, by Baxter, adopted by the eighteenth session of the Idaho Legislature, which was filed in this office on the 10th day of February, A. D. 1925, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise city, the capital of Idaho, this 11th day of February, in the year of our Lord one thousand nine hundred and twenty-five, and of the independence of the United States of America the one hundred and forty-ninth.

[SEAL.]

F. A. JETER,
*Secretary of State.*

IN THE HOUSE OF REPRESENTATIVES.

House joint memorial 1 (by Baxter)

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

We, your memorialist, the Legislature of the State of Idaho, respectfully represent: That—

Whereas your memorialist deem it desirable, in view of the many and frequent bank failures, that some method be devised to protect depositors from loss by reason of such bank failures; and

Whereas large sums have accumulated as surplus in the various Federal reserve banks and apparently will continue to so accumulate: Now, therefore, be it

*Resolved by the House of Representatives of the eighteenth session of the Legislature of the State of Idaho (the Senate concurring)*, That we do respectfully recommend that the Congress of the United States by appropriate legislation, * * * to protect the depositors from loss by reason of such bank failure by a proper utilization of such Federal reserve bank surplus: Be it further

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

This memorial passed the house on the 29th day of January, 1925.

W. D. GILLIS,
*Speaker of the House of Representatives.*

This memorial passed the senate on the 5th day of February, 1925.

H. C. BALDRIDGE,
*President of the Senate.*

This memorial received by the governor on the 9th day of February, 1925, at 10.36 o'clock a. m., and approved on the 10th day of February, 1925.

C. C. MOORE, *Governor.*

I hereby certify that the within house joint memorial No. 1 originated in the House of Representatives during the eighteenth session of the Legislature of the State of Idaho.

C. A. BOTTOLFSEN,
*Chief Clerk of the House of Representatives.*

Mr. ASHURST presented a memorial of 305 citizens of Yavapai County, Ariz., remonstrating against the passage of Senate bill 3218, the so-called compulsory Sunday observance bill, or any other national religious legislation which may be pending, which was referred to the Committee on the District of Columbia, and, on the request of Mr. ASHURST and by unanimous consent, the body of the petition was ordered to be printed in the RECORD, as follows:

Petition to the United States Senate

*To the Senate of the United States:*

Believing—

(1) In the separation of church and state;

(2) That Congress is prohibited by the first amendment to the Constitution from enacting any law enforcing the observance of any religious institution, or looking toward a union of church and state, or of religion and civil government;

(3) That any such legislation is opposed to the best interests of both the church and the state; and

(4) That the first step in this direction is a dangerous step, and should be opposed by every lover of liberty;

We, the undersigned, adult residents of Prescott, State of Arizona, earnestly petition your honorable body not to pass the compulsory Sunday observance bill (S. 3218) or any other national religious legislation which may be pending.

Mr. ASHURST also presented a memorial of 307 citizens of Maricopa County, Ariz., remonstrating against the passage of Senate bill 3218, the so-called compulsory Sunday observance bill, or any other national religious legislation which may be pending, which was referred to the Committee on the District of Columbia, and, on the request of Mr. ASHURST and by unanimous consent, the body of the petition was ordered to be printed in the RECORD, as follows:

Petition to the United States Senate

*To the Senate of the United States:*

Believing—

(1) In the separation of church and state;

(2) That Congress is prohibited by the first amendment to the Constitution from enacting any law enforcing the observance of any religious institution, or looking toward a union of church and state, or of religion and civil government;

(3) That any such legislation is opposed to the best interests of both the church and the state; and

(4) That the first step in this direction is a dangerous step, and should be opposed by every lover of liberty;

We, the undersigned, adult residents of Maricopa County, State of Arizona, earnestly petition your honorable body not to pass the compulsory Sunday observance bill (S. 3218) or any other national religious legislation which may be pending.

Mr. ASHURST also presented the following memorial of the Legislature of Arizona, which was referred to the Committee on Public Lands and Surveys:

STATE OF ARIZONA,
OFFICE OF THE SECRETARY.

UNITED STATES OF AMERICA,
*State of Arizona, ss:*

I, James H. Kerby, secretary of state, do hereby certify that the within is a true, correct, and complete copy of senate concurrent memorial 1 of the Seventh Legislature, regular session, State of Arizona, 1925, which "respectfully prays that the Congress of the United States, coincidently with any such Federal movement to regulate the grazing of livestock on the public domain within the State of Arizona, grant an additional endowment to the said State of 5,000,000 acres of land for the construction of highways, and for the support of its educational and other public institutions," all of which is shown by the original on file in this department.

In witness whereof I have hereunto set my hand and affixed my official seal. Done at Phoenix, the capital, this 10th day of February, A. D. 1925.

[SEAL.]
JAMES H. KERBY,
*Secretary of State.*

Senate concurrent memorial 1 (introduced by Senator Wayne Thornburg)

*To the Senate and House of Representatives of the Congress of the United States:*

Your memorialist, the Seventh Legislature of the State of Arizona, in regular session assembled, respectfully represents that:

Whereas approximately 70 per cent of the entire area of the State of Arizona is under Federal ownership and supervision; and

Whereas this situation seriously affects the State's inherent rights to financial and progressive development, and limits its ability to effect any constructive program for the future; and

Whereas, while the endowment of land by Congress, under the terms of the enabling act admitting Arizona to statehood, for the maintenance of various State institutions and for the establishment of a permanent school fund may have appeared adequate and generous, time has proven that by reason of the semiarid nature of the land so granted, which is used almost entirely for the range grazing of livestock, such Federal endowment has failed to produce the necessary revenues and has fallen short of its purpose. Since statehood, a period of 13 years, the total revenue derived from sales and leases of State land amounts to approximately $4,700,000, a sum wholly inadequate for the purposes for which the several grants to Arizona were destined; and

Whereas this condition, which has frequently been called to the attention of the Congress by the Legislature of Arizona, is rendered increasingly acute by the growing demand for improved highways, for use to a great extent in transcontinental travel over the public lands of the State, thereby retarding the proper development of Arizona's resources; and

Whereas it is anticipated that Congress contemplates regulating the leasing of the remaining unappropriated public domain for grazing of livestock in accordance with the recommendations of the President's recently appointed commission to investigate agricultural and livestock conditions;

Wherefore your memorialist, the Seventh Legislature of the State of Arizona, respectfully prays that the Congress of the United States, coincidently with any such Federal movement to regulate the grazing of livestock on the public domain within the State of Arizona, grant an additional endowment to the said State of 5,000,000 acres of land for the construction of highways and for the support of its educational and other public institutions.

Wherefore your memorialist will ever pray.

Passed the Senate January 31, 1925, by the following vote: Ayes, 18; noes, 0; not voting, 1.

MULFORD WINSOR,
*President of the Senate.*
W. J. GRAHAM,
*Secretary of the Senate.*

Passed the house February 7, 1925, by the following vote: Ayes, 38; noes, 0; not voting, —; absent, 1; excused, 8.

CHAS. E. MACMILLIN,
*Speaker of the House.*
BESSE GOLZE,
*Chief Clerk of the House.*

EXECUTIVE DEPARTMENT OF ARIZONA,
OFFICE OF SECRETARY OF STATE.

This bill was received by the secretary of state this 9th day of February, 1925, at 1.45 o'clock p. m.

JAMES H. KERBY,
*Secretary of State.*

Mr. FERRIS presented a petition of H. F. Hughart Post, No. 34, United Spanish War Veterans, Department of Michigan, of Sault Ste. Marie, Mich., praying for the passage of the so-called Knutson bill, being House bill 5934, granting increased pensions to veterans of the Spanish-American War and their widows, etc., which was referred to the Committee on Pensions.

He also presented a memorial of sundry citizens of Grand Rapids, Battle Creek, Allen, Reading, and Quincy, all in the State of Michigan, 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. RANSDELL presented a memorial of 190 citizens of the State of Louisiana remonstrating against the passage of Senate bill 3218, the so-called compulsory Sunday observance bill, or any other national religious legislation which may be pending, which was referred to the Committee on the District of Columbia, and on the request of Mr. RANSDELL and by unanimous consent, the body of the petition was ordered to be printed in the RECORD, as follows:

Petition to Congress

*To the Senate and House of Representatives of the United States:*

Believing—

(1) In the separation of church and state;

(2) That Congress is prohibited by the first amendment to the Constitution from enacting any law enforcing the observance of any religious institution or looking toward a union of church and state or of religion and civil government;

(3) That any such legislation is opposed to the best interests of both the church and the state; and

(4) That the first step in this direction is a dangerous step and should be opposed by every lover of liberty;

We, the undersigned, adult residents of New Iberia, State of Louisiana, earnestly petition your honorable body not to pass the compulsory Sunday observance bill S. 3218 or any other national religious legislation which may be pending.

Mr. FLETCHER presented resolutions unanimously adopted at a mass meeting in Orlando, Fla., which were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Resolutions

At a mass meeting held in Orlando, Fla., on February 12, 1925, the following resolutions were unanimously adopted:

"*Resolved*, That the Foreign Relations Committee of the United States Senate be requested to report out at the present session for discussion and action on the floor of the Senate, a resolution committing the United States to adherence to the protocol of signature of the Permanent Court for International Justice.

"*Resolved further*, That copies of this resolution be sent to President Coolidge, to Senator WILLIAM E. BORAH, chairman of the Foreign Relations Committee, and to Senators DUNCAN U. FLETCHER and PARK TRAMMELL."

W. F. BLACKMAN, *Chairman*.

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

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, F. A. Jeter, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial 1, by Baxter, adopted by the eighteenth session of the Idaho Legislature, which was filed in this office on the 10th day of February, A. D. 1925, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State. Done at Boise city, the capital of Idaho, this 11th day of February, in the year of our Lord 1925, and of the Independence of the United States of America the one hundred and forty-ninth.

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

IN THE HOUSE OF REPRESENTATIVES.

House joint memorial 1 (by Baxter)

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

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

Whereas your memorialists deem it desirable in view of the many and frequent bank failures that some method be devised to protect depositors from loss by reason of such bank failures; and

Whereas large sums have accumulated as surplus in the various Federal reserve banks and apparently will continue to so accumulate: Now, therefore, be it

*Resolved by the House of Representatives of the Eighteenth Session of the Legislature of the State of Idaho (the Senate concurring)*, That we do respectfully recommend that the Congress of the United States, by appropriate legislation * * * to protect the depositors from loss by reason of such bank failure by a proper utilization of such Federal reserve bank surplus: Be it further

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

This memorial passed the house on the 29th day of January, 1925.

W. D. GILLIS,
*Speaker of the House of Representatives*.

This memorial passed the senate on the 5th day of February, 1925.

H. C. BALDRIDGE,
*President of the Senate*.

This memorial received by the governor on the 9th day of February, 1925, at 10.36 o'clock a. m., and approved on the 10th day of February, 1925.

C. C. MOORE, *Governor*.

I hereby certify that the within house joint memorial 1 originated in the house of representatives during the eighteenth session of the Legislature of the State of Idaho.

C. A. BOTTOLFSEN,
*Chief Clerk of the House of Representatives*.

Mr. BORAH also presented a joint memorial of the Legislature of Idaho favoring the passage of legislation placing a duty of 3 cents per pound on peas instead of the present duty, which was referred to the Committee on Finance. (See duplicate memorial when presented on February 14, 1925, by Mr. GOODING, and printed in full.)

He also presented memorials of sundry citizens of Heyburn, Nampa, and Ada County, all in the State of Idaho, 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. WALSH of Montana. I send to the desk a telegram from the pastor and president of the Greek Orthodox Church of St. Constantinos, at Great Falls, Mont., protesting against the explusion of the Ecumenical Patriarch of the Greek Church at Constantinople, and ask that it be read.

The PRESIDING OFFICER. Without objection, the telegram will be read.

The reading clerk read as follows:

GREAT FALLS, MONT., *February 11, 1925*.

Hon. T. J. WALSH,
*Washington, D. C.:*

In the name of many American citizens professing the Greek Orthodox faith, the spiritual head of which is the Ecumenical Patriarch of Constantinople, we protest to our nobility against the expulsion of the patriarch, and denounce the malevolent design of the Turks to destroy the patriarchate, and consider it an insult and sacrilege to Christianity and its most ancient seat, and our Government to use its influence to protect the patriarch and the Christian in the Near East and to demand that the Turks respect international treaties and give satisfaction by reinstating the expelled constantinol to his ancient historical seat.

Respectfully yours,

Rev. ANDREU SYROGIANNIS,
*Pastor*.
JOHN JEVANIOS,
*President Greek Orthodox Church of St. Constantinos*.

The PRESIDING OFFICER. The telegram will be referred to the Committee on Foreign Relations.

Mr. KING. Mr. President, I have perhaps 30 or 40 telegrams from American citizens, most of them of Greek nationality, of like tenor to that presented by the Senator from Montana. I ask permission to insert two or three of those telegrams in the RECORD without reading.

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

LOWELL, MASS., *February 12, 1925*.

Senator WILLIAM H. KING,
*United States Senate, Washington, D. C.:*

Congratulate you and thank you for your splendid action on behalf of our patriarch, most Rev. Metropolitan Vassillios, archbishop of Independent Orthodox Colony Church of America and Canada.

D. D. SAKALLARIOS, *President*.
A. ASIMIAKOPOULOS, *Secretary*.

NEW YORK, N. Y., *February 7, 1925*.

Senator WILLIAM H. KING,
*United States Senate Office Building, Washington, D. C.:*

The League of the Greek-American Intercollegiate Clubs, composed of professionals in the United States, through me, its president, congratulate you on your stand and requests you to accept its sincere thanks for your efforts to assist the situation of the Greek Orthodox patriarchate, which is nothing more than rights given by supreme power, as well as by treaties executed by civilized nations, which the Turks are repudiating at this time. We are confident that you have the sympathy of the civilized world with you.

Dr. POLEVIUS CORYLLOS,
*49 West Seventy-second Street, New York City*.

Mr. CAMERON presented a memorial adopted by the Legislature of the State of Arizona, praying that Congress, coincidently with any Federal legislation to regulate the grazing of livestock on the public domain within the State of Arizona, grant an additional endowment to that State of 5,000,000 acres of land for the construction of highways and for the support of its educational and other public institutions, which was referred to the Committee on Public Lands and Surveys. (See duplicate memorial when presented to-day by Mr. ASHURST and printed in full.)

Mr. SHIPSTEAD presented memorials of 1,071 citizens, all in the State of Minnesota, 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. WILLIS presented resolutions adopted by the Quota Club of Alliance, Ohio, favoring the carrying out of the provisions of the national defense act of 1920, as originally enacted, as recommended by the Secretary of War, and that sufficient funds be made available for the necessary instruction of all the components of the Army, which were referred to the Committee on Military Affairs.

He also presented a resolution adopted by the directors of the Erie County Farm Bureau at Sandusky, Ohio, indorsing the report submitted by the President's agricultural commission, and especially the part thereof recommending additional appropriations for experiment stations of the United States, which was referred to the Committee on Appropriations.

He also presented a memorial of sundry citizens of New Philadelphia and vicinity in the State of Ohio, 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. McLEAN presented a resolution of the State Bar Association, at New Haven, Conn., protesting against passage of Senate bill 624, the so-called Caraway bill, proposing to make certain changes in the jury system, which was referred to the Committee on the Judiciary.

He also presented a telegram and a letter in the nature of petitions from the Woman's Christian Temperance Union of Georgetown, and the members of the Isbell Woman's Relief Corps, No. 14, Auxiliary to the Grand Army of the Republic, of Naugatuck, both in the State of Connecticut, praying for the passage of the so-called Cramton bill, being House bill 6645, to amend the national prohibition act, to provide for a Bureau of Prohibition in the Treasury Department, and to define its power and duties, which were referred to the Committee on the Judiciary.

He also presented a resolution of the State Bar Association of Connecticut at New Haven, Conn., favoring the passage of the following bills: S. 2060, S. 2061, H. R. 5194, H. R. 5566, S. 2693, H. R. 5265, S. 2692, H. R. 5476, S. 2691, and H. R. 7081, all proposing certain changes and amendments in the Judicial Code, which was referred to the Committee on the Judiciary.

He also presented letters and a telegram in the nature of petitions of Raymond W. Harris Post No. 145, Veterans of Foreign Wars, of Bridgeport; of the National Federation of Post Office Clerks, of New Haven; and of employees of the Railway Mail Service of Norwalk, all in the State of Connecticut, praying for the passage of legislation providing increased compensation to postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented letters and a telegram in the nature of petitions of Lieutenant N. W. Bishop Camp No. 3, United Spanish War Veterans, of Bridgeport; of Emerson H. Liscum Camp No. 12, United Spanish War Veterans, of Waterbury; of Frederick A. Hill Camp No. 15, United Spanish War Veterans, of Stamford; of the Auxiliary of United Spanish War Veterans, of Willimantic; of Charles B. Bowen Camp No. 2, United Spanish War Veterans, of Bridgeport; and of Charles P. Kirkland Camp No. 18, United Spanish War Veterans, of Winsted, all in the State of Connecticut, praying for the enactment of Senate bill 3314, the so-called Bursum bill, proposing to increase pensions of Spanish War veterans and their widows, etc., which were referred to the Committee on Pensions.

He also presented a petition of Charles B. Bowen Camp No. 2, United Spanish War Veterans, of Meriden, Conn., praying for the passage of House bill 5934, the so-called Knutson bill, proposing to increase the pensions of Spanish war veterans and their widows, etc., which was referred to the Committee on Pensions.

He also presented a petition of the Connecticut Historical Society, of Hartford, Conn., praying for the passage of Senate bill 3410, providing an appropriation for the preservation of the frigate *Constitution*, which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES

Mr. WARREN. I report back favorably with amendments from the Committee on Appropriations 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 I submit a report (No. 1118) thereon. I will ask to call up the bill very soon, probably after the consideration of the District bill.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. PHIPPS. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 12033) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1926, and for other purposes, and I submit a report (No. 1119) thereon. I give notice that I shall call up the bill for consideration at the earliest opportunity.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. SMITH, from the Committee on Interstate Commerce, to which was referred the bill (S. 4183) to amend paragraph (11), section 20, of the interstate commerce act, reported it without amendment and submitted a report (No. 1121) thereon.

Mr. SMOOT. I am directed by the Committee on Finance to report back favorably with an amendment Senate bill 4312, to amend the legislative, executive, and judicial appropriation act, approved February 26, 1907, as amended, and I ask that it be referred to the Committee on Appropriations.

The PRESIDING OFFICER. The report will be received and the reference made as requested.

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

A bill (H. R. 9825) to extend the time for the construction of a bridge across Pearl River at approximately 1½ miles north of Georgetown, in the State of Mississippi (Rept. No. 1123); and

A bill (H. R. 10277) to extend the time for the construction of a bridge across Humphreys Creek at or near the city of Sparrows Point, Md. (Rept. No. 1124).

Mr. ODDIE, from the Committee on Mines and Mining, to which were referred the following bills, reported them each without amendment:

A bill (H. R. 2720) to authorize the sale of lands in Pittsburgh, Pa.; and

A bill (H. R. 4148) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes.

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

A bill (S. 872) to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. p. 1249), entitled "An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes'" (Rept. No. 1126);

A bill (S. 3826) to restore to the public domain certain lands within the Casa Grande Ruins National Monument, and for other purposes (Rept. No. 1127);

A bill (H. R. 7888) to provide for expenditures of tribal funds of Indians for construction, repair, and rental of agency buildings, and related purposes (Rept. No. 1128);

A bill (H. R. 10025) to provide for the permanent withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation (Rept. No. 1129);

A bill (H. R. 11358) to authorize the Secretary of the Interior to cancel restricted fee patents covering lands on the Winnebago Indian Reservation and to issue trust patents in lieu thereof (Rept. No. 1130);

A bill (H. R. 11359) to authorize the Secretary of the Interior to issue certificates of competency, removing the restrictions against alienation on the inherited lands of the Kansas or Kaw Indians in Oklahoma (Rept. No. 1131);

A bill (H. R. 11360) to provide for the permanent withdrawal of a certain 40-acre track of public land in New Mexico for the use and benefit of the Navajo Indians (Rept. No. 1132); and

A bill (H. R. 11362 to authorize an appropriation for the purchase of certain lots in the town of Cedar City, Utah, for the use and benefit of a small band of Piute Indians located thereon (Rept. No. 1133).

RECOMMITTAL OF A BILL

On motion by Mr. WALSH of Massachusetts, the bill (S. 3590) for the relief of Willis B. Cross was recommitteed to the Committee on Military Affairs.

ENROLLED BILLS PRESENTED

Mr. WATSON, from the Committee on Enrolled Bills, reported that on February 14, 1925, that committee presented to the President of the United States the following-entitled enrolled bills:

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.*

ARREST AND ERADICATION OF ANTHRAX

Mr. WARREN, from the Committee on Appropriations, to which was referred the joint resolution (S. J. Res. 185) making an appropriation for the arrest and eradication of anthrax, reported it favorably without amendment.

Mr. HARRISON. Referring to Senate Joint Resolution 185, which has just been reported by the Senator from Wyoming [Mr. WARREN], I ask unanimous consent that it be considered at this time. It is an emergency matter.

The PRESIDING OFFICER. The Senator from Mississippi asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. JONES of Washington. Let is be read.

The PRESIDING OFFICER. The joint resolution will be reported for the information of the Senate.

The reading clerk read the joint resolution, as follows:

*Resolved, etc.,* That the Secretary of Agriculture is authorized to expend for the arrest and eradication of anthrax, such sum, not in excess of $100,000, from unexpended balances of appropriations heretofore made for the use of the Department of Agriculture in the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious disease of animals, such sum to remain available until expended.

The PRESIDING OFFICER. Is there objection to the consideration of the joint resolution?

Mr. STANLEY. Will it require any discussion?

Mr. HARRISON. I do not think it will result in any discussion. There is no money available for the eradication of anthrax. There was and is now available an appropriation of $2,900,000 for the eradication of the foot-and-mouth disease. Very strenuous efforts have been made to stamp out anthrax, but there is now a fresh start of that disease. If it is to be stopped we must begin to stamp it out in its inception. I do not think that the joint resolution will lead to any discussion.

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

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

SABINE RIVER BRIDGE

Mr. SHEPPARD. On behalf of the Committee on Commerce, I ask unanimous consent that the bill (S. 4087) to authorize the construction of a bridge across the Sabine River at or near Orange, Tex., be put on its passage.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments were, on page 1, line 3, after the words "That the," to insert "act approved May 13, 1920, authorizing the"; at the beginning of line 5, before the word "to," to strike out "be, and it is hereby authorized"; in line 7, after the word "River," to strike out "at a point suitable to the interests of navigation"; in line 8, after the name "Texas," to strike out "in accordance with the provisions of an act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906," and insert "be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge be commenced within one year and completed within three years from the date of approval hereof.

"SEC. 2. The States of Texas and Louisiana, or either of them, or any political subdivision or subdivisions thereof, within or adjoining which said bridge is located, may at any time acquire all right, title, and interest in said bridge and approaches thereto constructed under the authority of this act, for the purpose of maintaining and operating such bridge as a free bridge, by the payment to the owners of the reasonable value thereof, not to exceed in any event the construction cost thereof: *Provided*, That the said State or States, or political subdivision or divisions, may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof"; and to change the section number from 2 to 3, so as to make the bill read:

*Be it enacted, etc.,* That the act approved May 13, 1920, authorizing the Orange Chamber of Commerce, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Sabine River at or near the city of Orange, Tex., be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge be commenced within one year and completed within three years from the date of approval hereof.

SEC. 2. The States of Texas and Louisiana, or either of them, or any political subdivision or subdivisions thereof, within or adjoining which said bridge is located, may at any time acquire all right, title, and interest in said bridge and approaches thereto constructed under the authority of this act, for the purpose of maintaining and operating such bridge as a free bridge, by the payment to the owners of the reasonable value thereof, not to exceed in any event the construction cost thereof: *Provided*, That the said State or States, or political subdivision or divisions, may operate such bridge as a toll bridge not to exceed five years from date of acquisition thereof.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

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

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

The title was amended so as to read: "A bill to revive and reenact the act entitled 'An act to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.'"

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, 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. 365. An act for the relief of Ellen B. Walker;

S. 1765. An act for the relief of the heirs of Agnes Ingels, deceased;

S. 4056. An act to provide for an additional district judge for the western district of Michigan;

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;

H. R. 9494. An act to enable the Board of supervisors of Los Angeles County to maintain public camp grounds within the Angeles National Forest; and

H. R. 10287. An act authorizing preliminary examination and survey of the Caloosahatchee River, in Florida, with a view to the control of floods.

ADMISSION OF DOMESTIC ANIMALS

Mr. SMOOT. I ask unanimous consent to submit a report from the Finance Committee. I report back favorably from that committee without amendment the joint resolution (H. J. Res. 325) extending the time during which certain domestic animals which have crossed the boundary line into foreign countries may be returned duty free, and I submit a report (No. 1122) thereon.

This is rather an emergency matter and I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read, as follows:

*Resolved, etc.,* That despite the provisions of paragraph 1506 of Title II of the tariff act of 1922, horses, mules, asses, cattle, sheep, goats, and other domestic animals, which heretofore have strayed across the boundary line into any foreign country, or been driven across such boundary line by the owner for temporary pasturage purposes only, or which may so stray or be driven before May 1, 1925, shall together with their offspring, be admitted free of duty under regulations to be prescribed by the Secretary of the Treasury, if brought back to the United States at any time before December 31, 1925.

SEC. 2. The Secretary of the Treasury shall, under regulations prescribed by him, remit and refund any duties on any such domestic animals and their offspring returned to the United States after December 30, 1924, and before the enactment of this resolution. Such refunds shall be made upon application therefor made within one year after the enactment of this resolution. There is hereby authorized to be appropriated an amount necessary to make such refunds.

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

COURTS IN EASTERN DISTRICT OF VIRGINIA

Mr. WALSH of Montana. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 11474) to fix the time for holding the terms of the United States District Court for the Eastern District of Virginia, at Alexandria, and I call the attention of the Senator from Virginia [Mr. SWANSON] to the bill.

Mr. SWANSON. I ask unanimous consent for its present consideration.

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

*Be it enacted, etc.,* That the terms of the United States District Court for the Eastern District of Virginia, at Alexandria, shall hereafter be held at that city on the first Mondays in June and December of each year instead of on the first Mondays in January and July of each year as heretofore.

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

MISSISSIPPI RIVER FLOOD CONTROL

Mr. RANSDELL. From the Committee on Commerce I report back favorably with an amendment the bill (S. 4130) authorizing an investigation, examination, and survey for the

control of excess flood waters of the Mississippi River below Red River Landing in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes, and I submit a report (No. 1120) thereon. I ask unanimous consent for its present consideration.

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

The amendments were, on page 1, line 4, after the word "cause," to strike out "an investigation, examination, and" and insert "a," and on page 2, after line 6, to strike out "Sec. 2" and in lieu thereof to insert:

SEC. 2. The Secretary of War is authorized to use $25,000, or so much thereof as may be necessary, from funds heretofore appropriated for flood control, Mississippi River, and allotted to projects in the State of Louisiana, to be expended under the supervision of the Chief of Engineers, to carry out the objects and purposes of this act.

So as to make the bill read:

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made, and estimates of the costs of such controlled and regulated spillway or spillways as may be necessary for the diversion and control of a sufficient volume of the excess flood waters of the Mississippi River between Red River Landing and Fort Jackson, in Louisiana, in order to prevent the waters of said river exceeding stages of approximately 16, 17, 18, 19, and 20 feet on the Carrollton gauge at New Orleans, and of approximately 46, 47, and 48 feet on the gauge at Simmesport on the Atchafalaya outlet.

SEC. 2. The Secretary of War is authorized to use $25,000, or so much thereof as may be necessary, from funds heretofore appropriated for flood control, Mississippi River, and allotted to projects in the State of Louisiana, to be expended under the supervision of the Chief of Engineers, to carry out the objects and purposes of this act.

The amendment was agreed to.

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

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

The title was amended so as to read: "A bill authorizing a survey for the control of excess flood waters of the Mississippi River below Red River Landing in Louisiana and on the Atchafalaya outlet by the construction and maintenance of controlled and regulated spillway or spillways, and for other purposes."

### BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. FERNALD:

A bill (S. 4323) granting an increase of pension to Hattie Rowe (with accompanying papers); to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 4324) for the relief of Waller V. Gibson (with accompanying papers); to the Committee on Military Affairs.

By Mr. LENROOT:

A bill (S. 4325) authorizing the construction, maintenance, and operation of a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn.; to the Committee on Commerce.

By Mr. PEPPER:

A bill (S. 4326) to amend section 3 of the act entitled "An act to distribute the commissioned line and engineer officers of the Coast Guard in grades, and for other purposes," approved January 12, 1923; to the Committee on Commerce.

By Mr. FESS:

A joint resolution (S. J. Res. 186) authorizing the sale of the old Federal building at Toledo, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. PEPPER:

A joint resolution (S. J. Res. 187) providing for the cooperation of the United States in the sesquicentennial exhibition commemorating the signing of the Declaration of Independence, and for other purposes; to the Committee on the Library.

### CHANGES OF REFERENCE

On motion of Mr. BURSUM and by unanimous consent, the Committee on Pensions was discharged from the further consideration of the bill (S. 2665) granting a special pension to Charles Hurrle, and it was referred to the Committee on Military Affairs.

On motion of Mr. WADSWORTH and by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 9846) for the relief of Francis Kelly, and it was referred to the Committee on Naval Affairs.

### AMENDMENT TO LEGISLATIVE APPROPRIATION BILL

Mr. WATSON submitted an amendment intended to be proposed by him to House bill 12101, the legislative appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 7, in lines 8, 9, and 10, strike out "upholsterer and locksmith, $1,770; cabinetmaker, $1,520; three carpenters, at $1,390 each," and insert in lieu thereof the following: "foreman cabinetmaker, $2,400; upholsterer, $2,100; locksmith, hardwood finisher, and carpenter, at $2,100 each."

### AMENDMENT TO DEFICIENCY APPROPRIATION BILL

Mr. LENROOT submitted an amendment intended to be proposed by him to the second deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill insert the following:

"Clerical assistance to Senators: For salary of messenger, from March 4 to June 30, both dates inclusive, $494."

Mr. JONES of Washington submitted an amendment intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place insert the following:

"For payment of certain local taxes to the counties of Stevens and Ferry, in the State of Washington, on allotted Colville Indian lands, as provided by the act of June 7, 1924, $115,767.67."

### CIVIL-SERVICE RETIREMENT AND DISABILITY FUND

Mr. HOWELL submitted an amendment intended to be proposed by him to the bill (H. R. 8202) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, which was referred to the Committee on Civil Service and ordered to be printed.

### ORIGIN AND CAUSES OF WORLD WAR

Mr. OWEN submitted the following resolution (S. Res. 339), which was referred to the Committee on Foreign Relations:

*Resolved*, That the legislative reference service of the Congressional Library shall cause to be prepared for the Senate an impartial abstract and index of all authentic important evidence, heretofore made available in printed form or otherwise readily accessible, bearing on the origin and causes of the World War, omitting all inconsequential matter. The abstracts shall be submitted to the Committee on Foreign Relations not later than February 1, 1926.

### HOUSE BILL REFERRED

The bill (H. R. 7190) to amend the China trade act, 1922, was read twice by its title and referred to the Committee on Commerce.

### PRESIDENTIAL APPROVALS

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

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;*

S. 84. An act for the relief of the owners of the steamship *Ceylon Maru;*

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

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

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. 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; and

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, its enrolling clerk, communicated to the Senate the resolutions of the House adopted as tributes to the memory of Hon. HENRY CABOT LODGE, late a Senator from the State of Massachusetts, Hon. FRANK B. BRANDEGEE, late a Senator from the State of Connecticut, and the Hon. LE BARON B. COLT, late a Senator from the State of Rhode Island.

The message announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes; requested a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOOD, Mr. WASON, and Mr. SANDLIN were appointed managers on the part of the House at the conference.

INDEPENDENT OFFICES APPROPRIATIONS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11505) making appropriations for the Executive Office and sundry independent bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1926, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the request of the House for a conference be granted, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. WARREN, Mr. SMOOT, Mr. JONES of Washington, Mr. OVERMAN, and Mr. GLASS conferees on the part of the Senate.

PURCHASE OF UNAPPROPRIATED PUBLIC LANDS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8522) granting to certain claimants the preference right to purchase unappropriated public lands, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STANFIELD. I move that the Senate insist on its amendments and agree to the conference requested by the House, and that the Chair appoint the conferees.

The motion was agreed to; and the Presiding Officer appointed Mr. STANFIELD, Mr. NORBECK, and Mr. PITTMAN conferees on the part of the Senate.

PERSONAL EXPLANATION—REGULATION OF TRAFFIC IN THE DISTRICT

Mr. STANLEY. Mr. President, I rise to a question of personal privilege.

The PRESIDING OFFICER. The Senator from Kentucky will state the question of personal privilege.

Mr. STANLEY. Mr. President, on Saturday morning, succeeding the night session of February 13, the Washington Herald states under rather conspicuous headline:

> STANLEY leads filibuster to thwart action on vital bills.
>
> Readings and minor objections kill evening intended for Capital legislation.

The body of the article, so much of which I shall insert in the RECORD as is pertinent to what I have to say, does not bear out the statement in the headline, and the body of the article is in no way supported or warranted by the record of the proceedings of the night session of Friday, February 13.

I quote the following brief excerpts from the body of the article:

> With a program of seven vitally important pieces of District legislation before it, the Senate last night trifled away an entire night session without passing a bill or voting on a single amendment.
>
> * * * * * * *
>
> Senators MCKELLAR and STANLEY objected. BALL then made a motion to lay the bill aside, but STANLEY refused to yield the floor long enough to vote on the motion.
>
> STANLEY debated with Senator CARAWAY a seemingly endless number of trivial and hypothetical accidents.

Mr. President, it is somewhat surprising that this criticism should have been made, when the manifest attempt of the Senator from Kentucky was to prevent the very thing I am charged with attempting to secure and to secure the very thing I am charged with attempting to prevent.

At the time the Senate recessed I was urging with all the emphasis of which I am capable an additional night session of the Senate for the sole purpose of an adequate consideration of a measure whose importance I in no way minimized. In urging an additional session of the Senate for that purpose, I said, among other things:

> 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.
>
> * * * * * * *
>
> 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.

Mr. President, I doubt if there has been called to the attention of the Senate any matter affecting the District of Columbia of greater or more pressing importance than the proper regulation of automobile traffic. Every citizen of this District, every resident of the city of Washington, realizes the peril that confronts him when he steps upon a public street or highway here. Everybody knows, who knows anything about it, that the streets of Washington are more or less a shambles, and we are appalled at the accounts in newspapers each morning of the ruthless, reckless disregard of human life and human safety on the part of the drivers of automobiles. Is this existing peril an excuse for the enactment of hurried ill-digested legislation, imposing absurd pains and penalties, destroying and abrogating every wise discretion on the part of the judge, and in the teeth of rights hoary with the prescription of centuries and revered by every scion of the Saxon race in every civilized country of the world for a thousand years?

Mr. President, at the night session of the Senate last Friday night one would have presumed, and there seems to be an impression on the part of the Senate, certainly on the part of the residents of the District of Columbia generally, that there is no legislation now upon the statute books forbidding reckless driving; requiring those who are guilty of colliding with pedestrians or with other cars to stop and report the accident, against the use of smoke screens, against fast driving, requiring reports to the properly constituted authorities, and so forth. I find, however, Mr. President, upon an examination of the laws now in effect here that there is not one provision in the bill proposed at Friday night's session of the Senate governing the conduct of automobiles and the regulation of automobile traffic that is not now embodied in apparently carefully digested existing law.

It was proposed to read and pass in an hour, with thirty-odd Members of the Senate present, a bill the proponents of which admitting that it was ill-digested, half-baked, and faulty. Others, appalled at the atrocity of its penalties and the crudeness of its construction, were opposed, without adequate consideration, to abrogating absolutely laws which have been on the statute books for 20 years, prepared with the greatest care, and in many instances adequately covering every single contingency against which the bill was supposed to have provided. For instance, let me call your attention, Mr. President, to this provision in the proposed bill:

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.

That is all it says on the subject. The city of Washington, above all other places, requires a zoning system, because there are no city limits, and any regulation on the subject applies to the whole District, or to the fire limits of the city of Washington, to highways upon which there are no more than one or two houses to the block, as well as to the congested centers, such as the intersections of Fifteenth Street with New York Avenue and G Street. The bill makes no provision whatever for ambulances, for the fire department, or for anything else. It is a flat inhibition against driving at a rate exceeding 25 miles an hour.

Mr. President, that whole question is covered by existing law. The city of Washington has been carefully zoned and regulations have been made fixing the rate of speed; one rate for certain classes of motor vehicles, another rate for trucks; one rate of speed in the congested centers of the city of Washington, upon Pennsylvania, F Street, G Street, Seventeenth Street, and other streets; and other rates of speed for the less congested centers. It is now contrary to law, and has been illegal for nearly 20 years, to move at a rate of speed in the congested districts and alleys of this city at a greater rate of speed than 18 miles an hour; to turn at a greater rate of speed than 8 miles an hour, or to pass out of an alley at a greater rate than 8 miles an hour on the part of loaded trucks or other such vehicles.

I have before me a copy of the rules and regulations that have been promulgated on this subject. They have been distributed to every citizen of the District who desires a copy and which are therefore well known. By an act approved March 3, 1917, this whole question is covered, and I ask leave to incorporate in the RECORD certain excerpts from the regulations on the subject.

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

The matter referred to is as follows:

It shall be a condition precedent to the issuance of any permit granted as above, that the Commissioners of the District of Columbia shall have the right to suspend or revoke such permit for any of the following causes, viz:

1. Where the holder of such permit has been convicted of the illegal transportation of intoxicating liquor in any vehicle operated by him, or of any other illegal use of such vehicle.

* * * * * * *

(b) No person shall locate or operate a motor vehicle upon any street in the District of Columbia which emits from the exhaust or muffler thereof any prolonged, dense, or offensive quantity of smoke, gases, or disagreeable odors.

"That on and after July 1, 1917, the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to make and enforce all regulations governing the speed of motor vehicles in the District of Columbia, subject to the penalties prescribed in the act approved June 29, 1906."

No person shall drive or propel, or cause to be driven or propelled, loaded or unloaded, any automobile truck or other motor vehicle, used in hauling or delivering of merchandising and having a carrying capacity of 1 ton or more, upon any public highway in the District of Columbia at a greater rate of speed than 12 miles an hour between intersecting or connecting highways; nor at a greater rate of speed than 8 miles an hour crossing intersecting or connecting highways nor around corners of any highways; nor at a greater rate of speed than 8 miles an hour over any bridge with a wooden floor; nor at a greater rate of speed than 12 miles an hour over the Highway Bridge across the Potomac River; nor at a greater rate of speed than 6 miles an hour into or out of an alley.

No person shall drive or propel, or cause to be driven or propelled, any motor vehicle other than those described in the preceding paragraph of this section, upon any public highway of the District of Columbia, at a greater rate of speed than 18 miles an hour between intersecting or connecting highways; nor at a greater rate of speed than 12 miles an hour crossing an intersecting or connecting highway; nor at a greater rate of speed than 8 miles an hour around the corners of any highway; nor at a greater rate of speed than 12 miles an hour over any bridge having a wooden floor; nor at a greater rate of speed than 15 miles an hour over the Highway Bridge across the Potomac River; nor at a greater rate of speed than 6 miles an hour into or out of any alley: *Provided, however,* That outside of parks and on portions of highways between intersecting or connecting highways where there are not more than two houses, a rate of speed not exceeding 22 miles an hour will be permitted for vehicles described in this paragraph.

Mr. STANLEY. Mr. President, for nearly 20 years the law has contained the following provision:

SEC. 20. If any person while in charge of a locomotive engine, or while acting as a conductor or brakeman of a car or train of cars, or while in charge of any street car, steamboat, launch, or other water craft, or while in charge of or operating any automobile or horse vehicle in the District of Columbia shall be intoxicated, he shall be guilty of a misdemeanor, and if convicted shall be punished by a fine of not less than $25 nor more than $300, and in default in payment of said fine shall be imprisoned in the District jail or workhouse for not exceeding three months, or both fine and imprisonment in the discretion of the court.

Mr. President, it is proposed in a bill which was considered on Friday night to enact the following provision:

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.

* * * * * * *

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.

With a provision for the forfeiture of the permit.

In other words, if my car is accidentally bumped or struck, no matter how trivial the injury, if there is any kind of collision, any kind of striking between the driver of a car and a pedestrian or another car, the driver of that car under the provisions of this bill must instantly not only stop and give his name, address, and place of residence to the person struck or touched, no matter how trivially, but he must then go to the police and report all the details of the transaction, and the same requirement is placed upon the driver of the car. Both parties must explain to each other; then they must go to the police and again explain; and if they fail to do this they are to be punished by fine and imprisonment, and no discretion is left in the hands of the judge.

In other words, if I park my car in front of a theater or a hotel, and in attempting to get out I back into my neighbor and say, "I beg your pardon," and he says, "That is all right," any enemy of mine, any purveyor, any spy, any police officer can report that occurrence and under the explicit terms of this act, if I do not commit perjury or the judge does not refuse to enforce the law, I must be sent to jail for 60 days and fined $100. If there were no law on the subject, a provision of that kind would appall sensible men by its absurdity. It is worthy of the Middle Ages. Worse and more of it, the same penalties are provided for driving a car while in a state of intoxication, for killing a passenger and fleeing to escape responsibility, for the most serious and the most trivial injuries. Such a hodgepodge is absolutely indefensible, especially in view of the fact that the present regulations on that subject have been drawn manifestly with the greatest care by persons some of whom must have been familiar with the thing they were legislating about, and must have understood how to provide the proper regulation.

Listen to this regulation, which is in the hands of every citizen of Washington, effective to and including June 2, 1924. Here is the gist of it:

Any person driving an animal-drawn vehicle or riding a bicycle, or operating a motor vehicle or street car, who, knowing that the vehicle driven, ridden, or operated by him has collided with and caused injury to person or property, leaves the place of said collision without stopping and giving his name and residence (and if a motor vehicle, the license number thereof and the name and address of the owner) to the person injured or whose property has been injured or damaged, or to a police officer if present, and if neither of these can be done, then immediately reporting the full details of the accident to the nearest police station, shall be punished by a fine—

All that it would have been necessary to do would have been to add the proper penalties to this carefully drawn regulation, which has stood the test of years of actual experience.

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

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from North Carolina?

Mr. STANLEY. Certainly.

Mr. SIMMONS. I think the Senator, so far from being criticized for calling the attention of the Senate to the defects of the legislation presented by the committee, is entitled to the thanks not only of the Senate but of the people of the city of Washington and others who use the streets. The legislation to which the Senator objected was undoubtedly bad legislation in the form in which it was presented to the Senate.

It was bad for two reasons: First, a failure properly to define the crime; second, the rigidity of the penalty imposed. An offense of that sort ought to be defined with some latitude, so as to make a difference between an intentional and willful violation and an accidental and unintentional violation of the law; and the penalty, according to all of the criminal codes of this country, ought to have been so elastic as to enable the court, in imposing its punishment, to discriminate between the classes of cases that may come before it of that character.

This bill, violative of the ordinary rule that obtains in all the criminal codes of this country so far as I know, provides a rather high minimum penalty, and provides that if the party is convicted, although he may be convicted only of a technical violation, the judge, without any discretion, must impose not only the fine provided but also the imprisonment term provided. If there had been a more liberal provision with reference to the action of the judge, so that he might have exercised some discretion, so that he might have shown mercy where mercy was proper and might have been drastic where the conditions required drastic treatment, there would have been no objection to it; but to say that a defendant who is found guilty of a mere technical violation of the law shall be fined $100, shall be imprisoned in addition to that at least 30 days for the first offense, and for the second offense shall be fined $200 and shall be imprisoned 60 days, is a degree of severity which does not characterize the criminal law of this country. Therefore in this particular case it seemed to me when we were considering it that the minimum penalty was entirely too small, and that the judge ought to have had the discretion, as he is ordinarily given the discretion in criminal statutes in this country, to impose either a fine or an imprisonment, and that he ought not to have been compelled, although his judgment might have been against that severe punishment, both to fine and to imprison the person for an offense which to his mind was either trivial or was merely of a technical nature.

I felt that way about it at the time, and I believe that there was much good in the bill if corrected in the two respects to which I have referred; that is, if the crime itself had been properly defined and if the punishment had been so regulated that the judge might exercise some discretion as to whether he would impose both a punishment by fine and a punishment by imprisonment in jail.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. SHORTRIDGE. What is the matter before the Senate?

The PRESIDING OFFICER. The Senator from Kentucky [Mr. STANLEY] rose to a question of personal privilege.

Mr. SHORTRIDGE. I have endeavored to catch the words of the Senator, but thus far I have been unable to discover that he has been discussing technically a question of privilege.

Mr. STANLEY. If the Senator will come a little closer, so that he can hear me, he will have no difficulty in ascertaining that I am speaking to a question of personal privilege. I am explaining the inaccuracy of a statement made in a Saturday morning paper, charging me with making certain assertions and doing certain things which I am trying to show I did not do; and there can be nothing more clearly a matter of personal privilege than that.

Mr. SHORTRIDGE. I understand the Senator to be discussing the merits or the demerits of certain proposed legislation, a certain bill pending in the Senate.

Mr. STANLEY. That is incidental and absolutely necessary, I will say to the Senator.

Mr. SHORTRIDGE. With deference and respect I submit to the Senator, with his learning and his regard for the business of the Senate, that under the guise of a question of privilege he ought not to enlarge unduly upon the subject matter of pending legislation.

Mr. STANLEY. I will say to the Senator that I hope he will not detain me longer. I am sure he will not. I shall be through in a very short time.

Now, Mr. President, I wish to call the attention of the lawyers of the Senate to this proposition, because it has a much wider and deeper significance than the question in hand. I will say to the Senator from North Carolina [Mr. SIMMONS], as illustrating the appalling disregard for constitutional rights, that this whole act is in manifest derogation of rights guaranteed under the fifth amendment to the Constitution, which provides:

> No person shall * * * be compelled in any criminal case to be a witness against himself.

It is an admitted principle of the law that no man shall ever be compelled to incriminate himself, and yet, in the teeth of heavy pains and penalties, in this case the citizen is compelled to give the details of the entire transaction to a police officer, with the knowledge that these details will necessarily immure him in jail.

As further illustrative of the utter futility of the whole provision, the same paragraph carries penalties for not only these trivial offenses, but penalties for driving a car at an excessive rate of speed or while intoxicated, penalties for striking citizens or cars and fleeing from the mangled body of your victim for the purpose of preventing detection or identification.

Offenses which should be punished by the heaviest fines and penalties are all put into one catch basin, into one basket clause, and then the hands of the court are tied, and he is compelled to impose the same jail sentences and the same fines for the big and little offenses alike, and that notwithstanding the fact that every offense named in the act is now cognizable under existing law, under pains and penalties carefully graduated to suit the offense, and safeguard the constitutional rights of citizens.

Mr. President, this is but an illustration of the extent to which this mad mania for a statutory remedy for all existing ills has gone. No matter what the trouble, no matter what the disease, no matter what the complaint, no matter what the existing law, people rush to Congress, rush to committees, have a bill framed while you wait, report it to the Senate, have the title read, have it enacted into law, and go back to sleep without regard to the rights of the citizen or the dignity of legislation.

The main trouble in the District of Columbia, the trouble in the United States, is not that we have not enough law, but that we have not enough respect for the law. The trouble is not that there is no law upon the subject, but that there is so little law enforcement of the laws on the statute books.

For instance, the striking difference between the United States and our northern neighbor is in the enforcement of the law. It is with shame that I say, it is with a blush that legislators and citizens alike must admit, that the security of life and property is immensely increased the instant we cross the Canadian line; and yet we enact more laws in this frenzied legislative grind in the Congress of the United States in an hour than are enacted in a whole session of the English Parliament. In one session of Congress, in the Fifty-ninth Congress——

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from California?

Mr. STANLEY. I can not yield at this time. I will be through in two minutes. I hope the Senator will pardon me. I refuse to yield.

Mr. SHORTRIDGE. I want to raise a point of order.

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

Mr. SHORTRIDGE. I am sorry to say that I deem it my duty, in the interest of the business of the Senate, to raise a point of order, namely, that the Senator is not addressing himself to a question of privilege or exercising a right under a question of privilege.

The PRESIDING OFFICER. The Chair is of the opinion that for the last 10 minutes the Senator has not been addressing himself to a question of personal privilege.

Mr. ASHURST. Mr. President, if the Senator will yield to me, I must enter protest to the ruling of the Chair. It is not, I regret, within the province of the Chair, it is not within the province of the Senate, to confine a Senator to any particular subject.

I regret to say that a Senator can not be confined to the subject which he purports to discuss. He may go off on an unreturning parabola and be gone a week, and the Senate can not bring him back to the subject.

The PRESIDING OFFICER. May the Chair suggest that if there were not a regular order for the Senate on Monday morning the Chair probably would have entertained an opinion exactly like that expressed by the Senator from Arizona, but in the middle of a regular order on Monday morning the Senator from Kentucky was recognized on a question of personal privilege. The Chair is of opinion that under those cir-

cumstances the Senator should confine himself to his question of personal privilege.

Mr. STANLEY. Mr. President, I wish to say——

Mr. SHORTRIDGE. Mr. President——

Mr. STANLEY. If the Senator will pardon me just one moment——

Mr. SHORTRIDGE. Just a sentence.

Mr. STANLEY. Mr. President, I hope the Senator will permit me to make one statement, and I think that will conclude the debate. I wish to say that within two minutes I will be through this discussion.

Mr. SHORTRIDGE. Mr. President, just a sentence. I dissent from the position taken by the Senator from Arizona.

Mr. STANLEY. To conclude what I was saying—and I am concluding—the Fifty-ninth Congress passed 30,000 bills and resolutions. The present Congress has before it, in the present session, 17,946 bills, resolutions, and joint resolutions. The English Parliament, legislating for 42,000,000 people, between 1899 and 1905 passed only 46 general and 246 special laws.

In the night session, referred to in this article, it was proposed that we pass five bills, appropriating hundreds of thousands of dollars, in round numbers affecting the life and conduct of the citizens of Washington; placing them under the absolute and autocratic control of a director with the powers of a czar or of a military martinet, over every man and woman who uses a motor vehicle of any character; establishing a system of police espionage that would disgrace Moscow or China. All this legislation was proposed to be considered and enacted in half the time it would have taken to have read the bills, and because a Senator rose in his place and said I hope this legislation will be passed. I realize its importance. I plead with my colleagues not to take one night but two nights of their time for this vastly important matter.

If it is worth doing at all, it is worth doing well—because I insisted in chewing the thing before I attempted to swallow it, because I would not sit here like a pouter pigeon and swallow whole anything that was vomited into me from any committee, I am subject to this criticism.

That is a matter comparatively immaterial, but it is material if the press and if the people of the country have reached the point where they are impatient of the consideration of legislation, however important, if they are impatient and resentful when any man rises in his place and says, "Stop! Look! Listen! Heed!" Consider what you do before you ride ruthlessly over rights guaranteed and made sacred by the prescription of centuries, sanctioned by the experience of men in every civilized country that respects the common law and the traditions of the Saxon race. Stop and consider before you enact legislation that is absurd on its face and unconstitutional.

After you have written such legislation you have simply sent to a court an act that it will spew out of its mouth. After you have written it you have subjected citizens to every character of espionage and every character of annoyance, without attaining the end in view. After you have enacted these half-baked bills you have repealed dozens of carefully considered laws, with which the people of the District are familiar, and have substituted in their places arbitrary regulations of which they are ignorant and which are violative of every right guaranteed to them.

This is a matter I think worthy of the consideration of the Senate. In leaving this body I can say nothing of more importance, I can utter no warning of greater weight and with greater earnestness, than to repeat what I have so often reiterated on the floor of the Federal Senate, what we must have if we would preserve the happiness of the people, if we would preserve intact these institutions, if we would keep inviolate the Constitution of my country, if we would preserve that which is more sacred than its statute law and without which all laws are scraps of paper. The thing behind the laws we write which gives them weight and pith and moment and force is stronger than your standing armies, it is more powerful than your frowning prisons; it is the respect that people once had, that De Tocqueville said was an almost filial regard on the part of the citizen for the law because it was the law.

Duty itself is obedience to the law out of respect for the law. The law was once obeyed because it was respected, and it was respected because it was respectable. To-day the thing that menaces us more than all the armies and navies of a hostile world, that menaces us more than all threatened internecine strife, is the universal disregard and the universal contempt for law; and you can not increase that disregard for the law, you can not increase or justify that contempt for the law better than by conduct that deserves neither of reverence nor respect. You must approach the enactment of the law with care, with prudence, with sane and serious consideration, if you expect that law, when enacted, to receive the reverent obedience of the people of the United States.

I hope this legislation will be speedily enacted, and I anticipate that it will be enacted in a form worthy of the best traditions of the Senate of the United States.

OPERATION OF IMMIGRATION LAW OF 1924

Mr. REED of Pennsylvania. Mr. President, I give notice that to-morrow, as soon after the routine morning business as I can obtain recognition, I shall make a statement of about 20 minutes on the operation of the immigration law of 1924.

PRICE OF GASOLINE

The PRESIDING OFFICER. There is a resolution coming over from a previous day, Senate Resolution 337, introduced by the Senator from Florida [Mr. TRAMMELL].

Mr. TRAMMELL. Mr. President——

Mr. CURTIS. Mr. President, will the Senator yield a moment?

Mr. TRAMMELL. I will yield for a question.

Mr. CURTIS. I hope the Senator from Florida will let the resolution go over. I told the Senator last Friday or Saturday that I had asked the Department of Justice for certain information. The attorney in charge of the work was then in the city of New York and did not return until this morning. He can not get the information to me until late to-day or to-morrow morning. It bears directly upon the subject and I hope the Senator will let the resolution go over.

Mr. TRAMMELL. I recall the Senator having spoken to me and I told him I wanted to call up the resolution to-day. The resolution is a very important one and is one which should be acted upon promptly, in my opinion. I do not care to consent to have the resolution passed over and then have the Senate take a recess from day to day and thus I would be unable to call up the resolution. That is the trouble about it if I let the resolution go over until to-morrow.

Mr. CURTIS. I will agree that this afternoon, so far as I can arrange it, a motion will be made to adjourn so there will be a morning hour to-morrow and no advantage taken of the Senator, so far as I am personally concerned.

Mr. TRAMMELL. I know of some Senators who are going to fight the resolution. A great many of us believe there ought to be some prompt and immediate investigation and an effort made to check the arbitrary and what seems to be entirely unreasonable advance in the price of gasoline. While I would like to accommodate the Senator I do not believe in giving any quarter whatever to the monopolistic and trust tendencies of those who control and dominate the oil industry of the country. I want the question handled very promptly. That is my view in regard to the subject. I do not desire to be caught out on a limb by letting the matter go over until to-morrow, and then have some Senator object and have the resolution go over indefinitely, perhaps for the entire week. I would like to be courteous to the Senator from Kansas.

Mr. CURTIS. As I stated to the Senator, if the resolution goes over I will agree that this evening I will move that the Senate adjourn instead of taking a recess. I think my suggestion will be followed. That will place the Senator's resolution in the same position it is in this morning, and it can be called up at the conclusion of routine morning business, as it was this morning. I will ask that it do not lose its status.

Mr. TRAMMELL. What I am afraid of is that there will be opposition to an adjournment. However, in view of the fact that the majority leader states that he will move to adjourn this afternoon instead of taking a recess and that my resolution will retain its order on to-morrow, I will under the circumstances extend the courtesy to him and ask that the resolution be passed over.

The PRESIDING OFFICER. The resolution will go over without prejudice. Routine morning business is closed and the calendar under Rule VIII is in order.

CHIPPEWA INDIAN AFFAIRS

Mr. HARRELD. Mr. President, I ask unanimous consent to take up——

Mr. CURTIS. Mr. President, this is Monday morning and a regular rule in reference to Monday morning procedure applies. I hope Senators will not ask to take up bills out of their regular order.

Mr. HARRELD. I want to make a statement. Last year a committee was appointed to go to Minnesota and make a report on Chippewa Indian affairs. They went, had exhaustive hearings, and made a report. The subcommittee reported to the Committee on Indian Affairs a program in regard to the Chippewa Indians. It involved the passage of some four or five bills. That program has been carried out in every par-

ticular except this one bill. This would complete the program of legislation that the committee decided upon about Chippewa Indian affairs, and it is very important that it be taken up and disposed of so as to complete the program. It provides simply for placing to the credit of the Chippewa Tribe of Indians a large sum of money accrued from the sale of timber, and it is necessary that it be passed in order to complete the program to which I referred, because the funds must be available before the program can be carried out. It is the one remaining bill that is in the way of carrying out the complete program agreed on by the subcommittee on Chippewa Indian affairs.

Mr. CURTIS. Mr. President, I hope the Senator will not ask for the present consideration of the bill. I do not want to object to his bill; I think the legislation ought to be enacted; but I have just stated that I would ask for an adjournment to-night so that we shall have another morning hour to-morrow. There is a regular order with reference to procedure to-day which can not be set aside except by unanimous consent.

The PRESIDING OFFICER. Objection is made. The calendar under Rule VIII is in order, and the Clerk will state the first bill on the calendar.

THE CALENDAR

The first business on the calendar was the bill (S. 55) making an appropriation to pay the State of Massachusetts for expenses incurred and paid, at the request of the President, in protecting the harbors and fortifying the coast during the Civil War, in accordance with the findings of the Court of Claims and Senate Report No. 764, Sixty-sixth Congress, third session.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1181) naming the seat of government of the United States was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). The bill will be passed over.

The bill (S. 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 was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 60) to stimulate crop production in the United States was announced as next in order.

Mr. KING. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The resolution (S. Res. 124) directing the Interstate Commerce Commission to secure information relative to amount of money expended for the purpose of creating public interest favorable to railroad sentiment was announced as next in order.

Mr. FESS. Let the resolution go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 185) to promote agriculture by stabilizing the price of wheat was announced as next in order.

Mr. STERLING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2401) providing for the compensation of retired warrant officers and enlisted men of the Army, Navy, and Marine Corps, or any other service or department created by or under the jurisdiction of the United States Government, and warrant officers and enlisted men of the Reserve Corps of the Army and Navy was announced as next in order.

Mr. KING. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2299) to validate the payment of commutation of quarters, heat, and light under the act of April 16, 1918, and of rental and subsistence allowances under the act of June 10, 1922, was announced as next in order.

Mr. HOWELL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2149) to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2150) to authorize arrests by officers and employees of the Department of Agriculture in certain cases and to amend section 62 of the act of March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," was announced as next in order.

Mr. KING. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2151) to increase subsistence and per diem allowances of certain officers and employees of the Department of Agriculture was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 56) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, was announced as next in order.

Mr. SPENCER. Mr. President, I think I ought to say in regard to the bill relating to French spoliation claims that the junior Senator from Nebraska [Mr. HOWELL] has told me that he feels that he ought to insist upon the completion of the reading of the bill, which would take up all the rest of the morning hour. It is not fair to the calendar for me even to move that the bill be taken up under those circumstances. I hope there may be an opportunity to consider the bill before the final adjournment.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 246) for the relief of Margaret I. Varnum was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3091) declaring an emergency in respect of certain agricultural commodities to promote equality between agricultural commodities and other commodities, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 7111) to promote American agriculture by making more extensively available and by expanding the service now rendered by the Department of Agriculture in gathering and disseminating information regarding agricultural production, competition, and demand in foreign countries in promoting the sale of farm products abroad, and in other ways, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1638) authorizing the Court of Claims to adjudicate the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of his patented inventions was announced as next in order.

Mr. SMOOT. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3011) to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, was announced as next in order.

Mr. KING. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 626) to prevent the sale of cotton and grain in future markets was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1230) to amend section 11 of the act entitled "An act for the retirement of public-school teachers in the District of Columbia," approved January 15, 1920, was announced as next in order.

Mr. KING. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1642) to provide for the purchase and sale of farm products was announced as next in order.

Mr. SMOOT and Mr. FESS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2570) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes, was announced as next in order.

The PRESIDING OFFICER (Mr. JONES of Washington in the chair). At the request of the present occupant of the chair the bill will be passed over.

The joint resolution (S. J. Res. 47) establishing a congressional committee to consider ways and means through legislation to lighten the responsibilities of the President was announced as next in order.

Mr. EDGE. Mr. President, this resolution was introduced by me. I ask unanimous consent that the resolution be removed from the calendar. I observe that the present occupant of the White House does not ask for its consideration. Therefore I ask that it may be removed from the calendar.

The PRESIDING OFFICER. Does the Senator ask for the indefinite postponement of the resolution?

Mr. EDGE. I do.

The PRESIDING OFFICER. Without objection the joint resolution will be indefinitely postponed.

The bill (S. 2155) to amend and modify the war risk insurance act was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 87) authorizing the erection of a flagstaff at Fort Sumter, and for other purposes, was announced as next in order.

Mr. SMITH. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 2284) to provide for the construction of certain public buildings in the District of Columbia was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ROBERT JUNE

The bill (S. 2586) for the relief of Robert June was announced as next in order.

Mr. COUZENS. Mr. President, I hope there will be no objection to the consideration of the bill. It has been on the calendar a long time. The report is favorable. I do not know that I can add anything to what is in the report. It is a very justifiable claim.

Mr. SMOOT. Is there a report accompanying the bill?

The PRESIDING OFFICER. There is; Report No. 501.

Mr. SPENCER. The Committee on Claims considered the bill and unanimously agreed that it was a deserving case. The man was seriously injured and the amount of the compensation, $5,000, is not unfair. The War Department recognized the need and justice of the compensation.

Mr. SMOOT. He was an employee of the Government?

Mr. SPENCER. Yes; on the Panama Canal Zone.

Mr. SMOOT. Why not give him a year's salary as the law provides? I have no objection to giving him a year's salary at the rate that he was earning.

Mr. SPENCER. He was getting $150 a month.

Mr. SMOOT. That would be $1,800 a year.

Mr. COUZENS. He is crippled for life.

Mr. SMOOT. The law provides the rate of cómpensation and we have adhered to the law very strictly where the employees were on the Panama Canal.

Mr. SPENCER. Is not that the case where there is a death involved?

Mr. SMOOT. Oh, no; it is for accidents.

Mr. SPENCER. Does the Senator mean to say that we give a year's salary irrespective of the character of the accident?

Mr. SMOOT. That is the maximum, I will say to the Senator, and that has been the course pursued in this body wherever there has been an accident in the Panama Canal Zone. If he was hurt I think he ought to have a year's salary as the law provides.

Mr. COUZENS. I think if that amount were compounded with interest from 1906 up to the present time it would be practically $5,000.

Mr. SMOOT. The Senator knows that the Government has never paid interest upon any claim.

Mr. COUZENS. I am not saying that it ought to be paid in this case, but I do think it makes a difference where the claim is held up for 19 years whether we should go back to the basis of one year's salary in the case of a man getting $1,800 a year.

Mr. SMOOT. The only reason why the bill is here is because the accident happened before the law was enacted. It would not be here at all if it had not happened before. Why should he be treated in any different way than any other employee on the Panama Canal Zone?

Mr. COUZENS. When was the law passed?

Mr. SMOOT. About six or seven years ago. I have forgotten the exact date.

Mr. COUZENS. Of course, the others who came under that law have had the advantage of their claims and this man has not.

Mr. SMOOT. I will offer an amendment if the bill is considered.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Robert June, of Detroit, Mich., out of any money in the Treasury of the United States not otherwise appropriated, the sum of $5,000 as compensation to him for injuries sustained in the month of June, 1908, on the Panama Canal, while employed by the Isthmian Canal Commission in the capacity of foreman.

Mr. SMOOT. I move to amend the bill by striking out on page 1, line 6, "$5,000" and inserting in lieu thereof "$1,800."

Mr. SPENCER. It is only fair to say that $1,800 would be a caricature of justice. The man has been operated on at least six or seven times. He is crippled for life. If there is any justice in what the man is entitled to, $5,000 is not an unfair amount. The accident occurred before the law went into effect so that technically we would do for him what we did for others before the law went into effect. There would be no violation of existing law. I have no interest in the claim except it happened to go through my hands as a member of the Committee on Claims.

Mr. SMOOT. What does the Senator say about the fact that if he had been hurt in exactly the same way since 1908 he would have received $1,800, but merely because it happened before there was any law placing any responsibility upon the Government, we are asked to give him $5,000?

Mr. SPENCER. Would not the Senator agree that he would be in just the same position as are those who were injured before the law was enacted?

Mr. SMOOT. Yes; though I do not think the Senator can find a case of that kind to the amount of $5,000 before the law was enacted.

Mr. SPENCER. We certainly did that before the law went into effect.

Mr. SMOOT. I doubt it; but I will say to the Senator that what I desire to do is to treat everyone alike.

Mr. COUZENS. Does the Senator contend that all physical injuries are alike?

Mr. SMOOT. I did not say that; I said under the law.

Mr. COUZENS. I am contending that all physical injuries are not the same under the law.

Mr. SMOOT. But they are so considered when incurred on the Panama Canal in cases where the maximum is paid, and one year's salary is the maximum.

Mr. COUZENS. Regardless of the nature of the injury?

Mr. SMOOT. Regardless of the nature of the injury, I will say to the Senator from Michigan.

Mr. COUZENS. But this is a case, I think, which does not come under the law, and the injury itself justifies the claim.

Mr. SMOOT. If the Senate desires that the bill shall be passed giving the applicant $5,000, it can do so, but I am sure that the other House will take care of the matter.

Mr. COUZENS. Then we will leave it to the other House.

Mr. SMOOT. I am perfectly willing to leave it to the House, because the House will carry out the existing law applying to claims of this character which come before it.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah withdraw his amendment?

Mr. SMOOT. Yes; I withdraw the amendment.

Mr. HEFLIN. Mr. President, I was just about to inquire whether the Senator from Utah had withdrawn his amendment?

The PRESIDING OFFICER. The Senator from Utah has withdrawn his amendment.

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

BILLS AND RESOLUTIONS PASSED OVER

The bill (S. 3010) to amend the classification act of 1923, approved March 4, 1923, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

The joint resolution (S. J. Res. 121) to create a body corporate by the name of the "Alien Property Trade Investment Corporation" was announced as next in order.

Mr. DIAL. I ask that that joint resolution may be indefinitely postponed.

The PRESIDING OFFICER. The Senator from South Carolina asks that the joint resolution may be indefinitely postponed. Without objection, that order is made.

The bill (H. R. 6896) to amend an act entitled "The classification act of 1923," approved March 4, 1923, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 41) authorizing a joint committee of both Houses to investigate the Harriman Geographic Code System, now in use by the War Department, with a view to ascertaining the adaptability and application of said system

in the several executive departments and administrative branches of the Government and to rendering a just compensation to the owner thereof, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. KING. I should like some explanation of the joint resolution, but I notice the Senator who reported it is not present.

Mr. FLETCHER. I suggest that the resolution go over for the present. The Senator who introduced it is not here.

The PRESIDING OFFICER. The joint resolution will be passed over.

The bill (S. 1535) granting relief to persons who served in the Military Telegraph Corps of the Army during the Civil War was announced as next in order.

Mr. DIAL. Let that bill go over.

The PRESIDING OFFICER. The bill will go over.

The resolution (S. Res. 234) advising the adherence of the United States to the existing Permanent Court of International Justice, with certain amendments, was announced as next in order.

Mr. KING. Let that resolution go over, Mr. President.

The PRESIDING OFFICER. The resolution will go over.

MIGRATORY BIRD REFUGES

The bill (S. 2913) for the establishment of migratory-bird refuges to furnish in perpetuity homes for migratory birds, the establishment of public shooting grounds to preserve the American system of free shooting, the provision of funds for establishing such areas, and the furnishing of adequate protection for migratory birds, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. That is a very important measure.

Mr. SIMMONS. I hope the Senator from Utah will not object to the consideration and passage of the bill. It is regarded by some as of very great importance. In my State I find a great many people who are interested in migratory birds who are in favor of the bill.

Mr. KING. I merely stated that the bill is a very important one, and I do not think that under the five-minute rule it can be properly considered. I have had a great many objections to the bill sent to me and have received some letters in favor of it. To be frank with the Senator, I have not quite determined——

Mr. SIMMONS. Very likely, if the Senator would offer any amendment he may desire to the bill, there would be no objection to it.

Mr. SMOOT. I will say that I have prepared an amendment to the bill, which I thought, perhaps, would be satisfactory, but the Senator from Iowa notified me just a few moments ago that it was not satisfactory to the people who are back of the bill. Therefore, Mr. President, it would be impossible to consider the measure here within the five-minute limit.

Mr. KING. I am not in favor of establishing new commissions. I could not agree to that.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. I object.

The PRESIDING OFFICER. The bill will be passed over.

THE TURNER CONSTRUCTION CO.

The bill (S. 3050) for the relief of the Turner Construction Co., of New York City, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. Let the bill be read, Mr. President.

The PRESIDING OFFICER. If there be no objection, the bill as proposed to be amended will be read.

The bill had been reported from the Committee on Claims with an amendment on page 1, beginning in line 3, to strike out "that the sum of $27,029.65 be, and hereby is, authorized to be appropriated for payment to, and reimbursement of, the Turner Construction Co., of New York City," and in lieu thereof in insert "that the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Turner Construction Co., of New York City, out of any money in the Treasury not otherwise appropriated, the sum of $27,029.65," so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Turner Construction Co., of New York City, out of any money in the Treasury not otherwise appropriated, the sum of $27,029.65, for legal and other expenses incurred by said company in defending a suit brought against the same by the Central Railroad of New Jersey for depositing dredged material upon the lands of said railroad company at Caven Point, N. J., during the World War, said material being deposited at the administrative direction of the constructing quartermaster of the War Department during the construction by the Turner Construction Co. for the United States of the Army supply base at South Brooklyn, N. Y., under contract dated May 6, 1918.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KING. Reserving the right to object, if the Senator from New York [Mr. WADSWORTH], who introduced the bill, can give an explanation of it I shall be glad to hear him. As I understand, the bill proposes to pay for attorneys' fees and litigation.

Mr. WADSWORTH. The litigation was forced upon this company by the action of the Government itself. The Turner Construction Co. obeyed the orders of the Government in the performance of its contract, and thereafter found itself quite helpless in the matter when it was confronted with a suit by the Central Railroad of New Jersey. That is the key of the situation.

Mr. KING. Is all of this amount of $27,029.65 to reimburse the company for the cost of litigation in defending that suit?

Mr. WADSWORTH. That is my understanding. The report states:

The Turner Construction Co. expended the sum of $27,083.55 for attorneys' fees, the services of experts and other witnesses, of which only $53.90 could be taxed against the Central Railroad as court costs, making the net expenditure $27,029.65 in defending the suit. The Turner Construction Co. thereupon filed claim with the War Department for reimbursement of said sum as an item of cost under the contract.

This company was compelled to do that which resulted in a suit being brought against them by the railroad company. When they took that action, of course, they were acting as agents of the Government.

Mr. COPELAND. Mr. President, I hope there will be no objection to the consideration and passage of this bill. Those of us who are familiar with the matter feel that the bill is worthy of the favorable action of the Senate.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, which has been stated.

The amendment was agreed to.

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

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

OFFICIAL PAPERS OF THE TERRITORIES

The bill (S. 2935) for the publication of official papers of the Territories of the United States now in the national archives was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

SENATE ELECTION CONTESTS

The bill (S. 300) to provide for election contests in the Senate of the United States was announced as next in order.

Mr. SPENCER. Mr. President, I think we ought to pass that bill. It will apply only to future elections. It has twice been reported by the Committee on Privileges and Elections, and would save much of the trouble we are having now in contested election cases.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

*Be it enacted, etc.*, That any person who intends to contest the election of a Member of the United States Senate shall, within 30 days after the result of such election has been determined by the officer or board of officers authorized by law to determine the same, give notice in writing to such Member of such intention, and in such notice shall specify particularly the grounds upon which he intends to rely in the contest.

SEC. 2. That any Member or Member-elect of the Senate upon whom such notice is served shall, within 30 days after the service thereof, answer in writing, admitting or denying to the best of his knowledge the facts alleged therein and specifying any grounds upon which he intends to rely in support of the validity of his election; he shall serve a copy of such answer upon the contestant within 30 days after the service of the notice of contest.

SEC. 3. That the time allowed for taking testimony in cases under this act shall not exceed 120 days. Such testimony shall be taken in the following order: The contestant shall be allowed the first 50 days, the Member of the Senate the succeeding 50 days, and the contestant in rebuttal the remaining 20 days.

SEC. 4. That either party desiring to take a deposition under the provisions of this act shall notify the opposite party in writing when and where such deposition will be taken, the names of the witnesses to be examined and their places of residence, and the name of the officer before whom such deposition will be taken. This notice shall be personally served upon the opposite party or upon any agent or attorney authorized by him to take testimony or to cross-examine witnesses in the matter of such contest; but if by the use of reasonable diligence such personal service can not be made, service may be made by leaving a duplicate of the notice at the usual place of abode of the opposite party. The notice shall be served in time to allow the opposite party one day for preparation, exclusive of Sundays, holidays, and the day of service, and sufficient time by the usual route of travel to attend. Testimony in rebuttal may be taken on three days' notice. Testimony may be taken at two or more places at the same time.

SEC. 5. That either party to a contest desiring to obtain testimony respecting such election may apply for a subpœna to either of the following officers who may reside within the State in which the election was held:

First. Any judge of any court of the United States.

Second. Any chancellor, judge, or justice of a court of record of any State.

Third. Any commissioner or officer appointed by any judge of any court of the United States or by any chancellor or judge or justice of any court of record of any State to take such testimony.

SEC. 6. That the officer to whom the application authorized by the preceding section is made shall upon such application issue his writ of subpœna, directed to such witnesses as shall be named to him, requiring their attendance before him, at such time and place named in the subpœna, in order to be examined respecting such election.

SEC. 7. That the parties or their agents or attorneys in any case under this act may take depositions without notice by consent in writing and by written consent may take depositions before any officer authorized in any State to take depositions, and waive proof of the official character of such officer. All such written consents shall be returned with the depositions.

SEC. 8. That each witness shall be served with a subpœna by a copy thereof delivered to him or left at his usual place of abode, but no witness shall be required to attend an examination out of the county in which he may reside or in which he may be served with a subpœna, unless at the time of the service of the subpœna he is tendered mileage at the rate of 7 cents per mile going to and returning from the place where such examination is to be held by the shortest route, and $3 for one day's attendance, or to remain outside of the county in which he lives for more than one day unless for each such day there is tendered to him $3 for his living expense.

SEC. 9. That any person who, having been summoned as above provided, refuses or neglects to attend and to testify, shall, except in case of sickness or other unavoidable cause, forfeit the sum of $20, to be recovered with costs in an action of debt, in any court of the United States, by the party at whose instance the subpœna was issued, and shall also be guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding $100 or imprisonment for not more than six months as the court may direct. All witnesses who attend in obedience to the subpœna or who attend voluntarily at the time and place appointed as provided in this act shall then and there be examined under oath in regard to any matter respecting such contest by either of the parties or their agents, by the officer who issued the subpœna, or, in the case of his absence, by any other officer authorized by the provisions of this act to issue a subpœna, or, in case of his absence, by any officer before whom depositions are to be taken by written consent; in case of failure to comply with a subpœna issued in pursuance of this act, or in case of the contumacy of any witness appearing for examination under this act, the officer who issued such subpœna or who is conducting such examination may invoke the aid of any United States district court. The court may thereupon order the witness to comply with the requirements of the subpœna or to give evidence touching the matter in question, as the case may be, and failure to obey such order may be punished by the court as a contempt thereof.

SEC. 10. That the testimony to be taken by either party shall be confined to the proof or disproof of the facts alleged or denied in the notice and answer provided for in this act.

SEC. 11. That the officer taking the testimony shall cause it to be reduced to writing by competent stenographers or such other person as he may designate and to be signed by the witness unless such signature is expressly waived by the parties to the contest or their attorneys. He may require the production of papers, and any person who refuses or neglects to produce and deliver up any paper or papers in his possession or any certified or sworn copies in the case of official papers pertaining to the election shall be liable to all the penalties prescribed in this act for witnesses who fail or refuse to answer. All papers thus produced and all certified or sworn copies of official papers, together with the testimony of the witnesses, shall be transmitted by the officer taking the same to the Secretary of the Senate.

SEC. 12. That if any witness refuses to sign the testimony which he has given, the officer taking the same shall certify as to the fact and shall also certify as to the correctness of the testimony of such witness.

SEC. 13. That the taking of testimony may be adjourned from day to day or for a longer period, as may be agreed upon by the parties, within the limits provided for in this act.

SEC. 14. That the notice to take depositions, together with the proof or acknowledgment of the service thereof, and the copies of subpœnas which have been served and of the notice of contest and of the answer shall be attached to the depositions and transmitted with them to the Secretary of the Senate.

SEC. 15. That all officers taking testimony under this act, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify and carefully seal and immediately forward the same, by mail or express, to the Secretary of the Senate, Washington, D. C., and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it was taken, together with the name of the party in whose behalf it was taken, and shall subscribe such indorsement.

The Secretary of the Senate, upon the receipt of such deposition or testimony, shall notify the contestant and the contestee, by registered letter, to appear before him at the Capitol, in person or by attorney at such reasonable time, not exceeding 20 days from the mailing of such letter, as he may specify. Upon the day appointed for such meeting the Secretary shall proceed to open the packages of testimony in the presence of the parties or their attorneys, and such portions of the testimony as to the parties or their attorneys may agree to have printed shall be printed by the Public Printer, under the direction of the Secretary. In case of disagreement between the parties as to the printing of any portion of the testimony, the Secretary shall determine whether such portion shall be printed. The Secretary shall prepare a suitable index of such testimony to be printed with the record. The notice of contest and the answer of the Member shall be printed with the record.

If either party, after having been duly notified fails to attend, by himself or by an attorney, the Secretary shall proceed to open the depositions or other testimony and shall cause such portions thereof to be printed as he shall determine.

The Secretary shall carefully seal up and preserve the portions of the testimony not printed, together with the other portions when returned from the Public Printer, and lay the same before the Committee on Privileges and Elections as soon as practicable. As soon as the testimony is printed the Secretary shall, upon request therefor, forward by mail two copies thereof to the contestant and to the contestee, and shall notify the contestant to file with the Secretary, within 30 days thereafter, a brief of the facts and the authorities relied on to establish his case. The Secretary shall forward by mail two copies of the contestant's brief to the contestee, with like notice.

Upon receipt of the contestee's brief the Secretary shall forward two copies thereof to the contestant, who may, if he desires, reply to new matter in such brief within 30 days thereafter. All briefs shall be printed at the expense of the parties, respectively, and shall be of like folio as the printed record; and 60 copies thereof shall be filed with the Secretary for the use of the Committee on Privileges and Elections.

SEC. 16. That every witness required by a subpœna to attend an examination under this act shall be entitled to receive 7 cents for each mile necessarily traveled in going to and returning from the place where such examination is to be held by the shortest possible route and $3 for each day's attendance: *Provided*, That where the testimony is taken at the place of residence of the witness he shall receive $1 for each day's attendance.

SEC. 17. That any officer taking testimony or serving any subpœna or notice as provided in this act shall be entitled to receive from the party at whose instance the service was performed such fees as are allowed for similar services in the State where such service is rendered.

SEC. 18. That no Member of the Senate or contestant under this act shall be paid any sum on account of expenses in such contest unless he files with the clerk of the Committee on Privileges and Elections a full and detailed account of his expenses, accompanied by the vouchers and receipt for each item, which account and vouchers shall be sworn to by the party presenting the same.

Mr. SPENCER. I suggest an amendment, on page 1, line 3, to insert before the word "election," the word "future," so that there will be no doubt that it applies merely to future election contests.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. In section 2, page 1, line 3, before the word "election," it is proposed to insert the word "future," so as to read:

That any person who intends to contest the future election of a Member of the United States Senate shall—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri.

Mr. KING. Mr. President, let me ask the Senator a question before the amendment is voted upon. As I understand, there are a number of contested-election cases threatened, and it may be that the contestants and the contestees will be willing to avail themselves, or to have the Senate avail itself, of the machinery which is provided in this bill. It strikes me that if we put in the word "future" that it might be an impediment to such action.

Mr. SPENCER. There is no reason why the parties to any pending election-contest case could not by consent avail themselves of this machinery; but this bill is mandatory, and many of its provisions would now be impossible of compliance, in view of the time which has elapsed since the election. As applied to the future it would be mandatory; but the parties to present election contests by consent might avail themselves of the provisions of the bill.

Mr. HEFLIN. It could read "hereafter elected."

Mr. SPENCER. I have suggested that the word "future" be inserted to carry out precisely that idea, and I doubt if the words suggested by the Senator are any better.

Mr. HEFLIN. Very well.

Mr. WALSH of Montana. Mr. President, I should like to make an inquiry of the Senator. How does this proposed act correspond with the act concerning contests in the House of Representatives?

Mr. SPENCER. It is substantially the same. There are some changes, designed partly for expediting consideration and partly in reference to the testimony to be taken. Instead of allowing testimony to be taken before a notary public, it is required that some court of record of a State shall designate a commissioner or a master, so that there will be a little more dignity in the taking of the testimony.

Mr. WALSH of Montana. But in essential particulars they are identical.

Mr. SPENCER. The practical working is precisely the same as with regard to election contests in the House of Representatives.

Mr. WALSH of Montana. Why should there not be one act providing identical procedure in both Houses?

Mr. SPENCER. I do not know of any reason why there should not be, and the passage of this bill may result in that being brought about. This measure might be a step in that direction.

Mr. WALSH of Montana. It can not result in that, because it refers merely to contests in the Senate. It seems to me, inasmuch as the procedure in the election is exactly the same, that the preliminary procedure in the matter of contests should be the same.

Mr. SPENCER. Would it not be reasonable to suppose as to the Senator's suggestion, which has a great deal of merit, that when this measure comes before the Committee on Elections of the House of Representatives they might add to it a provision in regard to contests in the House of Representatives? As a matter of courtesy the suggestion ought to originate with them, but they could send the measure back embodying such provisions as are indicated by the Senator from Montana. The bill probably will not be passed at this session, but it is a step in that direction.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri.

The amendment was agreed to.

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

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

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 3300) to fix the salaries of officers and employees of the Court of Appeals of the District of Columbia, the Supreme Court of the District of Columbia, the United States Court of Claims, and the United States Court of Customs Appeals was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3316) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1918; to amend section 5136 as amended, section 5137, section 5138 as amended, section 5142, section 5150, section 5155, section 5190, section 5200 as amended, section 5202 as amended, section 5208 as amended, section 5211 as amended, of the Revised Statutes of the United States; and to amend section 9, section 13, section 22, and section 24 of the Federal reserve act, and for other purposes, was announced as next in order.

Mr. SMOOT. It is impossible to consider that bill before 2 o'clock, and I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

The joint resolution (S. J. Res. 109) proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto was announced as next in order.

Mr. WALSH of Montana. I ask that that joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

CAPT. WILLIAM REES RUSH, UNITED STATES NAVY

The bill (S. 1187) to commission Capt. William Rees Rush as a rear admiral on the retired list of the Navy was announced as next in order.

Mr. KING. I ask that that bill go over.

Mr. BUTLER. Mr. President, this bill was introduced by my predecessor, the late Senator Lodge.

The PRESIDING OFFICER. Does the Senator from Utah withhold his objection?

Mr. KING. I withhold my objection in order that the Senator from Massachusetts may make his statement.

The PRESIDING OFFICER. The Senator from Utah withholds his objection.

Mr. BUTLER. The action contemplated by the bill is the appointment as a rear admiral on the retired list of Capt. William Rees Rush. That action has been recommended by the Secretary of the Navy. The bill was carefully considered by the Committee on Naval Affairs, and the recommendation of the Secretary was approved by the committee and a report submitted to the Senate.

The circumstances briefly stated are these: Captain Rush had a distinguished service for a long period and retired from the service just before the war—I think in 1916—as a captain. During the entire period of the war, however, he served at the Boston Navy Yard with great usefulness and was commended for his service during that period by the Secretary of the Navy, who recommended his promotion to rear admiral. I hope that the bill may receive the favorable consideration of the Senate.

Mr. KING. Mr. President, it seems to me it would be setting a very bad precedent, after a man leaves the Navy or leaves the Army as a result of voluntarily resigning or retiring——

Mr. BUTLER. This officer was on the retired list.

Mr. KING. He did not resign afterwards?

Mr. BUTLER. He did not resign. He was on the retired list.

Mr. KING. I ask the Senator whether he believes that any precedent will be established by this legislation that might be deleterious to the service?

Mr. BUTLER. I understand not.

Mr. WADSWORTH. Mr. President, may I ask the Senator a question? Did this officer return to active duty at the outbreak of the war against Germany?

Mr. BUTLER. He returned to active duty at the Boston Navy Yard and stayed there during the period of the war.

Mr. WADSWORTH. And the idea is now that his services as a captain during the war on active duty, transferred temporarily from the retired list, were of such a character as to warrant his promotion?

Mr. BUTLER. That appears by the report of the Secretary of the Navy.

Mr. WADSWORTH. Mr. President, I will have just this to say, because I am not at all familiar with Captain Rush's record: If this bill should become law, he will be the only officer of either the Army or the Navy who has received recognition of this kind. No matter how distinguished the services of other officers, we have not passed any act of Congress conferring promotion of any kind upon an officer on the retired list of the Regular Army or the regular Navy since the war. In fact, there is only one officer in the military services of the United States who has received any recognition in the matter of promotion of a permanent character for distinguished service during the war, and that is General Pershing. He was made a full general for life.

Mr. BUTLER. I should like to call the attention of the Senator from New York to the report of the committee:

The records of the department show further that he was examined by a board of rear admirals for promotion to the grade of rear admiral in 1916 and that the board did not recommend him for such promotion. Subsequently he was transferred to the retired list on October 9, 1916, upon his own application after the completion of 40 years' service.

In view of the excellent service of Captain Rush on active duty as commandant of the navy yard, Boston, Mass., since his retirement, which service covered the period of the late war, the department recommends that the bill S. 1187 be enacted.

The matter was examined by the Committee on Naval Affairs, and this report was made on it by Mr. Lodge, then a member of the committee, May 31, 1924.

Mr. KING. Mr. President, I will cut the matter short. I ask the Senator to forgive me for objecting. I should like to look into the case a little more and see what the effect of passing the bill will be. In the light of the statement made by the Senator from New York, I object.

The PRESIDING OFFICER. Objection is made.

Mr. SWANSON. Mr. President, I hope the Senator will not do that. This is the only opportunity there will be of passing this bill. It has been here for a great many years. I hope the Senator will withhold the objection for a minute.

Mr. KING. I will withhold it for a moment.

Mr. SWANSON. I know about this case. The bill has been reported repeatedly. During the war, when people worked day and night and were especially efficient during war time, promotions of this kind and character have been made. Nobody did more than the Boston Navy Yard during the war. It was efficient. It was capably administered. This man worked day and night. He received commendation from every source. He would have been a rear admiral except for some little defect, or something of that kind, in connection with his promotion.

Mr. KING. No; he failed in the examination.

Mr. SWANSON. I say, there was some little defect in his examination for the eligible list. After that he went on active duty. He showed more capacity, more ability, than would have entitled him to be promoted, irrespective of the fact that he was not promoted by the board that examined him.

Mr. WADSWORTH. The Senator will recollect—I think I am not mistaken—that General Goethals was a retired Army officer at the time we went into the World War. He came back to active duty and did a task infinitely larger than the task performed by this officer, great as his was. He received no promotion for it.

Mr. KING. I insist on my objection.

Mr. SWANSON. I should like to say, in this connection, that the old law was that a man was usually retired at one grade higher than he held when he was retired. That law was repealed about seven or eight years ago in the Navy. It was the law until that time.

Mr. WADSWORTH. For officers who had served in the Civil War.

Mr. SWANSON. No; not entirely. It was a general law which we repealed; and consequently we thought that thereafter, when a man was retired at a grade higher than the grade he held at the time, it ought to be for peculiar achievements, and because of what he had done. Most officers have been retired at one grade higher than the grade they held when they were retired.

Mr. WADSWORTH. Not one in the last 10 years.

Mr. SWANSON. That was the old law, but we repealed that law about 1912 or 1913. I forget the exact date.

Mr. WADSWORTH. That was about 10 years ago.

Mr. SWANSON. We decided at that time that if a man was to be retired at a grade higher than the one he held at the time, it ought to be on account of special service; and I think these cases of special service are entitled to consideration.

Mr. WADSWORTH. Mr. President, I have no objection to this bill solely on its merits relating to this officer; but if we are going to reward officers who served in the military services during the war, we should do it by general legislation and not by individual bills, picking out this officer or that officer who may secure enough support in the Congress to get his promotion, whereas other officers who have not friends, who were not represented by the leader of the majority in the United States Senate, have no chance at all for recognition. I think it is dangerous legislation.

Mr. SWANSON. Mr. President, if the Senator will permit me, I think exactly the reverse is the case.

Mr. KING. I call for the regular order.

Mr. SWANSON. The only way in which we could have a general law would be by providing that anyone who had served during the war should be retired at one grade higher than the rank he held at the time. That would be a general law. I do not think they are entitled to it except in special cases; and I think Congress has been disposed, as it has done in several cases, to retire people at a grade higher than they held during the war when they performed special service. It seems to me the wiser course is to abolish the general law retiring a man who served during the World War at one grade higher than he held at the time of retirement and to give such retirement at a higher grade to special cases. Congress would very rarely bestow it except in deserving cases, because one objection would prevent it. I think this is a case where it should be conferred.

The PRESIDING OFFICER. The Senator from Utah objects?

Mr. KING. I do.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

INDEMNITY FOR DAMAGES CAUSED BY AMERICAN FORCES ABROAD

The bill (S. 3408) to amend an act entitled "An act to give indemnity for damages caused by American forces abroad," approved April 18, 1918, and for other purposes, was considered as in Committee of the Whole.

Mr. KING. Let the bill be read.

The PRESIDING OFFICER. The Secretary will read the bill.

The reading clerk read the bill, as follows:

*Be it enacted, etc.*, That the first section of an act entitled "An act to give indemnity for damages caused by American forces abroad," approved April 18, 1918, be, and hereby is, amended to read as follows:

"That claims, including claims in admiralty arising from operations of the Army Transport Service in connection with American forces abroad, of the nationals of any foreign government not an enemy or ally of an enemy, for damages caused by American military forces may be presented to any officer designated by the President, and when approved by such an officer shall be paid under regulations made by the Secretary of War."

SEC. 2. That the provision relating to sale of ordnance stores to Cuba, contained in the act of August 29, 1916 (39 Stat. L. p. 643), be, and the same is hereby, amended to read as follows:

"The Secretary of War is hereby authorized to sell, at average current prices as determined by him, plus the cost of overhead, packing, handling, and transportation, to the Government of Cuba such articles and quantities of individual and organization equipment as may be desired by that Government for the equipment of its troops and as may be in accordance with the policy approved by the President of the United States: *Provided*, That funds arising from such sales shall be available to replace articles disposed of and services rendered hereunder with similar articles and services."

Mr. KING. Mr. President, I should like to ask the Senator from New York to state wherein this bill changes existing law.

Mr. WADSWORTH. Mr. President, existing law permits the War Department to settle claims brought against it by the nationals of foreign countries for damages caused by the American military forces. There was not included in that law, however, any provision for the settlement of claims arising from the operations of Army transports. The result is that there are some valid claims pending against the American Government as the result of damage inflicted by American transport vessels in the harbors of the allied countries in loading and unloading troops and supplies. There is no provision under the law by which the Secretary of War can settle those claims. My information is that they are not very extensive in character, but it really is a rather disgraceful state of affairs that we have never paid them. The Secretary of War can not even consider them under the statute to-day, as I understand.

Mr. KING. Is the bill recommended by the Secretary of War?

Mr. WADSWORTH. Yes; it is recommended by the Secretary of War.

Mr. FLETCHER. A similar bill passed the House at one time.

Mr. WADSWORTH. Yes; the House passed a similar bill on another occasion.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and open to amendment. If there be no amendment to be proposed, the bill will be reported to the Senate.

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

TRANSFER OF MATERIALS TO AGRICULTURAL DEPARTMENT

The bill (H. R. 7269) to authorize and direct the Secretary of War to transfer certain materials, machinery, and equipment to the Department of Agriculture was announced as next in order.

The PRESIDING OFFICER. This bill was considered by the Senate on January 31, and there is an amendment pending, offered by the Senator from South Dakota [Mr. NORBECK], which will be stated by the Secretary.

The READING CLERK. On page 2, line 2, it is proposed to stike out "1,500" and to insert in lieu thereof "750."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. WADSWORTH. Mr. President, I can not consent to that amendment. Here is the situation, if it is of interest to Senators: This bill as passed by the House would have required the War Department to turn over to the Department of Agriculture, which in turn would have handed these machines over to the States for road-building purposes, 1,500 five-ton caterpillar tractors, complete with tools and spare parts. Upon inquiry we found that if 1,500 of these tractors were taken away from the Army and turned over to the Department of Agriculture, it would leave with the Army seven tractors.

Mr. KING. Why turn over any?

Mr. WADSWORTH. I may say that the War Department has been playing Santa Claus to the States now for four or five years. Something like 40,000 motor vehicles have been turned over to the States from the War Department, or, if not to the States, to other Federal departments. They have got down now to rock bottom. If this bill should pass in the form in which it passed the House, it would leave the Army with no reserve of caterpillar tractors to haul artillery at all; so I can not accept the amendment.

Mr. KING. I object.

Mr. ASHURST. Let us withdraw the amendment and pass the bill.

Mr. FLETCHER. Have the committee amendments been agreed to?

The PRESIDING OFFICER (Mr. WILLIS in the chair). The Chair is advised that the committee amendments have been agreed to.

Mr. SMOOT. I do not think it would be proper to pass upon the bill with the author of the amendment absent from the Chamber, and I shall have to ask, at least, that it be temporarily passed over.

The PRESIDING OFFICER. The bill will be temporarily passed over without prejudice.

BILL AND RESOLUTION PASSED OVER

The bill (S. 3372) to provide safeguards for future Federal irrigation development and an equitable adjustment of existing accounts on Federal irrigation projects, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The resolution (S. Res. 223) authorizing the appointment of a special committee to investigate the Federal farm loan system and the Federal Farm Loan Board was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The resolution will be passed over.

AMENDMENT OF COTTON FUTURES ACT

The bill (S. 386) to amend section 5 of the United States cotton futures act, approved August 11, 1916, as amended, was announced as next in order.

Mr. DIAL. Mr. President, I realize that other Senators want their bills passed, and I ask unanimous consent to take up this bill and kindred bills immediately after 2 o'clock.

The PRESIDING OFFICER. The Chair will state that all that can be done at this time is to act upon these bills or pass them over.

Mr. DIAL. Very well. I want to give notice, then, that I expect to move at the earliest opportunity to take up that bill and the one that follows it.

The PRESIDING OFFICER. Senate bill 386 and Senate bill 3197, to amend section 5 of the United States cotton futures act to enable the buyer of a cotton-futures contract to demand actual delivery in fulfillment thereof prior to the close of the delivery month, will be passed over.

Mr. CURTIS. Mr. President, I hope the Senator from South Carolina will not give that notice and have it carried out at 2 o'clock, because there is unfinished business, and we want to make some disposition of it.

Mr. DIAL. I want to be perfectly agreeable. I want those bills passed on at an early date for a special reason. I do not want to move to amend another bill, and I hope the Senator will help me in getting a vote on those two bills. I want to accommodate other Senators as much as possible, but I want to get up those bills at a very early hour.

The PRESIDING OFFICER. The Secretary will state the next bill on the calendar.

J. M. FARRELL

The bill (H. R. 2745) for the relief of J. M. Farrell 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.

CODIFICATION AND REVISION OF LAWS OF THE UNITED STATES

The joint resolution (S. J. Res. 141) providing for the appointment of a commission to consolidate, codify, and revise and reenact the general and permanent laws of the United States in force December 2, 1923, was considered as in Committee of the Whole and was read, as follows:

Whereas the President of the United States in his annual message to the Congress dated December 6, 1923, recommended that a commission or committee be created to undertake a revision of the statute law of the United States: Therefore be it

*Resolved, etc.* First. That a commission of three persons, experts in the statute law of the United States, and of whom at least two shall be members of the bar, be appointed by the President of the United States to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force December 2, 1923, and to report to the President within one year from the date of appointment.

Second. That the commission shall be at liberty to adopt the matter contained in H. R. 12, passed by the House of Representatives January 15, 1924, as the basis of such bill as it may recommend for enactment.

Third. That in making and submitting a draft of such bill the commission shall—

(a) Deal with all legislation in the body of the bill without resort to the use of an appendix or supplement.

(b) Include in the bill a system of convenient cross references and an adequate index.

Fourth. That each of the commissioners shall receive the sum of $7,500 as compensation for his services.

Fifth. That the commission shall have authority to employ in its discretion clerical and stenographic assistants.

Sixth. That the officers of the various departments of the Government be, and they hereby are, requested actively to cooperate with said commission in perfecting the laws relating to their respective departments.

Seventh. That there is hereby appropriated for the payment of the compensation of the commissioners and for the expenses of the commission, out of any moneys in the Treasury not otherwise appropriated, the sum of $30,000, or so much thereof as may be necessary.

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

The preamble was agreed to.

BILLS PASSED OVER

The bill (S. 3445) to provide for the reorganization and more effective coordination of the executive branch of the Government, to create the department of education and relief, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 594) for the relief of Wynona A. Dixon was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2033) for the relief of Philip T. Post was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

ROBERT G. HILTON

The bill (H. R. 2656) to permit the correction of the general account of Robert G. Hilton, former Assistant Treasurer of the United States, was announced as next in order.

Mr. HOWELL. Let that go over.

Mr. BRUCE. Mr. President, I hope the Senator will withdraw his objection, and I think perhaps when I make an explanation he will be willing to do so.

The PRESIDING OFFICER. Does the Senator from Nebraska withhold his objection?

Mr. HOWELL. I withhold my objection.

Mr. BRUCE. When this bill came up the last time the Senator from Nebraska made the point that no circumstances were brought to the attention of the Senate justifying the inference that this shortage in the accounts of this sub-

treasurer was not due to misconduct on the part of the subtreasurer himself. In addition to the other testimony before the Senate when the bill came up the last time I have obtained a statement giving, it seems to me, just the sort of circumstances the inquiry of the Senator suggested he thought should be given. If the Senator will allow me, I will read that statement. It is under date of February 13, 1925, from Robert G. Hilton, who is the president of the Farmers Trust & Banking Co., of Rockville, Md. He states in this letter:

Hon. WILLIAM CABELL BRUCE,
*United States Senate, Washington, D. C.*

DEAR SENATOR: Pursuant to our conversation yesterday I am writing you such information as I have in connection with the shortage discovered at the closing of the Baltimore Subtreasury January 11, 12, 13, and 14, 1921, a bill (H. R. 2656) having been introduced by Representatives ZIHLMAN, Republican, sixth district of Maryland; passed by the House of Representatives, and is now on the Senate calendar for consideration.

Mr. Huddleston, then Chief of Division of Public Moneys of the Treasury Department, Washington, D. C., called the subtreasury by long distance telephone about 5 p. m. on January 10, 1921, and informed Mr. Charles P. Hammond, cashier, that he would be there the following morning to close up the subtreasury in accordance with an act of Congress directing the closing of all subtreasuries before the end of the fiscal year, June 30, 1921. Mr. Huddleston had then closed four or five of the nine subtreasuries. He arrived early the morning of the 11th, bringing with him Mr. McCaughtry, Mr. Hulbirt, and two other officials from the Treasury Department, 17 laborers picked at random from a bunch of applicants. This force was equal in number to the subtreasury force, and made a very crowded condition in the cages and around the vaults.

In other words, Mr. Hilton had no control of the removal of this specie. The matter was entirely in the hands of one of the officials of the Treasury Department, who was aided by this large number of laborers, who were, to use the expression in this letter, "picked at random from a bunch of applicants." The letter continues:

Mr. Huddleston assumed entire charge of the checking and directing the removal of about $24,000,000 of money, consisting of 6,000 bags of silver dollars of $1,000 each, large quantity of fractional silver, three or four millions of gold coin, and the remainder in currency of all descriptions.

The coin checked to the penny, but some counterfeit coin, some plugged, some Mexican dollars, and even a few trade dollars were found in the silver when it was opened at the mint in Philadelphia. Some of the coin had been packed as far back as 1896 and kept in sealed compartments in the basement vault and passed by the Treasury Department inspectors from one subtreasurer to another until the closing. This money was charged to me as a shortage, but later my account was given credit for same by the department.

In the basement vault was stored at this time $1,800,000 in $1 notes in packages of 1,000 notes, making 1,800 packages. These were counted out of the vault by two subtreasury and two Treasury Department men and loaded on small trucks, carried to the main floor and stacked in a teller's cage, awaiting the arrival of mail bags from the city post office to ship this money to Washington by parcel post. There was a delay of about two hours before these packages were packed in mail bags by Mr. Huddleston, personally, and several of his men, and two packages were missing, making $2,000 of the shortage. This was on the second day of the closing.

In other words, while the task of removal was being actually accomplished, and when the removal was not under the control of Mr. Hilton at all, but was under the control of this official of the Treasury, who, of course, I have every reason to believe was a man of the very highest standing, and persons employed by him, after a check had actually been made of these particular bags of money that were to be removed, $2,000 was missing, showing that external influences of some kind or other, entirely independent of Mr. Hilton, the subtreasurer himself, who had no control over the situation, were at work to filch from the Government a part of the money that was being removed.

I continue reading:

All money in both vaults was in the custody of Mr. James McD. White, vault custodian, a civil-service employee, who had been in the subtreasury for 20 years. Mr. White was directed by Mr. Huddleston to place the gold currency with the tellers for verification preparatory to shipment to Washington, and he removed from the main vault the contents of one sealed compartment, being $840,000 in $10, $20, $50, and $100 notes in packages of 1,000 bills, to the assorting teller's cage, in charge of Mr. Joseph Newberger, also a civil-service employee, who had been employed in the subtreasury for over 20 years.

In other words, the operations of this body of laborers were directed, of course, by responsible officials connected with the Treasury Department.

Mr. Newberger, without knowing the amount, checked it by packages and reported it correct and signed the usual receipt to the vault for the amount. Mr. Newberger worked on this money for the remainder of the day; being unable to finish the counting, he requested the vault to take it back over night, and in transferring it back to the vault three packages of $10 notes were missing—$30,000.

That is the $30,000 for which refund is asked.

Mr. Newberger's cage was closed, but not locked, and was adjoining the cage from which the $2,000 in ones were taken and where the laborers were assisting Mr. Huddleston in bagging the 1,800 packages of ones. The laborers were working in the aisle in front of Newberger's cage.

The secret service of the Treasury Department made a thorough investigation of the matter and was unable to fix the blame or locate the cause. They also took the matter up with the United States district attorney in Baltimore, but had no testimony or facts that would warrant an arrest.

All the employees of the Baltimore Subtreasury, such as Charles P. Hammond, cashier; James McD. White, vault custodian; Frank L. Reid, assistant vault custodian; J. J. Muir, receiving teller; Mr. Pierce, teller—the chief officers—were taken over by the Baltimore Branch Federal Reserve Bank and continued in similar positions, Mr. White and Mr. Reid continuing in charge of the vault and cash for said bank, and the same surety company went on new bonds for them, showing very conclusively the reputation and confidence these men possessed.

Now, just a line as to personal responsibility. The subtreasury was so arranged that I could not and did not come in contact with any funds of any character; the money was passed from the vault custodian to the tellers and back again on receipts and by denominations and character, and any shortage would have been discovered immediately. The system was in operation when I took charge and was not changed. It had the full approval of the Treasury Department and had been in operation for years, with an occasional change by the department.

For information I might add that the shortage is held to exist from the fact that the book balance and cash balance failed to agree, but there has never been any audit of the books and no check up by the department since January, 1916, although the law required an annual check by the department. This was waived by the department in 1917, when Naval Officer Diggs, now Judge Diggs, of the Maryland Court of Appeals, declined to sign the annual report without a check of the funds.

In conclusion, will say that I am informed by the Treasury Department that Congress has in every case extended the necessary relief where the Assistant Treasurer was shown to have had no contact with the funds. In fact, Congress within the past few years passed a bill to relieve the Hon. John Burke, Treasurer of the United States, for shortages in the department during his administration, and this is a very similar case, as the Secretary of the Treasury makes about the same recommendation in each case.

I sincerely hope the Senate will pass the bill and enable the Treasury Department to close their books, as it is eminently unfair to hold me or my bond for a loss I could neither foresee nor prevent, nor can I recover on the bonds of the men who actually handled the funds, being unable to fix definitely the responsibility.

I submit to the Senator from Nebraska that that supplies the very information which he seems to have desired.

The PRESIDING OFFICER. Does the Senator from Nebraska object to the consideration of the bill?

Mr. HOWELL. I withdraw my objection.

Mr. BRUCE. I am very much obliged to the Senator. I felt sure he would withdraw his objection when I had made this explanation.

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

*Be it enacted, etc.,* That the Secretary of the Treasury and the Comptroller General of the United States be, and they are hereby, authorized and directed to credit in the accounts of the Treasurer of the United States the sum of $32,000, now carried in the accounts of the office of the Assistant Treasurer of the United States at Baltimore, Md., and representing a balance due the United States from Robert G. Hilton, former Assistant Treasurer of the United States, when the subtreasury at Baltimore was discontinued January 14, 1921, in the amount of money belonging to the United States while in the custody of said Assistant Treasurer, the loss of said money having occurred through no fault or negligence on the part of said Assistant Treasurer; and for this purpose the sum of $32,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

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

BILLS PASSED OVER

The bill (H. R. 1539) for the relief of Caleb Aber was announced as next in order.

The PRESIDING OFFICER. The bill goes over under objection.

The bill (H. R. 21) to amend the patent and trade-mark laws, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

NAVAL RESERVE AND A MARINE CORPS RESERVE

The bill (S. 1807) to provide for the creation, organization, administration, and maintenance of a naval reserve and a Marine Corps reserve was announced as next in order.

Mr. KING. I suggest to my able friend, the Senator from Nevada [Mr. ODDIE], that in the five minutes remaining before 2 o'clock we can not pass that bill.

Mr. ODDIE. I understand that the objections to the bill heretofore made have been withdrawn. I would like to state that House bill 9634 is to be substituted for the Senate bill, and I think if there is no objection the bill could be passed in a very few minutes.

Mr. SMOOT. Mr. President, may I make a statement? When this bill was up for consideration before I asked that it go over in order that a complete examination might be made as to what changes in existing law would be effected by the enactment of the measure. I had that examination made. I have a complete report as to the changes which would be made in existing law, and I want to say to my colleague that I think the bill now under consideration will present the matter in better form for administration than does the existing law. There is no increase of the number of officers of the Navy provided for in any way. While I objected before, I shall not object now. If my colleague desires to see this report of the changes which would be made in existing law by the enactment of the bill I shall be very glad to give it to him.

Mr. KING. As far as I am concerned, I have no objection to the bill. It is a very long measure, and is very important, and I supposed that it would be impossible in four or five minutes to give it the consideration which its importance required.

Mr. ODDIE. If there is no objection, I ask that the bill be taken up and passed. Would that be satisfactory to the Senator from Utah?

Mr. SMOOT. That is perfectly satisfactory to me.

Mr. FLETCHER. I understand this is the Senate bill that is now under consideration?

Mr. ODDIE. I asked that House bill 9634 be now substituted for the Senate bill, with some amendments.

Mr. FLETCHER. Has the Senator offered the House bill as a substitute?

Mr. ODDIE. Yes; I have offered the House bill as a substitute.

Mr. SMOOT. I do not know what the House bill contains.

Mr. ODDIE. There are certain amendments which the Senate committee has made, with which the Senator from Utah is familiar, as he is with the statements which have heretofore been made in regard to the bill.

Mr. SMOOT. Is the Senator now referring to the bill which appears on the calendar?

Mr. ODDIE. Yes; it is House bill 9634, and the Senate committee has proposed a few amendments.

Mr. SMOOT. What is the calendar number?

The PRESIDING OFFICER. It is Order of Business 930. As the Chair understands, the Senator from Nevada asks that the Senate proceed to the consideration of Order of Business 930, House bill 9634, to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve.

Mr. FLETCHER. We might just as well take up the House bill.

Mr. SMOOT I want to be assured that the House bill is the same as the Senate bill, because the information I have collected and gathered is with reference to the Senate bill and not with reference to the House bill.

Mr. ODDIE. There have been a few little changes made.

Mr. SMOOT. Can the Senator state what those changes are?

Mr. ODDIE. I can go over them briefly.

Mr. SMOOT. We are to take up the calendar again tomorrow morning——

Mr. ODDIE. I will ask that the bill go over, Mr. President, because it is 2 o'clock now.

RETIREMENT OF WORLD WAR OFFICERS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate bill 33.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 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.

Mr. CURTIS. I submit the following unanimous-consent agreement.

The PRESIDING OFFICER. The Senator from Kansas submits a unanimous-consent agreement, which the Secretary will state.

The reading clerk read as follows:

It is agreed by unanimous consent that on the calendar day of Friday, February 20, 1925, at 4 o'clock p. m., the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 33) making eligible for retirement under certain conditions officers 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, through the regular parliamentary stages to its final disposition.

Mr. CURTIS. I want simply to state that I understand all the amendments have been agreed to. Under the rule, a quorum must be developed before this agreement can be entered into.

The PRESIDING OFFICER (Mr. MOSES in the chair). The Secretary will call the roll.

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

| Ashurst | Ferris | McKellar | Shields |
|---|---|---|---|
| Ball | Fess | McKinley | Shipstead |
| Bayard | Fletcher | McLean | Shortridge |
| Bingham | Frazier | McNary | Simmons |
| Borah | George | Mayfield | Smith |
| Brookhart | Glass | Means | Smoot |
| Broussard | Gooding | Metcalf | Spencer |
| Bruce | Hale | Moses | Stanfield |
| Bursum | Harreld | Neely | Stanley |
| Butler | Harris | Norbeck | Stephens |
| Cameron | Harrison | Norris | Sterling |
| Capper | Heflin | Oddie | Swanson |
| Caraway | Howell | Overman | Trammell |
| Copeland | Johnson, Calif. | Pepper | Underwood |
| Couzens | Johnson, Minn. | Phipps | Wadsworth |
| Curtis | Jones, N. Mex. | Pittman | Walsh, Mass. |
| Dale | Jones, Wash. | Ralston | Walsh, Mont. |
| Dial | Kendrick | Ransdell | Watson |
| Dill | Keyes | Reed, Mo. | Wheeler |
| Edge | King | Reed, Pa. | Willis |
| Edwards | Ladd | Robinson | |
| Fernald | Lenroot | Sheppard | |

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

The PRESIDING OFFICER. Eighty-six Senators have answered to their names. A quorum is present. The Senator from Kansas submits a unanimous-consent request, which will be read.

The reading clerk read as follows:

*Ordered*, by unanimous consent, that on the calendar day of Friday, February 20, 1925, at 4 o'clock p. m., the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (S. 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, through its regular parliamentary stages to its final disposition.

The PRESIDING OFFICER. Is there objection?

Mr. ASHURST. Mr. President, I am very much in favor of the bill, but I ask that the hour be changed to 2 o'clock.

Mr. KING. But we have already arranged for 4 o'clock.

Mr. ASHURST. I object unless the hour is made 2 o'clock.

Mr. ROBINSON. I hope an arrangement will be made to vote on the bill. It has been pending a long time. I suggest to the Senator from Utah that he yield to the request of the Senator from Arizona.

Mr. ASHURST. I will compromise on 2 o'clock.

Mr. KING. But the Senator's request was for 2 o'clock. That is no compromise.

Mr. ASHURST. I object unless the hour is fixed at 2 o'clock.

Mr. CURTIS. I will change the hour to 2 o'clock and ask unanimous consent on that basis.

The PRESIDING OFFICER. Is there objection to the agreement as modified? The Chair hears none, and the unanimous-consent agreement is entered into.

ORDER FOR EVENING SESSION

Mr. CURTIS. Mr. President, I now submit a unanimous-consent request, which I send to the desk.

The PRESIDING OFFICER. The unanimous-consent request will be read for information of the Senate.

The reading clerk read as follows:

*Ordered*, by unanimous consent, that on the calendar day of Monday, February 16, 1925, at not later than 5 o'clock p. m., the unfinished business, if there be any, shall be temporarily laid aside and the Senate shall proceed to the consideration of executive business, and at the conclusion of executive business the Senate shall take a recess until 8 o'clock p. m.; that at the evening session nothing shall be considered except District bills, to be taken up in the following order:

| Order No. | Bill No. | Subject |
|---|---|---|
| 1069 | S. 4207 | Traffic regulations in the District of Columbia. |
| 1049 | S. 3765 | Five-year building program for the schools of the District. |
| 1066 | S. 2264 | Closing of Thirty-fourth Place (St. Albans Cathedral). |
| 993 | S. 3017 | Establishing a board of public welfare. |
| 1115 | S. 4253 | To create a city planning commission |
| 1055 | S. 4191 | Permitting voluntary merger of railways in the District of Columbia. |

and that the evening session shall not last beyond 11 o'clock p. m.

The PRESIDING OFFICER. Is there objection?

Mr. BORAH. I wish the Senator from Kansas would explain the purport of the request.

Mr. CURTIS. It is that at 5 o'clock this afternoon the unfinished business, if there be any unfinished business, shall be temporarily laid aside and the Senate proceed to the consideration of executive business, which I believe will last only a few minutes; that at the conclusion of the executive session the Senate take a recess until 8 o'clock to-night, and at to-night's session, which shall not last longer that 11 o'clock, the District bills mentioned in the list be taken up, which involve all the measures that were in the list contained in the unanimous-consent agreement for last Friday night except the rent bill.

Mr. ROBINSON. The Senator means measures that were to have been taken up on last Friday night?

Mr. CURTIS. Yes.

Mr. ROBINSON. Has the Senator considered the advisability and practicability of suggesting an agreement providing for a limitation of debate on the measures? I make the suggestion and express the thought for the reason that there is little indication, unless some limitation of debate is made, that more than one of the measures will be considered to-night.

Mr. CURTIS. I ask unanimous consent that debate may be limited to 10 minutes on the bill, and 10 minutes on each amendment.

Mr. ROBINSON. That is to say, no Senator shall speak longer than 10 minutes on the bill or any amendment.

Mr. CURTIS. Yes; nor speak more than once.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Kansas?

Mr. McKELLAR. Will the Senator from Kansas explain his last proposal?

Mr. CURTIS. The last proposal is that debate be limited to 10 minutes on any bill or any amendment.

Mr. McKELLAR. There is one bill in the list, the merger bill, that is a very important measure, and I do not think debate ought to be limited on it. I have no objection to a limitation on the other bills.

Mr. CURTIS. I am willing to except the merger bill. We would like to get some of this legislation enacted if we can, and I will except the merger bill.

The PRESIDING OFFICER. The Secretary will state the unanimous consent agreement as modified.

The reading clerk read as follows:

*Ordered*, By unanimous consent, that on the Calendar day of Monday, February 16, 1925, at not later than 5 o'clock p. m., the unfinished business, if there be any, shall be temporarily laid aside and the Senate shall proceed to the consideration of executive business, and at the conclusion of executive business the Senate take a recess until 8 o'clock p. m.; that at the evening session nothing be considered except District bills, to be taken up in the following order——

Mr. CURTIS. The merger bill is to be eliminated.

Mr. ROBINSON. While the Clerk has been reading it has been suggested by some Senators that limitation of debate ought to be relaxed to 15 minutes instead of 10.

Mr. CURTIS. I am willing to make that change. I will accept that suggestion.

Mr. ROBINSON. And the merger bill goes out.

The PRESIDING OFFICER. Let us understand the situation. Does the merger bill go out from consideration altogether or is it only excepted from the limitation on debate?

Mr. CURTIS. It is eliminated from consideration altogether for to-night.

The PRESIDING OFFICER. The Clerk will restate the unanimous consent agreement as finally modified.

The reading clerk read as follows:

*Ordered*, By unanimous consent, that on the calendar day of Monday, February 16, 1925, at not later than 5 o'clock p. m., the unfinished business, if there be any, shall be temporarily laid aside and the Senate shall proceed to the consideration of executive business, and at the conclusion of executive business the Senate take a recess until 8 o'clock p. m.; that at the evening session nothing be considered except District bills, to be taken up in the following order:

| Order No. | Bill No. | Subject |
|---|---|---|
| 1069 | S. 4207 | Traffic regulations in the District of Columbia. |
| 1049 | S. 3765 | Five-year building program for the schools of the District. |
| 1066 | S. 2264 | Closing of Thirty-fourth Place (St. Albans Cathedral). |
| 993 | S. 3017 | Establishing a board of public welfare |
| 1115 | S. 4253 | To create a city planning commission. |

That at the evening session no Senator shall speak more than once or longer than 15 minutes upon any of said bills, or more than once or longer than 15 minutes upon any amendment pending or offered thereto; and that the evening session shall not last beyond 11 o'clock p. m.

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

CONSIDERATION OF THE CALENDAR

Mr. CURTIS. Mr. President, as over an hour was taken up to-day in debate and no bill on the calendar was considered, I ask unanimous consent that one additional hour be devoted to the calendar after the Senator from New Mexico [Mr. BURSUM] has concluded a statement that he wants to make.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that at the conclusion of a statement to be made by the Senator from New Mexico [Mr. BURSUM] the Senate shall devote one hour to the consideration of unobjected bills on the calendar. Is there objection? The Chair hears none, and it is so ordered.

AGRICULTURAL RELIEF MEASURES

Mr. BURSUM obtained the floor.

Mr. BORAH. Mr. President——

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

Mr. BURSUM. I yield.

Mr. BORAH. I desire to ask the majority leader what the outlook is for legislation with reference to agricultural matters.

Mr. CURTIS. The committee on order of business is ready to take up agricultural legislation as soon as any is reported from the Committee on Agriculture. As floor leader, without speaking for anyone else, I think there are two such measures upon the calendar, and if the committee does not soon report out a measure, I, for one, would suggest that we proceed to the consideration of one of the bills now on the calendar and let it be open to amendment on the floor with a view to getting some legislation enacted at this session. I may say that the committee on order of business has at every session held itself open for the consideration of bills to be reported from the Committee on Agriculture and Forestry and at every session has stated that it would include in the list for early consideration any such bill that might be reported out.

Mr. BORAH. There are two or three such bills on the calendar. In all probability, if a bill were reported from the Committee on Agriculture and Forestry it would not have any distinct advantage in the way of being passed over bills which have already been reported from the committee. So I suggest to the leader of the majority that within a very reasonable time we arrange for the taking up of one of these bills here upon the floor and see if we can not whip it into such shape that it may be passed.

Mr. CURTIS. Mr. President, will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. CURTIS. I will state that at the next meeting of the steering committee I will suggest if no bill shall by that time

have been reported from the Agricultural Committee that they select one of the measures to be taken up. In the meantime I will consult with several Senators who are interested in agricultural legislation on both sides of the Chamber and see if we can agree upon the best measure to consider.

Mr. SMITH. I should like to ask the Senator from Kansas [Mr. CURTIS] a question. I did not understand the last statement he made. Is it the purpose of the Senator from Kansas to see if the committee in charge of agricultural legislation can agree upon some one bill and recommend that it be passed?

Mr. CURTIS. Yes; that is what I desire. If the committee is unable to do that, then I shall ask the steering committee to select some measure which is upon the calendar which we may consider, with a view of amending it and getting it into such shape that it may be passed.

PROPOSED RENT LEGISLATION

Mr. McKELLAR. Mr. President, if the Senator from New Mexico [Mr. BURSUM] will yield, I should like to ask a question.

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

Mr. McKELLAR. I merely want to ask the majority leader a question.

Mr. BURSUM. I yield to the Senator for that purpose.

Mr. McKELLAR. I understand that the President has very earnestly recommended the passage of rent legislation for the District of Columbia. Has the Senator from Kansas arranged for a bill embodying such legislation to be taken up?

Mr. CURTIS. The Senator from Kansas has been anxious to arrange for the consideration of the measure to which the Senator from Tennessee refers; but, after consulting with the chairman of the Committee on the District of Columbia, it was thought best not to put that among the list for a night session, because it is known that that measure will take up considerable time and lead to much debate. Therefore, it was not included in the list for to-night. So far as I now know, there will be an effort made to take up that measure at some time during this session of Congress.

Mr. McKELLAR. The Senator from Kansas thinks legislation of that character will be considered at this session?

Mr. CURTIS. I hope so.

RETIREMENT OF WORLD WAR OFFICERS

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 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.

Mr. BURSUM. Mr. President, I first desire to submit an amendment for the purpose of perfecting the bill. The amendment is a slight one, and is for the purpose of making the text of the bill conform with an amendment which appears in the latter part of the bill. On page 1, line 7, after the word "hereafter," I move to insert the words "within one year."

The PRESIDING OFFICER. The amendment proposed by the Senator from New Mexico will be stated.

The READING CLERK. On page 1, line 7, after the word "hereafter," it is proposed to insert the words "within one year," so as to make the bill read, "May hereafter within one year be rated in accordance with law," and so forth.

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

Mr. KING. Mr. President, I desire to ask the Senator from New Mexico what is the purpose of the amendment and what will it accomplish if it be adopted?

Mr. BURSUM. The purpose of the amendment is to make the first part of the bill, authorizing an examination, conform to the intent of the bill itself by limiting the time, within which this relief may be obtained, to one year.

Mr. KING. Within one year from the passage of the bill?

Mr. BURSUM. Yes.

Mr. KING. The applicants will be required to make their applications within that time?

Mr. BURSUM. They must make their applications within that time; and under the amendment they must be examined within that time and rated within that time. The object of the amendment is to harmonize the language of the bill.

Mr. KING. And failing to make their applications within one year, they would be cut out?

Mr. BURSUM. Yes.

Mr. KING. If a disability should appear two years after the date of the passage of the bill, then the officer would not be entitled to claim the retirement privilege?

Mr. BURSUM. No.

Mr. SMOOT. Mr. President——

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

Mr. BURSUM. I yield.

Mr. SMOOT. I wish to ask the Senator if the amendment which he has offered shall be agreed to, will not its effect be that examinations on behalf of all other pension claimants will be put aside and that no examinations will be made except those provided for under this bill should it become a law?

Mr. BURSUM. I do not see why that should be the effect of the proposed amendment; at least, all applicants are entitled to be examined within a year.

Mr. SMOOT. But suppose that the department shall not have sufficient help to comply with the requirement?

Mr. BURSUM. A large number of them have already been rated.

Mr. SMOOT. Under the amendment, should it become a law, the first thing the officials in the department would do would be to put aside all other examinations and take up these examinations exclusively. In fact, I will say to the Senator, if I were the head of the department and this proposed legislation were enacted, including this amendment, the first thing I would do would be to try to carry out the direction of Congress, and I should immediately put all the clerical force I had to work in order to make these examinations within the year.

Mr. BURSUM. Yes. That would be the proper course.

Mr. SMOOT. That would be the effect of the amendment, it seems to me; but if the Senator from New Mexico desires the amendment to be inserted, and the Senate shall feel that that is proper, I am not going to object. I think, however, there will be a little unfairness to the other claimants for pension under other laws if the amendment shall be adopted.

I think the Senator from New Mexico had better consider the matter carefully, and ask the department whether that would not be the effect of the adoption of the amendment. If, however, he wishes to insist upon it, I shall interpose no objection now to the amendment being inserted at the point where he desires; but I give notice that, in my opinion, the result which I have stated will follow the adoption of the amendment.

Mr. BURSUM. My idea in offering the amendment was to make the law operative for one year. That is the principle upon which this bill has been drafted.

Mr. SMOOT. I have not the least doubt the Senator is correct as to that. However, if we are going to give these applicants something, let us give it to them, but in giving it to them do not prevent other people who have claims under existing law from receiving consideration.

Mr. BURSUM. Of course, we did the very same thing with the Navy and Marine officers.

Mr. SMOOT. I am perfectly aware of that, but they were such a small number as not to affect the general working of the department; but remember this embraces hundreds of cases.

Mr. BURSUM. I will say that, personally, I am not so anxious that the amendment shall be inserted, but it is proposed to satisfy those who felt that the applications should be filed within the year.

Mr. SMOOT. I want to say to the Senator that if the amendment shall be adopted, and at the end of the year the applications shall not all have been passed upon, I have not the least doubt Congress will extend the time.

Mr. BURSUM. Suppose we make it two years for the examination?

Mr. SMOOT. The department ought to do it in that time, anyway, and keep up with the remainder of the work.

Mr. BURSUM. I think that would cover the situation.

Mr. SMOOT. I have no objection to that proposition.

The PRESIDING OFFICER. The Senator from New Mexico now modifies his amendment in the form which he will state.

Mr. BURSUM. I ask to modify the amendment so as to make the time limit two years instead of one year.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from New Mexico as modified.

The amendment as modified was agreed to.

Mr. BURSUM. Mr. President, it has been stated on the floor of the Senate that this bill would discriminate against the private soldier and that as a rule the private soldiers are opposed to it. I have in my hand a resolution in favor of this proposed legislation adopted by the last convention of the American Legion in San Francisco. That organization represents something like 800,000 private soldiers who served in the World War of this country. It is the largest organization of veterans which we have. This expression on their part would

indicate that, although there may be discrimination in the amounts received as between the officers and the private soldiers, the average private of the Army in the World War is in favor of the emergency officers who served alongside of and at the same time with officers of the Regular Army receiving identical compensation and being accorded the same treatment as that accorded regular officers. I feel that the average private who served in the World War is proud and jealous of his officers and he does not want to see them discriminated against in comparison with other officers who happened to be in the Regular Establishment.

Mr. President, I send to the desk a resolution passed by the Legion convention at San Francisco and ask that it may be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

Whereas during the World War there were nine classes of officers, viz, Regular officers of the Army, Navy, and Marine Corps, and provisional and emergency officers of these three branches of the service; and

Whereas the officers of these nine general classes were accorded classes on the field and in the face of the enemy and eight of these nine classes have received the privileges of honorable retirement for wounds and disability incurred as a result of their services, and disabled emergency officers of the Army alone have failed to receive this just recognition at the hands of the Congress; and

Whereas legislation designed to correct this discrimination has in the past been opposed by high officials in the War Department, but the Legion now has the assurance of the Secretary of War that this opposition has been withdrawn; and

Whereas since the introduction of this legislation in the Congress more than 30 of those disabled officers have died, although the Veterans' Bureau estimates that less than 1,000 will be affected by the legislation; and

Whereas national conventions of the American Legion have for four successive years approved the enactment of this legislation, and a bill known as the Bursum bill containing these provisions was passed by the Senate by a vote of 50 to 14 on February 21, 1922, and thereupon immediately went to the lower House of Congress, where it was referred to the House Committee on Military Affairs; and

Whereas the House Committee on Military Affairs, because of the personal opposition of a few of its leaders, refused to report this just measure to the House of Representatives for action, although these members of the committee knew that 334 of the 435 Members of the House of Representatives had signed a petition signifying their approval of this measure and their desire to vote upon it; and

Whereas, this opposition by the leaders of the Military Affairs Committee of the House resulted in this legislation dying with the Sixty-seventh Congress, as their action had prevented the House from voting upon it: Therefore be it

*Resolved*, That the opposition of this just measure by leaders of the Military Affairs Committee is hereby condemned by the Fifth National Convention of the Legion, and the legislative committee is instructed to secure the introduction and press for the early enactment of legislation designed to right the discrimination at present existing against the disabled emergency Army officers.

The American Legion, Sixth National Convention, St. Paul, Minn., September 15-19, 1924, recommended:

"A resolution calling for the immediate enactment of legislation for the retirement of disabled emergency Army officers already pending before Congress for three years."

Mr. BURSUM. Mr. President, I have here a telegram from Frederick, Md., signed by the legislative committee of the National Guard of the United States, which in substance states that they are unqualifiedly for the bill; that these comrades of theirs, many of whom suffered their disabilities with National Guard divisions, deserve this legislation as an act of simple justice. They add that there is no discrimination against enlisted personnel, and retirement by rank is the only reasonable solution.

I send this telegram to the desk, and ask that it be included in the RECORD.

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

The telegram, is as follows:

FREDERICK, MD., *February 2, 1925.*

United States Senator H. O. BURSUM,
*Senate Office Building, Washington, D. C.:*

The National Guard Association of the United States is unqualifiedly for your bill to retire disabled emergency officers. These comrades of ours, many of whom suffered their disabilities with National Guard divisions, deserve this legislation as an act of simple justice. There is no discrimination against enlisted personnel, and retirement by rank only reasonable solution. The National Guard of all the States are urging the passage of this just legislation.

Brig. Gen. M. A. RECKORD,
*President Association.*
Col. D. JOHN MARKEY,
*Chairman Legislative Committee.*

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. BURSUM. Just a moment. I have here another telegram from John H. Dunn, commander in chief, Veterans of Foreign Wars, urging the passage of this bill. He states that the country at large, ex-service men's organizations, and an overwhelming majority of Congressmen are for it, and trusts that there will be no attempt on the part of the minority to filibuster and prevent the expression of this sentiment.

I send this telegram to the desk and ask that it be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The telegram is as follows:

Senator HOLM O. BURSUM,
*Senate Office Building, Washington, D. C.:*

The Veterans of Foreign Wars look to this Congress to pass the disabled emergency officers' retirement bill. We don't believe any extended discussion necessary. The country at large, ex-service men's organizations, and an overwhelming majority of Congressmen know all about the provisions and are for such a just piece of legislation. We trust there will be no attempt on the part of a small minority to filibuster and prevent the expression of the sentiment of the overwhelming majority of American citizens.

JOHN H. DUNN,
*Commander in Chief Veterans of Foreign Wars.*

Mr. BURSUM. Does the Senator from Arkansas desire to ask a question?

Mr. CARAWAY. I was just fixing to ask the Senator if he has an agreement as to the day on which we shall vote on the measure?

Mr. BURSUM. Yes; Friday, at 2 o'clock.

Mr. CARAWAY. I feel satisfied that it will pass by a tremendous majority. I just wanted to know what date had been fixed.

Mr. BURSUM. Friday, at 2 o'clock.

Mr. President, I do not intend to take up much of the time of the Senate in the discussion of this bill. I realize that it is late in the session, and that an agreement has been entered into for taking a final vote on Friday next at 2 o'clock. The bill really does not need discussion; it is so simple, so plain, and ought to be clear to the mind of every reasonable man. There ought not to be a single vote against such a fair and just proposition as these boys who served during the World War are asking. They are only asking Congress to accord them the same treatment that Congress has heretofore accorded others who served during the World War as emergency officers.

The act of Congress approved June 4, 1920, contains a provision for the retirement of officers, as follows:

That all officers of the Naval Reserve Force and temporary officers of the Navy who have heretofore incurred or may hereafter incur physical disability in line of duty shall be eligible for retirement under the same conditions as now provided by law for officers of the Regular Army who have incurred physical disability in line of duty.

That act was approved on June 4, 1920. Under that act 174 officers of the reserve and temporary forces of the Navy and Marine Corps were retired—102 from the Navy and 72 from the Marine Corps. The current Navy list shows that these men are carried on the retired list. Since the retirement of those officers, in 1921, the Congress repealed the law, but in effect only limited the time within which the relief might be had. The act approved on July 12, 1921, contained a proviso to the effect that applications for such retirement should be filed with the Secretary of the Navy not later than October 1, 1921, giving four months for the filing of applications after the law had been in force for a year; and since that time there have been eight or ten or a dozen special acts passed in order to give retirement to those who failed to obtain relief under the general law. So that these emergency officers who are provided for in Senate bill 33 are asking Congress to accord them the same treatment that Congress accorded to other emergency officers serving in other branches of the national defense.

There is every reason why we ought to do this, not only to avoid discrimination, not only to avoid being partial and un-

fair to one branch of the national defense as against another branch, but as a matter of honor, equity, and right; if for no other reason, on account of the gallant services and the great sacrifices of this branch of the service on behalf of this country on the other side of the water during the World War.

The records show that out of those who were killed in battle during the war 2,000 were emergency officers, as against 150 who came from the Regular Army, and as against less than 50 who came from West Point. In other words, Mr. President, these boys who are asking Congress to give them a square deal, to give them the same treatment that we have given to those of the Navy and those of the Marine Corps, furnished 90 per cent of the blood that was shed on the other side of the water. They were the fodder for the German cannon sent to the front at the beginning of hostilities.

Mr. President, the proposition is a very simple one. I can not understand how any man can reasonably say to an officer who happened to come from the Regular Establishment, who lost a leg or an arm on the field of battle in line of duty, serving alongside a brother officer who was an emergency officer, who suffered the same wounds at the same time, meeting the same hazards and the same enemy, both rendering a service satisfactory to the Government, a service of 100 per cent, "Why, you came from the Regular Establishment. You may have been in the service for only a year or 2 years or 6 months or 10 years, but you came from the Regular Establishment, and you can retire and get three-fourths pay; but you, Mr. Emergency Officer, came from civil life. It is true that you lost your leg in battle alongside your brother officer who came from the Regular Army, but you did not come from West Point; you did not come from the Regular Establishment; and, notwithstanding the fact that you fought just as bravely, you were just as heroic, you were just as able, you commanded your company or your battalion or your regiment just as well and did your full duty, you can not be given the same compensation; you must take a different rate." I say, I can not see the reason of that sort of logic.

Some say, "Why, the reason is that those of the Regular Army have made it a life work. Their whole lives are bound and obligated in that line of endeavor in the Army." There is nothing to that, Mr. President. Of course, if an officer of the Army serves 30 years, if he gives his life service to the Government, he is entitled to three-fourths pay. That is perfectly right and proper. So is anyone else in almost any walk of life, whether he be an employee of a railroad or an employee of the Government. The doctrine is, nowadays, that there shall be compensation for the man who toils for his whole life for one concern or in one line of endeavor; that there shall be provision for a pension. That is a good rule. It is a wise rule. That does not mean, however, that there is any special privilege granted to the man who is in the Regular Army, or that there should be, over the man who comes from civil life.

Of course, if a man from the Regular Army is wounded, he may have been in the Regular Army only six months, or a year, but if he is wounded and incurs that disability in line of duty he is entitled to retirement. He is entitled to retirement pay. There is no reason why the civilian who served alongside him, and incurred a like disability under like conditions, should not receive the same compensation; yet, as a matter of fact, these boys are not asking even for equality in that respect. This bill will grant retirement pay only when the disability is permanent and is at least 30 per cent or more. The facts are that those who will come under this bill, according to the records of the Veterans' Bureau, will average right around 75 per cent disabled.

Some say, "But they are not totally disabled, and they ought not to get three-fourths pay." Senators, of what use is a man who is only 50 per cent competent? Who would employ a 50 per cent doctor or a 30 per cent doctor, a 50 per cent architect or a 30 per cent architect, a 50 per cent carpenter, or a 30 per cent carpenter? Go into any line of endeavor, and you will find that anyone who is disabled to the extent of 30 per cent has lost his opportunity in life.

It is said that the enlisted man will not be satisfied if we give his officer more than he receives. I do not think there is anything to that. Furthermore, let us look at the right and the justice of it. Nearly all of these officers were above the average age of the enlisted man when they entered the Army. Most of them exceeded 30 years of age, and on account of their age they were not fit to take vocational training; it could not be accorded to them. There may be a few who have taken vocational training, but they were those whose injuries were under 30 per cent, as a rule, and there were very few of them. The ages of most of them were such that it was not practical to give them vocational training, and in that respect the enlisted men obtain benefits which these officers will not obtain.

The bill would not involve great expense to the Government. The estimate of the bureau of February, 1924, was that it would cost approximately $600,000 annually more than the present appropriation. That estimate, of course, may not be absolutely accurate, but from my experience in the past the estimates made by the departments on bills of this kind are generally larger than the actual amounts required in appropriations after the laws have been put into effect. That has been my experience with estimates regarding pensions. Invariably the department will try to be on the safe side and will estimate the number of deaths below those that actually occur. Even since this bill has been introduced 65 of these boys have died. They have gone where they will need no help from Congress, and they are dying from time to time. I remember quite well that when we had the hearings on this bill 12 or 15 of these boys came in from Walter Reed Hospital, some of them with one leg off, some of them shell shocked, some with parts of their faces gone, others with their arms cut off. It was a pitiable sight. It was such a distressing sight that no one with the milk of human kindness in his soul could deny those boys the relief for which they asked.

Mr. KING. Mr President——

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

Mr. BURSUM. I yield.

Mr. KING. The Senator wants to be fair, and he ought to state that those boys, and all others who are suffering disabilities, receive compensation. I have no doubt that the officers to whom the Senator is now referring were receiving perhaps from $50 to $150 a month.

Mr. BURSUM. I do not think so.

Mr. KING. I think so.

Mr. BURSUM. They were still in the service at that time.

Mr. KING. They were receiving the same compensation that other persons who had been in the service were receiving for like injuries.

Mr. BURSUM. If they were out of the service they would receive the same compensation that any enlisted man would receive, that is true, but I contend that these men who served as officers in the Army, and who performed the same service other officers of the Army performed, under like conditions and circumstances, are entitled to be accorded the same identical treatment and be given the same rate of compensation. I say that it is outrageous to discriminate against the very element which furnished the man power and shed 90 per cent of the American blood which was shed overseas. I say that it is inhuman to discriminate against that element on account of any flimsy reason, such as that they did not happen to come from the Regular Army or from West Point.

Mr. REED of Pennsylvania. Mr. President, I ask leave to have read at the desk a letter from the Private Soldiers and Sailors Legion.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read as requested.

Mr. REED of Pennsylvania. I ask that the time of reading be not counted within the hour to be devoted to the calendar.

The PRESIDING OFFICER. The Chair had no intention of doing that, anyway.

The reading clerk read as follows:

NATIONAL HEADQUARTERS
PRIVATE SOLDIERS' AND SAILORS' LEGION
OF THE UNITED STATES OF AMERICA,
*Washington, D. C., January 30, 1925.*

Hon. DAVID A. REED,
*United States Senate, Washington, D. C.*

MY DEAR SENATOR: The Private Soldiers' and Sailors' Legion most earnestly protests against the adoption of a bill now before the Senate (S. 33) providing for the retirement of disabled emergency officers on terms identical with those which accompany the retirement of officers of the Regular Army.

This proposed measure is grossly discriminatory against the enlisted men. It is only in rare and most unusual circumstances that Regular Army officers are retired until they have served extended terms.

It should be further pointed out that this assurance of retirement and protection for officers who become incapacitated in the service of their Government is absolutely essential to the maintenance of a high efficiency among the Regular Army officer personnel. When men enter the profession of arms, to make it their life work, they must have reasonable assurance that when they are no longer fit for that service or any other the Government will stand between them and financial want.

For emergency officers, some of whom served but brief terms with the colors, to ask for treatment on a parity with that of officers of the Regular Army seems to this organization of enlisted men to be highly inappropriate to say the least.

Were the bill now before your honorable body to become law, an emergency officer with the rank of captain who is 30 per cent disabled would receive from the Government for the remainder of his life a fixed income of $200 per month.

As the law now stands all disabled veterans of the World War, other than officers of the Regular Army, are entitled to compensation on an equal basis, without discrimination as to rank. A former captain 30 per cent permanently disabled, and a former private 30 per cent permanently disabled, are each entitled to compensation from the Veterans' Bureau at the same rate—$24 a month—subject always to revision by the Veterans' Bureau, but the former captain, suffering no greater disability, would become entitled to three-fourths of a captain's pay and allowance for life, amounting to something over $200 a month, and not subject to any revision if this bill should become a law.

On the other hand, the emergency officer has something for which he has not paid and to which he is not entitled.

It may be pointed out in this connection that when they entered the war the status of the officer and enlisted man may not have been markedly different. It may even be that the officer suffering 30 per cent disability may be in every respect better able to care for himself than the enlisted man.

The bill does not provide that those who served bravely and well, or that those who made unusual sacrifices or suffered unusual hardships shall be correspondingly rewarded. It provides that those who were officers shall be rewarded because, and only because they were officers. We served under these officers, and we know that their service as such, compared to the services of the enlisted men, do not entitle them to any special preferment.

Why, then, should the Government, through any mistaken idea of its duty to its emergency officers, discriminate against them in a manner that would be discriminatory against the millions of enlisted men who had hoped that classes that were necessary during the warfare would disappear when peace was restored?

We further direct your attention to the recent action of your honorable body on the so-called "bonus" bill with the object of pointing out to you that in preparing this measure there was no thought of discriminating between officers and enlisted men.

Indeed, it has been urged throughout the long-continued discussion of the bonus subject that officers, for reason that seemed obvious, should not be included in legislation that ostensibly sought only to measurably compensate the soldiers for economic losses sustained during—and not after—the war.

May we say that to the enlisted man the loss of an arm, leg, eye, or some other vital member is just as vital, just as disabling, as would be the loss of a similar member by an emergency officer?

This bill, S. 33, if enacted into law will eventually cost the Nation millions of dollars and add to the already overburdened taxpayer.

The war is over and men are to-day rated neither as officers nor enlisted men. Those who were disabled are simple citizens, entitled to the most generous consideration that the Nation can give them.

But this consideration, when bestowed, should be upon a basis of absolute equality. The distinctions they obtained during the War disappeared when the emergency Army was demobolized.

We assert that there is warrant neither in justice nor fairness for the discrimination that is proposed by a bill that establishes a difference in the dispensation of governmental relief to those who serve it to their best ability and at their serious physical sacrifice.

The adoption of this bill is being urged by the controlling officials of the American Legion and the Veterans of Foreign Wars, all former officers, but the opinion of the enlisted personnel of these organizations, as far as this bill is concerned, has never been sought. On the contrary, the men assuming to voice the opinion of the enlisted membership of the American Legion and the Veterans of Foreign Wars have never dared inform their members of the purpose of this bill, or of their activities in support of it. We know enough of the attitude of former enlisted men to justify us in saying that the enlisted membership both of the American Legion and the Veterans of Foreign Wars is practically unanimously opposed to the adoption of this bill. Our membership is a unit in opposing it.

The Private Soldiers' and Sailors' Legion earnestly appeals to your honorable body not to give its approval to a measure that would be provocative of widespread dissatisfaction and discontent, and which would be a complete and emphatic denial of that equality which is the cornerstone of our Republic.

Respectfully submitted.

[SEAL] MARVIN GATES SPERRY,
*National President.*

Mr. BROOKHART. Mr. President, I desire to say in reference to the letter just read that it is entirely unfair to the officers of the Army and it is more unfair still as coming from leadership supposed to represent the sentiment of the enlisted men. This is a case, it seems to me, where opposition is to be stirred up by dividing the forces and then destroying them in detail. I concede that the enlisted men ought to be treated the same as the officers. I would have no objection to giving the enlisted men the retirement privilege first, but the way to do it is not for them to come in and fight the matter as it is presented in this bill. The way for them to do is to take the bill as a precedent and then follow it up and give to the enlisted men the same privileges that are given to the officers in the Bursum bill. This is a very shrewd and common plan of defeating anything of the kind. It is unfair both ways.

I wanted to say just these few words at this time, and perhaps later will have something further to say in reference to the same subject.

Mr. REED of Pennsylvania. I would like to add to that statement by saying that this is only one of several letters from enlisted men and associations of enlisted men protesting bitterly against the bill as an unreasonable discrimination against them.

Mr. BROOKHART. It is perfectly easy to work up letters of this kind in associations of any kind. Their value and their weight amount to but little when we find out what is really behind them.

CALL OF THE ROLL

The PRESIDING OFFICER. In accordance with the unanimous-consent agreement previously entered into, the Senate will now proceed to the consideration of unobjected bills on the calendar for one hour.

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

The PRESIDING OFFICER. The Chair will state that the time consumed in calling the roll will not be counted in the hour.

Mr. KING. I have no objection to that. I know a number of Senators who have been detained from the Chamber in attendance on committee work want to be here when the calendar is reached, and I promised to have a quorum called.

The PRESIDING OFFICER. The Secretary will call the roll.

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

| | | | |
|---|---|---|---|
| Ashurst | Fess | McKinley | Shortridge |
| Ball | Fletcher | McNary | Simmons |
| Bayard | Frazier | Mayfield | Smith |
| Bingham | George | Means | Smoot |
| Brookhart | Glass | Metcalf | Spencer |
| Broussard | Gooding | Moses | Stanfield |
| Bruce | Hale | Neely | Stephens |
| Bursum | Harris | Norbeck | Sterling |
| Butler | Harrison | Norris | Swanson |
| Cameron | Heflin | Oddie | Trammell |
| Capper | Howell | Overman | Underwood |
| Caraway | Johnson, Calif. | Pepper | Walsh, Mass. |
| Copeland | Johnson, Minn. | Phipps | Walsh, Mont. |
| Couzens | Jones, N. Mex. | Pittman | Warren |
| Curtis | Jones, Wash. | Ralston | Watson |
| Dale | Kendrick | Ransdell | Weller |
| Dial | Keyes | Reed, Mo. | Wheeler |
| Dill | King | Reed, Pa. | Willis |
| Fernald | Ladd | Robinson | |
| Ferris | Lenroot | Sheppard | |

The PRESIDING OFFICER. Seventy-eight Senators having answered to their names, a quorum is present. Under the unanimous-consent agreement the calendar is in order for the consideration of unobjected bills for one hour. The clerk will report the next bill on the calendar.

UNITED STATES SHIP "LAMBERTON"

The bill (S. 708) for the relief of various owners of vessels and cargoes damaged by the U. S. S. *Lamberton* was announced as next in order.

Mr. KING. Let the bill be read.

The reading clerk read the bill.

The PRESIDING OFFICER (Mr. FESS in the chair). Is there objection to the present consideration of the bill?

Mr. WALSH of Montana. Mr. President, I notice that the bill relates to certain claims on account of damages sustained as the result "of the negligent operation" of the destroyer *Lamberton*. That is to say, the bill confesses the liability of the Government of the United States. I think if the matter is going to the court at all, all the questions ought to be determined by the court, not only the amount of damages but whether there was any negligent destruction. I move to strike out the words——

Mr. SMOOT. Why not let the bill go over?

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SMOOT. I ask that the bill be passed over.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

GROVER ASHLEY

The bill (S. 615) for the relief of Grover Ashley was announced as next in order.

Mr. SMOOT. Let the bill be read.

The PRESIDING OFFICER. The clerk informs the Chair that the amendments have already been agreed to.

Mr. KING. If the bill is to be considered, let us have the report read.

The reading clerk proceeded to read the report (Rept. No. 767).

Mr. WALSH of Massachusetts. Mr. President, if there is no one sufficiently interested in the bill to be here to explain it when it is under consideration, I shall object to its present consideration.

The PRESIDING OFFICER. The bill will go over under objection.

AMENDMENT OF BANKRUPTCY LAW

The bill (S. 1649) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, was announced as next in order.

Mr. WALSH of Montana. Mr. President, I trust there will be no objection to the consideration of the bill.

Mr. SMOOT. Was there a unanimous report?

Mr. WALSH of Montana. Yes; it is a unanimous report.

Mr. WALSH of Massachusetts. Is this a recodification of the bankruptcy law that has been pending for some time?

Mr. WALSH of Montana. It is not a recodification; it simply makes certain amendments in the bankruptcy law which have been recommended by the National Association of Credit Men.

Mr. WALSH of Massachusetts. It has been pending for several years?

Mr. WALSH of Montana. I think so.

Mr. WALSH of Massachusetts. I strongly favor its passage. I think that there is a feeling among the members of the bar of this country that the proposed legislation is very desirable.

Mr. WALSH of Montana. It strengthens the bankruptcy law.

Mr. WALSH of Massachusetts. The present law has been largely a law to help debtors escape their obligations to their creditors.

Mr. JONES of Washington. The Senator will recall that a couple of years ago, I think, there was a certain provision in a similar bill then pending to which there was objection. I understand that provision has been eliminated and is not in the pending bill?

Mr. WALSH of Montana. That is correct.

There being no objection, the bill was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments, on page 1, line 9, to strike out the words "so as to read"; page 4, to strike out lines 3 to 20, inclusive; and on page 8, line 18, after the word "voluntary," to insert the words "and involuntary," so as to make the bill read:

*Be it enacted, etc.*, That section 3 (a), section 14 (b), section 24, section 25 (a), section 29 (a), (b), and (d), section 57 (n), section 60 (a), and section 64 (a) and (b) of an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, and acts amendatory thereof and supplementary thereto, be, and the same are hereby, amended and supplemented as follows:

"SEC. 3. (a) Acts of bankruptcy by a person shall consist of his having (1) conveyed, transferred, concealed, or removed, or permitted to be concealed or removed, any part of his property, with intent to hinder, delay, or defraud his creditors, or any of them; or (2) transferred, while insolvent, any portion of his property to one or more of his creditors with intent to prefer such creditors over his other creditors; or (3) suffered or permitted, while insolvent, any creditor to obtain a preference through legal proceedings, and not having at least five days before a sale or final disposition of any property affected by such preference vacated or discharged such preference; or (4) suffered or permitted, while insolvent, any creditor to obtain through legal proceedings any levy, attachment, judgment, or other lien, and not having vacated or discharged the same at least five days before the expiration of four months from the date of obtaining such levy, attachment, judgment, or other lien; or (5) made a general assignment for the benefit of his creditors; or, being insolvent, applied for a receiver or trustee for his property, or because of insolvency, a receiver or trustee has been put in charge of his property under the laws of a State, of a Territory, or of the United States; or (6) admitted in writing his inability to pay his debts and his willingness to be adjudged a bankrupt on that ground.

"SEC. 14. (b) The judge shall hear the application for a discharge and such proof and pleas as may be made in opposition thereto by the trustee or other parties in interest, at such time as will give the trustee or parties in interest a reasonable opportunity to be fully heard, and investigate the merits of the application and discharge the applicant unless he has (1) committed an offense punishable by imprisonment as herein provided; or (2) with intent to conceal his financial condition, destroyed, concealed, or failed to keep books of account or records from which such condition might be ascertained; or (3) obtained money or property on credit upon a materially false statement in writing, made by him to any person or his representative for the purpose of obtaining credit from such person; or (4) at any time subsequent to the first day of the 12 months immediately preceding the filing of the petition transferred, removed, destroyed, or concealed, or permitted to be removed, destroyed, or concealed any of his property with intent to hinder, delay, or defraud his creditors; or (5) has been granted a discharge in bankruptcy within six years; or (6) in the course of the proceedings in bankruptcy refused to obey any lawful order of or to answer any material question approved by the court: *Provided*, That a trustee shall not interpose objections to a bankrupt's discharge until he shall be authorized so to do at a meeting of creditors called for that purpose.

"(c) Appeals and reviews under this section shall be taken within 30 days after the judgment or order or other matter complained of has been rendered or entered.

"SEC. 25. (a) Appeals, as in equity cases, may be taken in bankruptcy proceedings from the courts of bankruptcy to the circuit court of appeals of the United States and to the supreme courts of the Territories in the following cases, to wit: (1) From a judgment adjudging or refusing to adjudge the defendant a bankrupt; (2) from a judgment granting or denying a discharge; and (3) from a judgment allowing or rejecting a debt or claim of $500 or over. Such appeal shall be taken within 30 days after the judgment appealed from has been rendered, and may be heard and determined by the appellate court in term or vacation, as the case may be.

"SEC. 29. (a) A person shall be punished, by imprisonment for a period not to exceed five years, upon conviction of the offense of having knowingly and fraudulently appropriated to his own use, embezzled, spent, or unlawfully transferred any property or secreted or destroyed any document belonging to a bankrupt estate which came into his charge as trustee, receiver, custodian, or other officer of the court.

"(b) A person shall be punished, by imprisonment for a period not to exceed two years, upon conviction of the offense of having knowingly and fraudulently (1) concealed any property belonging to the estate of a bankrupt; or (2) made a false oath or account in, or in relation to, any proceeding in bankruptcy; (3) presented under oath any false claim for proof against the estate of a bankrupt, or used any such claim in composition personally, or by agent, proxy, or attorney, or as agent, proxy, or attorney; or (4) received any material amount of property from a bankrupt after the filing of the petition, with intent to defeat this act; or (5) extorted or attempted to extort any money or property from any person as a consideration for acting or forbearing to act in bankruptcy proceedings.

"(d) A person shall not be prosecuted for any offense arising under this act unless the indictment is found or the information is filed in court within three years after the commission of the offense, except where he has been absent from the jurisdiction of the court, in which case the time during which such person has been so absent shall not be a part of the period of limitation prescribed herein.

"SEC. 57. (n) Claims shall not be proved against a bankrupt estate subsequent to six months after the adjudication; or if they are liquidated by litigation and the final judgment therein is rendered within 30 days before or after the expiration of such time, then within 60 days after the rendition of such judgment: *Provided*, That the right of infants and insane persons without guardians, without notice of the proceedings, may continue six months longer.

"SEC. 60. (a) A person shall be deemed to have given a preference if, being insolvent, he has, within four months before the filing of the petition, or after the filing of the petition and before the adjudication, procured or suffered a judgment to be entered against himself in favor of any person, or made a transfer of any of his property, and the effect of the enforcement of such judgment or transfer will be to enable any one of his creditors to obtain a greater percentage of his debt than any other of such creditors of the same class. Where the preference consists in a transfer, such period of four months shall not expire until four months after the date of recording or registering of the transfer, if by law such recording or registering is required or permitted.

"SEC. 64. (a) The court shall order the trustee to pay all taxes legally due and owing by the bankrupt to the United States, State, county, district, or municipality, in the order of priority as set forth in paragraph (b) hereof: *Provided*, That no order shall be made for the payment of a tax assessed against real estate of a bankrupt in excess of the value of the interest of the bankrupt estate therein as determined by the court.

"Upon filing the receipts of the proper public officers for such payments, the trustee shall be credited with the amounts thereof, and in case any question arises as to the amount or legality of such tax the same shall be heard and determined by the court.

"(b) The debts to have priority, in advance of the payment of dividends to creditors, and to be paid in full out of bankrupt estates, and the order of payment shall be (1) the actual and necessary cost of preserving the estate subsequent to filing the petition; (2) the filing fees paid by creditors in involuntary cases, and where property of the bankrupt, transferred or concealed by him either before or after the filing of the petition, shall have been recovered for the benefit of the estate of the bankrupt by the efforts and at the expense of one or more creditors, the reasonable expenses of such recovery; (3) the cost of administration, including the fees and mileage payable to witnesses as now or hereafter provided by the laws of the United States, and one reasonable attorney's fee, for the professional services actually rendered, irrespective of the number of attorneys employed, to the petitioning creditors in involuntary cases while performing the duties herein prescribed, and to the bankrupt in voluntary and involuntary cases, as the court may allow; (4) where the confirmation of composition terms has been refused or set aside upon the objection and through the efforts and at the expense of one or more creditors, in the discretion of the court, the reasonable expenses of such creditor or creditors; (5) taxes payable under paragraph (a) hereof; (6) wages due to workmen, clerks, traveling or city salesmen, or servants which have been earned within three months before the date of the commencement of proceedings, not to exceed $300 to each claimant; and (7) debts owing to any person who by the laws of the States or the United States is entitled to priority."

SEC. 2. Nothing herein shall have the effect to release or extinguish any penalty, forfeiture, or liability incurred under any act or acts of which this act is amendatory.

SEC. 3. That all parts of acts inconsistent herewith be, and the same are hereby, repealed.

SEC. 4. This act shall take effect and be in force on and after the expiration of three months from the date of its passage and approval.

Mr. KING. Mr. President, I would like to ask the Senator from Montana whether there are any provisions that will restrict costs in relation to bankruptcy proceedings? I am prompted to make the inquiry because numerous persons have spoken to me about what they think are confiscatory charges. They state that in many instances neither the bankrupt nor his creditors get anything; that the estate is consumed by lawyers' fees, costs, and so forth, and charges which they regard as extortionate. I feel that there ought to be some limitation upon the fees and charges which are made in these cases.

Mr. WALSH of Massachusetts. The Senator's statement confirms the information I have about the present administration of the bankruptcy laws.

Mr. WALSH of Montana. The bill does not make any change in the law in relation to fees. It does not touch that subject at all.

Mr. KING. I am sorry.

The amendments were agreed to.

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

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

### BILLS PASSED OVER

The bill (S. 3327) to provide for the cooperative marketing of agricultural commodities was announced as next in order.

Mr. KING. I think that bill had better go over. We can not consider it in so short a time as is afforded under the five-minute rule under which we are now proceeding.

The PRESIDING OFFICER. The bill goes over under objection.

The bill (S. 2646) to provide for the expeditious and prompt settlement, mediation, conciliation, and arbitration of disputes between carriers and their employees and subordinate officials, and for other purposes, was announced as next in order.

Mr. DIAL and Mr. STERLING asked that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

### NORWEGIAN STEAMSHIP "HASSEL"

The bill (H. R. 7558) to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steamship *Hassel* as the result of a collision between that steamship and the American steamship *Ausable* was announced as next in order.

Mr. KING. Let the bill be read.

Mr. WALSH of Massachusetts. Mr. President, what does the statement which is found opposite to the bill on the calendar, "Ordered to the calendar," mean?

The PRESIDING OFFICER. The Chair is informed that the bill came from the House of Representatives and went to the calendar.

Mr. WALSH of Massachusetts. No committee of the Senate, then, passed upon the bill?

Mr. KING. If it be in order, I move that the bill be referred to the proper committee.

The PRESIDING OFFICER. The Chair will state to the junior Senator from Utah that a similar Senate bill having been reported by the Senate and placed on the calendar it would be in order to substitute this bill for the Senate bill.

Mr. ROBINSON and Mr. ASHURST asked that the bill be passed over.

The PRESIDING OFFICER. Objection having been made to the consideration of the bill, it will go over.

### AGRICULTURAL COOPERATIVE ASSOCIATIONS

The bill (S. 2844) to place the agricultural industry on a sound commercial basis, to encourage agriculture cooperative associations, and for other purposes, was announced as next in order.

Mr. KING. I understand from the statement of the floor leader of the majority that attention will be given to agriculture a little later. I therefore suggest that this bill had better go over.

The PRESIDING OFFICER. The bill will be passed over.

### COUNCIL ON UNIVERSITIES AND COLLEGES IN THE DISTRICT

The bill (S. 3278) to establish a council on universities and colleges in the District of Columbia, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. KING. Let that bill go over, Mr. President.

Mr. COPELAND. Mr. President, will the Senator from Utah withhold his objection for a moment?

Mr. KING. Yes.

Mr. COPELAND. The purpose of the bill is simply to make possible a better system of incorporation for educational institutions in the District. There were hearings before the Education Committee, at which education experts were present, this bill was agreed upon, and I think should be enacted into law.

Mr. KING. Mr. President——

Mr. WALSH of Massachusetts. Is it proposed that this shall be a general law?

Mr. COPELAND. No; that it shall simply apply to the District of Columbia.

Mr. WALSH of Massachusetts. I hope the bill may be enacted into law. I have had pending here for four years a bill providing for an amendment to the original charter of an educational institution in the District of Columbia, which was incorporated away back in 1837, but I have not been able to get action on it. I am sure that the legislation proposed in this bill is necessary in order that we shall have some general law governing educational institutions in the District of Columbia.

Mr. KING. I have no objection to the bill being considered, but it is a measure that will require some debate. I know nothing about it, and under the five-minute rule I do not think we can consider the matter.

The PRESIDING OFFICER. The bill will go over.

Mr. KING. I will, however, join later with the Senator in pressing for the consideration of the bill.

Mr. FLETCHER. May I inquire of the Senator from New York if he has prepared any report on the bill? There is no report on my file and there does not appear to have been any report submitted on the bill.

Mr. COPELAND. I am not sure whether or not there is a report accompanying the bill. My file does not show that a report has been submitted on it.

The PRESIDING OFFICER. The Chair is informed that there has been no report submitted to accompany the bill.

Mr. SMOOT. I desire to ask the Senator a question. Section 6 of this bill reads as follows:

SEC. 6. That the council on universities and colleges is hereby authorized and directed to collect statistics and other appropriate information concerning educational institutions in the District of Columbia and the conferring of degrees by such institutions. Said council shall present annually to Congress a report embodying such statistics and facts as may have been collected in accordance with this section and may append thereto such recommendations as shall be deemed proper.

Mr. COPELAND. I suppose the question the Senator has in mind relates to the conferring of degrees. I think, however, that wording is unfortunate.

Mr. SMOOT. I desired to ask the Senator a question as to that.

Mr. COPELAND. The statistics referred to are in regard to the conferring of degrees. The purpose of the bill is to cut out the medical diploma mills which have heretofore existed. That is its first purpose.

Mr. KING. It seems to me, Mr. President, that from what the Senator from New York has stated—and this is the first time that I have heard about it—that it is an attempt in a way to federalize education and to concentrate in the hands of a limited number of persons here certain activities that I think might be prejudicial to the best interests of the country.

Mr. COPELAND. Let me say in reply——

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Utah renew his objection?

Mr. KING. I do.

The PRESIDING OFFICER. The bill will go over.

Mr. COPELAND. Let me say that, so far as I am concerned, I am opposed to federalizing education; but we are merely acting for the District of Columbia in this instance. We have no adequate provisions for incorporating educational institutions in the District of Columbia. Instead of federalizing education, the purpose of this bill, if it should be enacted into law, is to do for the District what the legislatures in every State are doing for education.

Mr. SMOOT. Mr. President, do I understand the Senator from New York to say that he proposes to amend section 6 of the bill which I have read, or does he intend to have it remain in the bill?

The PRESIDING OFFICER. The bill has gone over.

Mr. SMOOT. I am perfectly aware of that.

Mr. ROBINSON. It is not fair to take up time in debating a bill to which objection has been made.

Mr. SMOOT. Very well.

BILL PASSED OVER

The bill (S. 3459) to encourage and promote the sale and export of agricultural products grown within the United States was announced as next in order.

Mr. KING and Mr. SMOOT asked that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

CLAIM OF NEW YORK CITY

The resolution (S. Res. 227) to authorize an adjustment of the claim of the city of New York for expenses incurred on behalf of the United States during the Civil War was announced as next in order.

Mr. DIAL. I ask that the resolution go over.

Mr. COPELAND. I hope my friend from South Carolina will withhold his objection for a moment. The resolution does not involve the expenditure of any money; it is not to adjust a claim, but it is to audit a claim which will be presented later to Congress for action. So I think it is a measure which should be passed at this time.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. OVERMAN. Let the resolution go over.

The PRESIDING OFFICER. The resolution will be passed over.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 3394) to amend section 26 of the Interstate Commerce act, as amended, was announced as next in order, and the bill was read.

Mr. BRUCE. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

COMMISSIONER OF RECLAMATION

The bill (S. 3035) to provide for the appointment of a Commissioner of Reclamation, and for other purposes, was announced as next in order.

Mr. KING. Let that bill go over.

Mr. McNARY. Mr. President, this item is contained in an amendment to a bill now in conference, and I move therefore that the Senate bill 3035 be indefinitely postponed.

The motion was agreed to.

RESOLUTIONS PASSED OVER

The joint resolution (S. J. Res. 118) to authorize the United States Shipping Board to adjust the claim of the Near East Relief, was announced as next in order.

Mr. REED of Pennsylvania. I ask that the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will be passed over.

The resolution (S. Res. 271) authorizing preparation of compilation of Indians laws and treaties, was announced as next in order.

Mr. SMOOT. I ask that that go over.

The PRESIDING OFFICER. The resolution will be passed over.

VALUATION OF COMMON CARRIERS

The resolution (S. Res. 283) favoring the allotment of sufficient funds to the Interstate Commerce Commission to enable it to carry on the work of valuation of common carriers was announced as next in order.

Mr. KING. Mr. President, as I understand, we adopted an item in the appropriation bill on Saturday carrying over a million dollars for continuing the work of valuation of the railroads. I should like to ask some member of the Interstate Commerce Committee if this is not a duplication?

The PRESIDING OFFICER. The Chair is informed that the author of the resolution is not present.

Mr. BRUCE. Mr. President, the Senator from Indiana [Mr. WATSON], who is familiar with the matter, is present, and I call his attention to the resolution.

Mr. ROBINSON. Mr. President, this resolution is in a very unusual form. It is a request to the Budget Bureau to give consideration to the matter. Congress, of course, can direct the Budget Bureau. I would not consent to the adoption of this resolution in the form in which it is pending.

The PRESIDING OFFICER. The resolution will go over.

AUGUSTUS SIPPLE

The bill (S. 3631) for the relief of Augustus Sipple was announced as next in order.

The PRESIDING OFFICER. The bill has been adversely reported from the Committee on Military Affairs and, without objection, it will be indefinitely postponed. The Chair hears no objection, and the bill is indefinitely postponed.

AWARD TO EMPLOYEES OF BETHLEHEM STEEL CO.

The bill (H. R. 5481) to provide for the carrying out of the award of the National War Labor Board of July 31, 1918, in favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa., was announced as next in order.

Mr. DIAL. I ask that that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. PEPPER. Mr. President, may I ask the Senator to withhold his objection for a moment?

Mr. DIAL. I withhold the objection at the request of the Senator from Pennsylvania.

Mr. PEPPER. Mr. President, I hope the Senator will not press his objection to the bill. It is designed to carry into effect an award of the War Labor Board made under circumstances which give rise to a very powerful equity in favor of the persons who at that time were war workers for the Bethlehem Steel Co. They were awarded by the War Labor Board, of which Chief Justice Taft was at that time the president, an increase in wages to place them upon a par with other Government workers who were then employed at Hog Island and in other war plants. They continued to work under stimulus of this promised increase; and the matter was so proceeded with that the War Department was actually beginning to pay them the wages found by the board to be due, and some of the checks had been drawn in their favor, when an opinion was rendered by the legal adviser of the War Department to the effect that there was no legal authority for the payment of claims of this character under fixed-price contracts. The Secretary of War then sent the matter to Congress, with the strongest kind of a message in favor of the payment of this claim.

The members of the War Labor Board, including the Chief Justice, appeared before the House committee. The House committee reported the bill unanimously; it was passed by the House, and was sent here, where it was referred to our Committee on Claims, which reported it unanimously with an affirmative recommendation. Now, it is upon the calendar awaiting an opportunity to do justice to these men in whose favor the award has been standing for a number of years. Mr. President, I ask the Senator not to press his objection.

Mr. PHIPPS. Mr. President, may I ask the Senator a question?

Mr. PEPPER. Certainly. I yield to the Senator from Colorado.

Mr. PHIPPS. I should like to inquire if the payments under the bill are to be made through the Bethlehem Steel Co. or directly to the individual workers who were awarded the increase in salary by the Labor Board?

Mr. PEPPER. Mr. President, the payments are to be made direct to the individual workers without company intervention

and without the intervention of agents or attorneys. It is a direct payment to the individual workman or, in case of death, to his legal representative.

Mr. ROBINSON. Mr. President, how much would it require to meet the provisions of this bill?

Mr. PEPPER. Not in excess——

Mr. DIAL. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

NAVAL AND MARINE CORPS RESERVE

The bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve was announced as next in order.

Mr. FEES. I inquire if that is the same as Calendar No. 822, being Senate bill 1807?

The PRESIDING OFFICER. It is.

Mr. ODDIE. Mr. President, I will state for the information of the senior Senator from Utah [Mr. SMOOT] that some weeks ago I filed a report on this bill from the subcommittee of the Committee on Naval Affairs, of which I am chairman, which was adopted by the Committee on Naval Affairs. It contains the items to which the Senator referred this morning. That report has been on file in the Senate for some weeks.

Mr. SMOOT. I will say to the Senator that I took the Senate bill just as he called my attention to it, and I had analysis made. The House bill may be perfectly satisfactory, I will say to the Senator; I know that the Senate bill is and I have not the least objection to it, but I do not know what amendments have been made to this bill.

Mr. ODDIE. I will say to the Senator from Utah that there are a few minor amendments, but they can be thrashed out in conference. Would the Senator be willing to allow the bill to be passed and have it go to conference?

Mr. SMOOT. Just let me look at the amendments. My attention has not been called to them before.

Mr. ROBINSON. Mr. President, we wonder if the Senator from Utah and the Senator from Nevada would be generous enough to take the Senate into their confidence, and let us know what is going on between them?

Mr. ODDIE. Mr. President, this is the bill creating a Naval Reserve, which has been passed on by the Naval Affairs Committee of the Senate, and a subcommittee of the Naval Affairs Committee, of which I am chairman, last year held extensive hearings on it. The hearings have been on record here in the Senate for many months. The subect has been thrashed out very thoroughly, and it is considered a very excellent bill. It will save money to the Government and provide a more efficient Naval Reserve than we have had heretofore.

Mr. SMOOT. Can the Senator tell us in a few words what the changes are from the present bill?

The PRESIDING OFFICER. The Chair will suggest that probably the easiest way would be to have the amendments stated at the desk.

Mr. ODDIE. I should have to go through the bill section by section.

The PRESIDENT pro tempore. The Secretary will state the first amendment.

The READING CLERK. On page 2, line 25, after the word "with," it is proposed to insert the words "or without," so that it will read:

> *And provided further,* That nothing contained in this act shall affect the status or pay of members of the Naval Reserve force heretofore retired with or without pay.

Mr. ODDIE. Mr. President, I think I can clarify this matter in a minute by stating the differences between the House bill and the Senate bill.

The only differences in Senate bill 1807, as reported to the Senate June 5, 1924, and House bill 9634, reported to the Senate January 14, 1925, except for slight changes in verbiage are:

Section 9 of House bill 9634 contains the provisions of House bill 9461, which was signed by the President on February 10, 1925, so that it is not now pertinent in House bill 9634.

Section 14 of House bill 9634 contains provisions for compensation of reservists incapacitated while on active duty under the United States employees' compensation act, which was not in Senate bill 1807.

Section 21 of House bill 9634 states that week-end cruises of reservists shall not be regarded as drills or other equivalent instruction or duty.

Section 26 of House bill 9634, in its last proviso, reenacts certain guaranties contained in the act of August 29, 1916, which latter act is repealed by section 1 of this bill.

Section 40 of House bill 9634 provides that the act shall take effect on July 1, 1925, while Senate bill 1807 had no such proviso.

With the exception of the above comparatively unimportant differences, the bills in general language, purpose, and intent are identical. Minor changes in language to clarify and simplify the House bill have been made.

Mr. SMOOT. Mr. President, I want to call the Senator's attention to page 9 of the bill, where this amendment occurs:

> *Provided further,* That any line officer now on the retired list of the Navy with the rank of lieutenant, who would have heretofore been due for promotion to the rank of lieutenant commander had he remained on the active list, who served with credit in the World War with the temporary rank of lieutenant commander, who was required by the public interests to be employed on active duty continuously during and since the war, and who is now so employed on active duty, shall have on the retired list of the regular Navy the rank, pay, and allowances of lieutenant commander.

Will the Senator kindly explain that amendment to the Senate? I do not remember that provision being in the Senate bill at all.

Mr. ODDIE. Section 9 provides:

> That officers and men of the Naval Reserve, including those who may have been retired, may be ordered to active duty by the Secretary of the Navy in time of war or when in the opinion of the President a national emergency exists and may be required to perform active duty throughout the war or until the national emergency ceases to exist; but in time of peace, except as is otherwise provided in this act, they shall only be ordered to or continued on active duty with their own consent: *Provided,* That the Secretary of the Navy may release any officer or man from active duty at any time: *Provided further,* That any line officer now on the retired list—

Mr. SMOOT. That is the amendment, Mr. President. I have no objection to section 9 as the House had it, but I did not know that this amendment was even in the Senate bill; and I ask the Senator to make an explanation of the amendment to section 9.

Mr. ODDIE. Section 9 of the House bill reads in this way:

> That officers and men of the Naval Reserve—

There is one amendment there, to strike out the word "enlisted."

Mr. SMOOT. I do not object to that, because that amendment is made all the way through the bill, and I know what that means; but the Senate committee has proposed an amendment to section 9, beginning on line 3, page 9, which I have already read, and which I will not take the time to read again.

Mr. ODDIE. Mr. President, I will ask that that amendment be rejected. It was my intention to have that done, because that matter has been taken care of in another bill.

Mr. SMOOT. Then I have no objection, if that goes out of the bill, to the passage of the bill.

The PRESIDING OFFICER (Mr. BINGHAM in the chair). The question is on agreeing to the first amendment, as stated by the Secretary.

Mr. KING. Mr. President, may I ask the Senator, before the amendments are stated, whether there are any provisions in this bill which authorize officers of the Reserve Force under any circumstances to receive the same retirement privileges and benefits that are granted to the regular officers of the Navy?

Mr. ODDIE. Mr. President, under the present "Naval Reserve Force" law there are certain retirement privileges granted to Naval Reserve officers.

Mr. SMOOT. I will say to my colleague that in the bill there is no different provision as to retired officers of the Navy than is in existing law. The retirement privileges are just the same.

Mr. KING. My understanding is that there are no retirement privileges for reserve officers of the Navy. Retirement privileges were granted for a while, until Congress by legislation, perceiving the impropriety of the measure, repealed that law; and I did not understand that any of the reserve officers of the Navy were now eligible to retirement, receiving the same benefits and emoluments that are granted to the regular officers of the Navy. If this bill makes any provision of that character, I shall object to its consideration.

Mr. WADSWORTH. It does not.

Mr. SMOOT. It does not change the law from what it was.

Mr. ODDIE. I will say to the Senator from Utah that there is an honorary retired list now without salary, which is not provided for in the old law.

Mr. KING. I confess that I do not understand the Senator. My question is, Is there any provision in this bill that gives to reserve officers who may be called into service, or who may give their services to the Navy under the present provisions of this law, the same status, so far as eligibility for retirement is concerned, that is enjoyed by the regular naval officers?

Mr. ODDIE. No; there is nothing of that kind in the present bill.

Mr. KING. Suppose that an emergency officer does receive some injury while in the service or suffers some disability after a long number of years in the service. What provision, if any, is made for his compensation?

Mr. ODDIE. That is taken care of in the new law by bringing him under the United States employees' compensation law.

Mr. KING. That is to say, then, all these retired naval officers come under the employees' compensation law?

Mr. ODDIE. No; those who are injured in line of active duty.

Mr. KING. But there is no retirement privilege?

Mr. ODDIE. No.

Mr. KING. Are they placed upon the retired list which is applicable to civilians in the service of the Government?

Mr. ODDIE. No. I should like to read the Senator that section.

Mr. KING. What I want to do is to make sure that we are not creating any bigger pension class. We shall soon have a pensioner for every taxpayer and every bread earner in the United States. With our retirement laws, and our pension laws, and all that sort of thing, we shall pretty soon have one breadeater paid out of the Government Treasury for every breadwinner.

Mr. ODDIE. Mr. President, I think that is well taken care of in section 14 of this bill, which I should like to read to the Senator:

That if in time of peace any officer or enlisted man of the Naval Reserve is physically injured in the line of duty while performing active duty, authorized training duty with or without pay, or when employed in authorized travel to and from such duty, or dies as the result of such physical injury, he or his beneficiary shall be entitled to all the benefits prescribed by law for civil employees of the United States who are physically injured in the line of duty or who die as the result thereof, and the United States Employees' Compensation Commission shall have jurisdiction in such cases and shall perform the same duties with reference thereto as in the cases of civil employees of the United States so injured: *Provided*, That in no case shall sickness or disease be regarded as an injury within the meaning of this section relating to the Naval Reserve.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9634) to provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve, which had been reported from the Committee on Naval Affairs with amendments.

The first amendment was, in section 1, page 2, line 25, after the word "with" to insert "or without," so as to make the section read:

That the Naval Reserve Force, established under the act of August 29, 1916, is hereby abolished, and in lieu thereof there is hereby created and established, as a component part of the United States Navy, a Naval Reserve which shall consist of three classes, namely: The Fleet Naval Reserve, the Merchant Marine Naval Reserve, and the Volunteer Naval Reserve: *Provided*, That all officers and men who on the date of this act are members of the Fleet Naval Reserve, the Naval Reserve, or the Naval Reserve Flying Corps of the Naval Reserve Force, are hereby transferred to the Fleet Naval Reserve created by this act, and all officers and men who on the date of this act are members of the Naval Auxiliary Reserve of the Naval Reserve Force are hereby transferred to the Merchant Marine Naval Reserve created by this act: *Provided further*, That members of the Naval Reserve Force on the date of the approval of this act whose status in the Naval Reserve thus created is not otherwise specifically established by this act are hereby transferred to the Volunteer Naval Reserve: *Provided further*, That such transfers of officers and enrolled men shall be for the unexpired period of their current enrollment in the Naval Reserve Force: *And provided further*, That within three months after the date of this act any officer so transferred pursuant to this section may make application to the Secretary of the Navy for appointment in the Naval Reserve herein created, and such officer shall, if found physically qualified for appointment, be appointed in accordance with section 7 of this act in the confirmed grade or rank held by him in the Naval Reserve Force with date of precedence in accordance with section 15 of this act: *And provided further*, That nothing contained in this act shall affect the status or pay of members of the Naval Reserve Force heretofore retired with or without pay.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 17, before the word "man," to strike out "enlisted," so as to make the section read:

SEC. 4. That the Naval Reserve shall be composed of male citizens of the United States and of the insular possessions of the United States of 18 years of age or over who by appointment or enlistment therein, under regulations prescribed by the Secretary of the Navy, or by transfer or assignment thereto as in this act provided, obligate themselves to serve in the Navy in time of war or during the existence of a national emergency declared by the President: *Provided*, That nothing contained in this section shall render ineligible for transfer to the Naval Reserve created by this act, as provided in section 1 hereof, any person now serving in the Naval Reserve Force: *Provided further*, That any enlisted man now serving in the regular Navy who is not a citizen of the United States and who on the date of this act has completed not less than eight years' naval service shall be deemed eligible for transfer to the Fleet Naval Reserve of the Naval Reserve created by this act upon completion of the minimum amount of service required for such transfer: *Provided further*, That no officer or man of the Naval Reserve shall be a member of any other naval or military organization except the Naval Militia: *And provided further*, That no existing law shall be construed to prevent any member of the Naval Reserve from accepting employment in any civil branch of the public service, nor from receiving the pay and allowances incident to such employment in addition to any pay or allowances to which he may be entitled under the provisions of this act.

The amendment was agreed to.

The next amendment was, in section 5, page 5, line 8, before the word "men," to strike out "enlisted," so as to make the section read:

SEC. 5. There shall be allowed in the Naval Reserve the various ranks, grades, and ratings corresponding to those in the regular Navy, but not above the rank of lieutenant commander, except as otherwise provided in this act. Officers of the line may be appointed for deck duties, engineering duties, or both, or for aviation duties. All appointments and promotions of officers, and enlistments and changes in rating of men, in the Naval Reserve, and transfers to and from any of the three classes therein, unless otherwise provided in this act, shall be made in accordance with regulations prescribed by the Secrtary of the Navy: *Provided*, That persons appointed to commissioned grades in the Naval Reserve shall be commissioned by the President alone and those appointed to warrant grades shall be warranted by the Secretary of the Navy: *Provided further*, That enlistments in the Naval Reserve shall be for a term of four years, subject to the provisions of section 9 of this act, and may be extended for periods of one, two, three, or four years, in accordance with regulations prescribed by the Secretary of the Navy.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 21, before the word "man," to strike out "enlisted," and on page 6, line 9, after the word "enlisted," to insert "enrolled and assigned," so as to make the section read:

SEC. 6. That in time of peace no officer or man of the Naval Reserve shall be discharged except upon expiration of his term of service or upon his own request, or for full and sufficient cause, in the discretion of the Secretary of the Navy: *Provided*, That enlisted men heretofore or hereafter transferred to the Fleet Naval Reserve from the regular Navy in accordance with law shall at all times be governed by the laws and regulations for the government of the Navy and shall not be discharged from the Naval Reserve without their consent except by sentence of a court-martial or in accordance with the provisions of section 23 of this act: *Provided further*, That in time of war, or a national emergency, declared by the President to exist, officers and enlisted, enrolled and assigned men of the Naval Reserve shall be subject to separation therefrom in the same manner as may be provided by or in pursuance of law for the separation of officers and enlisted men from the regular Navy, subject to the provisions of section 9 of this act.

The amendment was agreed to.

The next amendment was, in section 7, page 7, line 20, after the word "numbers," to strike out "in the various grades," and on page 8, line 3, before the word "man," to strike out "enlisted," so as to make the section read:

SEC. 7. Commissioned and warrant officers appointed or transferred to the Naval Reserve shall be commissioned or warranted to serve during the pleasure of the President, in grades or ranks not above that of lieutenant commander, except that a small percentage of officers, who may be required in higher grades or ranks for the recruiting, organization, administration, training, inspection, and mobilization of the Naval Reserve, may be commissioned in the grades or ranks of commodore, captain, and commander. The actual number of line officers so commissioned in higher grades shall be distributed in the proportion of 1 in the grade of commodore, to 15 in the grade of captain, to 28 in the grade of commander. The actual number of staff officers so commissioned in higher ranks shall be commissioned in the proportion of 8 in the rank of captain, to 16 in the rank of commander. The total number of line officers in such higher grades shall not exceed forty-four one-hundredths of 1 per cent and of staff officers in such

higher ranks shall not exceed twenty-four one hundredths of 1 per cent of the actual number of enlisted men regularly assigned to divisions or other organized units of the Fleet Naval Reserve entitled to pay as provided in section 21 of this act. Whenever a final fraction occurs in computing the authorized number of officers in said higher grades or ranks, the nearest whole number shall be regarded as the authorized number, but at least one officer may be allowed in each grade or rank: *Provided*, That to determine the authorized number of officers in the various grades or ranks above lieutenant commander as provided in this section, computations shall be made by the Secretary of the Navy at least once during each calendar year and the resulting numbers as so computed shall be held and considered for all purposes as the authorized number of officers in such various grades or ranks and shall not be varied between the dates of such computations: *Provided further*, That no officer shall be reduced in rank as the result of any computation so made and that nothing in this act shall be construed as reducing the present confirmed grade, rank, or rating of any officer or man transferred to the Naval Reserve pursuant to the provisions of this act, or as prohibiting the appointment of such officers in their present confirmed grades or ranks, or as restricting the promotion of officers of the Naval Reserve in time of war as provided for in section 17 of this act.

The amendment was agreed to.

The next amendment was, in section 9, page 8, line 17, before the word "men," to strike out "enlisted"; and on page 9, line 2, before the word "man," to strike out enlisted," so as to read:

SEC. 9. That officers and men of the Naval Reserve, including those who may have been retired, may be ordered to active duty by the Secretary of the Navy in time of war or when in the opinion of the President a national emergency exists, and may be required to perform active duty throughout the war or until the national emergency ceases to exist; but in time of peace, except as is otherwise provided in this act, they shall only be ordered to or continued on active duty with their own consent: *Provided*, That the Secretary of the Navy may release any officer or man from active duty at any time.

The amendment was agreed to.

The next amendment was, on page 9, at the end of line 2, to insert:

*Provided further*, That any line officer now on the retired list of the Navy with the rank of lieutenant who would have heretofore been due for promotion to the rank of lieutenant commander had he remained on the active list who served with credit in the World War with the temporary rank of lieutenant commander, who was required by the public interests to be employed on active duty continuously during and since the war, and who is now so employed on active duty shall have on the retired list of the regular Navy the rank, pay, and allowances of lieutenant commander.

Mr. ODDIE. I ask that that amendment be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, in section 10, page 9, line 13, before the word "men," to strike out "enlisted"; and on page 10, line 1, before the word "man," to strike out "enlisted," so as to make the section read:

SEC. 10. Officers and men of the Naval Reserve when employed on active duty, authorized training duty, with or without pay, drill, or other equivalent instruction or duty, or when employed in authorized travel to and from such duty, drill, or instruction, or during such time as they may by law be required to perform active duty in accordance with their obligations, or while wearing a uniform prescribed for the Naval Reserve, shall be subject to the laws, regulations, and orders for the government of the Navy: *Provided*, That disciplinary action for an offense committed while so subject to the laws, regulations, and orders for the government of the Navy shall not be barred by reason of release from duty status of any officer or man charged with the commission thereof: *Provided further*, That officers and men who have heretofore been or may hereafter be transferred to the retired list of the Naval Reserve Force or the Naval Reserve with pay shall at all times be subject to the laws, regulations, and orders for the government of the Navy.

The amendment was agreed to.

The next amendment was, in section 11, page 10, line 16, after the word "officers," to strike out "and enlisted men"; in line 17, before the word "men," to strike out "enlisted"; in line 24, after the words "Marine Corps," to insert "Coast Guard" and on page 11, line 2, before the word "men," to strike out "enlisted," so as to make the section read:

SEC. 11. That commissioned officers of the Naval Reserve when employed on active duty or on training duty, with pay, or when employed in authorized travel to and from such duty, shall be deemed to have been confimed in grade and justified for all general service and shall receive the pay, allowances, including longevity pay, as provided by law for the reserve forces of the United States, and shall when traveling under orders receive transportation in kind, mileage or actual expenses as provided by law for travel performed by officers of the regular Navy. Warrant officers and men of the Naval Reserve when employed on active duty or on training duty will pay or when employed in authorized travel to and from such duty shall receive the same pay and allowances as received by warrant officers and enlisted men of the regular Navy of the same rank, grade, or rating, and of the same length of service which shall include service in the Navy, Marine Corps, Coast Guard, Naval Reserve Force, Naval Militia, National Naval Volunteers, Marine Corps Reserve, or Naval Reserve: *Provided*, That when officers or men of the Naval Reserve perform active duty or training duty with pay for a period of less than 30 days such duty performed on the 31st day of any month shall be paid for at the same rate as for other days.

The amendment was agreed to.

The next amendment was, in section 12, page 11, line 6, after the word "in," to strike out "or transferred to," so as to make the section read:

SEC. 12. That upon being appointed in the Fleet Naval Reserve an officer shall be paid a sum of $100 for purchase of required uniforms, and thereafter he shall be paid an additional sum of $50 for the same purpose upon completion of each period of four years in the Fleet Naval Reserve: *Provided*, That any officer who has heretofore received a uniform gratuity shall not be entitled to either of the above-mentioned sums until the expiration of four years from the date of the receipt of such gratuity: *Provided further*, That in time of war or national emergency a further sum of $150 for purchase of required uniforms shall be paid to officers of all classes of the Naval Reserve when they first report for active duty.

The amendment was agreed to.

The next amendment was, in section 20, page 16, line 13, before the word "men," to insert "enrolled and enlisted"; in line 23, before the word "men," to strike out "enlisted"; on page 17, line 1, before the word "men," to strike out "enlisted"; and in line 2, after the word "training," to insert "or other," so as to make the section read:

SEC. 20. That in time of peace, except as herein otherwise provided, officers and enrolled and enlisted men of the Fleet Naval Reserve shall be required to perform such training duty, not to exceed 15 days annually, as may be prescribed by the Secretary of the Navy, unless excused therefrom for good and sufficient reasons by direction of the Secretary of the Navy: *Provided*, That they may be given additional training or other duty, either with or without pay, as may be authorized, with their consent, by the Secretary of the Navy: *Provided further*, That when authorized training or other duty without pay is performed by officers or men they may, in the discretion of the Secretary of the Navy, be furnished subsistence in kind or commutation thereof at a rate to be fixed from time to time by the Secretary of the Navy: *And provided further*, That officers and men while detailed for training or other duty in aviation which involves actual flying in aircraft, in accordance with regulations prescribed by the Secretary of the Navy, shall receive the same increase of the pay of their grades, ranks, or ratings as may be received by officers and enlisted men in similar grades, ranks, and ratings in the Regular Navy for the performance of similar duty.

The amendment was agreed to.

The next amendment was, in section 22, page 18, line 22, after the word "service," to insert "and may authorize any enlisted man in such service"; and on page 19, line 12, after the word "paid," to insert "in advance," so as to make the section read:

SEC. 22. That the Secretary of the Navy, in his discretion, under such regulations as he may prescribe, may require any person hereafter when first enlisting in the regular naval service and may authorize any enlisted man in such service to obligate himself to serve four years in the Fleet Naval Reserve upon termination of his enlistment in the regular naval service: *Provided*, That upon termination of their enlistment in the regular naval service men who have so obligated themselves shall be assigned to the Fleet Naval Reserve for the four-year period unless they apply for reenlistment or extension of their enlistment in the regular naval service, in which event they may be reenlisted or may extend their enlistment in the regular naval service: *Provided further*, That the men so assigned to the Fleet Naval Reserve for the four-year period shall not, in time of peace, be ordered to active duty, except with their own consent, and shall be under no obligation to perform training duty or drill during that period, but shall be paid in advance at the rate of $25 per annum, except when, with their own consent, they become attached to a division of the Fleet Naval Reserve or satisfactorily perform appropriate duties assigned by direction of the Secretary of the Navy, in which case they shall receive the pay, allowances, gratuities, and other emoluments as herein specifically provided for enlisted men of the Fleet Naval Reserve.

Enlisted men of the regular naval service assigned to the Fleet Naval Reserve in accordance with the provisions of this section, or enlisted men who within three months from date of discharge from the regular naval service upon completion of a four-year enlistment, enlist in the Naval Reserve may, while so in the Naval Reserve, be permitted to reenlist in the regular naval service, in which case they shall be entitled to the same benefits as if they had enlisted in the regular naval service within three months of their last discharge therefrom.

The amendment was agreed to.

The next amendment was, in section 23, page 20, line 11, after the words "rate of," to strike out "one-third" and insert "one-half," so as to make the section read:

SEC. 23. Men who enlist in the regular Navy after the passage of this act, except as herein otherwise provided, may be transferred to the Fleet Naval Reserve only upon the completion of at least 20 years' naval service and provided they are then found physically and otherwise qualified to perform duty in time of war and apply for such transfer, and thereafter, except when on active duty, shall be paid at the rate of one-half of the base pay they are receiving at the time of transfer: *Provided,* That in time of peace all enlisted men so transferred to the Fleet Naval Reserve may be required to perform not more than two months' active duty in each four-year period and shall be physically examined at least once during each four-year period, and if upon such examination they are found not physically qualified to perform duty in time of war they shall be discharged: *Provided further,* That all enlisted men so transferred to the Fleet Naval Reserve shall, upon completion of 30 years' service, including naval service and time in the Fleet Naval Reserve, be transferred to the retired list of the regular Navy with one-half of the base pay of their ratings plus all permanent additions thereto, and the allowances to which enlisted men of the same ratings are entitled on retirement after 30 years' naval service.

The amendment was agreed to.

The next amendment was, at the end of section 26, page 23, line 1, to insert the following proviso:

*Provided further,* That for all purposes of this section a complete enlistment during minority shall be counted as four years' service, and any enlistment terminated within three months prior to the expiration of the term of such enlistment shall be counted as the full term of service for which enlisted.

The amendment was agreed to.

The next amendment was, on page 23, line 14, after the word "Navy," to strike out the words "and if they have had 16 but less than 20 years' naval service, they shall receive pay at the rate of one-third of the base pay of their ratings, plus all permanent additions thereto, and if they have had 20 or more years' naval service, they shall receive pay at the rate of one-half of the base pay of their ratings, plus all permanent additions thereto," and to insert in lieu thereof the words "with the pay they are then receiving," so as to make the section read:

SEC. 27. That in time of peace all enlisted men so transferred to the Fleet Naval Reserve in accordance with the preceding section may be required to perform not more than two months' active duty in each four-year period and shall be examined physically at least once during each four-year period, and if upon such examination they are found not physically qualified they shall be transferred to the retired list of the regular Navy, with the pay they are then receiving, and upon the completion of 30 years' service, including naval service, time in the Fleet Naval Reserve, and time on the retired list of the Navy, they shall receive the allowances to which enlisted men of the regular Navy are entitled on retirement after 30 years' naval service: *Provided,* That all enlisted men so transferred to the Fleet Naval Reserve who are not transferred to the retired list pursuant to the foregoing provisions of this section shall, upon completion of 30 days' service, including naval service and time in the Fleet Naval Reserve, be transferred to the retired list of the regular Navy with the pay they were then receiving and the allowances to which enlisted men of the same rating are entitled on retirement after 30 years' naval service.

The amendment was agreed to.

The next amendment was, on page 24, line 25, to strike out the word "enlisted," so as to make the section read:

SEC. 28. That of the Organized Militia, as provided by law, such part as may be duly prescribed in any State, Territory, or the District of Columbia shall constitute a Naval Militia. Any officer or enlisted man of such Naval Militia may, in the discretion of the Secretary of the Navy, be appointed or enlisted in the Fleet Naval Reserve in the grade, rank, or rating not above the rank of lieutenant for which he may be found qualified in accordance with such special regulations as may be prescribed by the Secretary of the Navy: *Provided,* That each officer and enlisted man of the Naval Militia appointed or enlisted in the Fleet Naval Reserve shall be required within one year after the date of his appointment or enlistment in the Fleet Naval Reserve to qualify for the rank or rating he may hold in accordance with the general regulations governing the Fleet Naval Reserve: *Provided further,* That officers and men of the Naval reserve who are members of the Naval Militia of any State, Territory, or the District of Columbia shall stand relieved from all service or duty in said Naval Militia when on active duty in time of war or national emergency: *Provided further,* That such vessels, material, armament, equipment, and other facilities of the regular Navy as are or may be made available for the Fleet Naval Reserve shall also be available, in the discretion of the Secretary of the Navy, for issue or loan to the several States, Territories, or the District of Columbia for the administration and training of units of the Naval Militia, but no such facilities of the regular Navy shall be furnished for use by any portion or unit of the Naval Militia unless at least 95 per cent of its personnel has been appointed or enlisted in the Fleet Naval Reserve and unless its organization, administration, and training conform to the standard prescribed by the Secretary of the Navy for such units.

The amendment was agreed to.

The next amendment was, on page 29, after line 14, to insert a new section, as follows:

SEC. 40. That this act shall take effect on July 1, 1925, which date shall be construed as the date of the passage or approval thereof.

The amendment was agreed to.

Mr. ODDIE. Mr. President, I move that in section 4, on page 3, line 25, the word "male" be stricken out.

Mr. WADSWORTH. What is the object of that?

Mr. ODDIE. I understand that certain work can be done by yeomanettes in the Naval Reserve, and they have made a special request to the chairman of the committee that this word be stricken out in order that they may perform certain services in time of war. I will state that any work they can do will be governed and determined by the department under department regulations. So I feel satisfied that the department will not allow them to be put in any positions where their services would not be practical in every way.

Mr. WADSWORTH. As I understand it, this would authorize the enlistment of women in the naval service of the United States in time of peace. Would it not?

Mr. ODDIE. Yes.

Mr. WADSWORTH. Is the Senator convinced that is a proper thing to put in the statute? It does not prescribe in what capacity they may be enlisted. It merely provides that they may be enlisted, and if they are once enlisted are they not thereby entitled—as a moral right, at least—to promotion?

Mr. ODDIE. I understand that this can and will be regulated entirely by the department, and I know the department would not allow them to serve in any capacity for which they were not qualified.

Mr. WADSWORTH. Let me ask the Senator if women are enlisted in the regular Navy?

Mr. ODDIE. I do not know of any being enlisted in the Navy.

Mr. WADSWORTH. If they are not enlisted in the regular Navy, why should they be enlisted in the reserve Navy?

Mr. ODDIE. A request was made by a committee of the yeomanettes to the chairman of the Naval Affairs Committee that this be done. I have not had an opportunity of discussing this with this committee, but I understand that the chairman assured them the matter would be taken care of in this way. Perhaps the chairman of the committee can explain the matter.

Mr. HALE. Mr. President, I did not assure them that it would be provided for in this bill. I assured them I would take the matter up with the subcommittee, but I saw no objection to this going in.

Mr. ODDIE. I am willing to assume all the responsibility for the subcommittee.

Mr. WADSWORTH. Of course, I do not know what fate this amendment would meet in conference with the House, but after all that has been said would the Senator from Nevada be willing to go on record as approving the enlistment of women in the military forces of the United States?

Mr. ODDIE. It is only for such work as they are qualified to do.

Mr. WADSWORTH. It does not say so. The amendment does not so prescribe.

Mr. ODDIE. I understand that the department has regulations which will cover that matter.

Mr. WADSWORTH. Will the Senator produce those regulations, and include them in the amendment? I can see a vista opening here which is interesting. We have a reserve

Army. Are we going to establish the right of women to enlist in the Army? Are we to have a "Battalion of death"?

Mr. EDGE. Let us have the amendment stated, so that we can all have the benefit of knowing just what the chairman of the committee has assured the yeomanettes.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. On page 3, line 25, to strike out the word "male," so as to read:

That the Naval Reserve shall be composed of citizens of the United States—

And so forth.

Mr. WADSWORTH. I can say to the Senator from Nevada that striking out the word "male" would permit women to enlist in the Naval Reserve. To be logical and consistent, we should open up to them the regular Navy, the Regular Army, the National Guard, the Naval Militia, and the Organized Reserves. Is the Senator ready to face that?

Mr. ODDIE. Mr. President, my understanding of the matter is that there is certain work that can be done by women, work that has been done by them heretofore, which is not in the line of combat work, but is clerical work, nursing, and other matters of that sort. But as this seems to be growing into a controversial matter, I am willing to let the amendment go, because the question has been raised by the chairman of the Military Affairs Committee, and if it is going to lead to debate, and possibly to the defeat of the bill, I will withdraw the amendment.

The PRESIDING OFFICER. Does the Senator withdraw the amendment?

Mr. ODDIE. I withdraw the amendment.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The PRESIDING OFFICER. In view of the action just taken, by unanimous consent Senate bill 1807 will be indefinitely postponed.

### DAMAGES BY U. S. S. "LAMBERTON"

Mr. WADSWORTH. Senate bill 708, for the relief of various owners of vessels and cargoes damaged by the U. S. S. *Lamberton*, was reached upon the calendar a little time ago, when I was unavoidably detained from the Chamber. I do not know who raised objection to the consideration of the bill, but I ask unanimous consent that the Senate return to its consideration in order that I may make a statement, which will take about one minute.

The PRESIDING OFFICER. The Chair is informed that the objection to that bill was raised by the senior Senator from Montana [Mr. WALSH], who is now not in the Chamber. Does the Senator therefore wish to continue his request under those circumstances?

Mr. WADSWORTH. I will wait until the Senator from Montana returns.

Mr. WADSWORTH subsequently said: The senior Senator from Montana has returned to the Chamber, and I renew my request that the Senate return to the consideration of Senate bill 708, my information being that the Senator from Montana asked that this bill go over. I was out of the Chamber at the time, and I would like to have an opportunity to persuade him to permit the passage of the bill.

Mr. WALSH of Montana. The objection really came from some one else. I called attention to a feature of the bill which I thought was objectionable, and, having done that, some one else asked that it go over. I will say to the Senator that the bill apparently acknowledges negligence, and simply reposes in the court the duty of determining the amount of the damages. If the case is to go to the court at all, why should not the court determine all the questions, and why confess to negligence and liability?

Mr. WADSWORTH. Undoubtedly the Senator refers to the amendment which was drawn and inserted by the Committee on Claims, and I assume that his criticism would go to the use of the word "negligent," at the end of line 16, on page 3.

Mr. WALSH of Montana. That is correct.

Mr. WADSWORTH. I am not a member of the Committee on Claims, but so far as I may do so, I would consent to the word "negligent" being stricken out, so that it would read "as a result of the operation of the destroyer *Lamberton*."

The Navy Department, through an official report made by the board which investigated this incident, did acknowledge, so far as the department could, that the damage done was the fault of the destroyer, but I can see the Senator's point that that should not be admitted in a statute which submits the matter of a Federal court.

Mr. WALSH of Montana. As far as I am concerned, it would be quite satisfactory to me to recur to it.

Mr. WADSWORTH. This merely submits the case to a Federal court sitting in admiralty.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert the following:

That the claims of various owners of vessels and cargoes damaged by the U. S. S. *Lamberton*, on account of damages sustained by them as a result of the negligent operation of the destroyer *Lamberton* off Sea Breeze Point, between Great Bed Light and Wards Point, Staten Island Sound, on October 10, 1918, may be sued for by the various owners in the District Court of the United States for the Eastern District of New York sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the various owners, or against the various owners in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same right of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. WADSWORTH. I move as an amendment to the committee amendment to strike out the word "negligent," at the end of line 16, on page 3.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KING. May I say to the Senator that I find on page 4 of the report signed by Edwin Denby, Secretary, this language:

Under the circumstances the bill (S. 4348) proposing to appropriate various sums of money to satisfy claims of owners of the damaged barge is disapproved.

I would like to ask the Senator whether there was a disapproval merely of the form, or a disapproval of the payment at all, upon the ground that there was no liability upon the part of the Government?

Mr. WADSWORTH. I did not catch the Senator's statement as to where in the report that is found.

Mr. KING. The last paragraph of Secretary Denby's report states that under the circumstances the Senate bill proposing to pay various sums to the owners of the damaged barge is disapproved.

Does he disapprove of any payment upon the ground that there was no negligence upon the part of the Government, or does he merely disapprove of the method of paying directly without referring the matter to the Court of Claims? Because if the Secretary of the Navy, after investigation was made, disapproves of it upon the ground that there was no negligence whatever I would have some hesitancy, without further information, in favoring the passage of the bill.

Mr. WADSWORTH. I understand that the Secretary of the Navy did disapprove the bill as originally introduced in that it appropriated specific sums for particular claims. The bill has been changed and leaves it to the court to determine whether or not the Government is liable, and if so, in what amount.

Mr. FLETCHER. It appears that the Secretary of the Navy felt that the *Lamberton* was partly to blame, but not wholly to blame. The *Lamberton* was considered in part responsible for the loss, and the tug *Overbrook* was also to blame. Settlement was offered on a half-damage basis. It was apparently the belief that the department was liable upon a half-damage basis only. The bill could be altered or amended so as not to confess full liability. That ought to be done, it seems to me.

The PRESIDING OFFICER. The question is upon agreeing to the amendment as amended.

The amendment as amended was agreed to.

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

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

BILLS PASSED OVER

The bill (H. R. 9093) declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty, was announced as next in order.

Mr. WADSWORTH. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4448) authorizing the establishment of rural routes of from 36 to 75 miles in length was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

JOHN A. BINGHAM

The bill (H. R. 5803) for the relief of John A. Bingham was announced as next in order.

Mr. KING. I object to the consideration of the bill.

Mr. McKINLEY. Will the Senator withhold his objection for a moment?

Mr. KING. I will say to the Senator that I have read the report very carefully, and there seems to have been negligence on the part of the postmaster in that he did not lock the safe.

Mr. McKINLEY. I know personally the postmaster for whose relief this bill was introduced, and I know the circumstances surrounding the case. There had been a flood and an accident, and the conditions were very much upset there. The man is an honest man and very much needs the money. I hope the Senator will not object. Only $500 is involved.

Mr. KING. If it is only a small amount and is so important, we might make a contribution, but the principle is such that I do not think the Government ought to be held liable, and I object.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

ESTATE OF HALLER NUTT

The bill (S. 2603) for the relief of the legal representative of the estate of Haller Nutt, deceased, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

INCORPORATION OF AMERICAN BAR ASSOCIATION

The bill (S. 292) to incorporate the American Bar Association was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That Robert E. Lee Saner, of Texas; John W. Davis and Frederick E. Wadhams, of New York; W. Thomas Kemp, of Maryland; Thomas W. Blackburn, of Nebraska; William Brosmith, of Connecticut; S. E. Ellsworth, of North Dakota; Thomas W. Shelton, of Virginia; A. T. Stovall, of Mississippi; Chester I. Long, of Kansas; Gurney E. Newlin, of California; Frederick A. Brown, of Illinois; Charles S. Whitman, of New York; Edgar B. Tolman, of Illinois; Hon. William Howard Taft, Hon. Charles Evans Hughes, Hon. George Sutherland, Hon. Pierce Butler, Hon. Edward T. Sanford, James M. Beck, J. M. Chamberlin, E. B. Parker, and Charles Henry Butler, of the District of Columbia; Elihu Root, Alton B. Parker, Charles A. Boston, Henry W. Taft, Julius Henry Cohen, of New York; George T. Page, J. M. Dickinson, John T. Richards, Nathan W. MacChesney, Thomas Francis Howe, of Illinois; Paul Howland, Province M. Pogue, John M. Garfield, F. M. Clevenger, of Ohio; Thad M. Talcott, jr., Charles Martindale, C. C. Shirley, George H. Batchelor, Paul G. Davis, of Indiana; Thomas C. McClellan, E. H. Cabanies, J. K. Dixon, of Alabama; T. G. Norris, Cleon T. Knapp, of Arizona; Frank Pace, George B. Rose, J. H. Hamiter, of Arkansas; Charles S. Cushing, Bradner W. Lee, of California; T. J. O'Donnell, John A. Ewing, Fred W. Stow, of Colorado; George E. Beers, C. L. Avery, of Connecticut; W. O. Hart, of Louisiana; Hollis R. Bailey, Samuel Williston, of Massachusetts; Cordenio A. Severance, Frank B. Kellogg, and John Junell, of Minnesota; Thomas H. Reynolds, Selden P. Spencer, James H. Harkless, of Missouri; Josiah Marvel, of Delaware; Scott M. Loftin, George C. Gibbs, William Hunter, of Florida; P. W. Meldrim, J. H. Merrill, S. P. Gilbert, of Georgia; Jesse A. Miller, of Iowa; Edmund F. Trabue, William M. Bullitt, of Kentucky; Harry L. Cram, Arthur Ritchie, of Maine; John P. Briscoe, of Maryland; John B. Corliss, George E. Nichols, William W. Potter, Wade Millis, James O. Murfin, Henry M. Bates, of Michigan; Hugh H. Brown, of Nevada; James S. Secton, of Mississippi; James A. Walsh, of Montana; R. A. Van Orsdel, of Nebraska; Frank H. Norcross, of Nevada; Joseph Madden, of New Hampshire; Edward Q. Keasbey, of New Jersey; Harry S. Bowman, of New Mexico; William P. Bynum, R. L. Smith, of North Carolina; John H. Voorhees and U. S. G. Cherry, of South Dakota; Lee Combs, of North Dakota; James B. Kerr, of Oregon; Walter G. Smith, Hampton L. Carson, and William Draper Lewis, of Pennsylvania; Thomas A. Jenckes, of Rhode Island; John P. Thomas, jr., of South Carolina; W. H. Washington, of Tennessee; W. H. Burges, Harry P. Lawther, of Texas; C. R. Hollingsworth, of Utah; George B. Young, of Vermont; R. R. Prentis, of Virginia; Charles O. Bates, of Washington; J. W. Vandervort, of West Virginia; W. F. Shea, of Wisconsin; William C. Kinkead, of Wyoming; and their associates, members of the unincorporated organization known as the American Bar Association, are hereby created a body corporate and politic in the District of Columbia.

SEC. 2. That the name of this corporation shall be the American Bar Association, and by that name it shall have perpetual succession, with power to sue and be sued in all courts of competent jurisdiction, to hold such real and personal estate as shall be necessary for its corporate purposes, and to receive real and personal property by gift, devise, or bequest; to give and dedicate such property to public agencies and purposes; to adopt a seal, and the same to alter at pleasure; to hold its corporate meetings, maintain offices, and conduct its business affairs in any State, Territory, the District of Columbia, or any insular or other possession of the United States and places over which the United States exercises extraterritorial jurisdiction as the executive committee of the corporation shall determine; to make and adopt a constitution, by-laws, rules, and regulations not inconsistent with the laws of the United States of America, or any State thereof, and generally to do all such acts and things as may be necessary to carry into effect the provisions of this act and promote the purposes of said corporation.

SEC. 3. That the purpose of this corporation shall be to advance the science of jurisprudence, to promote reform in the law, to facilitate and improve the administration of justice, to uphold the integrity, honor, and courtesy of the members of the legal profession, to issue a journal and such other publications as it may deem proper, and to provide for the government of the American Bar Association.

SEC. 4. That the affairs and property of, and membership in, said corporation shall be governed by the constitution and the by-laws of the present unincorporated association known as the American Bar Association, it being the intention of this act to perpetuate said association and to clothe it with proper power to perpetuate its purposes in accordance with said constitution and by-laws, with power to alter, amend, or repeal the same in accordance with the terms thereof.

SEC. 5. That said corporation shall have no power to issue certificates of stock or to declare or pay dividends, but it is organized and shall be operated exclusively for the purposes set forth therein, and no part of its earnings, income, or funds will inure to the benefit of any member or individual thereof.

SEC. 6. That Congress shall have the right to repeal, alter, or amend this act at any time.

Mr. KING. I am advised that the incorporation here is not an act of Congress, per se, but the bill merely provides that the American Bar Association may be incorporated under the laws of the District of Columbia.

Mr. SPENCER. The incorporation is to be a District of Columbia corporation, not a national one.

Mr. KING. I see no reason why the corporation should not be formed by the association availing itself of the law now in force, without a special act of Congress.

Mr. SPENCER. There is no adequate provision for doing that in the District now. The Committee on the Judiciary, through its chairman, has had in preparation such a bill for a year or two, but it is not yet ready.

Mr. KING. The District incorporation law is not broad enough?

Mr. SPENCER. It is not broad enough to accomplish this. This is merely one of many such cases.

Mr. ROBINSON. What is the primary purpose of incorporating the Bar Association?

Mr. SPENCER. The primary purpose is that there are about 25,000 members of the association, they publish a journal, they handle about a hundred thousand dollars in money, and have to have a plant for the publishing of that journal. Of course, with all those activities the association needs some corporate entity to act for it, rather than a large, indiscriminate association.

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

BILLS PASSED OVER

The bill (S. 1931) amending the Army appropriation act approved July 9, 1918, providing for appointment and retirement of officers of the Medical Reserve Corps, or contract surgeons, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDING OFFICER (Mr. FESS in the chair). The bill will be passed over.

The bill (S. 3772) to authorize the reduction of and to fix the rate of interest to be paid by carriers upon notes or other evidences of indebtedness heretofore issued under the

provisions of section 207 of the transportation act, 1920, or section 210 of said act, as amended by an act approved June 5, 1920, was announced as next in order.

Mr. BURSUM. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3682) for the relief of M. Barde & Sons (Inc.), Portland, Oreg., was announced as next in order.

Mr. JONES of Washington. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MILITIA TARGET RANGE AT AUBURN, ME.

The bill (S. 3400) for the purchase of the tract of land adjoining the militia target range at Auburn, Me., was considered as in Committee of the Whole.

The PRESIDING OFFICER. May the Chair inquire if this is not an item that was contained in the War Department appropriation bill?

Mr. WADSWORTH. It failed of passage.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 7, after the word "hereby," to insert the words "authorized to be"; and in line 8, to strike out "out of any moneys in the Treasury not otherwise appropriated," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized to purchase the tract of land adjoining the militia target range at Auburn, Me., comprising 84 acres, more or less, the property of John Baron, for the purpose of adding to said rifle range, and there is hereby authorized to be appropriated a sum not to exceed $3,000 to purchase the above-described property.

The amendments were agreed to.

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

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

BILLS PASSED OVER

The bill (S. 3314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil and Mexican Wars and to certain widows, former widows, minor children, and helpless children of said soldiers and sailors, and to widows of the War of 1812, and to certain Indian war veterans and widows, and to certain Spanish war soldiers and widows, and certain maimed soldiers, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 11354) 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 was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3017) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. This bill is on the agenda of the unanimous-consent program for this evening, and for that reason will be passed over.

The bill (H. R. 3933) for the purchase of the Cape Cod Canal property, and for other purposes, was announced as next in order.

Mr. HOWELL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

PERMISSION TO ACCEPT CERTAIN VENEZUELAN DECORATIONS

The joint resolution (S. J. Res. 125) granting permission to Fred F. Rogers, commander, United States Navy, to accept decorations bestowed upon him by the Venezuelan Government, was considered as in Committee of the Whole and read, as follows:

*Resolved, etc.,* That Fred F. Rogers, commander, United States Navy, be authorized to accept diploma and decoration of the Order of the Bust of Bolivar conferred upon him by the Venezuelan Government, on the occasion of the visit of the American Ambassador Extraordinary and Minister Plenipotentiary Buchanan, who was sent to Venezuela in the *Dolphin* in 1908 to negotiate the settlement of Venezuela's foreign loans; said decoration issued to "Ensign Fred F. Rogers, United States Navy, U. S. S. *Dolphin.*"

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

RUSSELL WILMER JOHNSON

The bill (H. R. 5061) for the relief of Russell Wilmer Johnson was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That in the administration of the pension laws Russell Wilmer Johnson, late a landsman-seaman in the United States Navy, shall hereafter be held and considered to have been honorably discharged from the naval service of the United States: *Provided,* That the said Russell Wilmer Johnson shall not, by the passage of this act, be entitled to any back pay or allowances.

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

HENRY F. MULLOY

The bill (H. R. 9308) to authorize the appointment of Machinist Henry F. Mulloy, United States Navy, as an ensign in the regular Navy, was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, and without regard to age, Machinist Henry F. Mulloy, United States Navy, to the grade of ensign in the regular Navy, to take rank from February 9, 1924, next after Ensign William A. Graham, United States Navy.

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

FLORA M. HERRICK

The bill (H. R. 8741) for the relief of Flora M. Herrick was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Flora M. Herrick, of Turners Falls, Mass., mother of Edward T. Herrick, late radioman, second class, United States Navy, who lost his life in line of duty from the U. S. S. *Tacoma* on January 21, 1924, while engaged in a gallant attempt to maintain radio connections, the sum of $432, the same being the amount of six months' gratuity pay due her as the dependent mother of the said Edward T. Herrick, deceased: *Provided,* That the said Flora M. Herrick shall establish to the satisfaction of the Secretary of the Treasury the fact that she was actually dependent upon her late son for support at the time of his death.

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

SALE OF APPRAISERS' STORES PROPERTY AT PROVIDENCE, R. I.

The bill (H. R. 7911) to authorize the Secretary of the Treasury to sell the appraisers' stores property in Providence, R. I., was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, after advertising, to sell at public auction the property at the southeast corner of South Main Street and Custom Avenue, in the city of Providence, R. I., known as the appraisers' stores property, in such manner and upon such terms as he may deem to be to the best interests of the United States; and to convey such property to the purchasers thereof by the usual quitclaim deed; the proceeds of such sale to be deposited in the Treasury as a miscellaneous receipt.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. The hour set aside by the unanimous-consent agreement for consideration of unobjected bills upon the calendar having expired, the calendar will be laid aside.

Mr. McKELLAR obtained the floor.

Mr. SMITH. Will the Senator yield a moment to allow me to make an inquiry?

Mr. McKELLAR. Certainly.

Mr. SMITH. If we have a morning hour to-morrow, is it the intention of the leader of the majority to start the call of the calendar where we left off to-day?

Mr. CURTIS. After the disposition of the resolution of the Senator from Florida [Mr. TRAMMELL] I shall ask unanimous consent to begin where we left off this morning in the call of the calendar. Whether that consent will be granted, of course, I do not know.

Mr. SMITH. That will be sufficient. I just wanted to know if the request would be made.

WITHDRAWAL OF WATERS FROM LAKE MICHIGAN

Mr. McKELLAR. Mr. President, I am going to detain the Senate but a few minutes to call the attention of the Senate to a quite remarkable statement issued by the Secretary of War a few days ago in reference to the use of the waters of Lake Michigan at Chicago.

Under an act of 1899 a permit for the diversion of waters at Chicago has to be granted by the Secretary of War; that is, the act of March 3, 1899, and I read a part of that act, as follows:

That the creation of any obstruction not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States is hereby prohibited; * * * and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater or of the channel of any navigable water 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.

A few days ago the Secretary of War announced a hearing in reference to the sanitary district at Chicago concerning a permit for the further diversion of water. In that statement the Secretary said:

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.

I served in both Houses with the present Secretary of War and I have the highest respect for him. I have very high respect for his ability and for him as a man. Unless it were a matter of serious moment I would not call attention to any interview given out in the papers by him. But this is a matter of such consequence that it seems to me I ought to call the attention of the Senate to it, because if the program of the Secretary of War is carried out the jurisdiction of Congress is clearly invaded. Not only that, but it is clearly invaded as decided by the Supreme Court of the United States.

I call the attention of the Senate to a recent opinion of the Supreme Court of the United States in the sanitary district case, in which it was said:

The interest that 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.

And again:

But we repeat that the Secretary by his action took no rights of any kind. He simply refused an application of the sanitary board to remove a prohibition that Congress imposed. 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.

Mr. SMITH. Mr. President——

The PRESIDING OFFICER (Mr. FESS in the chair). Does the Senator from Tennessee yield to the Senator from South Carolina?

Mr. McKELLAR. I will yield in just a moment. Let me finish the thought I have in mind. It will take but a moment, and I will then yield to the Senator from South Carolina.

If the Secretary of War carries out his plan as published he will clearly be doing what only the Congress has the power and jurisdiction to do under the Constitution. He will be legislating not only for the United States itself but he will be legislating for the city of Chicago. What right has he to say what kind of sewage treatment the city of Chicago shall have? Further than that, he requires that the city of Chicago shall pay for reducing the water level. He permits it to be done and then requires Chicago to pay for it. Clearly only the Congress has that right.

I now yield to the Senator from South Carolina.

Mr. SMITH. The question I desired to ask the Senator was if we had not enacted some statute granting to the Secretary of War the right to pass upon the effect that any project may have upon the navigability of a stream?

Mr. McKELLAR. I have read the only act that I know of that Congress has passed on the subject, and that is the act of March 3, 1899, under which the permit to withdraw 4,100 cubic feet per second from Lake Michigan was granted.

Mr. SMITH. The reason why I asked the question was that it was proposed in my State to cut a canal from one river to another, from the Santee to the Cooper, and a question involved was as to what effect the diversion of the water from one river to the other would have upon the navigability of the stream. I introduced a bill in the Senate to grant that permission. After certain procedure it was stated that the War Department, under an act passed by Congress, had the power to pass upon such matters, as well as bridge matters. It was asserted that it was a mere matter of form for us to be passing bridge bills; that we had delegated that power to the Secretary of War; and if, upon investigation through his Corps of Engineers, the construction of a bridge was found not to obstruct or interfere with navigation, he could grant the permit.

Mr. McKELLAR. About a year and a half ago the Senate appointed a committee to examine into the deep waterway project from Chicago south to the Gulf. That committee has taken very elaborate proof and made a report to the Congress recommending a bill providing for the very things the Secretary of War has said he is going to take up and determine. If he does so, there is no use in Congress legislating about it at all. My judgment is that the Secretary of War has gone far beyond his powers as provided in the acts of Congress.

My purpose in discussing the matter to-day is in the hope that when it is called to the attention of the Secretary of War, knowing that he is a sensible, level-headed man, he will not undertake to legislate, but will only do that which the law permits him to do.

POSTAL SALARIES AND POSTAL RATES

Mr. MOSES. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 11444) reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes.

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

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 Post Offices and Post Roads with an amendment to strike out all after the enacting clause and to insert the following:

TITLE I.—RECLASSIFICATION OF SALARIES OF POSTAL EMPLOYEES

SECTION 1. That on and after July 1, 1924, postmasters and employees of the Postal Service shall be reclassified and their salaries and compensation readjusted, except as otherwise provided, as follows:

CLASSIFICATION OF POSTMASTERS

That postmasters shall be divided into four classes, as follows:

The first class shall embrace all those whose annual salaries are $3,200 or more.

The second class shall embrace all those whose annual salaries are less than $3,200, but not less than $2,400.

The third class shall embrace all those whose annual salaries are less than $2,400, but not less than $1,100.

The fourth class shall embrace all postmasters whose annual compensation amounts to less than $1,100, exclusive of commissions on money orders issued.

RECLASSIFICATION OF POSTAL SALARIES

The respective compensation of postmasters of the first, second, and third classes shall be annual salaries, graded in even hundreds of dollars, and payable in semimonthly payments to be ascertained and fixed by the Postmaster General from their respective quarterly returns to the General Accounting Office, or copies of duplicates thereof to the First Assistant Postmaster General, for the calendar year immediately preceding the adjustment, based on gross postal receipts at the following rates, namely:

First class—$40,000, but less than $50,000, $3,200; $50,000, but less than $60,000, $3,300; $60,000, but less than $75,000, $3,400; $75,000, but less than $90,000, $3,500; $90,000, but less than $120,000, $3,600; $120,000, but less than $150,000, $3,700; $150,000, but less than $200,000, $3,800; $200,000, but less than $250,000, $3,900; $250,000, but less than $300,000, $4,000; $300,000, but less than $400,000, $4,200; $400,000, but less than $500,000, $4,500; $500,000, but less than $600,000, $5,000; $600,000, but less than $7,000,000, $6,000; $7,000,000 and upward, $8,000.

Second class—$8,000, but less than $12,000, $2,400; $12,000, but less than $15,000, $2,500; $15,000, but less than $18,000, $2,600; $18,000, but less than $22,000, $2,700; $22,000, but less than $27,000, $2,800; $27,000, but less than $33,000, $2,900; $33,000, but less than $40,000, $3,000.

Third class—$1,500, but less than $1,600, $1,100; $1,600, but less than $1,700, $1,200; $1,700, but less than $1,900, $1,300; $1,900, but less than $2,100, $1,400; $2,100, but less than $2,400, $1,500; $2,400, but less than $2,700, $1,600; $2,700, but less than $3,000, $1,700; $3,000, but less than $3,500, $1,800; $3,500, but less than $4,200, $1,900; $4,200, but less than $5,000, $2,000; $5,000, but less than $6,000, $2,100; $6,000, but less than $7,000, $2,200; $7,000, but less than $8,000, $2,300: *Provided*, That when the gross postal receipts of a post office of the third class for each of two consecutive calendar years are less than $1,500, or when in any calendar year the gross postal receipts are less than $1,400, it shall be relegated to the fourth class: *Provided*, That postmasters at offices of the third class shall be granted for clerk hire an allowance of $240 per annum where the salary of the postmaster is $1,100 per annum; an allowance of $330 per annum where the salary of the postmaster is $1,200 per annum; an allowance of $420 per annum where the salary of the postmaster is $1,300 per annum; an allowance of $510 per annum where the salary of the postmaster is $1,400 per annum; an allowance of $600 per annum where the salary of the postmaster is $1,500 per annum; an allowance of $690 per annum where the salary of the postmaster is $1,600 per annum; an allowance of $780 per annum where the salary of the postmaster is $1,700 per annum; an allowance of $870 per annum where the salary of the postmaster is $1,800 per annum; an allowance of $960 per annum where the salary of the postmaster is $1,900 per annum; an allowance of $1,050 per annum where the salary of the postmaster is $2,000 per annum; an allowance of $1,140 per annum where the salary of the postmaster is $2,100 per annum; an allowance of $1,400 per annum where the salary of the postmaster is $2,200 per annum; an allowance of $1,600 per annum where the salary of the postmaster is $2,300 per annum: *Provided further*, That the Postmaster General may modify these allowances for clerk hire to meet varying needs, but in no case shall they be reduced by such modification more than 25 per cent: *Provided, however*, That the aggregate of such allowances as modified shall not exceed in any fiscal year the aggregate of allowances herein prescribed for postmasters of the third class.

The allowances for clerk hire made to postmasters of the first, second, and third class post offices by the Postmaster General out of the annual appropriations therefor shall cover the cost of clerical service of all kinds in such post offices, including the cost of clerical labor in the money-order business, and excepting allowances for separating mails at third-class post offices, as provided by law.

Fourth class—The compensation of postmasters of the fourth class shall be fixed upon the basis of the whole of the box rents collected at their offices and commissions upon the amount of canceled postage-due stamps, and on postage stamps, stamped envelopes, and postal cards canceled, on matter actually mailed at their offices, and on the amount of newspaper and periodical postage collected in money, and on the postage collected in money on identical pieces of third and fourth class matter mailed under the provisions of the act of April 28, 1904, without postage stamps affixed, and on postage collected in money on matter of the first class mailed under provisions of the act of April 24, 1920, without postage stamps affixed, and on amounts received from waste paper, dead newspapers, printed matter, and twine sold, at the following rates, namely:

On the first $75 or less per quarter the postmaster shall be allowed 160 per cent on the amount; on the next $100 or less per quarter, 85 per cent; and on all the balance, 75 per cent, the same to be ascertained and allowed by the General Accounting Office in the settlement of the accounts of such postmasters upon their sworn quarterly returns: *Provided*, That when the total compensation of any postmaster at a post office of the fourth class for the calendar year shall amount to $1,100, exclusive of commissions on money orders issued, and the receipts of such post office for the same period shall aggregate as much as $1,500, the office shall be assigned to its proper class on July 1 following, and the salary of the postmaster fixed according to the receipts: *Provided further*, That in no case shall there be allowed any postmaster of this class a compensation greater than $300 in any one of the first three quarters of the fiscal year, exclusive of money-order commissions, and in the last quarter of each fiscal year there shall be allowed such further sums as he may be entitled to under the provisions of this act, not exceeding for the whole fiscal year the sum of $1,100, exclusive of money-order commissions: *And provided further*, That whenever unusual conditions prevail the Postmaster General, in his discretion, may advance any post office from the fourth class to the appropriate class indicated by the receipts of the preceding quarter, notwithstanding the proviso which requires the compensation of fourth-class postmasters to reach $1,100 for the calendar year, exclusive of commissions on money-order business, and that the receipts of such post office for the same period shall aggregate as much as $1,500 before such advancement is made: *And provided further*, That when the Postmaster General has exercised the authority herein granted, he shall, whenever the receipts are no longer sufficient to justify retaining such post office in the class to which it has been advanced, reduce the grade of such office to the appropriate class indicated by its receipts for the last preceding quarter.

SEC. 2. That post-office inspectors shall be divided into six grades, as follows: Grade 1, salary $2,800; grade 2, salary $3,000; grade 3, salary $3,200; grade 4, salary $3,500; grade 5, salary $3,800; grade 6, salary $4,000, and there shall be 15 inspectors in charge at $4,500: *Provided*, That in the readjustment of grades for inspectors to conform to the grades herein provided, inspectors who are now in present grades 1 and 2 shall be included in grade 1; inspectors who are now in present grades shall be included in grade 2; inspectors who are now in present grade 4 shall be included in grade 3; inspectors who are now in present grade 5 shall be included in grade 4; inspectors who are now in present grade 6 shall be included in grade 5; and inspectors who are now in present grade 7 shall be included in grade 6: *Provided further*, That inspectors shall be promoted successively to grade 5 at the beginning of the quarter following a year's satisfactory service in the next lower grade, and not to exceed 35 per cent of the force to grade 6 for meritorious service after not less than one year's service in grade 5; and the time served by inspectors in their present grade shall be included in the year's service required for promotion in the grades provided herein, except as to inspectors in present grade 1.

Inspectors and supervisory employees of the Railway Mail Service and post offices shall be paid their actual expenses as fixed by law.

That clerks at division headquarters of post-office inspectors shall be divided into six grades, as follows:

Grade 1, salary $1,900; grade 2, salary $2,000; grade 3, salary $2,150; grade 4, salary $2,300; grade 5, salary $2,450; grade 6, salary $2,600; and there shall be one chief clerk at each division headquarters at a salary of $3,000: *Provided*, That in the readjustment of grades for clerks at division headquarters to conform to the grades herein provided, clerks who are now in present grade 1 shall be included in grade 1; clerks who are now in present grade 2 shall be included in grade 2; clerks who are now in present grade 3 shall be included in grade 3; clerks who are now in present grade 4 shall be included in grade 4; clerks who are now in present grade 5 shall be included in grade 5; and clerks who are now in present grade 6 shall be included in grade 6: *Provided further*, That clerks at division headquarters shall be promoted successively to grade 5 at the beginning of the quarter following a year's satisfactory service in the next lower grade and not to exceed 35 per cent of the force to grade 6 for meritorious service after not less than one year's service in grade 5, and the time served by clerks in their present grades shall be included in the year's service required for promotion in the grades provided herein: *And provided further*, That whenever in the discretion of the Postmaster General the needs of the service require such action, he is authorized to transfer clerks or carriers in the city City Delivery Service from post offices at which division headquarters of post-office inspectors are located to the position of clerk at such division headquarters after passing a noncompetitive examination at a salary not to exceed $2,300. After such transfer is made effective clerks so transferred shall be eligible for promotion to the grades of salary provided for clerks at division headquarters of post-office inspectors. Hereafter when any clerk in the office of division headquarters in the post-office inspection service is absent from duty for any cause other than leave with pay allowed by law, the Postmaster General, under such regulations as he may prescribe, may authorize the employment of a substitute for such work, and payment therefor from the lapsed salary of such absent clerk at a rate not to exceed the grade of pay of the clerk absent without pay.

SEC. 3. That at offices of the second class the annual salaries of assistant postmasters shall be in even hundreds of dollars, based on the gross postal receipts for the preceding calendar year, as follows: $8,000, but less than $10,000, $2,200; $10,000, but less than $12,000, $2,200; $12,000, but less than $15,000, $2,200; $15,000, but less than $18,000, $2,300; $18,000, but less than $22,000, $2,300; $22,000, but less than $27,000, $2,400; $27,000, but less than $33,000, $2,400; $33,000, but less than $40,000, $2,500.

That at offices of the first class the annual salaries of the employees, other than those in the automatic grades, shall be in even hundreds of dollars, based on the gross postal receipts for the preceding calendar year, as follows:

Receipts, $40,000, but less than $50,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts, $50,000, but less than $60,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $60,000, but less than $75,000—assistant postmaster, $2,600; superintendent of mails, $2,400. Receipts $75,000, but less than $90,000—assistant postmaster, $2,700; superintendent of mails, $2,500. Receipts $90,000, but less than $120,000—assistant postmaster, $2,700; superintendent of mails, $2,600; foremen, $2,500. Receipts $120,000, but less than $150,000—assistant postmaster, $2,800; superintendent of mails, $2,700; foremen, $2,500. Receipts $150,000, but less than $200,000—assistant postmaster, $2,900; superintendent of mails, $2,800; foremen, $2,500. Receipts $200,000, but less than $250,000—assistant postmaster, $3,000; superintendent of mails, $2,900; foremen, $2,500. Receipts $250,000, but less than $300,000—assistant postmaster, $3,100; superintendent of mails, $3,000; assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $300,000,

but less than $400,000—assistant postmaster, $3,200; superintendent of mails, $3,100; assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $400,000, but less than $500,000—assistant postmaster, $3,300; superintendent of mails, $3,200; assistant superintendent of mails, $2,600; foremen, $2,500. Receipts $500,000, but less than $600,000—assistant postmaster, $3,500; superintendent of mails, $3,300; assistant superintendent of mails, $2,600; foremen, $2,500; postal cashier, $2,900; money-order cashier, $2,600. Receipts $600,000, but less than $1,000,000—assistant postmaster, $3,700; superintendent of mails, $3,500; assistant superintendent of mails, $2,800; foremen, $2,500; postal cashier, $3,100; money-order cashier, $2,800. Receipts $1,000,000, but less than $2,000,000—assistant postmaster, $3,900; superintendent of mails, $3,700; assistant superintendent of mails, $2,700, $2,800, and $3,100; foremen, $2,500 and $2,600; postal cashier, $3,300; assistant cashiers, $2,600; money-order cashier, $3,000; bookkeepers, $2,400; station examiners, $2,400. Receipts $2,000,000, but less than $3,000,000—assistant postmaster, $4,000; superintendent of mails, $3,800; assistant superintendent of mails, $2,700, $2,800, $3,000, and $3,300; foremen, $2,500 and $2,600; postal cashier, $3,400; assistant cashiers, $2,600 and $2,900; money-order cashier, $3,100; bookkeepers, $2,400 and $2,500; station examiners, $2,600. Receipts $3,000,000, but less than $5,000,000—assistant postmaster, $4,100; superintendent of mails, $3,900; assistant superintendents of mails, $2,700, $2,800, $3,100, and $3,500; foremen, $2,500 and $2,600; postal cashier, $3,600; assistant cashiers, $2,600, $2,800, and $3,100; money-order cashier, $3,300; bookkeepers, $2,400 and $2,500; station examiners, $2,600 and $2,800. Receipts $5,000,000, but less than $7,000,000—assistant postmaster, $4,300; superintendent of mails, $4,100 assistant superintendents of mails, $2,700, $2,800, $3,100, $3,300, and $3,700; foremen, $2,500 and $2,600; postal cashier, $3,800; assistant cashiers, $2,600, $2,900, and $3,100; money-order cashier, $3,500; bookkeepers, $2,400, $2,500, and $2,600; station examiners, $2,600 and $2,800. Receipts $7,000,000, but less than $9,000,000—assistant postmaster, $4,600; superintendent of mails, $4,300; assistant superintendents of mails, $2,700, $2,800, $3,100, $3,500, and $3,900; foremen, $2,500 and $2,600; postal cashier, $4,000; assistant cashiers, $2,600, $2,800, $3,100, and $3,400; money-order cashier, $3,600; bookkeepers, $2,400; $2,500, and $2,600; station examiners, $2,600 and $2,800. Receipts $9,000,000, but less than $20,000,000—assistant postmasters, $4,700 and $4,800; superintendent of mails, $4,500; assistant superintendents of mails, $2,800, $2,900, $3,100, $3,500, $3,700, and $4,100; foremen, $2,500, $2,600, and $2,700; postal cashier $4,100; assistant cashiers, $2,600, $2,800, $3,200, and $3,600; money-order cashier, $3,700; bookkeepers, $2,400, $2,500, $2,600, and $2,800; station examiners, $2,600 and $2,800. Receipts $20,000,000 and upward—assistant postmasters, $4,800 and $4,900; superintendent of mails, $4,700; assistant superintendents of mails, $2,800, $2,900, $3,100, $3,500, $3,900, and $4,100; superintendent of delivery, $4,700; assistant superintendents of delivery, $2,800, $2,900, $3,100, $3,500, $3,900, and $4,100; foremen, $2,500, $2,600, and $2,700; superintendent of registry, $4,300; assistant superintendents of registry, $2,800, $2,900, $3,100, $3,500, and $4,100; superintendent of money order, $4,300; assistant superintendent of money order, $4,100; auditor, $4,000; postal cashier, $4,300; assistant cashiers, $2,600, $2,800, $3,100, $3,300, and $3,800; money-order cashier, $3,900; bookkeepers, $2,400, $2,600, $2,800, and $3,300; station examiners, $2,600, $2,800, and $3,000.

The salary of superintendents of classified stations shall be based on the number of employees assigned thereto and the annual postal receipts. No allowance shall be made for sales of stamps to patrons residing outside of the territory of the stations. At classified stations each $25,000 of postal receipts shall be considered equal to one additional employee.

At classified stations the salary of the superintendent shall be as follows: One and not exceeding 5 employees, $2,400; 6 and not exceeding 18 employees, $2,500; 19 and not exceeding 32 employees, $2,600; 33 and not exceeding 44 employees, $2,700; 45 and not exceeding 64 employees, $2,800; 65 and not exceeding 90 employees, $2,900; 91 and not exceeding 120 employees, $3,000; 121 and not exceeding 150 employees, $3,100; 151 and not exceeding 350 employees, $3,300; 351 and not exceeding 500 employees, $3,500; 501 or more employees, $3,800.

At classified stations having 45 or more employees there shall be assistant superintendents of stations with salaries as follows: Forty-five and not exceeding 64 employees, $2,400; 65 and not exceeding 90 employees, $2,500; 91 and not exceeding 120 employees, $2,600; 121 and not exceeding 150 employees, $2,700; 151 and not exceeding 350 employees, $2,900; 351 and not exceeding 500 employees, $3,100; 501 employees and upward, $3,400: *Provided,* That not more than two assistant postmasters shall be employed at offices where the receipts are $9,000,000 and upward: *Provided further,* That at post offices where the receipts are $14,000 but less than $20,000,000, there shall be a superintendent of delivery whose salary shall be the same as that provided for the superintendent of mails, and assistant superintendents of delivery at the salaries provided for assistant superintendents of mails: *Provided further,* That in fixing the salaries of the postmaster and supervisory employees in the post office at Washington, D. C., the Postmaster General may, in his discretion, add not to exceed 75 per cent to the gross receipts of that office: *Provided further,* That not more than one assistant superintendent of mails, one assistant superintendent of delivery, one assistant superintendent of registry, and one assistant cashier shall be paid the maximum salary provided for these positions, except where receipts are $9,000,000 and less than $14,000,000 to which offices two assistant superintendents of mails shall be assigned at the maximum salary, one to be in charge of city delivery: *And provided further,* That State depositories for surplus postal funds and central accounting offices, where the gross receipts are less than $500,000, and no postal cashier is provided, the employee in charge of such records and adjustments of the accounts shall be allowed an increase of $200 per annum; if receipts are $500,000 and less than $5,000,000, the postal cashier shall be allowed an increase of $200 per annum: *And provided further,* That at all central accounting offices where the bookkeeper in charge performs the duties of auditor, he shall be designated chief bookkeeper, at a salary equal to that of the assistant cashier of the highest grade at that office: *And provided further,* That when an office advances to a higher grade because of increased gross postal receipts for a calendar year, promotion of all supervisory employees shall be made to the corresponding grade at the higher salary provided for the same titles or designations under the higher classification of the office based on its postal receipts: *And provided further,* That no employee in the supervisory grades shall receive a salary less than $100 more than that paid to the highest grade of clerk or special clerk: *Provided further,* That in the readjustment of salaries of all employees above the highest grade for special clerks, those at present designated by titles for which more than one grade of salary is provided shall be placed in the same relative grade and designation and receive the increased salary provided in this title.

SEC. 4. That clerks in first and second class post offices and letter carriers in the City Delivery Service shall be divided into five grades, as follows: First grade—salary $1,700; second grade—salary, $1,800; third grade—salary, $1,900; fourth grade—salary, $2,000; fifth grade—salary, $2,100; *Provided,* That in the readjustment of grades for clerks at first and second class post offices and letter carriers in the City Delivery Service to conform to the grades herein provided, grade 1 shall include present grade 1, grade 2 shall include present grade 2, grade 3 shall include present grade 3, grade 4 shall include present grade 4, and grade 5 shall include present grade 5: *Provided further,* That hereafter substitute clerks in first and second class post offices and substitute letter carriers in the City Delivery Service when appointed regular clerks or carriers shall have credit for actual time served on a basis of one year for each three hundred and six days of eight hours served as substitute, and appointed to the grade to which such clerk or carrier would have progressed had his original appointment as substitute been to grade 1: *And provided further,* That clerks in first and second class post offices and letter carriers in the City Delivery Service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade. All promotions shall be made at the beginning of the quarter following one year's satisfactory service in the grade: *And provided further,* That there shall be two grades of special clerks, as follows: First grade—salary, $2,200; second grade—salary, $2,300: *Provided,* That in the adjustment of grades for special clerks to conform to the grades herein provided special clerk grade 1 shall include present grade 1, and special clerk grade 2 shall include present grade 2: *Provided further,* That in all special clerk promotions the senior competent employee shall have preference: *Provided further,* That printers, mechanics, and skilled laborers, employees of the United States Stamped Envelope Agency at Dayton, Ohio, shall for the purpose of promotion and compensation be deemed a part of the clerical force.

That the pay of substitute, temporary, or auxiliary clerks at first and second class post offices and substitute letter carriers in the City Delivery Service shall be at the rate of 65 cents per hour: *Provided,* That marine carriers assigned to the Detroit River Marine Service shall be paid annual salary of $300 in excess of the highest salary paid carriers in the City Delivery Service: *Provided further,* That hereafter special clerks, clerks, and laborers, in the first and second class post offices and carriers in the City Delivery Service shall be required to work not more than eight hours a day: *Provided further,* That the eight hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duty of the employees shall be regulated accordingly: *Provided further,* That in cases of emergency, or if the needs of the service require, and it is not practicable to employ substitutes, special clerks, clerks, and laborers, in first and second class post offices and carriers in the City Delivery Service can be required to work in excess of eight hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees: *And provided further,* That in computing the compensation for such overtime the annual salary or compensation for such employees

shall be divided by 306, the number of working days in the year less all Sundays and legal holidays enumerated in the act of July 28, 1916; the quotient thus obtained will be the daily compensation which divided by 8 will give the hourly compensation for such overtime service: *And provided further*, That when the needs of the service require the employment on Sundays and holidays of foremen, special clerks, clerks, carriers, watchmen, messengers, or laborers, at first and second class post offices, they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within 30 days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last three Sundays in the calendar year or on Christmas Day in lieu of compensatory time.

SEC. 5. That messengers, watchmen, and laborers in first and second class post offices shall be divided into two grades, as follows: First grade, salary $1,500; second grade, salary $1,600: *Provided*, That watchmen, messengers, and laborers shall be promoted to the second grade after one year's satisfactory service in grade 1: *Provided further*, That the pay of substitute watchmen, messengers, and laborers shall be at the rate of 55 cents per hour.

SEC. 6. That employees in the motor-vehicle service shall be classified as follows: Superintendents, $2,400, $2,600, $2,800, $3,000, $3,400, $3,600, $3,800, $4,000, and $5,000 per annum; assistant superintendents, $2,500, $2,600, and $2,800 per annum; chiefs of records, $2,200, $2,300, $2,400, $2,500 $2,600, $2,800, and $3,000; chiefs of supplies, $2,200, $2,300, and $2,400; chief dispatchers, $2,300 and $2,500; route supervisors, $2,400, $2,500, and $2,600; dispatchers, $2,100, $2,200, and $2,300; chief mechanics, $2,400, $2,500, $2,600, $2,800, and $3,000; mechanics in charge, $2,200, $2,300, and $2,400; and special mechanics, $2,100, $2,200, and $2,300: *Provided*, That assistant superintendents shall not be authorized at offices where the salary of the superintendent is less than $3,000 per annum.

That general mechanics employed in the motor-vehicle service shall be divided into three grades: First grade, salary $1,900; second grade, salary $2,000; third grade, salary $2,100; and clerks employed in the motor-vehicle service shall be divided into five grades, as follows: First grade, salary $1,700; second grade, salary $1,800; third grade, salary $1,900; fourth grade, salary $2,000; fifth grade, salary $2,100: *Provided*, That in the readjustment of grades for clerks in the motor-vehicle service to conform to the grades above provided, grade 1 shall include present grade 1, grade 2 shall include present grade 2, grade 3 shall include present grade 3, grade 4 shall include present grade 4, and grade 5 shall include present grade 5: *Provided*, That general mechanics employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the third grade, and clerks employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade, at the respective offices where employed, and promotion shall be made at the beginning of the quarter following one year's satisfactory service in the grade: *Provided further*, That at first-class post offices there shall be two grades of special clerks in the motor-vehicle service—grade 1, salary $2,200; grade 2, salary $2,300: *Provided further*, That in the readjustment of grades for special clerks to conform to the grades herein provided, special clerk, grade 1, shall include present special clerk, grade 1, and special clerk, grade 2, shall include present special clerk, grade 2.

Mechanics' helpers employed in the motor-vehicle service shall receive a salary of $1,600 per annum: *Provided*, That on satisfactory evidence of their qualifications after one year's service mechanics' helpers shall be promoted to the first grade of general mechanics as vacancies may occur.

That driver-mechanics employed in the motor-vehicle service shall be divided into five grades: First grade, salary $1,600; second grade, salary $1,700; third grade, salary $1,800; fourth grade, salary $1,900; fifth grade, salary $2,000; and garagemen-drivers employed in the motor-vehicle service shall be divided into two grades: First grade, salary $1,550; second grade, salary $1,650: *Provided*, That in the readjustment of salaries provided for in this title all driver-mechanics shall be classified in the respective grades as follows: Those with less than one year's service shall be placed in grade 1; those with more than one year's service and less than two years' service shall be placed in grade 2; those with more than two years' service and less than three years' service shall be placed in grade 3; those with more than three years' service and less than four years' service shall be placed in grade 4; those with more than four years' service shall be placed in grade 5: *Provided further*, That driver-mechanics employed in the motor-vehicle service shall be promoted successively after one year's satisfactory service in each grade to the next higher grade until they reach the fifth grade at the respective offices where employed: *Provided further*, That garagemen-drivers in the motor-vehicle service shall be promoted after one year's satisfactory service in the first grade to the second grade at the respective offices where employed, and promotion of driver-mechanics and garagemen-drivers shall be made at the beginning of the quarter following one year's satisfactory service in the grade.

That the pay of substitute, temporary, or auxiliary employees in the motor-vehicle service shall be as follows: Special mechanics at the rate of 75 cents per hour; general mechanics at the rate of 70 cents per hour; clerks and driver-mechanics at the rate of 65 cents per hour; and garagemen-drivers at the rate of 55 cents per hour.

That special mechanics, general mechanics, mechanics' helpers driver-mechanics, and garagemen-drivers in the motor-vehicle service shall be required to work not more than eight hours a day: *Provided*, That the eight hours of service shall not extend over a longer period than 10 consecutive hours, and the schedules of duties of the employees shall be regulated accordingly: *Provided further*, That in cases of emergency, or if the needs of the service require, special clerks, clerks, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service can be required to work in excess of eight hours per day, and for such overtime service they shall be paid on the basis of the annual pay received by such employees: *Provided further*, That in computing the compensation for such overtime the annual salary or compensation for such employees shall be divided by 306, the number of working days in the year less all Sundays and legal holidays enumerated in the act of July 28, 1916; the quotient thus obtained will be the daily compensation which divided by eight will give the hourly compensation for such overtime service: *Provided further*, That when the needs of the service require the employment on Sundays and holidays of route supervisors, special clerks, clerks, dispatchers, mechanics in charge, special mechanics, general mechanics, mechanics' helpers, driver-mechanics, and garagemen-drivers in the motor-vehicle service, they shall be allowed compensatory time on one day within six days next succeeding the Sunday, except the last three Sundays in the calendar year, and on one day within 30 days next succeeding the holiday and the last three Sundays in the year on which service is performed: *Provided, however*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime in lieu of compensatory time for service on Sundays and holidays.

SEC. 7. That the annual salaries of employees of the Railway Mail Service shall be as follows: Division superintendents, $4,500; assistant division superintendents and assistant superintendents at large, $3,600; assistant superintendent in charge of car construction, $3,300; chief clerks, $3,300; assistant chief clerks, $2,800; *Provided*, That the clerks in charge of sections in the offices of the division superintendents shall be rated as assistant chief clerks at $2,800 salary.

That railway postal clerks shall be divided into two classes, class A and class B, and into seven grades with annual salaries as follows: Grade 1, salary $1,900; grade 2, salary $2,000; grade 3, salary $2,150; grade 4, salary $2,300; grade 5, salary $2,450; grade 6, salary $2,600; grade 7, salary $2,700.

Laborers in the Railway Mail Service shall be divided into two grades with annual salaries as follows: Grade 1, salary $1,500; grade 2, $1,600.

Laborers shall be promoted to grade 2 after one year's satisfactory service in grade 1: *Provided*, That in the readjustment of the service to conform to the grades herein provided for laborers, grade 1 shall include laborers in present grade 1, and grade 2 shall include laborers in present grade 2.

Substitute railway postal clerks shall be paid for services actually performed at the rate of $1,850 per annum, the first year of service to constitute a probationary period, and when appointed regular clerks shall receive credit on the basis of one year of actual service performed as a substitute and be appointed to the grade to which such clerk would have progressed had his original appointment as a substitute been to grade 1. Any fractional part of a year's substitute service will be included with his service as a regular clerk in determining eligibility for promotion to the next higher grade following appointment to a regular position.

All original appointments shall be made to the rank of substitute railway postal clerk, and promotions shall be made successively at the beginning of the quarter following a total satisfactory service of 306 days in the next lower grade.

In the readjustment of the service to conform to the grades herein provided, grade 1 shall include clerks in present grade 1, grade 2 shall include clerks in present grade 2, grade 3 shall include clerks in present grade 3, grade 4 shall include clerks in present grade 4, grade 5 shall include clerks in present grade 5, and grade 6 shall include clerks in present grade 6.

That hereafter, in addition to the salaries provided by law, the Postmaster General is hereby authorized to make travel allowances in lieu of actual expenses, at fixed rates per annum, not exceeding in the aggregate the sum annually appropriated, to railway postal clerks, acting railway postal clerks, and substitute railway postal clerks, including substitute railway postal clerks for railway postal clerks

granted leave with pay on account of sickness, assigned to duty in railway post-office cars, while on duty, after 10 hours from the time of beginning their initial run, under such regulations as he may prescribe, and in no case shall such an allowance exceed $3 per day.

Substitute railway postal clerks shall be credited with full time while traveling under orders of the department to and from their designated headquarters to take up an assignment, together with actual and necessary travel expenses, not to exceed $3 per day, while on duty away from such headquarters. When a substitute clerk performs service in a railway post office starting from his official headquarters he shall be allowed travel expenses under the law applying to clerks regularly assigned to the run.

Railway post-office lines shall be divided into two classes, class A and class B, and clerks assigned to class A lines shall be promoted successively to grade 4 and clerks in charge to grade 5. Clerks assigned to class B lines shall be promoted successively to grade 5 and clerks in charge to grade 6: *Provided*, That lines in present class A shall be continued in class A, and lines in present class B shall be continued in class B.

Terminal railway post offices shall be divided into two classes, class A and class B; those having less than 20 employees shall be assigned to class A, and those having 20 or more employees shall be assigned to class B. Clerks in class A terminals shall be promoted successively to grade 4, and clerks in charge of tours to grade 5. Clerks in class B terminals shall be promoted successively to grade 5, and clerks in charge of tours to grade 6.

Transfer offices shall be divided into two classes, class A and class B; those having less than five employees shall be assigned to class A, and those having five or more employees to class B. Clerks in class A shall be promoted successively to grade 4, and clerks in charge of tours to grade 5. Clerks in class B shall be promoted successively to grade 5, and clerks in charge of tours to grade 6.

Clerks assigned to the office of division superintendent or chief clerk shall be promoted successively to grade 4, and in the office of division superintendent four clerks may be promoted to grade 5 and eight clerks to grade 6, and in the office of chief clerk one clerk may be promoted to grade 5 and two clerks to grade 6.

Examiners shall be promoted successively to grade 6 and assistant examiners to grade 5 whether assigned to the office of division superintendent or chief clerk: *Provided*, That service of clerks shall be based on an average of not exceeding 8 hours daily for 306 days per annum, including proper allowances for all service required on lay-off periods. Clerks required to perform service in excess of 8 hours daily, as herein provided, shall be paid in cash at the annual rate of pay or granted compensatory time at their option for such overtime. Railway postal clerks assigned to terminal railway post offices and transfer offices and laborers in the Railway Mail Service shall be required to work not more than 8 hours a day, and that the 8 hours of service shall not extend over a longer period than 10 consecutive hours, and that in cases of emergency, or if the needs of the service require, they may be required to work in excess of 8 hours a day, and for such additional service they shall be paid in proportion to their salaries as fixed by law.

That clerks assigned to road duty shall be credited with full time for delay to trains equal to the period of time between the scheduled arrival and actual arrival of the train at destination of run.

That section 3 of the act approved June 19, 1922 (41 Stats. L. p. 660), providing for leaves of absence of employees in the Postal Service, be amended by adding the following proviso: *Provided*, That hereafter not exceeding 5 days of the 15 days' annual leave with pay, exclusive of Sundays and holidays, granted to railway postal clerks assigned to road duty each fiscal year may be carried over to the succeeding fiscal year.

RURAL MAIL DELIVERY SERVICE

SEC. 8. That the salary of carriers in the Rural Mail Delivery Service for serving a rural route of 24 miles 6 days in the week shall be $1,800; on routes 22 miles and less than 24 miles, $1,728; on routes 20 miles and less than 22 miles, $1,620; on routes 18 miles and less than 20 miles, $1,440; on routes 16 miles and less than 18 miles, $1,260; on routes 14 miles and less than 16 miles, $1,080; on routes 12 miles and less than 14 miles, $1,008; on routes 10 miles and less than 12 miles, $936; on routes 8 miles and less than 10 miles, $864; on routes 6 miles and less than 8 miles, $792; on routes 4 miles and less than 6 miles, $720. Each rural carrier assigned to a route on which daily service is performed shall receive $30 per mile per annum for each mile said route is in excess of 24 miles or major fraction thereof, based on actual mileage, and each rural carrier assigned to a route on which triweekly service is performed shall receive $15 per mile for each mile said route is in excess of 24 miles or major fraction thereof, based on actual mileage.

Deductions for failure to perform service on a standard rural delivery route for 24 miles and less shall not exceed the rate of pay per mile for service for 24 miles and less; and deductions for failure to perform service on mileage in excess of 24 miles shall not exceed the rate of compensation allowed for such excess mileage.

In addition to the salary herein provided, each carrier in Rural Mail Delivery Service shall be paid for equipment maintenance a sum equal to 4 cents per mile per day for each mile or major fraction of a mile scheduled. Payments for equipment maintenance as provided herein shall be at the same periods and in the same manner as payments for regular compensation to rural carriers.

A rural carrier serving one triweekly route shall be paid a salary and equipment allowance on the basis of a route one-half the length of the route served by him. A rural carrier serving two triweekly routes shall be paid a salary and equipment allowance on the basis of a route one-half of the combined length of the two routes.

SEC. 9. That the salary of requisition fillers and packers in the division of equipment and supplies shall be as follows: One foreman, $2,100 per annum; 10 requisition fillers and 9 packers at $1,800 each per annum.

SEC. 10. That the pay of carriers in the village delivery service, under such rules and regulations as the Postmaster General may prescribe, shall be from $1,150 to $1,350 per annum. The pay of substitute letter carriers in the village delivery service shall be at the rate of 50 cents per hour.

SEC. 11. Employees in the Postal Service shall be granted 15 days' leave of absence with pay, exclusive of Sundays and holidays, each fiscal year, and sick leave with pay at the rate of 10 days a year, exclusive of Sundays and holidays, to be cumulative, but no sick leave with pay in excess of 30 days shall be granted during any one fiscal year. Sick leave shall be granted only upon satisfactory evidence of illness in accordance with regulations to be prescribed by the Postmaster General.

The 15 days' leave shall be credited at the rate of 1¼ days for each month of actual service.

Whenever an employee herein provided for shall have been reduced in salary for any cause, he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, and a restoration to a former grade or advancement to an intermediate grade shall not be construed as a promotion within the meaning of the law prohibiting advancement of more than one grade within one year.

Whenever the promotion of an employee herein provided for is withheld because of unsatisfactory service, such employee may be promoted at the beginning of the second quarter thereafter, or of any subsequent quarter, on evidence that his record has been satisfactory during the intervening period.

Hereafter when the needs of the service require the employment on Sundays or holidays of laborers or railway postal clerks at terminal railway post offices and transfer offices, they shall be allowed compensatory time on 1 day within 6 days next succeeding the Sunday, except the last 3 Sundays in the calendar year, and on 1 day within 30 days next succeeding the holiday and the last 3 Sundays in the year on which service is performed: *Provided, however*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last 3 Sundays in the calendar year or on Christmas Day in lieu of compensatory time.

All employees herein provided for in automatic grades who have not reached the maximum grades to which they are entitled to progress automatically, shall be promoted at the beginning of the quarter following the completion of one year's satisfactory service since their last promotion, regardless of any increases in salaries granted them by the provisions of this title.

The Postmaster General may, when the interest of the service requires, transfer any clerk to the position of carrier or any carrier to the position of clerk and interchange the clerical force between the post office and the motor-vehicle service, such transfer or interchange to be made to the corresponding grade and salary of the clerk or carrier transferred or interchanged.

Substitute clerks in first and second class post offices and the Railway Mail Service and substitute letter carriers in the City Delivery Service when appointed regular clerks, railway postal clerks, or carriers shall have credit for actual time served on a basis of one year for each 306 days of 8 hours served as substitute, and appointed to the grade to which such clerk or carrier would have progressed had his original appointment as substitute been to grade 1.

Postal employees and substitute postal employees who served in the military, marine, or naval service of the United States during the World War and have not reached the maximum grade of salary shall receive credit for all time served in the military, marine, or naval service on the basis of one day's credit of eight hours in the Postal Service for each day served in the military, marine, or naval service, and be promoted to the grade to which such postal employee or substitute postal employee would have progressed had his original appointment as substitute been to grade 1. This provision shall apply to such postal employees and substitute postal employees who were in the Postal Service on October 1, 1920.

No employee in the Postal Service shall be reduced in rank or salary as the result of the provisions of this title.

SEC. 12. That the sums appropriated for salaries and compensation of postmasters and employees of the Postal Service in the act making

appropriations for the fiscal year ending June 30, 1925, approved April 4, 1924, shall be available for the payment of salaries and compensation of postmasters and postal employees at the rates of pay herein provided; and such additional sums as may be necessary are hereby authorized to be appropriated to carry out the provisions of this title.

INCONSISTENT ACTS REPEALED

SEC. 13. All acts and parts of acts inconsistent or in conflict with this title are hereby amended or repealed.

TITLE II.—POSTAL RATES

FIRST-CLASS MATTER

DROP LETTERS

SEC. 201. The rate of postage on drop letters at post offices where free delivery by carrier is not established shall be 1 cent per ounce or fraction thereof.

POSTAL CARDS

SEC. 202. (a) Postal cards authorized in section 3916 of the Revised Statutes shall be transmitted through the mails at a postage charge, including the cost of manufacture, of 1 cent each.

(b) The double postal card authorized in section 32 of the act entitled "An act making appropriations for the services of the Post Office Department for the fiscal year ending June 30, 1880, and for other purposes," approved March 3, 1879, shall be sold for 2 cents.

(c) The rate of postage on private mailing cards described in the act entitled "An act to amend the postal laws relating to use of postal cards," approved May 19, 1898, shall be 2 cents each.

SECOND-CLASS MATTER

SEC. 203. (a) In the case of publications entered as second-class matter (including sample copies to the extent of 10 per cent of the weight of copies mailed to subscribers during the calendar year) when sent by the publisher thereof from the post office of publication or other post office, or when sent by news agents to actual subscribers thereto, or to other news agents for the purpose of sale—

(1) The rate of postage on that portion of any such publication devoted to matter other than advertisements shall be 1¼ cents per pound;

(2) On that portion of any such publication devoted to advertisements the rates per pound or fraction thereof for delivery within the eight postal zones established for fourth-class matter shall be as follows:

For the first and second zones, 2 cents, and third zone, 3 cents.

For the fourth, fifth, and sixth zones, 6 cents.

For the seventh and eighth zones, and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 8 cents: *Provided*, That the rate of postage on newspapers or periodicals maintained by and in the interests of religious, educational, scientific, philanthropic, agricultural, labor, or fraternal organizations or associations, not organized for profit and none of the net income of which inures to the benefit of any private stockholder or individual, shall be 1¼ cents per pound or fraction thereof, and the publisher of any such newspaper or periodical, before being entitled to such rate, shall furnish to the Postmaster General, at such times and under such conditions as the Postmaster General may prescribe, satisfactory evidence that none of the net income of such organization or association inures to the benefit of any private stockholder or individual.

(b) Where the space devoted to advertisements does not exceed 5 per cent of the total space, the rate of postage shall be the same as if the whole of such publication was devoted to matter other than advertisements.

(c) The rate of postage on daily newspapers and on the periodicals and newspapers provided for in this section, when deposited in a letter-carrier office for delivery by its carriers, shall be the same as now provided by law, and nothing in this act shall affect existing law as to free circulation and existing rates on second-class mail matter within the county of publication. The Postmaster General may hereafter require publishers to separate or make up to zones, in such a manner as he may direct, all mail matter of the second class when offered for mailing.

(d) Any publisher or registered news agent may elect to mail a portion or all of the issues of any publications entered as second-class mail matter under the rates of postage prescribed for fourth-class mail matter, such postage to be applicable to each piece for each addressee, and to be prepaid by stamps affixed thereto or as otherwise prescribed by the Postmaster General.

(e) With the first mailing of each issue of each such publication the publisher shall file with the postmaster a copy of such issue, together with a statement containing such information as the Postmaster General may prescribe for determining the postage chargeable thereon.

SEC. 204. The rate of postage on publications entered as second-class matter, when sent by others than the publisher or news agent, shall be 2 cents for each 2 ounces or fraction thereof, for weights not exceeding 8 ounces, and for weights of such matter exceeding 8 ounces the rates of postage prescribed for fourth-class matter shall be applicable thereto.

SEC. 205. Where the total weight of any one edition or issue of any such publication mailed to any one zone does not exceed 1 pound, the rate of postage shall be 1 cent.

SEC. 206. The zone rates provided in section 203 of this title shall relate to the entire bulk mailed to any one zone and not to individually addressed packages.

THIRD-CLASS MATTER

SEC. 207. (a) Mail matter of the third class shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the fourth class as defined in section 208.

(b) The rate of postage thereon shall be 1 cent for each ounce or fraction thereof, up to and including 4 ounces in weight, except that the rate of postage on books, catalogues, seeds, cuttings, bulbs, roots, scions, and plants, not exceeding 8 ounces in weight, shall be 1 cent for each 2 ounces or fraction thereof.

(c) The written additions permissible under existing law on mail matter of either the third or fourth class shall be permissible on either of these classes as herein defined without discrimination on account of classification.

FOURTH-CLASS MATTER

SEC. 208. (a) Mail matter of the fourth class shall weigh in excess of 4 ounces, and shall include books, circulars, and other matter wholly in print (except newspapers and other periodicals entered as second-class matter), proof sheets, corrected proof sheets, and manuscript copy accompanying same, merchandise (including farm and factory products), and all other mailable matter not included in the first or second class, or in the third class as defined in section 207.

(b) That on fourth-class matter the rate of postage shall be by the pound as established by, and in conformity with, the act of August 24, 1912, and in addition thereto there shall be a service charge of 1 cent for each parcel, except upon parcels or packages collected on rural delivery routes, to be prepaid by postage stamps affixed thereto, or as otherwise prescribed by the regulations of the Postmaster General.

Whenever, in addition to the postage as hereinbefore provided, there shall be affixed to any parcel of mail matter of the fourth-class postage of the value of 25 cents with the words "Special handling" written or printed upon the wrapper, such parcel shall receive the same expeditious handling, transportation, and delivery accorded to mail matter of the first class.

The classification of articles mailable, as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this section if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby directed, subject to the consent of the Interstate Commerce Commission after investigation, to reform from time to time such classifications, weight limit, rates, zone or zones or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

(c) That during the 12 months next succeeding the approval of this act the Postmaster General be, and he is hereby, authorized to conduct experiments in the operation of not more than 50 rural routes, in localities to be selected by him; said experiments shall be designed primarily to develop and to encourage the transportation of food products directly from producers to consumers or vendors, and, if the Postmaster General shall deem it necessary or advisable during the progress of said experiments, he is hereby authorized, in his discretion, on such number or all of said routes as he may desire, to reduce to such an extent as he may deem advisable the rate of postage on food products mailed directly on such routes for delivery at the post offices from which such routes start, and to allow the rural carriers thereon a commission on the postage so received at such rate as the Postmaster General may prescribe, which commission shall be in addition to the carriers' regular salaries. The amounts due the carriers for commissions shall be determined under rules and regulations to be prescribed by the Postmaster General directly from the postal revenues: *Provided*, That the amount so paid shall in no case exceed the actual amount of revenue derived from this experimental service.

A report on the progress of this experiment shall be made to Congress at the next regular session.

MONEY ORDERS

SEC. 209. Section 3 of the act entitled "An act to modify the postal money-order system, and for other purposes," approved March 3, 1883, as amended, is amended to read as follows:

"SEC. 3. A money order shall not be issued for more than $100, and the fees for domestic orders shall be as follows—

"For orders not exceeding $2.50, 5 cents.
"For orders exceeding $2.50 and not exceeding $5, 7 cents.
"For orders exceeding $5 and not exceeding $10, 10 cents.
"For orders exceeding $10 and not exceeding $20, 12 cents.
"For orders exceeding $20 and not exceeding $40, 15 cents.
"For orders exceeding $40 and not exceeding $60, 18 cents.
"For orders exceeding $60 and not exceeding $80, 20 cents.
"For orders exceeding $80 and not exceeding $100, 22 cents."

REGISTERED MAIL

SEC. 210. (a) The first sentence of section 3927 of the Revised Statutes is amended to read as follows:

"SEC. 3927. Mail matter shall be registered only on the application of the party posting the same, and the fees therefor shall not be less than 15 nor more than 20 cents in addition to the regular postage, to be, in all cases, prepaid; and all such fees shall be accounted for in such manner as the Postmaster General shall direct."

(b) Notwithstanding the provisions of such sections as amended, the Postmaster General may fix the fee for registered mail matter at any amount less than 20 cents.

SEC. 211. Section 3928 of the Revised Statutes as amended is amended to read as follows:

"SEC. 3928. Whenever the sender shall so request, and upon payment of a fee of 3 cents, a receipt shall be taken on the delivery of any registered mail matter showing to whom and when the same was delivered, which receipt shall be returned to the sender and be received in the courts as prima facie evidence of such delivery."

INSPECTION AND COLLECT-ON-DELIVERY SERVICES

SEC. 212. (a) The fee for insurance shall be 5 cents for indemnification not to exceed $5; 8 cents for indemnification not to exceed $25; 10 cents for indemnification not to exceed $50; and 25 cents for indemnification not to exceed $100. Whenever the sender of an insured article of mail matter shall so request, and upon payment of a fee of 3 cents, a receipt shall be taken on the delivery of such insured mail matter showing to whom and when the same was delivered, which receipt shall be returned to the sender and be received in the courts as prima facie evidence of such delivery.

(b) The fee for collect-on-delivery service shall be 12 cents for collections not to exceed $10; 15 cents for collections not to exceed $50; and 25 cents for collections not to exceed $100.

(c) The provisions of the act entitled "An act to extend the insurance and collect-on-delivery service to third-class mail, and for other purposes," approved June 7, 1924, and of section 8 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes," approved August 24, 1912, with respect to the insurance and collect-on-delivery services, are hereby continued in force.

SPECIAL DELIVERY

SEC. 213. (a) To procure the immediate delivery of mail matter weighing more than 2 pounds and not more than 10 pounds, stamps of the value of 15 cents shall be affixed (in addition to the regular postage), and for the special delivery thereof 11 cents may be paid to the messenger or other person making such delivery.

(b) To procure the immediate delivery of mail matter weighing more than 10 pounds, stamps of the value of 20 cents shall be affixed (in addition to the regular postage), and for the special delivery thereof 15 cents may be paid to the messenger or other person making such delivery.

(c) For the purposes of this section the Postmaster General is authorized to provide and issue special-delivery stamps of the denominations of 15 and 20 cents.

SEC. 214. The act entitled "An act making certain changes in the postal laws," approved March 2, 1907, is amended to read as follows:

"That when, in addition to the stamps required to transmit any letter or package of mail matter through the mails, there shall be attached to the envelope or covering ordinary postage stamps of any denomination equivalent to the value fixed by law to procure the immediate delivery of any mail matter, with the words 'special delivery' or their equivalent written or printed on the envelope or covering, under such regulations as the Postmaster General may prescribe, said letter or package shall be handled, transmitted, and delivered in all respects as though it bore a regulation special-delivery stamp."

REPEALS

SEC. 215. The following acts and parts of acts are hereby repealed:

(a) Sections 1101 to 1106, inclusive, of the revenue act of 1917;

(b) The act entitled "An act fixing the rate of postage to be paid upon mail matter of the second class when sent by persons other than the publisher or news agent," approved June 9, 1884; and

(c) The act entitled "An act to amend an act entitled 'An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1915, and for other purposes,' approved March 9, 1914," approved April 24, 1914.

EFFECTIVE DATE

SEC. 216. This title, except section 217, shall become effective on April 15, 1925; and the rates and fees herein provided shall not apply beyond February 15, 1926, at which date the rates and fees in force next prior to the passage of this act shall become again operative unless Congress in the meantime shall otherwise determine.

SEC. 217. A special joint subcommittee is hereby created to consist of three members of the Committee on Post Offices and Post Roads of the Senate and three members of the Committee on the Post Office and Post Roads of the House, to be appointed by the respective chairmen of said committees. The said special joint subcommittee is authorized and directed to hold hearings prior to the beginning of the first regular session of the Sixty-ninth Congress, to sit in Washington or at any other convenient place and to report during the first week of the first regular session of the Sixty-ninth Congress, by bill, its recommendations for a permanent schedule of postal rates. Said special joint subcommittee is hereby authorized to administer oaths, to send for persons or papers, to employ necessary clerks, accountants, experts, and stenographers, the latter to be paid at a cost not exceeding 25 cents per 100 words; and the expense attendant upon the work of said special joint subcommittee shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon voucher of its chairman. This section shall become effective upon the enactment of this act.

TITLE III.—FEDERAL CORRUPT PRACTICES ACT, 1925

SEC. 301. This title may be cited as the "Federal corrupt practices act, 1925."

SEC. 302. When used in this title—

(a) The term "election" includes a general or special election and, in the case of a Resident Commissioner from the Philippine Islands, an election by the Philippine Legislature, but does not include a primary election or convention of a political party;

(b) The term "candidate" means an individual whose name is presented at an election for election as Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, whether or not such individual is elected;

(c) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice-presidential electors (1) in two or more States, or (2) whether or not in more than one State if such committee, association, or organization (other than a duly organized State or local committee of a political party) is a branch or subsidiary of a national committee, association, or organization;

(d) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution;

(e) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or any thing of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure;

(f) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons;

(g) The term "Clerk" means the Clerk of the House of Representatives of the United States;

(h) The term "Secretary" means the Secretary of the Senate of the United States;

(i) The term "State" includes Territory and possession of the United States.

SEC. 303. (a) Every political committee shall have a chairman and a treasurer. No contribution shall be accepted and no expenditure made by or on behalf of a political committee for the purpose of influencing an election until such chairman and treasurer have been chosen.

(b) It shall be the duty of the treasurer of a political committee to keep a detailed and exact account of—

(1) All contributions made to or for such committee;

(2) The name and address of every person making any such contribution and the date thereof;

(3) All expenditures made by or on behalf of such committee; and

(4) The name and address of every person to whom any such expenditure is made and the date thereof.

(c) It shall be the duty of the treasurer to obtain and keep a receipted bill, stating the particulars, for every expenditure by or on behalf of a political committee exceeding $10 in amount. The treasurer shall preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

SEC. 304. Every person who receives a contribution for a political committee shall, on demand of the treasurer, and in any event within five days after the receipt of such contribution, render to the treasurer a detailed account thereof, including the name and address of the person making such contribution, and the date on which received.

SEC. 305. (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 tenth and fifteenth days and on the fifth 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, $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 expeditures 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.

SEC. 306. Every person (other than a political committee) who makes an expenditure in one or more items, other than by contribution to a political committee, aggregating $50 or more within a calendar year for the purpose of influencing in two or more States the election of candidates, shall file with the Clerk an itemized detailed statement of such expenditure in the same manner as required of the treasurer of a political committee by section 305.

SEC. 307. (a) Every candidate for Senator shall file with the Secretary, and every candidate for Representative, Delegate, or Resident Commissioner shall file with the Clerk not less than 10 nor more than 15 days before, and also within 30 days after, the date on which an election is to be held, a statement containing, complete as of the day next preceding the date of filing—

(1) A correct and itemized account of each contribution received by him or by any person for him with his knowledge or consent, from any source, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person who has made such contribution;

(2) A correct and itemized account of each expenditure made by him or by any person for him with his knowledge or consent, in aid or support of his candidacy for election, or for the purpose of influencing the result of the election, together with the name of the person to whom such expenditure was made, except that only the total sum of expenditures for items specified in subdivision (c) of section 109 need be stated;

(3) A statement of every promise or pledge made by him or by any person for him with his consent, prior to the closing of the polls on the day of the election, relative to the appointment or recommendation for appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy, and the name, address, and occupation of every person to whom any such promise or pledge has been made, together with the description of any such position. If no such promise or pledge has been made, that fact shall be specifically stated.

(b) The statements required to be filed by subdivision (a) shall be cumulative, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

(c) Every candidate shall inclose with his first statement a report, based upon the records of the proper State official, stating the total number of votes cast for all candidates for the office which the candidate seeks, at the general election the next preceding the election at which he is a candidate.

SEC. 308. A statement required by this title to be filed by a candidate or treasurer of a political committee or other person with the Clerk or Secretary, as the case may be—

(a) Shall be verified by the oath or affirmation of the person filing such statement, taken before any officer authorized to administer oaths;

(b) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk or Secretary at Washington, D. C., but in the event it is not received a duplicate of such statement shall be promptly filed upon notice by the Clerk or Secretary of its nonreceipt;

(c) Shall be preserved by the Clerk or Secretary for a period of two years from the date of filing, shall constitute a part of the public records of his office, and shall be open to public inspection.

SEC. 309. (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 lawfuly make under the provisions of this title.

(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.

SEC. 310. It is unlawful for any candidate to directly or indirectly promise or pledge the appointment, or the use of his influence or support for the appointment of any person to any public or private position or employment for the purpose of procuring support in his candidacy.

SEC. 311. It is unlawful for any person to make or offer to make an expenditure, or to cause an expenditure to be made or offered, to any person, either to vote or withhold his vote, or to vote for or against any candidate, and it is unlawful for any person to solicit, accept, or receive any such expenditure in consideration of his vote or the withholding of his vote.

SEC. 312. Section 118 of the act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909, is amended to read as follows:

"SEC. 118. It is unlawful for any Senator or Representative in, or Delegate or Resident Commissioner to, Congress, or any candidate for, or individual elected as, Senator, Representative, Delegate, or Resident Commissioner, or any officer or employee of the United States or any person receiving any salary or compensation for services from money derived from the Treasury of the United States, to directly or indirectly solicit, receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any other such officer, employee, or person."

SEC. 313. It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution in connection with any election to any political office, or for any corporation whatever to make a contribution in connection with any election at which presidential and vice presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to, Congress are to be voted for, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section. Every corporation which makes any contribution in violation of this section shall be fined not more than $5,000; and every officer or director of any corporation who consents to any contribution by the corporation in violation of this section shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 314. (a) Any person who violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(b) Any person who willfully violates any of the foregoing provisions of this title, except those for which a specific penalty is imposed by sections 312 and 313, shall be fined not more than $10,000 and imprisoned not more than two years.

SEC. 315. This title shall not limit or affect the right of any person to make expenditures for proper legal expenses in contesting the results of an election.

SEC. 316. This title shall not be construed to annul the laws of any State relating to the nomination or election of candidates, unless directly inconsistent with the provisions of this title, or to exempt any candidate from complying with such State laws.

SEC. 317. If any provision of this title or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 318. The following acts and parts of acts are hereby repealed: The act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910 (chap. 392, 36 Stats. p. 822), and the acts amendatory thereof, approved August 19, 1911 (chap. 33, 37 Stats. p. 25), and August 23, 1912 (chap. 349, 37 Stats.

p. 360); the act entitled "An act to prevent corrupt practices in the election of Senators, Representatives, or Delegates in Congress," approved October 16, 1918 (chap. 187, 40 Stats. p. 1013); and section 83 of the Criminal Code of the United States, approved March 4, 1909 (chap. 321, 35 Stats. p. 1088).

SEC. 319. This title shall take effect 30 days after its enactment.

Mr. MOSES. I ask unanimous consent that the formal reading of the committee amendment may be dispensed with. My reason for asking that is that the amendment which the committee proposes is the entire bill, which was adopted by the Senate after eight days of close debate, and with all of the items which were then passed upon by the Senate. The provisions are so thoroughly familiar to the Members of the Senate I think the request may readily be acceded to.

The PRESIDING OFFICER. Is there objection to dispensing with the formal reading of the amendment?

Mr. ASHURST. Mr. President, will the Senator from New Hampshire yield to me?

Mr. MOSES. Yes.

Mr. ASHURST. Do I understand that the amendment reported by the committee is the bill which was passed by the Senate about a fortnight ago?

Mr. MOSES. Yes.

Mr. ASHURST. I agree with the Senator that there is no necessity for having the amendment read.

The PRESIDING OFFICER. Is there objection to dispensing with the formal reading of the committee amendment? The Chair hears none, and it is so ordered.

Mr. HARRISON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. MOSES. Yes. My understanding is, having dispensed with the reading of the amendment, the amendment, like any other committee amendment, is open to amendment from the floor, and that the Senator from Mississippi wishes to offer an amendment to the committee amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. HARRISON. Mr. President, I have no objection to the passage of the pending bill being expedited as much as possible. I wish, however, to offer an amendment to the committee amendment, and so I offer it at this time and will let it be pending.

The PRESIDING OFFICER. The Senator from Mississippi offers an amendment which will be stated.

The READING CLERK. On page 88, after line 7, it is proposed to strike out the first paragraph of subsection (b) of section 208 and to insert in lieu thereof the following:

(b) That on fourth-class matter the rate of postage shall be by the pound, the postage in all cases to be prepaid by postage stamps affixed thereto, or as otherwise prescribed by the regulations of the Postmaster General.

Mr. MOSES and Mr. SMITH addressed the Chair.

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

Mr. HARRISON. I first yield to the Senator from South Carolina.

Mr. SMITH. On what page does the Senator propose this amendment?

Mr. HARRISON. On page 88.

Mr. MOSES. Mr. President, in the interest of clarity, may I suggest to the Senator from Mississippi that if the amendment which he has offered should be adopted by the Senate in the form in which he proposes it, we would be left with no rates whatever on parcel post?

Mr. HARRISON. This amendment is in the exact form in which it was previously prepared and offered.

Mr. MOSES. No, Mr. President. If the Senator will permit me, I think what he wishes to accomplish is to strike out in line 10, beginning with the words "and in addition thereto," down to line 13, where the word "routes" should be stricken out; in other words, my understanding of the Senator's amendment, it being the same amendment which was discussed in the Senate, is to do away with any service charge whatever upon parcel-post matter.

Mr. HARRISON. I desire to leave rates the same as now exist.

Mr. MOSES. Without any additional service charge. I am quite sure I am correct in stating the matter.

Mr. HARRISON. The amendment which I offered, I think, accomplishes that.

Mr. MOSES. It not only accomplishes that but it also, if adopted, will wipe out all rates whatever.

Mr. HARRISON. Is it the Senator's opinion that the words "the act of August 24, 1912," should be included in the amendment?

Mr. MOSES. I did not hear the Senator's question.

Mr. HARRISON. In the bill as amended, the phrase, "the act of August 24, 1912," is included. Does the Senator think those words should be in my amendment to the amendment?

Mr. MOSES. Yes; I am quite sure they should be, for this reason: The Senator from Mississippi will recall——

Mr. HARRISON. Does the objection of the Senator from New Hampshire to the amendment which I have offered arise from the fact that those words are omitted from it?

Mr. MOSES. No; my objection to the amendment is quite different from that, but I desire that the Senator's amendment shall state exactly what he has in mind. The act of August 24, 1912, the Senator will recall, first of all, established rates, but with the provision that they might be changed by the Postmaster General. They have been changed; so that, unless the language which I have suggested is included in the Senator's amendment, I am sure we shall be left wholly without rates in the event that the amendment shall be adopted.

Mr. HARRISON. I ask unanimous consent that my amendment be modified so as to include at the proper place the phrase, "the act of August 24, 1912."

I may say to the Senator from New Hampshire that the amendment was drafted in the exact phraseology as the one that was previously offered, and that it was prepared by a legislative expert. So that is why it is drawn in the form in which it appears.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Mississippi to modify his amendment in accordance with his suggestion? The Chair hears none.

Mr. EDGE. Mr. President, will the Senator from Mississippi yield for a question?

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

Mr. HARRISON. I yield.

Mr. EDGE. Has the Senator from Mississippi estimated the possible loss to the Government through the elimination of the provision which he proposes to strike out?

Mr. HARRISON. I accept the figures which were suggested by the Senator in charge of the bill in the discussion on the previous occasion, that around $9,000,000 would be lost by virtue of the adoption of the amendment. The estimate of revenue from the 2-cent charge which was incorporated in the original bill was, I think, $18,000,000.

Mr. MOSES. That is true.

Mr. HARRISON. By some the amount is estimated at $20,000,000. The charge has now been reduced to 1 cent; and I am trying to eliminate that 1 cent; so that this amendment, if adopted, would reduce the revenue about nine or ten million dollars.

The PRESIDING OFFICER. Will the Senator from Mississippi state the proposed modification of his amendment?

Mr. HARRISON. I desire that the Secretary again read the amendment.

The PRESIDING OFFICER. The Secretary will again read the amendment.

The reading clerk read as follows:

(b) That on fourth-class matter the rate of postage shall be by the pound——

Mr. HARRISON. Immediately after the word "pound," I desire that there shall be inserted the words "as established by, and in conformity with, the act of August 24, 1912."

Mr. MOSES. That is right.

Mr. HARRISON. That would cure the defect in the amendment.

Mr. MOSES. Yes.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. HARRISON. I should like to have the amendment as modified read, so that we may make sure that it is in correct form.

The PRESIDING OFFICER. The amendment as modified will be read.

The READING CLERK. As modified it is proposed to insert on page 88, after line 7, the following:

(b) That on fourth-class matter the rate of postage shall be by the pound as established by, and in conformity with, the act of August 24, 1912, the postage in all cases to be prepaid by postage stamps affixed thereto, or as otherwise prescribed by the regulations of the Postmaster General.

Mr. MOSES. That is correct.

Mr. REED of Missouri. Mr. President, I desire to ask the Senator in charge of the bill a question. I think perhaps he answered it a moment ago, but I am not certain. The amendment proposed by the committee is the same as the bill which the Senate finally passed some days ago, is it not?

Mr. MOSES. Absolutely.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi as modified.

Mr. McKELLAR. Mr. President, before action on the amendment, I wish to say that the bill as it is now before the Senate was reported by the unanimous action of the Committee on Post Offices and Post Roads of the Senate.

Mr. MOSES. Yes.

Mr. McKELLAR. I felt after probably a week or 10 days of wrangling that we had gotten about the best possible bill that could be obtained, so far as the Senate was concerned. The minority members of the committee felt that there was but one reasonable thing to do; that was to report the bill just exactly as it had been passed by the Senate after full and free debate, and then it could be sent to conference and the differences worked out there. I thought then and I think now that is the best thing we can do. I voted for the amendment of the Senator from Mississippi on a previous occasion. I do not want to put any additional burden on parcel post; but the revenue must come from somewhere. It will not be a large burden; and I want to say that if I happen to be on the conference committee I am going to do everything in my power not to permit any additional burden to be placed on the parcel post. This will just about make the parcel post pay for itself; there will be a leeway of some $2,000,000, as I understand the figures. Certainly it ought not to be operated to any greater extent, and I am frank to say that I wish to do everything in my power to prevent such a happening; but, in the interest of the legislation at this session, it seemed to me that the proper thing to do was to report the bill out, let the Senate pass it, and send it to conference.

Mr. MOSES. Mr. President, will the Senator permit me to interrupt him?

Mr. McKELLAR. I yield to the Senator.

Mr. MOSES. I merely want to add to what the Senator from Tennessee has stated that in submitting the amendment of the committee we included also Title III of the bill which was the amendment proposed by the senior Senator from Massachusetts [Mr. WALSH]—the corrupt practices act. I was one of the three Senators who voted against that amendment when it was proposed here, because I do not think that it is good practice to attach riders to legislation, but, Mr. President, the Senate having overwhelmingly agreed to add that amendment to the bill, the House having stricken it out of the bill which they prepared, I felt that it was my duty as a member of the Committee on Post Offices and Post Roads, and that it was especially my duty as the Senator in charge of this proposed legislation, to stand for that amendment; and I think, Mr. President, that I understand my duty as a conferee, namely, to make the best struggle of which I am capable for the amendment in its entirety as proposed by the Senate.

Mr. ASHURST. Mr. President——

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

Mr. ASHURST. Since we have the assurance of the Senator from New Hampshire, which I am very glad to accept, that the bill as amended and reported by the committee is identical with the bill which the Senate passed a fortnight ago literatim et punctuatim, I call for the question.

SEVERAL SENATORS. Vote!

Mr. HARRISON. I desire to say something before the question is put.

Mr. COPELAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New York?

Mr. HARRISON. I yield to the Senator from New York.

Mr. COPELAND. I merely wish to say that while this bill as originally passed by the Senate was far from satisfactory to me, I can see no reason for reopening the discussion; and with the assurance of the Senator from New Hampshire that he will do his best to gain the concessions necessary to put in operation the will of the Senate as already expressed, I think it is the duty of the Senate to accept the bill as it has been reported and to let the conferees proceed with what probably will be a hard task.

Mr. MOSES. Mr. President, may I call the attention of the Senator from New York to the fact that there were many provisions in the bill which I reported to which I personally did not give adherence, but I think the Senator from New York will bear witness that I did as gallant battle for those provisions on the floor of the Senate as for the items of the bill to which personally I was firmly committed.

Mr. COPELAND. I am well aware that whenever the bill was amended in the least it was only over the dead body, so to speak, of the Senator from New Hampshire. He did his duty as the father and grandfather of the bill. We fought over it; it did not suit anybody, but it is the best we could do. It is here now, and it seems to me to be wise that the conferees proceed to take the bill as it is.

Mr. McKELLAR. Mr. President, like the Senator from New Hampshire, I did not agree to all the provisions of this bill by any means. I did not indorse the provision affecting second-class matter in the first and second zones, and there are various other provisions that I did not indorse, but, as has been stated it is the best that we could work out; it has been worked out very carefully; and I think that the sooner we get it into conference so that it may be adjusted between the conferees of the two Houses the better it will be. We want to get legislation on the subject at this session.

Mr. FLETCHER. May I ask the Senator from Tennessee a question?

Mr. McKELLAR. Certainly.

Mr. FLETCHER. Do I understand the Senator from Tennessee and also the Senator from New York to be opposed to the amendment offered by the Senator from Mississippi?

Mr. McKELLAR. No; I stated that I voted for it.

Mr. FLETCHER. Is the Senator opposed to it now?

Mr. McKELLAR. I voted for this amendment before, and if it is offered I shall have to vote for it again; but as a matter of fact I think the best that can be done is what the committee has done.

Mr. HEFLIN. Mr. President, as a member of the committee I agree very largely with what the Senator from Tennessee [Mr. McKELLAR] has said. There are some very objectionable features in this bill as it passed the Senate. I voted for the bill upon its final passage, but I opposed some of the provisions in it. It has been reoffered here, and I do not care to take up the time of the Senate in going over matters that the Senate has passed on heretofore; so I think the best step we can take is to send it to conference, and I am willing to have that course taken.

Mr. HARRISON. Mr. President, if all the Senators have expressed themselves, and are delighted with the bill, and want to hasten the legislation and get it to conference——

Mr. CARAWAY. No; they are all for the Senator's amendment, except that they do not want to vote for it.

Mr. HARRISON. Yes; they are all for it, but do not want to vote for it; I shall express myself briefly.

I want to see legislation to increase the salaries of these postal employees. I was voting for legislation for that purpose when many of those who are now trying to hasten this legislation were voting against it. If Senators will refer to the roll calls and the RECORD, they will see that I not only voted for the bill when it was here for passage but I voted to override the President's veto, while there are many Senators who voted against overriding the President's veto, some of whom I think are now for this legislation, who voted against it when it was originally before the Senate.

When we raise the salary of Government employees I am against, on principle, attempting in the same legislation to raise the revenue to pay them. It is unprecedented; it is wrong in principle, in my opinion. It is the first time that I recall in the history of the Congress when such a procedure has been undertaken. I am against it in principle. I think we are establishing a bad precedent. I do not think we ought to place a postal employee receiving the small pittance that he will receive under this bill in a position to be confronted by a man out in the country or elsewhere who has to pay an additional charge on the parcel-post package that he receives, and having him look at the postal employee and say, "Yes; you got your increased salary by placing the burden upon me."

It is wrong, and if I were a postal employee I would resent such procedure. I would not want to have my salary increased in any such manner as that. But certainly if you are going to establish the precedent, when you raise the salary of some governmental employee, of providing in that bill the revenue to raise it, this bill is inequitable and unjust in many other respects.

We had a long fight here in order to establish a parcel-post system. It has worked very well. The system has developed and enlarged. I have been hopeful, as other men in public life have been hopeful, that in time we would be able to reduce the rates on parcel-post packages; but now we find ourselves in this legislation, increasing the parcel-post rates. The House has increased them 2 cents on the smallest package.

The Senate 1 cent. In other words, we are discriminating against the farmers of this country. Of course they have no one here to speak for them. They appear now to be friendless, and without representation. The postal employees have; the large newspapers and the great periodicals that carry big advertisements have, and they are powerful. Not a line is written in this bill that attempts to equalize the rates so that those who should pay the increase will be compelled to pay it. There is not a Senator within the sound of my voice but that knows that if we wanted to be fair and just we would put these rates, not on parcel post, but on some of the large periodicals that carry the big advertisements; but we do not do that. There is where the leak is. There is where the deficit is found.

Why? My friend from New Hampshire [Mr. MOSES] knows the reason why. There is no smarter man in public life than he. There is none that knows the method of putting through legislation better than he; and he knew, when he wrote into this bill an increased rate on advertising going through the mails, that he thereby incurred the hostility of the powerful press of the country against this legislation, and that it would fail. So he passes by that, and Senators within the sound of my voice who will be called on to vote applauded that. They approved that. They whisper not to speak now, to hold my peace. They say, "Let us get this legislation to conference. Let us not discuss it. The Senate has already been heard. Its judgment is formed. It is past. Why rouse the thing by further discussion?"

For my part, I shall express myself; and, while I oppose raising the revenue in this bill in order to increase salaries, if you wanted to raise it in this manner I say you should have placed the increase on those institutions in this country which can bear it. Then it probably would have been just so far as the rates were concerned; but you picked out the farmer. Why? Because you are against the parcel-post system? I can not believe that. I would rather believe that it was because you believed that they would not lift their voice against it. They are not so powerful as the newspapers and the periodicals and the magazines, and consequently you say that you will place on the parcel-post system a third of the revenue that should be raised to pay these employees.

I can not criticize the House of Representatives. I would not if I could. I like the House. I had eight years of most pleasant association over there. I like the rules of the House, because they force legislation through speedily. I know that I can not criticize the House, but I can state what happened in the House. They brought in a rule over there that did not permit any amendment to this legislation, but limited discussion and debate, and said it should pass. The House was not permitted to express its choice with respect to this particular provision. They had to vote for the whole bill or they had to vote against the whole bill, and so they have given it to us here. Are we going to say, "We will just pass it over again as the Senate passed it once before"?

When this proposition was up before, I think, it was defeated by only two votes. Senators, it is not right to place practically a third of this increase on parcel post. I understand that the department says that the Senate bill will raise $31,000,000 in revenue. The Senator from New Hampshire [Mr. MOSES], if I recall correctly, said it would raise about $46,000,000 in revenue. It calls for an expenditure of some $68,000,000, and so we ought to strike out this provision as to parcel post. They will catch it on the increased rate provided on the insurance of these articles; they will catch it on the increased registration fees that are carried in this bill; but here we hand it to them in three ways—on the flat increase on parcel post, on the registration fees, and on the insurance charges. I submit that it is unjust and unfair.

I am not going to delay this legislation. I shall attempt no filibuster. I want to see the bill get to conference and then let them agree on it. I have expressed myself. I am for this amendment. It leaves out the 1-cent flat rate that is placed on parcel post. It leaves the rates as they are. If you vote for this, you still hit the farmers out in the country and the shippers of parcel post by the insurance feature, as I say, and by the increased rate on registration.

I have said my bit. Vote your conscientious convictions on it, and I shall be satisfied.

I ask for the yeas and nays.

The yeas and nays were ordered, and the reading clerk proceeded to call the roll.

The roll call was concluded.

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

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

The Senator from Maine [Mr. FERNALD] with the Senator from New Mexico [Mr. JONES].

The result was announced—yeas 42, nays 38, as follows:

YEAS—42

| | | | |
|---|---|---|---|
| Ashurst | George | McKellar | Sheppard |
| Brookhart | Glass | Mayfield | Shipstead |
| Broussard | Gooding | Neely | Simmons |
| Bruce | Harris | Norbeck | Smith |
| Caraway | Harrison | Norris | Stanfield |
| Copeland | Heflin | Overman | Stanley |
| Dial | Howell | Pittman | Swanson |
| Edwards | Johnson, Calif. | Ralston | Trammell |
| Ferris | Johnson, Minn. | Ransdell | Wheeler |
| Fletcher | Kendrick | Reed, Mo. | |
| Frazier | Ladd | Robinson | |

NAYS—38

| | | | |
|---|---|---|---|
| Ball | Edge | McNary | Spencer |
| Bayard | Ernst | Means | Sterling |
| Bingham | Fess | Metcalf | Wadsworth |
| Borah | Hale | Moses | Walsh, Mass. |
| Bursum | Harreld | Oddie | Warren |
| Butler | Jones, Wash. | Pepper | Watson |
| Cameron | Keyes | Phipps | Weller |
| Curtis | Lenroot | Reed, Pa. | Willis |
| Dale | McKinley | Shortridge | |
| Dill | McLean | Smoot | |

NOT VOTING—16

| | | | |
|---|---|---|---|
| Capper | Fernald | King | Shields |
| Couzens | Gerry | La Follette | Stephens |
| Cummins | Greene | McCormick | Underwood |
| Elkins | Jones, N. Mex. | Owen | Walsh, Mont. |

So Mr. HARRISON'S amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

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

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

The bill was read the third time, and passed.

Mr. MOSES. I move that the Senate insist upon its amendment, ask for a conference with the House, and that the Chair appoint the conferees.

The motion was agreed to; and the Presiding Officer appointed Mr. MOSES, Mr. PHIPPS, and Mr. MCKELLAR conferees on the part of the Senate.

#### DISPOSAL OF FORFEITED VESSELS OR VEHICLES

Mr. SMOOT. Mr. President, I report favorably from the Committee on Finance the bill (S. 3406) relating to the use or disposal of vessels or vehicles forfeited to the United States for violation of the customs laws or the national prohibition act, and for other purposes, and I submit a report thereon (No. 1125). I ask for the immediate consideration of the bill.

Mr. ROBINSON. The bill has been reported favorably by the committee?

Mr. SMOOT. Yes; it is a favorable report. It simply gives the Secretary of the Treasury the right to use vessels or vehicles forfeited, in the enforcement of the customs laws or the prohibition act.

Mr. ROBINSON. Under the bill, he would have the power to use all such vessels coming into his possession?

Mr. SMOOT. If this passes, he may use them.

The PRESIDING OFFICER (Mr. MOSES in the chair). 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 hereafter any vessel or vehicle summarily forfeited to the United States for violation of the customs laws may, in the discretion of the Secretary of the Treasury, under such regulations as he may prescribe, be taken and used for the enforcement of the customs laws or the national prohibition act, in lieu of the sale thereof under existing law.

SEC. 2. That upon application therefor by the Secretary of the Treasury, any vessel or vehicle forfeited to the United States by a decree of any court for violation of the customs laws or the national prohibition act may be ordered by the court to be delivered to the Treasury Department for use in the enforcement of the customs laws or the national prohibition act, in lieu of the sale thereof under existing law.

SEC. 3. That any vessel or vehicle acquired under the provisions of section 1 or 2 of this act shall be utilized only for official purposes in the enforcement of the customs laws or the national prohibition act.

The appropriations available for defraying the expenses of collecting the revenue from customs or for enforcement of the national prohibition act shall hereafter be available for the payment of expenses of maintenance, repair, and operation of said vessels and vehicles, including motor-propelled passenger-carrying vehicles. Said appropriations shall also be available for the payment of the actual costs incident to the seizure and forfeiture, and if the seizure is made under any section of law under which liens are recognized, for the payment of the amount of such lien allowed by the court: *Provided, however*, That a report shall be submitted to Congress each year in the Budget, setting forth in detail a description of the vessels or vehicles so acquired, the cost of acquiring, the appraised value thereof, the uses to which they have been put, the appraised value of seizures resulting from their use, and the expense of operating such vessels or vehicles: *Provided further*, That any vessel or vehicle so acquired when no longer needed for official use shall be disposed of in the same manner as other surplus property.

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

INTERNAL-REVENUE TAXES

Mr. REED of Missouri. Mr. President, out of order, I ask unanimous consent for the present consideration of House bill 2716, to amend paragraph 20 of section 24 of the Judicial Code as amended by act of November 23, 1921, entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes."

Let me state to the Senate what the bill provides. The law now provides that persons who have paid a tax may bring suit against the estate of a collector if he is dead, but it does not provide for suits if he is living. It is a manifest omission in the law, and the bill is intended to cure that defect. I ask for the immediate 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 paragraph 20 of section 24 of the Judicial Code as amended by the act of November 23, 1921, entitled "An act to reduce and equalize taxation, to provide revenue, and for other purposes," is amended to read as follows:

"Concurrent with the Court of Claims of any suit or proceeding commenced after the passage of the revenue act of 1921, for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or any sum alleged to have been excessive or in any manner wrongfully collected under the internal revenue laws, even if the claim exceeds $10,000, if the collector of internal revenue by whom such tax, penalty, or sum was collected is dead or is not in office as collector of internal revenue at the time such suit or proceeding is commenced."

Mr. REED of Missouri. I move the following amendment to the bill.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. The Senator from Missouri proposes, on page 1, beginning with line 3, to strike out lines 3 to 6, inclusive, and insert "That the paragraph added by section 1310 of the revenue act of 1921, at the end of paragraph 20 of section 24 of the Judicial Code, reenacted without change by section 1025 of the revenue act of 1924, is amended to read as follows:"

Mr. SMOOT. From what committee is the bill reported?

Mr. REED of Missouri. From the Judiciary Committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

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

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

The bill was read the third time and passed.

RENTAL OF POST-OFFICE PREMISES

Mr. STERLING. I ask unanimous consent for the immediate consideration of Senate bill 3162, authorizing the Postmaster General to make monthly payment of rental for post-office premises under lease.

Mr. EDGE. Let the bill be reported.

The PRESIDING OFFICER. The Secretary will read the bill.

The reading clerk read the bill, as follows:

*Be it enacted, etc.*, That the Postmaster General is hereby authorized to make monthly payment of rental for post-office premises under lease.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

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

EMERGENCY MAIL SERVICE IN ALASKA

Mr. STERLING. I ask unanimous consent for the immediate consideration of House bill 6581, authorizing the Postmaster General to provide emergency mail service in Alaska.

Mr. REED of Missouri. What does the bill provide?

The PRESIDING OFFICER. The bill will be read to the Senate for information.

The reading clerk read the bill, as follows:

*Be it enacted, etc.*, That the Postmaster General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable without advertising therefor.

Mr. SMOOT. Will the Senator state in a word what the effect of the bill would be?

Mr. STERLING. In answer to the Senator from Utah, Mr. President, I would say that the bill is intended to allow the Postmaster General to provide emergency mail service in Alaska. On account of weather conditions there it is necessary that emergencies be provided for. Heretofore they have been provided for in different appropriation bills, and this is to make permanent law what is made law in every appropriation bill. The Postmaster General has strongly recommended the passage of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

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

AMENDMENT OF COTTON FUTURES ACT

Mr. DIAL. Mr. President, I ask unanimous consent for the immediate consideration of Senate bill 386, to amend section 5 of the United States cotton futures act, approved August 11, 1916, as amended.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Let the bill be reported.

The PRESIDING OFFICER. The bill will be read.

The reading clerk proceeded to read the bill.

Mr. BROUSSARD. Mr. President, I desire to make a parliamentary inquiry. Has unanimous consent been requested for the consideration of this bill?

The PRESIDING OFFICER. It has.

Mr. BROUSSARD. Has it been granted?

The PRESIDING OFFICER. The bill is being read for the information of the Senate, but an objection may be entered at any stage of the proceedings. Does the Senator from Louisiana object?

Mr. BROUSSARD. My colleague [Mr. RANSDELL] wants to be present when this bill is considered. I have sent for him.

The PRESIDING OFFICER. In any event, the Chair will say to the Senator from Louisiana and to the Senate generally that the hour of 5 o'clock having arrived, the Senate will proceed to carry out the unanimous-consent agreement previously entered into, and the Senate will now proceed to the consideration of executive business.

EXECUTIVE SESSION

Thereupon the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA

Mr. PHIPPS. Mr. President, I wish to give notice that at the conclusion of the morning business to-morrow I will ask the Senate to take up the District of Columbia appropriation bill, being House bill 12033.

EXTRADITION WITH FINLAND

In executive session this day, the following treaty was ratified, and, on motion of Mr. BORAH, the injunction of secrecy was removed therefrom:

*To the Senate:*

With the view of receiving the advice and consent of the Senate to ratification, I transmit herewith a treaty for the extradition of fugitives from justice concluded between the United States and Finland on August 1, 1924.

CALVIN COOLIDGE.

THE WHITE HOUSE,
*Washington, February 3, 1925.*

The PRESIDENT:

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a treaty for the extradition of fugitives from justice, concluded between the United States and Finland on August 1, 1924.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
*Washington, January 31, 1925.*

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The United States of America and Finland desiring to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the two countries and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, Charles L. Kagey, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Finland, and

The President of the Republic of Finland, Hj. J. Procopé, Minister of Foreign Affairs of Finland.

Who, after having communicated to each other their respective full powers, found to be in good and due form have agreed upon and concluded the following articles:

ARTICLE I

It is agreed that the Government of the United States and the Government of Finland shall, upon requisition duly made as herein provided, deliver up to justice any person, who may be charged with, or may have been convicted of, any of the crimes specified in Article II of the present Treaty committed within the jurisdiction of one of the High Contracting Parties, and who shall seek an asylum or shall be found within the territories of the other; provided that such surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

ARTICLE II

Persons shall be delivered up according to the provisions of the present Treaty, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms parricide, assassination, manslaughter when voluntary, poisoning or infanticide.

2. The attempt to commit murder.

3. Rape, abortion, and the carnal knowledge of a girl under the age of twelve years.

4. Abduction or detention of women or girls for immoral purposes.

5. Bigamy.

6. Arson.

7. Wilful and unlawful destruction or obstruction of railroads, which endangers human life.

8. Crimes committed at sea:

(*a*) Piracy, as commonly known and defined by the law of nations, or by statute;

(*b*) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(*c*) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel;

(*d*) Assault on board ship upon the high seas with intent to do actual bodily harm.

9. Burglary, robbery with violence, and larceny when the amount stolen exceeds two hundred dollars or Finnish equivalent.

10. Forgery or the utterance of forged papers and including the forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.

11. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

12. Embezzlement committed within the jurisdiction of one or the other party by public officers or depositaries, and embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, where, in either case, the amount embezzled exceeds two hundred dollars or Finnish equivalent.

13. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them, their families, or any other person or persons, or for any other unlawful end.

14. Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained through theft, robbery or extortion, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars or Finnish equivalent.

15. Perjury or subornation of perjury.

16. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

17. Extradition shall also take place for participation in any of the crimes before mentioned as an accessory before the fact; provided such participation be punishable by the laws of both the High Contracting Parties.

ARTICLE III

The provisions of the present Treaty shall not import a claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the High Contracting Parties in virtue of this Treaty shall be tried or punished for a political crime or offense. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the Head of a foreign State or against the life of any member of his family, shall not be deemed sufficient to sustain that such crime or offense was of a political character; or was an act connected with crimes or offenses of a political character.

ARTICLE IV

No person shall be tried for any crime or offense other than that for which he was surrendered.

ARTICLE V

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offence for which the surrender is asked.

ARTICLE VI

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offence committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

ARTICLE VII

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

ARTICLE VIII

Under the stipulations of this Treaty, neither of the High Contracting Parties shall be bound to deliver up its own citizens.

ARTICLE IX

The expense of arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall so far as practicable, according to the laws of either of the High Contracting Parties, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles referred to, shall be duly respected.

ARTICLE XI

The stipulations of the present Treaty shall be applicable to all territory wherever situated, belonging to either of the High Contracting Parties or in the occupancy and under the control of either of them during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the High Contracting Parties. In the event of the absence of such

agents from the country or its seat of Government, or where extradition is sought from territory included in the preceding paragraphs, other than the United States or Finland, requisitions may be made by superior consular officers. It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify it to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

In case of urgency, the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

The person provisionally arrested shall be released, unless within two months from the date of arrest in Finland, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs hereinafter prescribed be made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence, by a consular officer thereof.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

ARTICLE XII

In every case of a request made by either of the High Contracting Parties for the arrest, detention or extradition of fugitive criminals, the appropriate legal officers of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition; provided, however, that any officer or officers of the surrendering Government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIII

The present Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional methods and shall take effect on the date of the exchange of ratifications which shall take place at Helsingfors as soon as possible.

ARTICLE XIV

The present Treaty shall remain in force for a period of ten years, and in case neither of the High Contracting Parties shall have given notice one year before the expiration of that period of its intention to terminate the Treaty, it shall continue in force until the expiration of one year from the date on which such notice of termination shall be given by either of the High Contracting Parties.

In witness whereof the above-named Plenipotentiaries have signed the present Treaty and have hereunto affixed their seals.

Done in duplicate at Helsingfors this 1st day of August nineteen hundred and twenty-four.

[SEAL] CHARLES L. KAGEY
[SEAL] HJ. J. PROCOPÉ

RECESS

The PRESIDING OFFICER (Mr. MOSES in the chair; at 5 o'clock and 10 minutes p. m.). In accordance with the unanimous-consent agreement, the Senate takes a recess until 8 o'clock.

EVENING SESSION

The Senate reassembled at 8 o'clock p. m., on the expiration of the recess.

The PRESIDING OFFICER (Mr. MOSES in the chair). The period of recess having expired, the Chair lays before the Senate the first of the bills on the calendar under the unanimous-consent agreement.

TRAFFIC REGULATIONS AND ADDITIONAL OFFICERS

The Senate, as in Committee of the Whole, resumed the consideration of 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.

The PRESIDING OFFICER. The formal reading of the bill having already been had, the pending amendment is the amendment proposed by the Senator from Delaware [Mr. BALL].

Mr. BALL. I would suggest that it might be better to read the bill section by section, as there are a number of amendments to be considered.

Mr. McKELLAR. Can we not start with section 5, because there are no amendments until we reach that section?

The PRESIDING OFFICER. May the Chair suggest that inasmuch as the bill has been read in full it may not be necessary to read the sections, but simply to indicate them for purposes of amendment?

Mr. BALL. Very well. I present several amendments to the bill and ask that they be considered.

The PRESIDING OFFICER. The Secretary will report the first amendment.

The PRINCIPAL LEGISLATIVE CLERK. On page 7, line 9, after the word "prescribed," insert the words "within the limitations of this act."

Mr. McKELLAR. That is the same amendment I have offered. It is entirely satisfactory to me.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The next amendment will be reported.

The PRINCIPAL LEGISLATIVE CLERK. On page 7, line 10, after the word "exceed," strike out the words "one year" and insert in lieu thereof "10 days."

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The next amendment will be reported.

The PRINCIPAL LEGISLATIVE CLERK. On page 8, line 11, after the word "who," insert the words "after examination is," and, in line 12, after the word "director," strike out the word "is."

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The next amendment will be reported.

The PRINCIPAL LEGISLATIVE CLERK. On page 12, beginning in line 21, strike out all of paragraph (c) in the following words:

(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.

Mr. SMOOT. Is there any substitution for that language?

Mr. BALL. No.

Mr. JONES of Washington. What is the amendment?

The PRESIDING OFFICER. To strike out paragraph (c) in section 8.

Mr. McKELLAR. It is exactly the same amendment that I have proposed and it is entirely satisfactory to me.

The PRESIDING OFFICER. Without objection the amendment is agreed to. The next admendment will be reported.

The PRINCIPAL LEGISLATIVE CLERK. On page 12, line 13, before the word "miles" strike out the numerals "25" and insert the numerals "30" and after the word "hour" strike out the words "under any circumstances," so as to make the paragraph read:

(a) No motor vehicle shall be operated upon any public highway in the District at a rate of speed greater than 30 miles per hour.

The PRESIDING OFFICER. Without objection the amendment is agreed to. The next amendment will be stated.

The PRINCIPAL LEGISLATIVE CLERK. On page 14, in line 3, section 9, strike out the word "operator" and insert in lieu thereof the words "person while operating a," so as to read, "No person while operating a motor vehicle in the District of Columbia," etc.

The PRESIDING OFFICER. Without objection the amendment is agreed to. The next amendment will be reported.

The PRINCIPAL LEGISLATIVE CLERK. On page 16, line 14, after the word "permit" add the words:

The right to appeal to the municipal court is hereby given to any operator deprived of his license hereunder.

Mr. SMOOT. Where is that amendment to be found?

The PRESIDING OFFICER. Page 16, after line 14. May the Chair state for the information of the senior Senator from Utah that the Chair is informed that there are prints of the bill with most of these amendments set forth?

Mr. SMOOT. I do not find such a print on my desk or in my file.

Mr. BALL. Mr. President, I have just learned that it is the supreme court to which appeals should be taken.

The PRESIDING OFFICER. Does the Senator from Delaware wish to modify the language of the amendment?

Mr. BALL. Yes; so as to make the appeal to the supreme court.

The PRESIDING OFFICER. The Secretary will report the amendment as modified.

The PRINCIPAL LEGISLATIVE CLERK. On page 16, line 14, after the word "permit" add the words:

The right to appeal to the supreme court is hereby given to any operator deprived of his license hereunder.

Mr. PEPPER. I suggest that it should read "the Supreme Court of the District of Columbia."

Mr. BALL. Yes; that is better.

The PRESIDING OFFICER. Without objection the amendment as modified will be agreed to.

Mr. JONES of Washington. I want the question put to a vote. I want to vote against the amendment.

Mr. ROBINSON. Let us understand what the effect of it is.

The PRESIDING OFFICER. The Secretary will report the amendment as finally modified.

Mr. ROBINSON. I understand what the language is, but I am wondering whether it is sufficient to confer jurisdiction on the supreme court to hear and determine questions submitted in the matter of appeal. The mere granting of a right of appeal might not confer on the court the necessary jurisdiction to determine the issues in the appeal. Any lawyer would know, I think. I would not say that it would not, if any Senator has looked into the question and reached a conclusion concerning it.

The PRESIDING OFFICER. Is it desired to have the amendment reported again?

Mr. ROBINSON. I do not so desire. I understand the language. It simply gives a person who has been deprived of his permit the right to appeal to the Supreme Court of the District of Columbia. The question that arises in my mind is a legal question, whether the language is sufficient to confer jurisdiction on the court, or whether existing law would enable the court to exercise the power to determine the issues involved in such an appeal. Ordinarily the jurisdiction of the court is defined more specifically than that.

Mr. BAYARD. Does not the District Code allow the right of appeal from the municipal court to the supreme court? If it does, I suggest to the Senator from Arkansas that it seems to me, the general right of appeal being given under the District Code, this is merely an added instance.

Mr. ROBINSON. The jurisdiction of the Supreme Court of the District of Columbia is defined by statute. Does the Senator, as a lawyer, think that this language is sufficient to extend its jurisdiction and say that the right of appeal shall be granted to a person who has been deprived of his permit?

Mr. BAYARD. If there is a general right given to the supreme court to entertain appeals from the municipal court, then I would say this is merely an added instance.

Mr. ROBINSON. That is what I am inquiring about.

Mr. BAYARD. I confess I do not know.

Mr. ROBINSON. If the question has been gone into by the committee and the committee has reached the conclusion that the language is broad enough to accomplish its purpose, I do not care to prolong the discussion, but it does seem to me that some one ought to know.

Mr. BAYARD. I will say to the Senator from Arkansas that it is not my amendment and as to its sufficiency or legality I can not express any opinion. I merely suggest that if general power be given under the District Code of an appeal to the supreme court, this is an added instance under this particular bill giving a further right.

Mr. ASHURST. I think the doubt could be removed by adding the words "and the Supreme Court of the District of Columbia shall have power to hear and determine the same." I offer that amendment to the amendment.

The PRESIDING OFFICER. The Senator from Arizona offers an amendment to the amendment, which will be stated.

Mr. ASHURST. Add the words "and the Supreme Court of the District of Columbia shall have the power to hear and determine such appeals."

Mr. COPELAND. Use the word "jurisdiction" instead of power.

Mr. ASHURST. Yes; I think "jurisdiction" is the better word.

Mr. McKELLAR. Let the amendment be reported as proposed to be amended.

The PRESIDING OFFICER. It will be read.

The PRINCIPAL LEGISLATIVE CLERK. On page 16, line 14, after the word "permit," add the words:

The right to appeal to the Supreme Court of the District of Columbia is hereby given to any operator deprived of his license hereunder, and the Supreme Court of the District of Columbia shall have jurisdiction to hear and determine such appeals.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arizona to the amendment of the Senator from Delaware.

Mr. McKELLAR. Mr. President, will the Senator from Delaware state why he substitutes the Supreme Court of the District of Columbia for the municipal court?

Mr. BALL. The municipal court is a civil court, I understand, and this section provides a penalty. I am not as familiar with the courts as some of the lawyers here. The Senator himself should know the difference.

Mr. ASHURST. The municipal court might or might not be a court of record, whereas the supreme court is a court of record.

Mr. McKELLAR. I do not object to the amendment.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Arizona to the amendment of the Senator from Delaware.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Delaware as amended.

Mr. REED of Missouri. Mr. President, I am not advised as to the parliamentary situation, but I desire to call attention to the language in line 10, page 16. It is the same section we are now considering except we are now acting on an amendment. The language is:

The director may also for such cause as he deems advisable—

And so forth.

I think that language ought to be modified. "Such cause as he deems advisable" makes him——

The PRESIDING OFFICER. Will the Senator from Missouri permit the Chair to observe that the Senate is now acting on amendments submitted by the committee? There will be ample opportunity to consider amendments submitted by individual Senators.

Mr. REED of Missouri. I stated that I arrived late and did not know the parliamentary situation. I accept the suggestion of the Chair, but while I am on my feet I will just conclude the sentence I was about to utter. To put the power in any man to revoke a license for such cause as he deems advisable is to lodge in him absolutely arbitrary power, and to provide for an appeal from an exercise of an arbitrary and unlimited power gives us nothing, because the power is vested absolutely in the officer originally, and an appellate court would not interfere with the exercise of the power. It must be for "reasonable cause" or "good cause," or some qualifying phrase placed in the text, in order to make the appeal itself amount to anything. I am not objecting to the amendment that has been offered.

Mr. ROBINSON. Mr. President, there is a practical difficulty which inheres in the amendment and which I think ought to be pointed out. If this section is given application and the director revokes a large number of permits, it will result in a great many cases in the supreme court and seriously embarrass the court in the consideration of other and more important cases. I think the language ought to be modified somewhat, as suggested by the Senator from Missouri, and if that is done I myself would be content to vest in the director of traffic the power to determine the question as to when a permit should be revoked, and let his decision be final.

Mr. BALL. Mr. President, will the Senator from Missouri present his amendment, so that we may understand it?

Mr. REED of Missouri. I am trying to think what language to employ.

Mr. ROBINSON. I suggest to the Senator that the language which precedes that would be adequate, to the effect that for any violation of the traffic laws or regulations the director may be empowered to revoke a permit. I do not know why the director should be given arbitrary power; why he should be authorized to revoke the permit of a driver for some secret reason that may exist only in his own mind.

Mr. COPELAND. Mr. President, it was intended by the committee, I am sure, that this clause to which attention has been called by the Senator from Missouri [Mr. REED] should be read in connection with section (b), which is found on page 7, where the director is authorized "to make reasonable regulations." It was the feeling of the committee that the bill should not be loaded with all the regulations necessary for the control of traffic, but that the director, who was under the direction of the commissioners, should promulgate rules and regulations. It was intended that this particular power should be read in connection with that clause.

Mr. ROBINSON. Mr. President, then let me make a suggestion.

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

Mr. COPELAND. I yield.

Mr. ROBINSON. I think that is a very reasonable proposition, and the thought of the Senator from Missouri [Mr. REED] could very easily be carried out by providing "the director may, for any violation of this act or for any violation of any regulation made pursuant thereto, revoke the permit of a driver."

Mr. COPELAND. Yes, Mr. President, that would exactly carry out what the committee had in mind. The language here in the bill is unfortunate.

Mr. McKELLAR. Mr. President——

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

Mr. COPELAND. I do.

Mr. McKELLAR. I call the Senator's attention to subsection (b) on page 16, which reads:

(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.

Under those circumstances, regardless of what might be the rules and regulations, if the director was of a mind to prevent anyone from securing a license he could keep him from doing it.

Mr. COPELAND. Mr. President——

Mr. McKELLAR. I think the last phrase, "nor thereafter except in the discretion of the director," should be stricken out.

Mr. COPELAND. I fully agree with the Senator from Tennessee that the amendment suggested to strike out those words should be agreed to.

Mr. McKELLAR. I shall offer that amendment at the proper time.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Missouri?

Mr. COPELAND. I yield the floor to the Senator from Missouri.

The PRESIDING OFFICER. Just a moment, please. The Chair put the request to the Senator from New York in that form because the Senate is operating under a unanimous-consent agreement which permits no Senator to speak more than once or longer than 15 minutes upon any amendment or upon the bill. The Senator from Missouri was recognized at 8.12 o'clock and he concluded in three minutes. He is not again entitled to the floor except by the yielding of the Senator from New York.

Mr. REED of Missouri. I forgot about the rule and rose merely to make a suggestion. I hope I may be permitted to do so.

The PRESIDING OFFICER. The Senator from New York has yielded to the Senator from Missouri.

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

Mr. REED of Missouri. Mr. President, I do not want to be understood as being captious about this bill. If I may have the attention of the Senate just for a moment, I desire to say it seems to me that the whole of paragraph (a) of section 12, on page 16, ought to go out. It reads:

The director may, in his discretion—

Now—

(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.

We should stop right there; it seems to me that is as far as we ought to go.

Mr. ROBINSON. Mr. President, will the Senator from Missouri yield to a suggestion?

Mr. REED of Missouri. Yes.

Mr. ROBINSON. The thought of the committee and of the Senator from New York [Mr. COPELAND], which seems to me to be reasonable, could be carried out by adding the words "or of any regulation made in pursuance of this act."

Mr. REED of Missouri. Yes.

Mr. ROBINSON. And then strike out the remainder of the paragraph. I do not believe the committee would object to that.

Mr. REED of Missouri. If that shall be done, it will have a very distinct bearing on the right of appeal, which is included in that section.

Mr. ROBINSON. Yes. If that change shall be made, I myself would not favor the right of appeal, as I have already indicated.

Mr. COPELAND. Where would the words which the Senator suggests come in?

Mr. ROBINSON. After the word "act," in line 9, page 16, I propose to insert the following:

Or of any regulation made in pursuance of this act.

Mr. BALL. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield.

Mr. BALL. On page 2, in defining the term "this act," the bill provides that it "includes all lawful regulations issued thereunder by the commissioners."

So it seems to me the term "this act" covers exactly what the Senator from Arkansas [Mr. ROBINSON] proposes now to add to the provision.

Mr. REED of Missouri. No; I think it would be better and would make it clearer to insert the words suggested by the Senator from Arkansas—"or of any regulation made in pursuance of this act."

Mr. ASHURST. I rise to a point of order, Mr. President.

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

Mr. ASHURST. Is it in order to amend the text of the bill until the committee amendments shall have been disposed of?

The PRESIDING OFFICER. The Chair has suggested that if Senators who desire to offer individual amendments would await the disposition of the committee amendments there would be ample opportunity to consider individual amendments. The question now is upon agreeing to the amendment of the committee as amended.

Mr. REED of Missouri. Mr. President, if I still have the floor——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Missouri?

Mr. COPELAND. I yield.

Mr. REED of Missouri. I suggest that I think we ought to dispose of the committee amendment by defeating it, and then we ought to amend the text in the manner which has been suggested. I am afraid the unanimous-consent agreement is going to put us in a position where we can not arrange matters as we should. I was afraid of that when the request was made. However, I thank the Senator from New York for yielding to me.

Mr. COPELAND. Mr. President, I suggest that the chairman of the committee accept the language proposed by the Senator from Arkansas, adding after the word "act" in section 12 the words suggested. Then the whole matter will be covered.

Mr. REED of Missouri. So as to read "or any regulation made in pursuance thereof."

The PRESIDING OFFICER. The Chair wishes to understand the attitude of the chairman of the committee.

Mr. BALL. The chairman of the committee accepts the amendment suggested by the Senator from Missouri to strike out the portion of the paragraph after the word "act" and to add the amendment proposed by the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Delaware withdraws the amendment now pending and accepts the amendment proposed by the Senator from Arkansas and the Senator from Missouri.

Mr. BALL. That is right.

The PRESIDING OFFICER. Let the amendment be stated.

The PRINCIPAL LEGISLATIVE CLERK. On page 16, line 10, after the word "act" it is proposed to insert the words "or of any regulation made in pursuance thereof" and to strike out the remainder of the paragraph.

Mr. ROBINSON. That language ought to be changed slightly.

Mr. REED of Missouri. It should read, "made pursuant thereto."

Mr. ROBINSON. It should be amended so as to read, as follows:

* * * Revoke or suspend the operator's permit of any individual convicted of a violation of any of the provisions of this act or of a violation of any regulation made under the provisions of this act.

The effect of the last clause will be to avoid the necessity of convicting a driver in a court of violation of the regulations, which would be anomalous if not impracticable.

Mr. COPELAND. Mr. President, I understand that the committee accepts the suggested amendment.

The PRESIDING OFFICER. That is the understanding of the Chair. The amendment will now be stated before being voted upon.

The PRINCIPAL LEGISLATIVE CLERK. On page 16, line 9, after the word "act" it is proposed to insert the words "or of any regulation made in pursuance thereof."

Mr. ROBINSON. Mr. President, let the clerk take the amendment as I dictate it. It should read:

Or for the violation of any regulation made under the provisions of this act.

The PRINCIPAL LEGISLATIVE CLERK. It is proposed to insert the words "or for the violation of any regulation made under the provisions of this act."

The PRESIDING OFFICER. The question is upon agreeing to the amendment.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, may I ask the chairman of the committee if he will not accept an amendment to subdivision (b) striking out the words, "nor thereafter except in the discretion of the director."

Mr. REED of Missouri. Before the Senator moves that amendment let us dispose of the question we have been considering.

Mr. McKELLAR. I thought that had been disposed of.

Mr. REED of Missouri. It is understood now that there is stricken out the language:

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.

The PRESIDING OFFICER. The question is upon the amendment to strike out beginning with the words "The director may also" down to the end of the paragraph.

Mr. REED of Missouri. I call attention to the fact, if I may, that the clause we are about to strike out, or are talking about striking out, provides for a notice before there is a revocation. If it all goes out and we adopt the language which is suggested, a revocation might occur without notice, and there ought to be a notice.

Mr. ROBINSON. We could amend by unanimous consent the amendment which has already been agreed to by inserting at the proper place the words "after notice and upon hearing."

Mr. REED of Missouri. "Upon hearing and notice in writing."

The PRESIDING OFFICER. The Secretary will report the amendment now offered by the Senator from Arkansas.

Mr. REED of Missouri. Let us amend the amendment just adopted in that respect, and that will do away with any difficulty.

The PRINCIPAL LEGISLATIVE CLERK. On page 16, line 8, after the word "individual," it is proposed to insert the words "after notice."

Mr. ROBINSON. No. I ask unanimous consent, Mr. President, to reconsider the vote by which the amendment immediately heretofore was agreed to.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the vote by which the amendment was agreed to is reconsidered.

Mr. ROBINSON. Now, Mr. President, I submit the following amendment, on page 16, line 9, after the word "act," to insert the words "or, after notice and upon hearing, for the violation of any regulation made under the authority of this act."

Mr. CARAWAY. May I ask the Senator a question?

Mr. ROBINSON. I yield to the Senator.

Mr. CARAWAY. I wonder if that language will not prevent the cancellation of a permit for violation of anything but a regulation. It is necessary to consider not only the regulations but the act itself.

Mr. ROBINSON. The provision in regard to violations of the act is left in. The amendment merely adds to the power to cancel the permit for violation of the act, by giving the power to cancel the permit for violation of the regulations.

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

The amendment was agreed to.

The PRESIDING OFFICER. The question now is upon the amendment proposed by the Senator from Delaware to strike out, on page 16, beginning in line 9.

Mr. BALL. Mr. President, there is an amendment, I think, to that effect presented by the chairman of the committee.

The PRESIDING OFFICER. Yes; the question is upon that amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment.

Mr. REED of Missouri. Mr. President, let me understand the situation now. The amendment takes out the language from line 9, beginning with the word "the," to the end of line 14?

The PRESIDING OFFICER. The Chair so understands.

Mr. REED of Missouri. Very well.

The PRESIDING OFFICER. There being no further committee amendments, the bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. McKELLAR. Mr. President, I offer an amendment on page 18.

Mr. REED of Missouri. Of which bill?

Mr. McKELLAR. I shall have to use the original bill. It is on page 17, I suppose.

Mr. COPELAND. What section?

Mr. McKELLAR. It is the same section, subdivision (b), just underneath where we were. I will get it in just a moment.

The PRESIDING OFFICER. Page 16, line 15.

Mr. McKELLAR. On page 16, lines 17 and 18, I move to strike out the words "nor thereafter except in the discretion of the director." Then it will read:

In case the operator's permit of any individual is revoked no new permit shall be issued to such individual for six months after the revocation.

Mr. BALL. That amendment has already been adopted.

Mr. McKELLAR. No; it has not. I am glad it meets with the Senator's approval.

Mr. COPELAND. It is all right.

Mr. BALL. It was adopted.

Mr. McKELLAR. No; it has not been adopted.

Mr. BALL. It was one of the amendments of the chairman of the committee.

Mr. COPELAND. I understand that the committee is glad to accept this amendment.

Mr. REED of Missouri. Mr. President, I can not consent to that amendment. That would leave the situation in this way—that if an operator's permit is revoked no new permit could be issued for six months, no matter what the circumstances might be. By the amendment just adopted we have given to the director the right to revoke a license for a mere violation of a regulation. Certainly if we are vesting this large discretion in the director we ought to permit him, for what he considers good cause, to set aside a revocation.

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

Mr. REED of Missouri. Yes.

Mr. McKELLAR. I think the Senator is entirely right, and I was in error. I think the striking out of the words "nor thereafter" would effect the entire thing—just the two words "nor thereafter."

Mr. REED of Missouri. That would read, then:

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, except in the discretion of the director.

Mr. McKELLAR. I desire to modify the amendment which I offered in that respect.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from Tennessee as modified.

Mr. ASHURST. Mr. President, I was not here the other evening, and I am rather glad I was not. The attempt is apparent to whittle, whittle, whittle away on this bill until these wild-eyed automobilists can continue to slay our fellow citizens. We have been striking them with the velvet hand. Now is the time to strike them with the mailed hand.

I am in favor of making this law so rigid that men will respect it rather than setting up a lot of technicalities so that a man who goes and slays his fellow citizen may go to a complaisant official and obtain a permit. A man who has misused his automobile ought to have no permit thereafter. A man who misuses a revolver and slays his fellow citizen ought not to be permitted within a few weeks to go to a complaisant official and obtain a permit to carry a revolver.

We are dealing with a set of men who are almost insane. The man or the woman who has the speed-bug mania is not to be treated as an ordinary person.

No law of humanity, no law of decency, not even the safety of their own families, will restrain these speed-mad bugs. Let us, instead of whittling away the bill and whittling it away, let us see how severe we can make this bill.

Mr. REED of Missouri. Well, Mr. President——

Mr. ASHURST. I had not finished, but I yield to the Senator.

Mr. REED of Missouri. I thought I had the floor.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. ASHURST. Oh! I thought I had the floor.

Mr. REED of Missouri. I will get it again on some pretext.

The PRESIDING OFFICER. The Senator from Arizona is now recognized in his own right if he wishes to continue.

Mr. BALL. Mr. President, I just want to make a statement.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Delaware?

Mr. ASHURST. Of course, I yield to the Senator from Delaware. I am not going to see any undue advantage taken of that warm-hearted, large-minded Senator. With little help he has made a valiant struggle to try to save the lives of the children and the people of the District of Columbia. I yield to him, and as long as I am here I am going to stand by him; and I hope he will strike in the Senate with mailed fist at those who are trying to pare away this bill so that it will amount to nothing in trying to save the lives of people.

The time has come when soft words will no longer do. Are we in a criminal court, seeking to avail ourselves of all possible technicalities to save a criminal, or are we trying to set up a law of safety for the people? The so-called right to run an automobile is not a right; it is a privilege. It should be granted only to those who know how to employ it. Remember the fate of the saloon. It misused itself. The speed-bug maniacs will find that if they misuse their autos, they will not be allowed to have autos.

You can not make this bill too severe to suit me. You can not make the penalties too severe upon those who, with a reckless and a relentless disregard of the lives of their fellow citizens, speed along the main streets of the Capital of this country. Had I the power, I would require them to operate their machines at a speed not to exceed 15 miles per hour. Now, this very evening, cars are running upon the streets of this city at 20 and 30 miles an hour, and Senators sit here as if they were technical lawyers, defending a guilty man, trying to find some way to allow the man to escape. They ought to rush forward with amendments tending to strengthen the bill, tending to make it an efficient guard for the innocent and defenseless people of this District.

This city is in some particulars the poorest governed city in the world. It has the poorest lights. It has not the police force it ought to have. It ought to have 300 more policemen. It is almost a dangerous thing for a citizen at night to go out into the streets of the Capital.

Mr. REED of Missouri. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Missouri?

Mr. ASHURST. Of course, I yield to the Senator from Missouri, Mr. President.

Mr. BALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Delaware?

Mr. REED of Missouri. Will the Senator just let me finish the sentence?

Mr. ASHURST. I think the Senator from Missouri ought to be allowed to finish his sentence. Every man should be allowed to finish his sentence.

Mr. BALL. I want the Senator to be clear on this matter. The director issues those orders after they have been approved by the Commissioners of the District.

Mr. REED of Missouri. Very well. To all intents and purposes, he makes the orders. The commissioners will approve them.

Mr. BALL. They have to be adopted by the commissioners before they are promulgated by them.

Mr. REED of Missouri. Very well. Now, let us see what we are dealing with.

For the slightest violation of any order issued by the director he may revoke your license.

Among those orders will be a rule that you can not park your car in a certain place; that if you leave it there five minutes overtime you violate the orders, if you go to a place where you are allowed to park; that if you drive in any way contrary to these specific rules you are in violation. Now, somebody inadvertently violates that law.

Mr. ASHURST. Mr. President, these people who leave their cars inadvertently longer than they should have cultivated that habit. They are trespassing upon the time of other people when they do that.

Mr. REED of Missouri. To say that if the director revoked a license for a cause of that kind he could not restore it in his discretion is a very unwise thing. It is not a case of running down people. We hear about that all the time. I am ready to send to the penitentiary any man who recklessly runs down a human being.

Mr. ASHURST. As indicated by the Senator's assaults on the bill.

Mr. REED of Missouri. My assaults on the bill have been assaults against its monstrous provisions, and not against any proper provision in it. If the bill had been passed as it was presented here the other night, it would have been so full of unconstitutional provisions that it would not have stood the test of any court.

There is reason in everything, and there were extreme provisions in the bill, and unconstitutional provisions in it. Perhaps I attacked the bill somewhat savagely. I said then, and I say now, that I am willing to make all reasonable regulations for the purpose of preserving the life and limb and the property of the citizen against any recklessness or misconduct on the part of automobile drivers, and I helped frame the amendments which are going to make this bill a decent bill.

This is not dealing with these gross offenses. It is the right of the director to restore a license when he believes it ought to be restored, and I take it he would never do it except in a case where there is good reason to restore it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee [Mr. McKELLAR].

The amendment was agreed to.

Mr. WALSH of Massachusetts. Mr. President, I offer an amendment. On page 6, line 18, I move to strike out the words "a director of traffic, who," and to insert in place thereof the words "an assistant chief of police to be known as a director of traffic, who, under the direction of the chief of police of the District of Columbia," and so forth.

This bill seeks to establish another bureau in the seat of government here in the District of Columbia. It proposes the creation of a separate office and a separate department under a director of traffic. It is my conviction that business of regulating the traffic of a city is police business, and that the regulating of the traffic of vehicles should not be separated from the regulating of the traffic of pedestrians; that you should not have one department regulating vehicles going through the street and another department regulating the manner in which pedestrians use the streets. So my amendment proposes that there shall be a director of traffic, just as the bill provides; that he shall have all the duties the bill provides, but that he shall be subject to the authority of the chief of police; that he shall be an assistant chief of police, having all the powers and duties defined in this bill, and shall be named, not by the chief of police but, as provided in this bill, by the commissioners.

What is this position of director of traffic? One would think we were creating an office of very great magnitude and importance. The director would have only three duties to perform; first, to make regulations with respect to the speed and parking of vehicles. Who better can make such regulations than a man who is connected with the police force, a man who has had experience with the police force, or at least can consult with the police force and be in touch with them? His second duty is the registration of motor vehicles, merely a clerical job. The third duty is the issuance and revocation of operators' permits.

Those are practically all the duties of a director of traffic, but it is proposed here to fasten upon the city a new director of traffic, with probably a large salary, with additional clerks, and

absolutely removed from the body which must enforce these rules, who must see that the rules are lived up to, namely, the police force of the city.

I have made some inquiry and I do not know of a city in this country where this department is separated from the police force. The matter of the registration of the operators' licenses is separated in many of the cities, but the making of the regulations and the performance of the other duties provided here constitute a police duty, in my opinion, and it is the practice in the other cities of the country with which I am familiar to so regard them.

Whether this plan is to be a success or not does not depend upon the title of the man at the head or on whether it is an individual department or not. It depends upon the person who is named, and a man who has had experience, for illustration, as a naval officer, or an Army officer, or a marine officer, in my opinion would make an ideal director of traffic. It is not necessary to get a lawyer, it is not necessary to have a judge, it is not necessary to get some highly educated college graduate to take this office. A practical man in touch with police duties and powers and the regulation of traffic in the city is just the man for this job, in my opinion, and I have no doubt that there are dozens of ex-Army officers or ex-marine officers in this city who would fill the position admirably and perfectly.

I have not had a chance, unfortunately, to talk with the chairman of the committee about this amendment, and discuss with him this phase of the bill, but all that it seeks to do is to put this bureau in the police department, in the department that must have sympathy with the regulations made, and an intelligent appreciation of the regulations; to provide for a separate official, not named by the police, but named by the commissioners, in that department and under the chief of police. Any man who is assistant chief of police can perform the duties admirably and well, and the corps of assistants who are to perform the clerical duties can be made up of disabled policemen, and at the time when the operators' licenses are being issued, men can be taken from the police force temporarily, to be put back at police work when that duty is finished.

Mr. FESS. Mr. President——

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

Mr. WALSH of Massachusetts. I yield.

Mr. FESS. I did not catch the Senator's amendment. I notice it is to strike out the words "director of traffic," but I did not get the rest of the amendment.

Mr. WALSH of Massachusetts. Instead of a director of traffic, to provide an assistant chief of police, to be known as director of traffic. That would carry out the spirit of the bill. Then I propose to add the words, "who, under the direction of the chief of police, shall perform the duties," etc.; the whole idea being that we should not have a separate bureau, a separate department, with more officials, but that in the law enforcing department of this city should be lodged the performance of this police function. It requires a man of police experience, of some judgment in police matters, in my opinion, to make proper rules and regulations for the regulation of traffic.

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

Mr. WALSH of Massachusetts. I yield.

Mr. BALL. I agree thoroughly with the Senator from Massachusetts so far as the character of the man is concerned, but I do not agree that we could get that character of man as an assistant chief of police. There is one additional duty which the director of traffic will have which the Senator did not mention, which is of very great importance; that is, if we are to expedite motor traffic in the District of Columbia, it will be necessary to lay out and establish the arterial highways or boulevards. That will be one of the important additional duties of the director of traffic.

Mr. WALSH of Massachusetts. That is not as important as the other duties.

Mr. BALL. The idea of the committee was, first, to put this whole proposition under the Engineer Commissioner of the District, but after discussion with the engineer commissioner himself, it was deemed wise to create a separate and distinct traffic bureau, with a director.

Mr. WALSH of Massachusetts. I do not think the difficulty the Senator suggests because of the provision to which he has referred would prevent an officer from being appointed as an assistant to the chief of police of the District.

Mr. BALL. The idea was to have some central power upon which the responsibility could be fixed. Unless you centralize that power——

Mr. WALSH of Massachusetts. The commissioners would name the man; therefore theirs would be the responsibility. They could remove him.

Mr. BALL. That is true, but he would be a part of the police force, just as we have now in the traffic bureau.

Mr. REED of Missouri. Mr. President, will the Senator from Massachusetts allow me to make a statement to the Senator from Delaware?

Mr. WALSH of Massachusetts. I yield to the Senator from Missouri.

Mr. REED of Missouri. One of the most dangerous things in the enforcement of any law is division of power. The Senator has that idea in his mind in drawing this amendment. Let me suggest that if you have a director of traffic separate from the police force you leave it open for him to blame any failure on the police and the police to blame it on him, when, if you put the two departments together in the police force, then the responsibility is centralized, it seems to me.

Mr. WALSH of Massachusetts. That is just the idea I had in offering the amendment. The Senator has stated it better than I myself could have done. There would be constant friction. There would be an overlapping of authority. It would be bound to be disastrous, in my opinion, if there were a separate department.

Mr. BALL. Mr. President, as far as the committee were concerned, they were thoroughly satisfied, after going over this matter very carefully with the commissioners, especially the engineer commissioner, that there were duties in connection with this position which would require probably a man of some engineering experience.

Mr. WALSH of Massachusetts. Why can not the commissioners name a man with engineering experience?

Mr. BALL. Probably a man with experience along that line would make a typical director, but such a man would not take a position as assistant chief of police.

Mr. WALSH of Massachusetts. He would be assistant only in the sense that he would be in the police department, under the jurisdiction of the chief of police.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from Massachusetts.

On a division, the amendment was agreed to.

Mr. BINGHAM. Mr. President, on page 13, line 6, after "$100," I move to strike out the word "and" and to insert in lieu thereof the word "or."

The amendment was agreed to.

Mr. BINGHAM. On page 13, line 9, after the numerals "$1,000" I move to strike out the word "and" and insert the word "or."

The PRESIDING OFFICER. The amendment is to strike out the word "and" and insert the word "or" so the punishment shall not be both fine and imprisonment?

Mr. BINGHAM. That is my idea.

Mr. CARAWAY obtained the floor.

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

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

Mr. CARAWAY. Certainly.

Mr. EDGE. Let me ask the Senator from Connecticut a question that I may see if I correctly understand the effect of his amendment. Is it his intention to strike out the provision for a jail sentence for a second offense?

Mr. BINGHAM. I am not striking it out. In line 9, page 13, I have moved to strike out the word "and" and insert the word "or." The next amendment will be, at the end of the clause, in line 11, after the word "year," to insert the words "or both." In other words, I would give the judge discretionary power as to whether to make it a fine and imprisonment or a fine or imprisonment, or both, in the discretion of the judge.

Mr. EDGE. I think perhaps it is quite all right to strike out "and" and to insert "or" for the first offense; but when a man is so reckless that after having been given a fine rather than a jail sentence for one offense, and then repeats his offense and is deliberately guilty of reckless driving, if there is any discretion at all, it seems to me it is more or less an encouragement of reckless driving and the commission of a second or third offense. Any driver in any city should face the certainty and positiveness of a jail sentence for a second or a third offense. I think the amendment giving discretion is in error.

Mr. BALL. Mr. President——

Mr. CARAWAY. I yield to the Senator from Delaware.

Mr. BALL. The reason why the committee provided the jail sentence and made it compulsory was because the courts decide what constitutes reckless driving. I understand that in some

States it is defined in the law, but generally it is left to the court to decide what constitutes reckless driving.

It seems to me it makes very little difference whether the judges have discretion as to what constitutes reckless driving or discretion as to whether they shall impose a fine or imprisonment. It is up to their discretion either way. Deciding what constitutes reckless driving is like deciding a case of insanity in court. It is a very difficult matter to decide. When we leave it to the court, it seems to me, it makes very little difference whether we make it compulsory imprisonment or not. I think the very fact that we do make it compulsory imprisonment for the second offense will have a tendency to make the drivers of automobiles very much more careful.

Mr. CARAWAY. Mr. President, that is what I rose to suggest. It strikes me that it would be very unfortunate indeed to permit one to be convicted of reckless driving one time and then be subject possibly to only a fine for a second offense. We all know that it is simply a question of influence. If those with influence were convicted twice, there would a tremendous pressure brought to bear upon the judge to escape imprisonment. I have thought it quite a helpful thing that the governor's son in the State of Ohio is now spending a little time in jail for reckless driving. His father thought so well of the law that he would not ask for a commutation of sentence and would not extend the boy a pardon.

The reckless man is the man who has killed two people since we tried to pass the bill the other night and who hit three others and ran away without leaving his address. There would be nothing quite so helpful to restrain the man who kills and a man who wants to be a reckless driver as to have him realize that he is surely going to jail. The reckless driver is the man who is going to kill people in the District as he kills them everywhere else, and it is so much better to prevent that instead of doing as my friend from Missouri suggests, to hang him after he has done it rather than restrain him from doing it.

I sincerely hope that the amendment of the Senator from Connecticut will not prevail. I may be one of those people who have not a proper regard for the personal liberty of the fellow who is drunk and recklessly driving. We have heard ourselves denounced here to-night as those who want to make the bill too severe. I think it ought to be severe. The soldiers who went to France from the District of Columbia did not incur the danger of those who stayed at home and tried to dodge somebody driving a Ford. The drivers of automobiles got a good many more of them than the Germans were able to kill. I dislike very much to see a tendency to weaken the bill. Of all the unfortunate amendments that could be proposed, this would be the most unfortunate, it seems to me.

Mr. BINGHAM. Mr. President, in reply to the Senator from Arkansas, if I may have the benefit of his attention for a moment, I would like to say that the amendment in no way weakens the penalty which the judge may impose.

Mr. CARAWAY. Does not the Senator know that if some influential person violates the law there will be a tremendous pressure brought upon the judge to give him a fine and not imprisonment? The law ought to say, so emphatically that nobody could misunderstand it, "If you do this thing the judge can not prevent your going to jail. He will have to do it."

Mr. BINGHAM. Do I understand the Senator to say that a judge is pledged to convict?

Mr. CARAWAY. Oh, no.

Mr. BINGHAM. If a tremendous pressure is brought upon the judge, as the Senator has intimated, and the judge, because the sentence must be so great, declines to convict, what then?

Mr. CARAWAY. That is unfortunate, indeed.

Mr. BINGHAM. My attempt is to avoid that unfortunate circumstance and to permit the judge to exercise his discretion.

Mr. CARAWAY. I would not be willing to say to the judge, "I will let you disobey what your conscience tells you your duty is by permitting you to give a sentence that ought not to be imposed."

Mr. BALL and Mr. BAYARD addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Connecticut yield? And if so, to whom?

Mr. BINGHAM. I yield first to the senior Senator from Delaware.

Mr. BALL. This is to be a matter of jury trial. The jury will decide the case. It seems to me that unless we are going to provide sufficient penalties in the law, we might as well have none. If for the second offense or conviction we are not going to have a penalty that will bring the results we must bring about here in Washington if we expect to have safe and sane use of the automobile, we might as well have no law at all.

The number of automobiles that we have in the District is increasing at the rate of 25,000 a year. Five years ago we had only 25,000 and now we have 125,000.

Mr. BINGHAM. I offered the amendment because such little experience as I have had led me to believe that where a forced penalty is too severe it inclines to make people lenient in finding convictions. The amendment in no way reduces the amount of penalty which a jury can suggest or a judge can inflict. It merely is the old-fashioned method in most of our laws of giving the judge the right to decide what the penalty shall be.

Mr. EDGE. As I understand such legislation, it is for the purpose of endeavoring to prevent accidents as far as such a thing is possible through laws that will impose heavy sentences. It is not so much what the judge will do after the accident has occurred. After the accident has occurred and a man is maimed or killed, of course the judge under the amendment suggested can impose a jail sentence. There is no question about that proposition. But the real object of legislation, in my judgment, and of all such legislation, would be to try to put the fear of the Lord in these men driving machines before they come to court or are haled before the judge; and it, perhaps, may have some effect in that direction. I am not sure, but certainly it will not have as much effect in the ordinary analysis of the law if this discretion is placed in the judge. If a man has once been brought before the court and fined because of reckless driving, he certainly must have that on his mind. If he knows that a second offense means a jail sentence it may—I am not sure, but it may—have some deterrent effect. For that purpose and with that object in view we should at least continue that provision in the law.

So far as a judge's discretion is concerned afterwards, whether in the experience of those who practice before police courts, a judge will or will not impose the full penalty; I do not know and I do not care. I think the object of the legislation or at least the hope of the accomplishment of the legislation is to discourage to some extent and to deter to some extent this reckless driving. I hope it will have that effect.

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

Mr. EDGE. Certainly.

Mr. FESS. I have not ascertained by reading the bill who would be the criminal. Suppose there is a high-powered car running through the city at break-neck speed and the owner of the car is in it and there is a different driver from the owner. Suppose the chauffeur is driving and an accident occurs, who is guilty?

Mr. EDGE. I am not a lawyer, but——

Mr. FESS. I am not facetious about it. I am trying to get at whether the bill, as it is written, catches the party who probably is guilty.

Mr. EDGE. It seems to me as a matter of common sense, without attempting to interpret the law, that on the question of reckless driving the man at the wheel must be the person guilty of reckless driving. I can not interpret it in any other way, although that is merely my personal opinion.

Mr. FESS. It makes some difference about the penitentiary sentence as to the ability of the man financially to pay the fine.

Mr. BAYARD. Mr. President, I want to suggest to the Senator from Connecticut [Mr. BINGHAM], in reply to something he said a moment ago, that the bill as considered up to this time contains two provisions, one for a first offense and the second for a second and subsequent offense. The theory of the law is prevention. The first offense will be punished by fine or imprisonment, as the Senator's amendment now provides, but the second operation is a further preventive operation, not a punitive operation. In the event that the first offense and punishment are not sufficient to deter such a man, then something other and different and stronger will be used to prevent it.

One other thought. It is not at all unusual in our statutory provisions in the different States throughout the United States to have both fine and imprisonment imposed in the event of a breach of the law without the discretion of the court at all.

Mr. BINGHAM. Mr. President, in view of a provision of the law of the District of Columbia with which I was not familiar regarding jury trial and which has just been brought to my attention, I desire to withdraw the amendment.

The PRESIDING OFFICER. The amendment proposed by the Senator from Connecticut is withdrawn.

Mr. REED of Missouri. Mr. President, I am unwilling that the amendment should be withdrawn. Of course the Senator from Connecticut can withdraw it. If he insists upon doing so, I shall offer it. I do offer it in the manner and form heretofore offered.

I would like to appeal to the judgment of the Senate on this matter. Under the provisions of the bill, as I construe them, as they now stand, driving in excess of 20 miles an hour is to constitute reckless driving.

Mr. BINGHAM. Mr. President, will the Senator from Missouri yield?

Mr. REED of Missouri. I yield.

Mr. BINGHAM. I think before the Senator came into the Chamber subsection (c) was stricken out of the bill.

Mr. REED of Missouri. Was it entirely stricken out?

Mr. BINGHAM. Yes, sir; the entire section was stricken out.

Mr. REED of Missouri. Is there any definition of reckless driving left?

Mr. BINGHAM. There is not.

Mr. REED of Missouri. Then we shall have this situation, which is even worse, that whatsoever rate of speed the man who happens to be the judge or the jury that chances to try the case shall conclude was not reasonable would be reckless. So a man might be driving along the street here at a rate of speed which he might think was reasonable and which one jury might think was reasonable and another jury might think unreasonable. He is brought to trial. In the practical operation of this character of cases, where there are a great many infractions or claimed infractions, it gets down to this, in nearly every case the policeman's word is taken against the word of the driver or the passenger. I think that is nearly a uniform experience.

The policeman comes into court and says that the car was running too fast. There is no rule which is laid down in the law to judge by. The judge fines the woman or the male driver who may have been proceeding with reasonable care. Again the same person is brought up and again there may be a conviction under exactly similar circumstances to the one I have just outlined.

Mr. BALL rose.

Mr. REED of Missouri. Now, just let me conclude.

I will assume there has been some degree of carelessness. Now, if we say to the judge, "You must send this person to jail," or if we say to a jury that a conviction of a second offense means jail, the jury will hesitate a long time before they will convict.

I wish to see a law enacted that will be effective. I am in earnest about that. If, on the other hand, we say to a jury to whom the case is presented, "The judge will fix the penalty," then the judge, if he finds a driver has been really and truly reckless, if he has been speeding through the streets at 40 miles an hour, if he has been disregarding human life and human limb, and has been previously before the judge, the judge will impose the jail penalty, if he is the right kind of a judge; but if he finds there are mitigating circumstances, that there is doubt as to the degree of carelessness, he will levy a fine. We shall get a better result by leaving the discretion to the judge. We must trust somebody. It will not do to say we can trust a director of traffic, and that his judgment will always be right, but that we can not trust a judge of the court to impose a proper penaly. We do trust our judges in all classes of cases; we make no ironclad rule by which they shall be governed.

Even in cases of homicide, except in cases of murder in the first degree, the judge has a discretion and the jury has a discretion; and even in cases of murder in the first degree in some of the States a jury or the judge have a discretion as between the death penalty and life imprisonment. That is not done out of tenderness for the murderer so much as it is done out of a desire to have a law that can be enforced.

Mr. BROOKHART rose.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED of Missouri. I will yield in one moment. Make a law too rigid, make it inflexible, and it will be found that jurors and judges will lean on the side of declaring a defendant innocent because they are unwilling to impose a barbarous penalty. Now, I yield to the Senator from Iowa.

Mr. BROOKHART. In my State it is improper to present to the jury the matter of punishment, either in argument or otherwise, and they will not recognize or consider that question at all. If that is not the rule in the District of Columbia, it could be easily so provided.

Mr. REED of Missouri. But in the State of the Senator from Iowa the judge has a discretion in every case between a maximum and a minimum penalty, unless the State of Iowa has changed its laws since I used to live there.

Mr. BROOKHART. It has changed its laws. The judge has no discretion now, but he imposes the maximum penalty.

Mr. REED of Missouri. The judge imposes the maximum penalty?

Mr. BROOKHART. He imposes the maximum penalty. Then the board of parole has a discretion.

Mr. REED of Missouri. Then in the Senator's State they have the strangest law I have ever known, if it provides that the judge may impose only one penalty and that is the maximum. A maximum penalty implies there is a minimum penalty.

Mr. BROOKHART. The court imposes the maximum penalty. Then the defendant may go to the board of parole.

Mr. REED of Missouri. I do not wish to question the Senator's judgment, but he must be in error, because there can not be a maximum penalty unless there is a minimum penalty. There is a discretion.

Now, Mr. President, I am appealing for a law that can be enforced. Suppose some lady is driving down the street. She may be the wife of one of the Senators or the wife of a Representative, or the wife of a Cabinet officer or the wife of any good citizen, for we are no better than any other class of good citizens.

Mr. BROOKHART rose.

Mr. REED of Missouri. I will yield in just one moment. Suppose this lady shall be arrested and the judge finds that she has violated the law; suppose a little later, without any intention of violating the law at all, she is accused of doing so, and a judge or a jury says, "Yes; you were driving a little too fast; you were driving at a speed of 21 miles an hour instead of 20 miles, or at a speed of 16 miles instead of 15 miles." That woman must go to jail for six months. She has hurt nobody; she has done no damage.

Mr. BALL. The proposed law permits a speed of 30 miles an hour.

Mr. CARAWAY. Mr. President, may I ask the Senator a question?

Mr. REED of Missouri. Mr. President, there are three Senators on their feet, and I can not yield to all of them.

Mr. BROOKHART. I desire to correct the statement I made in regard to maximum sentences under the Iowa law. In that State the idea of the indeterminate sentence is carried out, but the judge gives convicted persons the limit all the time.

Mr. REED of Missouri. He does not have to give them the limit.

Mr. BROOKHART. Yes.

Mr. REED of Missouri. He sentences the offender, we will say, for from 1 year to 10 years.

Mr. BROOKHART. Yes; from 1 year to 10 years.

Mr. REED of Missouri. Exactly. Then there is a board with a discretion to discharge the person so sentenced long before his term expires.

Mr. BROOKHART. But under the law if the board does not interfere the convicted person must serve the maximum term.

Mr. REED of Missouri. Very well; but there is still discretion vested in a tribunal.

Mr. EDGE. Mr. President——

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

Mr. REED of Missouri. I have not much time left, but I will yield to the Senator.

Mr. EDGE. I merely wish to draw attention to the fact that in the case of the lady of which he speaks the Senator's appeal is not for the first offender but for the second offender. We must not lose sight of that fact.

Mr. REED of Missouri. I tried to cover that in my argument. It is very easily understandable that after a person has been fined for an offense, as to the second case there may be grave doubt, and if a judge is compelled to impose a six-months' sentence he may perpetrate a terrible outrage upon some good person. Being confronted with that situation, he would be very greatly tempted to find the person not guilty or to set aside the verdict of the jury. This is not wise legislation, and will not bring good results.

Mr. PITTMAN. Mr. President, I should like to ask the formulators of this bill if passing a crossing against a stop sign would constitute reckless driving?

Mr. BALL. I did not understand the Senator's question.

Mr. PITTMAN. I am trying to ascertain what is the definition of reckless driving. If the definition of reckless driving

could be readily ascertained, I would not be afraid of any good citizen violating it three times.

Mr. BALL. There is no definition of reckless driving in this bill. Personally, I do not believe speed constitutes reckless driving, provided the street is clear and wide, although in a crowded street a speed of 10 miles an hour might be reckless driving. That is for the discretion of those who are called upon to decide the guilt of the individual. It makes very little difference to me in this matter whether we leave the discretion in the court or not, because we have that uncertain factor as to what constitutes reckless driving.

Mr. PITTMAN. How do I know if I am driving down the street what constitutes reckless driving unless there is some definition to guide me?

Mr. BALL. I am satisfied the Senator knows what constitutes reckless driving.

Mr. PITTMAN. I am perfectly confident how I would describe it.

Mr. BALL. Yes.

Mr. PITTMAN. But there are other Senators here who might describe it as driving 5 miles an hour.

Mr. BALL. After the Senator had been arrested and fined once, but not imprisoned, he would know the next time what constituted reckless driving.

Mr. PITTMAN. That is what I am trying to get at, Mr. President. There is a regulation against crossing a street when there is a stop sign up. I inadvertently pass that sign; I am guilty, and am fined $5. That is perfectly right; it is a good lesson to me for having inadvertently passed that sign. Five years later, after long years of watching the sign, I again go by one 10 feet. I am fined $100 for my carelessness.

Mr. BALL. Just one moment.

Mr. PITTMAN. Wait a second; I am not through with the analogy.

Mr. BALL. It is only when——

Mr. PITTMAN. I decline to yield.

The PRESIDING OFFICER. The Senator from Nevada declines to yield.

Mr. PITTMAN. So far, it has been all right. Five years after having made the first mistake, I am fined a hundred dollars, and 10 years after that, when my memory is getting as bad as the memories of some of the Senators in the rear who interrogate me, I am not only fined $100, but put in jail for six months. There is exactly the trouble. The Senator says after I am fined once I will know what the definition is. In other words, the precedent that the court sets in giving the definition to the act is the definition that must be followed. I do not mind the punishment if the offense be described, but I will not vote for any measure which does not give any description of the offense which it is intended to punish.

Mr. BALL. Now will the Senator yield?

Mr. PITTMAN. I yield the floor.

Mr. BALL. I do not want the floor; I only wish to state that a driver's permit is for one year, and if the driver is arrested the fact is entered on that permit. So that the fact of conviction is carried on the permit for that one year only.

Mr. PITTMAN. The bill does not say that.

Mr. REED of Missouri. Oh, no, Mr. President; the Senator from Delaware is mistaken.

The PRESIDING OFFICER. Just a moment, please. The Senate is proceeding under a unanimous-consent agreement, and if the Senator from Nevada is retaining the floor the Chair wishes he would indicate it by standing up.

Mr. PITTMAN. I will hold the floor under the circumstances. I have merely a few words more to say and then I will yield to the Senator from Missouri.

I have no doubt the Senator has in mind the idea that the permit has something to do with this matter; in fact, there are a great many things in his mind that are not in the bill. There is nothing in the bill that says the second offense must be within one year and the third offense must be in one year. It may be noted on the docket or the policeman may keep it in his mind, or the judge may keep it in his mind; but the language of the bill does not say anything about the offense being committed in one year or two years or three years.

Mr. BALL. Mr. President, I will merely reply to the assertion by saying that if the driver of a car is fined $5 that would be entered on the permit as one offense, and, of course, after the year he would have a new permit. When it comes to a prison offense, of course, that is a different proposition.

Mr. REED of Missouri. Mr. President, with the indulgence of the Senator from Nevada——

Mr. PITTMAN. I yield to the Senator.

Mr. REED of Missouri. He has already said what I intended to say. Perhaps I can state it in a little different way. The Senator from Delaware [Mr. BALL] has the idea that these two offenses must occur under one permit, which lasts for a year. Of course, there is nothing of that kind in the bill, and not being in the bill, the law would stand that if a man committed these two offenses, no matter in how many years——

Mr. BALL. Mr. President——

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

Mr. PITTMAN. I yield to both of the Senators.

Mr. BALL. That was in the original bill, but it was stricken out.

Mr. REED of Missouri. But it being now stricken out, we are confronted with this language. What does the Senator say since he has discovered that the limitation of a year is not in the bill?

Mr. BALL. Mr. President, even though the limitation of those minor offenses were in the bill it would not, of course, affect serious prison offenses, because there would be a record in court. I was referring to the $5 fine proposition. The original bill contained such a provision as they have in Maryland to-day, that if for speeding or for any minor offense a motorist is arrested that is noted on his permit, and in the case of a second offense, of course, the fine is that much greater for that reason; but it was not left in this bill at the end. It was stricken out.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. REED]. [Putting the question.] By the sound the "noes" seem to have it.

Mr. REED of Missouri. I ask for a division.

The PRESIDING OFFICER. A division is demanded.

Mr. REED of Missouri. Let the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The PRINCIPAL LEGISLATIVE CLERK. On page 13, line 9, after the figures "$1,000," it is proposed to strike out the word "and" and to insert the word "or"; and on line 11, after the word "year" and the comma, it is proposed to insert the words "or both."

Mr. REED of Missouri. So that it would read how?

The PRINCIPAL LEGISLATIVE CLERK. So that, if amended, it would read:

> Nor more than $1,000, or shall be imprisoned not less than 30 days nor more than one year, or both; and the clerk of the court shall certify—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri.

On a division, the amendment was rejected.

Mr. STANLEY. Mr. President, I send to the desk an amendment to section 9, which I ask to have stated.

The PRESIDING OFFICER. The Senator from Kentucky proposes an amendment, which will be stated.

The PRINCIPAL LEGISLATIVE CLERK. On pages 14 and 15, it is proposed to strike out all of section 9, and to insert in lieu thereof the following:

> SEC. 9. Every operator of a motor vehicle in the District of Columbia, upon knowingly striking any person or vehicle, and before leaving the place of such striking or collision, shall inform the operator of such vehicle of his name, street address, and the number of his operator's permit.
>
> Each operator or person so struck shall, unless physically unable, report such striking or collision to a police station within 24 hours.
>
> Persons convicted of the violation of the provisions of this section shall be subject to a fine not exceeding $500 or imprisonment not exceeding 6 months, or by both such fine and imprisonment: *Provided*, That whenever it appears that such striking or collision is unintentional and the injured party makes no complaint, the provisions of this section shall not apply.
>
> (a) Any operator who, as a result of gross carelessnes or negligence, or of driving at an illegal rate of speed, shall strike any vehicle inflicting injury upon it and shall fail or refuse at once to notify the person operating such vehicle as in this section provided, or shall flee from the place of such accident or collision, shall, upon conviction, be punished by a fine of not exceeding $5,000 or imprisonment for not exceeding one year, or by both such fine and imprisonment.
>
> Any operator who, as a result of gross carelessness or negligence, or of driving at an illegal rate of speed, shall strike and injure any person, and shall fail or refuse at once to notify such person as in this section provided, or shall flee from the place of such accident or collision, shall, upon conviction, be punished by a fine of not less than $100 nor more than $500 and imprisoned for not less than 60 days or more than one year, or by both such fine and imprisonment.

(b) No individual shall, while under the influence of any intoxicating liquor or narcotic drug, operate any motor vehicle in the District of Columbia.

Any individual violating the provisions of paragraph "b" of this section shall, upon conviction for the first offense, be punished by a fine of not less than $100 nor more than $500 or imprisoned not less than 60 days nor more than six months, or by both such fine and imprisonment; 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, or by both such fine and imprisonment. And upon conviction of the violation of either paragraph (a) or (b) of this section the court shall further adjudge the operator's license or permit revoked. The clerk of the court shall certify the final judgment of revocation to the director, who shall duly record the same, and no new permit shall issue until after 12 months from the date the revocation became effective.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. STANLEY].

Mr. BALL. Mr. President, I hope the Senate will not adopt that amendment. There are two provisions in this bill as to which unless we keep them prison offenses the bill will not bring the results hoped for. One is operating an automobile while under the influence of liquor or drugs; the other is striking a machine or an individual and running away. The latter, which is referred to in the substitute offered by the Senator from Kentucky, is to me probably the most offensive of all, because it has caused almost twice as many deaths as even the drunken driver.

The proposition as offered divides the case of the man striking and running away into two penalties—one if a person is injured, the other if a slight injury is done to the automobile—but it is the offense of running away for which we try to fix the penalty in this bill. If the operator kills a person, he is tried by a different court and in a different manner, and sentenced. If he strikes an automobile and does injury to it and nothing further, it is a civil suit; but this is a penalty to stop this striking and running away.

Yesterday there were three of those accidents in Washington. On a street right near my home a motorist struck a man walking along the street, saw that he had knocked him unconscious, and drove on as he saw other people approaching. The man was picked up unconscious and taken to the hospital. Had nobody come along shortly he undoubtedly would have died there on the road.

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

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

Mr. BALL. I do.

Mr. KING. The Senator knows that under the present statute regarding assault and battery, or assault with intent to do bodily harm, or assault with intent to kill, either of those persons committing the assault would be subject to arrest and imprisonment, and perhaps the maximum imprisonment might be 20 years.

Mr. BALL. Mr. President, I want this to be a penalty for running away, not a penalty for the injury either to the machine or to the person. The man who runs away to avoid recognition does not know, he does not stop to see, what damage he has done, whether he has probably committed an act of murder or whether he has demolished a machine or left persons pinned under that machine; but he rushes away to avoid recognition, and that is the offense for which we want to fix a penalty in this bill. It is not a penalty for crime, so far as the results of that accident are concerned, but it is a penalty to prevent his running away before he finds out what damage he has done. All he has to do is to stop and see if he has injured anybody; if he has, to help take care of them, and report it within 24 hours.

Mr. SMOOT. Mr. President, I want to ask the Senator from Delaware a question. I want to learn from the Senator just what he would consider striking an automobile. If the Senator had his car parked in a lawful position and he came out of the theater, perhaps, or any other place, the office of an individual, say, and got into his car, and in order to get out had to back his car, and in backing it so that he could get out he struck the automobile back of his car, does the amendment affect a case like that?

Mr. BALL. It certainly does not.

Mr. SMOOT. Will the Senator explain why?

Mr. BALL. This is where the person tries to escape recognition without stopping to see what damage he has done.

Mr. SMOOT. I never drive an automobile, so this would not apply to me; but if I did I would not want to be haled into court, nor would I want, if I had not done any damage, to allow a judge to decide the question.

Mr. ASHURST. Mr. President, will the Senator from Delaware allow me to answer this question?

Mr. SMOOT. I want the Senator from Delaware to answer it.

Mr. BALL. I should like to answer it.

Mr. ASHURST. I should like to answer that question, Mr. President.

Mr. BALL. If you, in backing your car, damage the man next to you even very slightly I think it is proper that you should report to that man that you did it.

Mr. SMOOT. But perhaps I would not damage the car at all. There is not anything in the bill to prevent a man from being compelled to make a report even if he committed no damage.

Mr. BALL. If you construe it in that far-fetched way, of course, if you tried to pass another machine on the road and grazed it slightly, not injuring the machine in any way or injuring any person, it might be said that you were running away.

Mr. SMOOT. I want at least to have the RECORD show that in a case of that kind the driver would not be compelled to stop there until he could see the owner of the other automobile, and make a report within 24 hours.

Mr. ASHURST. Mr. President——

Mr. SMOOT. I will ask the Senator from Arkansas if that is his idea?

Mr. CARAWAY. I do not think so. I do not think that was meant to be included in it; but may I just make one suggestion to the Senator?

Mr. ASHURST. I should like to answer the Senator from Utah.

Mr. SMOOT. I have asked the Senator from Arkansas a question.

Mr. ASHURST. The Senator will get the answer in a minute.

Mr. CARAWAY. I will just say this to the Senator from Utah: If you permit a man who commits a trespass to be his own judge of whether the accident is of such importance that he ought to report it, it would introduce into our practice a very novel idea—that the man who does the wrong shall be himself the judge of whether he shall be punished for it.

Mr. SMOOT. I recognize that, Mr. President.

Mr. CARAWAY. And may I just say this to the Senator: This thing of requiring people to report both to the man injured and to the police might become wonderfully helpful in determining the kind of a driver a man is. If he is always reporting that he had this little accident and that little accident, they might very readily decide that he was not a safe driver.

Mr. SMOOT. Does the Senator contend that if the bill should pass in the form in which it is now, and a Senator should back his car into another, it would be his duty to wait at the place until the owner of the other car arrived on the scene?

Mr. CARAWAY. I would not say that if there were nobody there who had anything to do with the other car he would have to wait there for hours until somebody came. I hardly think that is within the purview of the bill. I take it for granted that any judge would understand that it is the things which endanger life or wreck property we are trying to prevent. I do not think a case where one might touch somebody else's car would be the kind of an offense a man would be expected to report.

Mr. SMOOT. I do not think the judge would hold him guilty, but the question is, if a man wants to avoid breaking the law, is it his duty to make that report?

Mr. CARAWAY. It is now, under the regulations at present in force.

Mr. SMOOT. Even if one backs his car against another car?

Mr. CARAWAY. Oh, yes; if he wrecks somebody else's car——

Mr. SMOOT. I do not mean that; I do not mean where he absolutely wrecks a car.

Mr. CARAWAY. If a man damages somebody's property, it is his duty to report it. That is the present regulation.

Mr. SMOOT. But suppose the property is not damaged?

Mr. WALSH of Massachusetts. I hope the reporter is getting this very informal colloquy.

Mr. SMOOT. I have no doubt the reporter has taken it down all right.

Mr. ASHURST rose.

Mr. SMOOT. If the Senator from Arizona wants to speak in his own time or to answer my question, I have no objection.

The PRESIDING OFFICER. The Senator from Utah can not yield time to the Senator from Arizona.

Mr. SMOOT. I am not yielding time. I said that if the Senator wanted to answer my question, I had no objection. If he wants to take the floor in his own time, he may do so.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. ASHURST. My friend the Senator from Utah very properly asked a question about a man who is emerging from the theater and whose limousine unfortunately backs up against somebody else's car. The Senator manifests some concern about that situation. The Senator from Delaware is not so much concerned about facilitating men in getting into their limousines after the theater as he is concerned with protecting the lives of working girls who, with their dinner buckets in their hands, are going home about 5 o'clock after a hard day's work. That is the difference. The Senator from Utah is very much concerned about those who can not get home from the theater. The Senator from Delaware wants to help the common people.

Mr. SMOOT. Mr. President, if the Senator will yield——

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

Mr. ASHURST. Certainly.

Mr. SMOOT. I ask the Senator——

The PRESIDING OFFICER. If the Senator from Arizona yields the floor——

Mr. ASHURST. I yield to the Senator from Utah, of course.

The PRESIDING OFFICER. The Chair wants to get this straightened out, so that the Senate will understand it. We are acting under a unanimous-consent agreement. The Senator from Utah has already spoken once. The Senator from Arizona can not yield the floor to the Senator from Utah.

Mr. ASHURST. Then I yield him some time.

The PRESIDING OFFICER. The Senator can not yield his time. The Senator may carry on a colloquy with the Senator from Utah.

Mr. ASHURST. I will do that.

Mr. SMOOT. I wanted to say to the Senator from Arizona that the Senator from Utah has no interest whatever about going to a theater, and I did not have that in mind at all, but I did feel that if my son or my chauffeur were driving my car, and it backed into another car, I being a law-abiding citizen, would want to know whether it was my duty to stop there, because we had struck the other car, until the owner came, and whether we should report that matter to the officials within 24 hours.

Mr. BALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Delaware?

Mr. ASHURST. No; not for the moment. I know what the Senator from Utah would do. He is a gentleman. Upon his brow is written modesty and honesty. But we are not dealing to-night, in considering this bill, with a man of that kind. We are trying to deal with men who are reckless in their disregard of human life. A gentleman who has the instincts of a man will always stop and ascertain what damage he has done. The Senator from Utah would never be arrested under such a statute, because he would stop and offer assistance and help and aid all he could. But I repeat, the speed-bug maniac goes on in reckless disregard of human life.

Whilst I may have appeared to-night to have some heat, it is not that I have any interest in the matter. No Senator is going to be arrested. No member of a Senator's family will be arrested, or convicted if he is arrested, because those subtle and potent influences which control this District will see that he and each member of his family goes free, of course. But we want to try, at least, to put the fear of God, as the Senator from New Jersey said, into the hearts of those who have no regard for public propriety and no regard for the lives of their fellow citizens. I am quite sure that Senators have forgotten their arithmetic. Thirty-seven persons every day are instantly killed by reckless driving. I am not counting, now, those who are injured and die within a few hours. Every day in the United States 37 persons are instantly killed, and the experts say that 35 out of the 37 deaths are unnecessary. Yet the Senate of the United States whittles away on a bill which the Senator from Delaware is trying to have passed so that we might remedy a situation here in the Nation's Capital.

I have no heat. I had a colloquy with my learned friend from Missouri [Mr. REED]. He can take care of himself in any colloquy where the English language is spoken. Nothing I said must be deemed as a reflection on him. I only regretted that lawyers of his outstanding capacity, who have won a national reputation in the law courts, and honestly won it, employ technicalities in an attempt to weaken a bill of this kind rather than employ their majesty of intellect in promoting it.

Mr. STANLEY. Mr. President, the amendment proposed to section 9 does not weaken the section. I do not interpret the language of the Senator from Arizona as indicating that, but I call the attention of the Senate to the fact that the amendment to section 9 imposes infinitely more severe punishment upon those who commit a serious offense than does this section. For instance, section 9 as now drawn imposes a fine of a thousand dollars or imprisonment of a year upon the reckless driver who injures the person or the vehicle of another. This amendment imposes a fine of $5,000 and imprisonment for not exceeding a year for the same offense. The only difference between the amendment offered by the Senator from Kentucky and the section in the bill at present is that the amendment of the Senator from Kentucky separates the trivial offense from the serious offense and imposes a heavy penalty upon the man who recklessly drives his car or who while drunk drives his car or who driving at an excessive rate of speed strikes another. That man suffers the severest penalty.

But if one inadvertently bumps into the car of his neighbor, if there is no injury inflicted, if it is a casual collision, then he would simply be required, under the penalty of a small fine or a slight imprisonment, to instantly stop and advise his neighbor, or to advise the person he has struck, of his name, his residence, and his license number, and it compels the person who is struck in that way, however slightly, to report to a police officer the fact of the collision. In the case of a slight injury it does not require that the person guilty of the offense shall report the details of the offense, and I say to the Senator from Arizona, and I wish to call to the attention of the lawyers of the Senate, that the elision of the man striking from this obligation is not done out of tenderness for the person who strikes, but in order that the bill may be of some value and may stand the test of the courts.

I will say to the Senator from Arizona that, under the bill as drawn, whenever one car strikes another, no matter how, negligently or otherwise, whether injury is inflicted or not, the person who collides with another must wait until the owner appears, give him his name, and so forth, which is all right, and then he must report the details of the accident to a police officer.

The Senator from Arizona is a good lawyer. I remember his able argument on the question of search and seizure and his learned review of the Anglo-Saxon decisions. There is not a man more deeply grounded in the fundamental principles of the English common law than the Senator from Arizona, and I do not believe that he will say to me that in the teeth of the fifth amendment anybody can be required to report to a police officer the details of a transaction that is punishable by fine and imprisonment. Whenever a man is arrested in any English-speaking country the officer arresting must instantly advise the prisoner that what he says may be used against him, which is another way of saying that you can not compel him to give such evidence. The same precaution is taken in any grand jury room, or it acts as an immunity. This would act as an immunity.

Mr. President, I have given this question some care. I have examined the decisions in the various States. The State of New York and the State of California drastically punish the man who strikes and runs away, but neither of those States has ever stood for a provision requiring the person charged with the offense to give the details to a police officer.

This question has been decided time and again in the courts. In the case recently decided of People *v.* Rosenheimer (209 N. Y.) the court simply declared a rule that is well known, a principle so simple and elementary that I hesitate to argue it to the Senate. Said the court in that case:

> The statute does not require the operator of the motor vehicle to state the circumstances tending to show his responsibility, but merely to stop and identify himself. Undoubtedly it does not require him to make known a fact that will be a link in the chain of evidence and convict him of a crime, if in fact he has been guilty of it. Whether the compulsory furnishing of such a link is a constitutional violation may well be questioned.

There is no doubt but what such a provision would utterly invalidate this law. There is not a State in the Union that requires it, and wherever there has been anything that winks at such a thing, the courts have held that it is in violation not only of the principles of the common law but of the plain letter of the fifth amendment of the Constitution of the United States.

I will say to the Senator from Utah that under this amendment wherever there is a collision between two cars there is no question of negligence, there is no question of speeding, no

question of violating the laws or the rights of anybody. If it is purely an accident, it requires the party who causes the collision to stop and instantly advise the person he has struck of his name, his residence, and his number, and unless he and the person struck agree, it is the duty of the person who suffers the injury, if he feels that anybody is at all to blame, instantly to report the occurrence. The other man can not be made to instantly report the circumstances, because that would be violating his constitutional rights.

Suppose one is guilty of fast driving. Suppose he is guilty of negligence and recklessness and inflicts injury. If he inflicts an injury upon a car, he is punishable by a fine of $5,000, or a year's imprisonment. If he inflicts an injury upon a person, he is punishable by both fine and imprisonment not to exceed a year and not to exceed $1,000. Could anything be more severe than that?

Mr. ASHURST. Mr. President, will the Senator yield at that point?

Mr. STANLEY. Certainly.

Mr. ASHURST. Turning to page 14 of the bill, would not all the Senator seeks to accomplish be accomplished by striking out in line 10, commencing with the word "each," the remainder of the paragraph? Would not that accomplish what the Senator seeks?

Mr. STANLEY. No; the vice of the bill is that it has the same penalty for these petty offenses that it has for drunkenness and for reckless driving.

Mr. ASHURST. I want to argue that a moment, with the Senator's permission.

Mr. STANLEY. Reckless driving is covered in another section, however.

Mr. ASHURST. Should there not be a very severe penalty? Assuming, for the sake of the argument, that we are constitutionally able to require a man to do this, should there not be an extremely heavy penalty upon a person who, having manifestly injured some one, accidentally or otherwise, would refuse to give his name, the number of the case, and the street address?

Mr. STANLEY. Certainly, and the bill so provides. It provides for any injury whatever to either car or person. If he strikes and inflicts a severe injury upon a car, whether it is accidentally done or not, under the amendment he is bound to make a report, and he is punishable by a fine of $5,000 or a year's imprisonment if he does not. It is much more severe in the amendment than is provided in the bill as a penalty for things that are really more offensive.

Mr. CURTIS. Mr. President, I wish to ask the Senator from Kentucky a question. His amendment provides in line 15, page 2, that the party inflicting the injury shall be punished by a fine not exceeding $5,000 or imprisonment not exceeding one year. Of course a man might get off with a $5 fine or even a $100 fine. Does not the Senator think it would be better to say he should be fined not less than $1,000 or more than $5,000?

Mr. STANLEY. I have no objection to putting it at not less than $100 or $200.

Mr. CURTIS. I really think that would be better.

Mr. STANLEY. I really doubt the propriety of not leaving these matters to the discretion of the court. It has a provision for both fine and imprisonment where a person is injured.

Mr. CURTIS. It is discretionary.

Mr. STANLEY. Wherever a person is injured it provides both fine and imprisonment. I have redrawn the amendment that has been offered. The amendment as I have actually offered it provides for both fine and imprisonment where a person is injured. That is not in the printed amendment that the Senator from Kansas has.

Mr. CURTIS. No; evidently I have not the amendment as the Senator has offered it.

Mr. STANLEY. I wish to call the attention of the Senate to another matter, and then I am through. The bill provides that wherever a conviction is had the decree of the court shall automatically act as a forfeiture of the license. The license is forfeited by the court who hears the case, and if he finds the man guilty his license is forfeited at the same time that the decree is entered and no new license can issue for one year. That stops this reckless driving. The amendment in a word saves the constitutionality of the measure. It adjusts the punishment to the degree of the offense, and it provides much more severe penalties for running away or for serious injury than are provided in the original bill itself.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. STANLEY].

Mr. BALL. Mr. President, I hope the Senate will not accept the amendment.

On a division Mr. STANLEY's amendment was rejected.

Mr. McKELLAR. Mr. President, I am going to offer an amendment and I am going to take just a moment to tell the purpose of it. If Senators will look at section 9 they will see that it provides that where a car has struck another car or has struck an individual and the operator runs away without giving the details of the accident, then the judge has no discretion, but must fine and must imprison the person who leaves without giving the details of the accident. Senators, suppose that the cars of the two Senators are down here on Delaware Avenue and one Senator in moving away in his car strikes the car of the other Senator but does not injure it. Suppose that the other Senator is in disagreement with the first Senator or for some other reason desires to prosecute him and does prosecute him under the provisions of this bill. The judge has no discretion. If that Senator goes away under the circumstances, the offense committed is that he struck another man's car and left without reporting the details of the accident.

Of course, Senators, to leave no discretion in the judge in such a case is all wrong. It is putting an injury to property on the same plane as we have put an injury to a person. Manifestly if a man runs over or injures in the slightest degree a person, the penalty ought to be applied. I think there is a very great difference between an injury where one runs over a person and an injury where one strikes a car. Therefore, in the amendment that has been prepared by another Senator and myself, and which I am going to offer in a moment, we leave the definition of the offense substantially as it is and simply apply a different remedy. In other words, where a car strikes an individual, then there is both fine and imprisonment. Where a car strikes another car the judge is given discretion as to whether there shall be fine or imprisonment, or both. That is so reasonable, it seems to me, and so fair and so just that I have offered an amendment to that effect.

Mr. BALL and Mr. TRAMMELL addressed the Chair.

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

Mr. McKELLAR. I will yield first to the chairman of the committee, the Senator from Delaware.

Mr. BALL. I think if the Senator from Tennessee will read section 9 as submitted in the bill he will find that the tenor of the section is that if there is a collision by a machine in operation the driver of that machine must report to the driver of the other machine, which implies, of course, that the other machine is manned.

Mr. McKELLAR. In order that we may have it right, I will read the language. I believe I understand the meaning of language, and here it is:

No person while operating 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 or to bystanders. Each such operator shall in addition, unless physically unable, cause the accident to be reported to a police station within 24 hours after the occurrence of the collision or injury.

The penalty is fine and imprisonment if a car strikes another car. The judge is deprived of any discretion in the matter. He must not only fine, but he must imprison. I say that is wholly unwarranted and unfair. The judges are not going to do it. They are not going to obey the law themselves, so why should we put an impossible provision like that in the law?

Following those words I have submitted an amendment which I believe clarifies the provision. I have divided the punishment in the natural and orderly way in which it should be divided, fixing a different punishment for the man who goes away after injuring a person than is fixed for the man who goes away after injuring merely a vehicle. This is the punishment provided and Senators will see for themselves that it is strong enough.

Any operator whose vehicle strikes or causes personal injury to an individual and who fails to conform to the requirements of this paragraph shall, upon conviction of the first offense be fined not less than $100, nor more than $500, and shall be imprisoned for a term not less than 60 days and not more than six months; and upon the conviction of a second or subsequent offense shall be fined not less than $500 nor more than $1,000, and shall be imprisoned for a term of not less than six months nor more than one year.

That is the second offense. That is so far as the individual is concerned who is struck. But when merely a car is struck this is the punishment.

And any operator whose vehicle strikes or causes damage to any other vehicle and who fails to conform to the requirements of this paragraph shall upon conviction of the first offense be fined not less than $100 nor more than $500 or imprisoned not less than 60 days nor more than six months; and for the second or any other subsequent offense be fined not less than $200 nor more than $1,000 and imprisoned for not less than six months nor more than one year.

That is reasonable. It is certainly punishment enough. It is a reasonable division and a reasonable discrimination between the rights of a person and the rights of property. Are we going to put an injury to an automobile on the same plane with an injury to a human being? I think it is unfair and unjust. I think the amendment will strengthen the Senator's bill. I think it will make it good legislation, and I hope it will be adopted.

I have no special interest in the world in this matter. I am very much in favor of the bill. I think we ought to take every precaution to save human life in the District, and I am very anxious to have the bill passed; but let us pass a bill with some reason in it. This bill is not a reasonable proposition. The discrimination is not made that ought to be made, and I have simply proposed it as it ought to read.

Mr. BINGHAM. Mr. President——

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

Mr. BINGHAM. I desire to ask the Senator from Tennessee how his amendment affects the punishment for a violation of section (b) on page 14, namely, the punishment in regard to operating a motor vehicle while under the influence of intoxicating liquor?

Mr. McKELLAR. That definition is left exactly as it is in the bill, and I will read it. I am glad the Senator called my attention to it. It reads as follows:

(b) No individual shall while under the influence of any intoxicating liquor or narcotic drug operate any motor vehicle in the District.

That is the wording of the bill, and that is the way the amendment ought to read if it is adopted. Then the punishment provided is as follows:

Any person convicted of any breach of this paragraph shall be fined not less than $500 nor more than $1,000 and shall be imprisoned for not less than six months nor more than one year.

It is the same penalty that is provided for in the bill. I have simply separated them and tried to make a logical, reasonable, common-sense division of the punishment in the way it should be included in such a measure.

Mr. TRAMMELL and Mr. BALL addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. TRAMMELL. Mr. President, I heartily agree with the views of the Senator from Tennessee [Mr. McKELLAR] with regard to modifying the particular feature or section of the bill in question. I think there is no reason why any Senator should accuse another Senator of not beng fully in sympathy and accord with the idea of punishing most severely reckless disregard of human life because he wants to try to modify this proposed law and make it reasonable. So far as I am concerned I am sure that I believe we should have for the District of Columbia stringent traffic regulations and that we should have an effective enforcement of those traffic regulations. As a matter of fact it is largely a question of enforcement, even under the present regulations governing traffic in the District of Columbia.

If, however, we are going to attempt to prescribe new regulations, we should protect human life, we should protect the innocent against the reckless, and we should also protect human liberty and the freedom of the American citizen to enjoy his rights as a citizen. If we shall hedge this proposed law about with such unreasonable minimum penalties we are liable to jeopardize the liberty and the freedom of the citizen by doing so.

Referring to the provision which has been discussed by the Senator from Tennessee, I know of a very glaring instance in this city involving a minor collision between two cars. No one was hurt; one of the parties, according to the testimony as I had it from two or more witnesses, drove some 40 or 50 feet beyond the scene of the collision, stopped at the curb, and thought the other party had gone away from the scene of the accident. The parties were en route to their work, with a very limited amount of time to reach the office at a certain hour.

Thinking the other person had not stopped, the person who had at first stopped then continued. The other person stopped down the street, so he claimed, probably 75 or 100 feet behind an obstructive building. There had been no damage of any consequence done. The person who had actually struck the rear fender of the other called up over the phone later and said, "You have got to pay for the repair of my car." He was given the reply, "Why, you ran into my car; I did not run into your car." And then he said, "Well, that is all right, but you remember this was a 'hit-and-run' proposition." It was explained that no one had run away, but regardless he demanded pay for the repairs of his car, which he claimed would amount to seventy-odd dollars.

If we should have upon the statute books such a law as is now proposed, with such arbitrary penalty, under which the court could impose a penalty of $100 and imprisonment for 60 days, we might compel a law-abiding person to go ahead and pay for the repairs of a car whether he was at fault or not. Yet some Senators favor putting that kind of a weapon into the hands of an unscrupulous person who would exact damages from an innocent person; and it is done. In the case to which I made reference the person to whom I referred said, "You hit my car; I did not run away; I pulled up to the curb and thought you had disappeared. I did not run into your car; you ran into my car," and I think all the facts would sustain his position, and yet the party on the other side reports the matter to the court, and the person against whom the charge is laid is notified to appear at the corporation counsel's office the next morning, where matters are supposed to be arbitrated. The parties go to the corporation counsel's office. I am now stating a case which actually took place under the present regulations. The person whose car had been run into did not take with him any witnesses; he thought the matter could be arbitrated.

There had been no intimation that the case would go to the police court, yet a warrant was issued. In a few moments he was railroaded into the police court and tried. He asked for a continuance and time to get an attorney and have his witnesses, but was denied by the judge. Under conditions of that character where would that young man have been with such a law as this on the statute books, with a penalty of $100 and a jail sentence of 60 days against him as a minimum?

That is a case which took place here. Do not let us so frame the law that such abuses may be continued and the rights of persons may be even further abused and jeopardized by a harsh, unfair, and unjust judge. We can protect the people against reckless driving and against the heartless and the speed maniac without at the same time taking away the liberties and the rights of the American citizen. Why not handle the entire subject in a fair and just way?

If the Senate can not write a law of that kind, one that covers both sides of the case and does justice by all, and yet provides proper traffic regulations and safeguards the citizen against an infringement of his rights, I think it is rather a reflection upon this body. If we can not write a law of that character that takes care of both situations, it is a signal confession of incompetency on our part.

In the case which I have cited the defendant was carried before the court and tried within but very few moments after information was filed against him. It was an outrageous proceeding. The judge refused to allow the accused to have his case continued so that he could obtain his witnesses, and he fined him $40, but gave him the option to pay for the repairs of the car of the man who actually was guilty of the colliding.

If we shall put a weapon into the hands of some unscrupulous person, who has no regard for other people's rights, he will take the advantage of the situation in many instances to exact damages he is not entitled to. The law-abiding would not resort to such tactics, but some would be found saying: "You know if you do not come across, I shall go down to the court, and you will have a fine of $100 imposed upon you and you are in addition going to get 60 days' imprisonment."

The average citizen does not like to get into court; he does not care to be dragged down to a police court where there is the slum of the earth and often such hard-boiled justice.

In the case I have cited the defendant did not care to take an appeal, so he had to have that injustice heaped upon him and to pay the scoundrel who demanded payment for the repairs to his car when the evidence unquestionably proved that the one who received the payment for the repairs was more at fault than the individual who had to pay for the damage alleged.

Mr. REED of Missouri. Mr. President——

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

Mr. TRAMMELL. I yield.

Mr. REED of Missouri. Do I understand the Senator to say that the judge gave the defendant the option to pay a fine or pay for the damage to the car?

Mr. TRAMMELL. To pay for the repairs. Of course, he had no right to do that, but he did it, and the case was adjusted accordingly.

Mr. REED of Missouri. He had no legal right to do that.

Mr. TRAMMELL. He had no legal right to do it, but he did it.

Mr. REED of Missouri. And the Senator says that the man was brought to trial in 15 minutes?

Mr. TRAMMELL. I say within a few moments.

Mr. REED of Missouri. If the Senator will pardon me, that illustrates another vice of this bill. We are conferring upon a police court the jurisdiction to impose a fine as high as $1,000 and penalties as high as six months in jail. I question whether there is a police court in the world that has a jurisdiction of that kind. The Senator has illustrated in one case how such laws are administered.

Mr. TRAMMELL. Mr. President, my idea is that we have to place some discretion in the court, and we ought to discriminate between minor and serious offenses and in the grade of the penalty which shall be imposed. There is no use for Senators to sit here as though they did not know that in the District and throughout the country there are at least some officers who hound people with the traffic regulations and accuse them of offenses of which they are not guilty. For instance, they charge drivers sometimes with running 25 or 30 miles an hour when they are only running 18 or 20 miles an hour. Yet there are some who would impose a minimum penalty so high as to rob citizens of their liberty and their freedom for merely minor offenses.

I think that there should be a reasonable discretion left in the court. That is the only way such matters can be handled with fairness in all cases. Then, of course, if there be sitting on the trial bench an honest, upright, fair, decent judge, he will take into consideration the circumstances, while, on the other hand, if he is one of the hard-boiled, heartless, mean, tyrannical so-called judges who will employ any method to assist some man who is trying to rob another person under the guise of an accident, he will go ahead and probably work great injustice. At any rate, however, that is a matter of enforcement, but do not let us provide that when a person gets into this kind of a situation where he gets injustice instead of justice he is bound to receive a sentence of $100 fine and at least 60 days' imprisonment.

I had a policeman—but not in the District of Columbia—accuse me of running 36 miles an hour, perhaps where the speed limit was 15 or 20 miles, although I did not know I was within the city limits. I answered him by saying, "I will tell you, my friend, if I said I was only running 15 miles an hour I would be telling as big a lie as you are telling when you say I was running at 36 miles an hour." Let us enact a law that, while imposing severe penalties and punishment upon the reckless and major offenses, will not enable some heartless, unscrupulous police officer or police-court judge to inflict an injustice upon an innocent person who intended to do no wrong. That is my idea of dealing with the traffic situation.

Mr. CURTIS. Mr. President, I wish to know if the Senator from Tennessee will yield for just a moment?

Mr. McKELLAR. Yes; I yield.

Mr. CURTIS. In connection with the matter which has just been discussed by the Senator from Florida, on page 15, I find this provision:

> And any operator whose vehicle strikes or causes damage to any other vehicle and who fails to conform to the requirements of this paragraph shall upon conviction of the first offense be fined not less than $100 nor more than $500 or imprisoned not less than 60 days nor more than six months.

I wonder if the Senator does not think that the penalty in that case is a little too severe? I suggest, therefore, in line 20, to strike out "$100" and insert "$10," and in line 21, to strike out "60 days" and insert "10 days."

Mr. ROBINSON. Where is the provision in the bill to which the Senator refers?

Mr. CURTIS. On page 15, lines 20 and 21.

Mr. McKELLAR. It is in the amendment on that page. Mr. President, I will be glad to explain to the Senator just how this amendment was prepared. It was prepared in an endeavor to compromise the differences. I agree with the Senator from Kansas entirely that where a car strikes another the penalty proposed is entirely too severe. So, if I may, I ask unanimous consent to perfect my amendment by striking out in line 20 the figures "$100" and inserting "$10"; in line 21, to strike out "60 days" and inserting "10 days"; and in line 23, after the figures "$1,000," to strike out the word "and" and to insert the word "or."

Mr. CURTIS. I think that will improve the provision.

The PRESIDING OFFICER. The Senator from Tennessee modifies his amendment as suggested by him.

Mr. COPELAND. Mr. President, frankly, I feel that some of the Senators have missed the point that the committee had in mind. There was no thought on the part of the committee to measure the damage, or to fix a difference between damage to human beings and damage to property. We assumed that the law that now exists would take care of that side of this question.

Mr. McKELLAR. Mr. President——

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

Mr. COPELAND. I do.

Mr. McKELLAR. That is just exactly what I desired to call out by this amendment—that the committee did not consider the punishment for the offense. For running away there is a difference in punishment between the offense of striking a car and striking a person.

Mr. COPELAND. That is where I disagree with my friend from Tennessee. I do not care what punishment you fix; but we are not determining in this traffic law what the punishment is for the operator who has killed a man, or who has taken off his leg, or who has smashed a radiator, or completely demolished a car.

Mr. McKELLAR. Of course not.

Mr. COPELAND. What we are trying to do is to make it clear to everybody who operates a car in the District of Columbia that he must do it in a decent way, and that if he does strike somebody or something, he must stop and make clear to the police that an accident has happened.

That is what we are trying to do. It is not to fix the measure of damages, but it is to stop this dreadful thing that has happened, as the Senator from Delaware has said, three times in the last 24 hours, where damage has been done and the operator of the car has hastened away. That is what we want to stop. We want to make it clear to everybody operating a car in this District that he can not operate it in that reckless manner.

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

Mr. COPELAND. I yield.

Mr. BALL. Just to make clear the position of the committee, in certain States there is a jail penalty for carrying a concealed deadly weapon. The penalty is for carrying that deadly weapon. If the man shoots into a crowd and creates a disturbance, then the penalty is for that disturbance. If he shoots a man, he is tried for murder. In this case, the penalty is for running away, to stop that reckless practice. If the motorist destroys a machine, then he answers in court in a civil suit for that. If he kills an individual, that is a different proposition. Therefore I can not see how you can divide that responsibility and prescribe one penalty for running away from a certain kind of injury and another penalty for running away from another kind of injury, because the man who causes the injury does not know when he leaves that car what damage is done. If he has upset the car and caused it probably to skid over a bank, he does not know whether the occupants are pinned under that car or not. He does not know the condition in which they are left. It is to stop that practice, which has caused 90 per cent of the fatal accidents in the District of Columbia, that this is designed. It has caused many times more fatal accidents than the drunken driver.

Mr. REED of Missouri. Does the Senator say that the running away has caused 90 per cent of the accidents?

Mr. BALL. They have the accidents, and run away instead of stopping and finding out what injury has been done. I just wanted to draw that distinction; that is all. This penalty is for running away, the same as the penalty for carrying a concealed deadly weapon. They are parallel cases, to my mind.

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

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. COPELAND. I yield.

Mr. TRAMMELL. I do not think any of us disagree with the Senator from Delaware that the running away should be punished; but we say that a minor offense should not be punished as a reckless, vicious, major offense should be punished. That is where we differ. In other words, you should have some grade in your offense. If a person goes against the fender of somebody else's car, and he happens to report it to the court, do you think that person ought to be sentenced to $100 fine and 30 days in jail? How would the Senator like to have such a sentence meted out to him in a case of that character?

Mr. BALL. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Delaware?

Mr. COPELAND. I do.

Mr. BALL. If I had an accident and ran away from that accident, I should expect to go to jail, and I should deserve to go to jail.

Mr. TRAMMELL. I am speaking of a case of that character. The Senator puts a case of that character in this bill under the same conditions and circumstances as the case of a man driving down the road at the rate of 30 or 40 miles an hour and colliding with some other car.

Mr. REED of Missouri. Or killing a man.

Mr. TRAMMELL. We are all in favor of punishing him if he goes away, but we say we ought to have some degree or grade of the offense. That is the position I take.

Mr. COPELAND. Mr. President, I know that since the Senator from Florida has not grasped the idea we have in mind it is because we have not made it clear. We had no thought whatever of attempting to measure the degree of damages. We want to make it a misdemeanor in this community to run away from the scene of an accident; it does not make any difference what the accident is. When the drivers of this community know that they are going to have trouble and may go to jail if they run away from an accident, they are going to stay on the job.

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

Mr. COPELAND. I yield.

Mr. KING. The Senator, of course, must be aware of the fact that it is already a misdemeanor in the District to do what the Senator is describing. For instance, subdivision (i) of one of the regulations provides that in case of any collision or any accident of the character we have been describing it shall be the duty of either of the parties to stop, and to render assistance, and to give the license number, and so forth.

Mr. COPELAND. If the Senator will pardon me, that is merely a regulation.

Mr. KING. No; it is more than a regulation; it is a crime. It is provided that any person violating any of the provisions of this paragraph shall be punished by a fine of not more than $500.

Mr. COPELAND. That is what the commissioners regulate.

Mr. KING. It is an offense. It is a misdemeanor. Any man who runs away from a little accident or from a big accident is liable now to a fine of $500 in a court.

Mr. COPELAND. Then the Senator from Utah can have no objection to writing it into this traffic law.

Mr. KING. I am expressing no opinion one way or the other. I am merely challenging the statement which the Senator impliedly made, that there is no punishment now, when, as a matter of fact, there is.

Mr. COPELAND. On the contrary, Mr. President, I have time and time again said that I have no doubt the present laws would estimate and measure the damages and inflict punishment accordingly. We are trying to write a code which will cover the whole problem of traffic control. That is what we have in mind, and not to measure the damages, whether to property or to person.

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

Mr. COPELAND. I yield.

Mr. SIMMONS. I simply want to interrupt the Senator from New York a moment. I fully realize the truth of what the Senator from New York has said. It is clear that this part of the bill simply proposes to deal with the offense of running away without giving the proper information with reference to the identity of the operator and that of his car. I have no complaint of that. I do not see the exact force of the distinction made by the Senator from Tennessee. The injury done to the car is another matter. That can be dealt with in another forum. The injury done to the person is another matter. That can be dealt with in another forum.

The PRESIDING OFFICER. Has the Senator from New York yielded the floor?

Mr. COPELAND. I yield the floor to the Senator from North Carolina.

Mr. SIMMONS. If a murder results, of course, the operator can be indicted and punished for that. If serious damage to the car results, the owner can be sued and he can recover his damage. That has nothing to do with it. The thing you are driving at here is to punish the operator for leaving the scene of the accident without giving sufficient notice to enable it to be known who is responsible for the accident in case there is any disregard of law.

It is not that part of the section that troubles me at all. It is the part of the section which makes it an offense to leave without giving the name of the operator and the number of the car, and so on, in case a motor vehicle has struck any individual or any vehicle. The mere striking, Mr. President, the mere collision, the mere contact, ought not, in my mind, to entail upon the operator of the car this inconvenience. I think it ought to go a little further. If the Senator in charge of the bill would add after "any vehicle" the words "thereby inflicting injury to such individual or vehicle," so far as I am concerned, the trouble about that part of the section would be obviated.

Mr. BINGHAM. How about saying "serious injury"?

Mr. SIMMONS. I think if there is injury it ought to apply.

In addition to that, Mr. President, I have no complaint to make of the provision imposing a penalty, except that it does not allow what I regard as proper discretion in the court trying the case.

If that were changed so as to provide for the first offense a fine of not more than $500 or imprisonment for not more than six months, so as to allow the court discretion within those limits, or to impose such penalty as he thinks is proper under the circumstances, I should have no objection to that; but I do think that the punishment in the form in which it is now provided is entirely too rigid. It lacks the elasticity that is necessary to enable the court to exercise a discretion based upon the circumstances and conditions under which the act occurs.

With those changes, I should be perfectly satisfied with the bill.

Mr. CURTIS. Mr. President, it is perfectly apparent that the traffic bill can not be passed before 11 o'clock; and I ask unanimous consent that the bill be laid aside, so that the Senator from Delaware may proceed with some of the other bills that we may pass before 11 o'clock.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Chair lays before the Senate the second bill on the calendar.

Mr. BALL. Is it necessary to take them up in order?

The PRESIDING OFFICER. The Chair so understood the unanimous-consent agreement.

CLOSING OF PART OF THIRTY-FOURTH PLACE

Mr. BALL. I do not think we would have time to take up the next bill to-night. I ask unanimous consent to take up Senate bill 2264, Order of Business 1066.

Mr. REED of Missouri. Before the consent is given, let me ask what the bill is about?

Mr. KING. What is the bill?

Mr. BALL. It provides for the closing of part of Thirty-fourth Place NW. In December, 1924, it was desired to widen Woodley Road, and in exchange a certain strip of land was dedicated.

Mr. McKELLAR. I have no objection, as far as I am concerned.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2264) to authorize the closing of a part of Thirty-fourth Place NW. and to change the permanent system of highways plan of the District of Columbia, and for other purposes, which was read, as follows:

*Be it enacted, etc.*, That the Commissioners of the District of Columbia are hereby authorized to close Thirty-fourth Place NW. north of Garfield Street, and upon the closing of said place the land embraced therein shall revert to the Protestant Episcopal Cathedral Foundation of the District of Columbia, the owners of all the abutting property. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to eliminate the Protestant Episcopal Cathedral Foundation of the District of Columbia property which is contained within the area bounded as follows: Commencing at the intersection of Wisconsin Avenue and Woodley Road, and running thence along said Woodley Road in an easterly direction to Thirty-fourth Street; thence south along said Thirty-fourth Street to Garfield Street; thence west along said Garfield Street to Massachusetts Avenue; then northwesterly along said Massachusetts Avenue to Wisconsin Avenue; thence north along said Wisconsin Avenue to Woodley Road, from the permanent system of highways plan for the District of Columbia adopted in accordance with the provision contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside the cities," and an amendment to said act approved June 28, 1898, and a further amendment to said act as contained in "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes," approved March 4, 1913.

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

BOARD OF PUBLIC WELFARE

Mr. BALL. Mr. President, I ask unanimous consent that we take up Senate bill 3017, to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes.

Mr. MCKELLAR. What is the bill?

Mr. BALL. It is to establish a board of public welfare. I intend to ask to have the House bill substituted, with no amendment. The only thing the bill would do would be to abolish all the different boards and establish one board controlling all welfare matters. It is in the interest of economy.

Mr. KING. I ask the Senator, unless the agenda requires that that shall be considered, that some other bill be taken up, for the reason that this will provoke some little discussion.

Mr. BALL. I should not think it would.

Mr. KING. The Senator did not think the traffic regulation bill would provoke any discussion, but it did. I am quite sure that the public welfare bill could not be passed in 15 minutes.

Mr. BALL. Will the Senator object to our proceeding with the bill providing for a five-year school program?

Mr. KING. I have no objection to that.

Mr. BALL. Does the Senator object to the public welfare bill?

Mr. KING. I have made no objection. I suggested that we proceed with some other bill if the agenda does not require that we shall proceed with the consideration of the board of public welfare bill immediately.

Mr. HEFLIN. Let us take up the school bill.

Mr. BALL. I should think the public welfare bill would cause less discussion than any other bill on the list.

Mr. KING. I do not think so.

PUBLIC-SCHOOL BUILDINGS

Mr. BALL. I ask that the Senate proceed to the consideration of Senate bill 3765, to authorize a five-year building program for the public-school system of the District of Columbia, which shall provide school buildings adequate in size and facility to make possible an efficient system of public education in the District of Columbia.

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 the District of Columbia with amendments.

The first amendment was, on page 12, after line 23, to insert:

For the construction of an eight-room addition to the Burrville School, including a combination gymnasium and assembly hall and the necessary remodeling of the present building.

The amendment was agreed to.

The next amendment was, on page 13, after line 2, to insert:

For the purchase of land in the vicinity of the Deanwood School for the construction of an addition and for playground purposes.

The amendment was agreed to.

The next amendment was, on page 17, after line 15, to insert:

SEVENTH DIVISION

For the construction of an eight-room addition to the Hine Junior High School.

The amendment was agreed to.

The next amendment was, on page 18, to strike out lines 6 to 9, inclusive, in the following words:

For the construction of an eight-room addition to the Cardozo School, on land already owned by the District of Columbia, including a combination gymnasium and assembly hall, for the Randall Junior High School.

The amendment was agreed to.

The next amendment was, on page 18, after line 17, to insert:

THIRTEENTH DIVISION

For the construction of an eight-room addition to the Cardozo School, on land already owned by the District of Columbia, including a combination gymnasium and assembly hall, for the Randall Junior High School.

The amendment was agreed to.

The next amendment was, on page 19, after line 19, to insert:

For the purchase of additional land adjoining the Dunbar High School to complete the original plan for an athletic field.

The amendment was agreed to.

The next amendment was, on page 19, after line 22, to insert:

For proper grading, for seating, and for fitting up for athletic purposes in general the ground adjoining the Dunbar High School for the use of pupils at Dunbar and Armstrong High Schools and the pupils of other schools in the immediate vicinity.

The amendment was agreed to.

The next amendment was, on page 20, after line 2, to insert:

For proper grading, for seating, and for fitting up for athletic purposes in general, the ground for which an appropriation has already been made, for an athletic field for the Western High School.

The amendment was agreed to.

The next amendment was, on page 20, after line 6, to insert:

For proper grading, for seating, and for fitting up for athletic purposes in general, the ground purchased as a site for the McKinley Manual Training School, including the purchase of additional ground if necessary.

The amendment was agreed to.

The next amendment was to insert the following additional section:

SEC. 5. The Board of Education is hereby authorized to use the remaining four classrooms and accessory facilities of the Franklin School building for office purposes as it may be found possible to transfer the classes now occupying said four rooms to adjoining schools.

The amendment was agreed to.

The next amendment was, to insert the following additional section:

SEC. 6. The phrase used in this act "for the purchase of land adjoining" a given school shall be construed as making possible the purchase of land "in the immediate vicinity of" said school, provided the land now available adjoining a given school shall not be equally available at the time the estimates are made for such purchase.

The amendment was agreed to.

The next amendment was to insert the following additional section:

SEC. 7. Whenever at the time of appropriation it appears more economical to construct a combined gymnasium and assembly hall with the first unit of an extensible elementary-school building the provisions of this act shall be construed as authorizing such construction.

The amendment was agreed to.

The next amendment was to insert the following additional section:

SEC. 8. Nothing in this act shall be construed as precluding the possibility of the Board of Education submitting, the commissioners and the Bureau of the Budget approving and forwarding, or of Congress appropriating money for, an item or items for the purchase of land or for the construction of buildings thereon made necessary in the future by the development of conditions which were not foreseen when this act was passed.

The amendment was agreed to.

The next amendment was, to insert the following additional section:

SEC. 9. This act shall become effective on the 1st day of July, 1925, and that estimates of expenditures for buildings and grounds for the public schools of the District of Columbia shall hereafter be prepared in accordance with the provisions of this act.

The amendment was agreed to.

Mr. KING. I suggest that the report accompanying the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

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

[Senate Report No. 987, Sixty-eighth Congress, second session]

FIVE-YEAR SCHOOL BUILDING PROGRAM FOR THE DISTRICT OF COLUMBIA

Mr. CAPPER, from the Committee on the District of Columbia, submitted the following report to accompany S. 3765:

The Committee on the District of Columbia, to whom was referred the bill (S. 3765) to authorize a five-year building program for the public-school system of the District of Columbia, which shall provide school buildings adequate in size and facilities to make possible an efficient system of public education in the District of Columbia, having considered the same, report thereon with a recommendation that the bill do pass with the following amendments:

Page 12, after line 23, insert the following paragraphs:

"For the construction of an eight-room addition to the Burrville School, including a combination gymnasium and assembly hall and the necessary remodeling of the present building.

"For the purchase of land in the vicinity of the Deanwood School for the construction of an addition and for playground purposes."

Page 17, after line 9, insert the following paragraph:

"SEVENTH DIVISION

"For the construction of an eight-room addition to the Hine Junior High School."

Page 17, strike out lines 22 and 23.

Page 18, strike out lines 1 and 2.

Page 18, after line 10, insert the following paragraph:

"THIRTEENTH DIVISION

"For the construction of an eight-room addition to the Cardozo School on land already owned by the District of Columbia, including a combination gymnasium and assembly hall for the Randall Junior High School."

Page 19, after line 7, insert the following paragraphs:

"For the purchase of additional land adjoining the Dunbar High School to complete the original plan for an athletic field.

"For proper grading, for seating, and for fitting up for athletic purposes in general the ground adjoining the Dunbar High School for the use of pupils at Dunbar and Armstrong High Schools and the pupils of other schools in the immediate vicinity.

"For proper grading, for seating, and for fitting up for athletic purposes in general the ground for which an appropriation has already been made for an athletic field for the Western High School.

"For proper grading, for seating, and for fitting up for athletic purposes in general the ground purchased as a site for the McKinley Manual Training School, including the purchase of additional ground if necessary.

"SEC. 5. The Board of Education is hereby authorized to use the remaining four classrooms and accessory facilities of the Franklin School building for office purposes as it may be found possible to transfer the classes now occupying said four rooms to adjoining schools.

"SEC. 6. That the phrase used in this act 'for the purchase of land adjoining' a given school shall be construed as making possible the purchase of land 'in the immediate vicinity of' said school, provided the land now available adjoining a given school shall not be equally available at the time the estimates are made for such purchase.

"SEC. 7. That whenever at the time of appropriation it appears more economical to construct a combined gymnasium and assembly hall with the first unit of an extensible elementary-school building, the provisions of this act shall be construed as authorizing such construction.

"SEC. 8. That nothing in this act shall be construed as precluding the possibility of the Board of Education submitting, the commissioners and the Bureau of the Budget approving and forwarding, or of Congress appropriating money for an item or items for the purchase of land or for the construction of buildings thereon made necessary in the future by the development of conditions which were not foreseen when this act was passed.

"SEC. 9. That this act shall become effective on the 1st day of July, 1925, and that estimates of expenditures for buildings and grounds for the public schools of the District of Columbia shall hereafter be prepared in accordance with the provisions of this act."

WHAT THIS BILL WILL ACCOMPLISH

This bill gives legislative authorization for a program of schoolhouse construction which, if carried out, will provide in the District of Columbia by June 30, 1926, as indicated in the title—

"a sufficient number of school buildings to make it possible to abandon all portables; to eliminate the use of rented buildings; to abandon the use of undesirable rooms; to reduce elementary-school classes to a standard of not more than 40 pupils per class; to provide a five-hour day of instruction for elementary-school pupils, thereby eliminating part-time classes; to abandon all school buildings recommended for immediate or early abandonment in 1908; to abandon other school buildings which have become unfit for further use since 1908; to provide a full day of instruction for high-school pupils, thereby eliminating the 'double shift' program in the high schools; to provide for the annual increase in enrollment of pupils during said five-year period; and in general to provide in the District of Columbia a program of schoolhouse construction which shall exemplify the best in schoolhouse planning, schoolhouse construction, and educational accommodations."

The committees of the Senate and House on the District of Columbia have given consideration for a number of years to the necessity for additional schoolhouse accommodations in the District of Columbia. The mass of evidence which has been accumulated by the committee convinces the committee that this legislation giving legal authorization for a five-year building program is of outstanding importance and should be passed at once.

The committee asks that the report printed by the Senate committee covering the fact basis of the five-year school-building program be considered as a part of this report.

A DEFINITE POLICY AND COMPREHENSIVE BUILDING PROGRAM

The five-year school building program proposed in S. 3675 is the result of three years of inquiry and study of schoolhouse accommodations in Washington by the subcommittees on schools of the House and Senate Committees on the District of Columbia and similar study by the school authorities. To indicate the significance of this proposed school-building program it is necessary to review what has been done and to indicate the basis on which this bill was prepared.

The subcommittee on schools and playgrounds of the Committee on the District of Columbia of the Senate held hearings on "the building program" of the public schools of Washington on May 5, 6, and 7, 1921. The superintendent of schools, the engineer commissioner, various contractors, and representative citizens testified before the committee on the needs of additional schoolhouses and the alleged high cost of construction in Washington.

These hearings gave extended consideration to the need of additional schoolhouse accommodations as indicated in the "Special report on schoolhouse accommodations," made by the superintendent of schools to the Board of Education on December 1, 1920.

Joint hearings on schools and playgrounds were resumed on December 16, 1921, and continued through January 9, 19, 27, February 10 and 17, and June 22, 1922. The committee took the testimony of local school officials, representative citizens, and officers from various civic associations.

The committee also heard some of the leading educators of the country who were invited to discuss local conditions and general educational policies with the committee. The committee heard Dr. Thomas E. Finegan, then State commissioner of education for Pennsylvania; Dr. Randall J. Condon, superintendent of schools in Cincinnati; Dr. Harris Hart, State superintendent of schools for Virginia; Dr. W. S. Deffenbaugh, specialist on city schools of the United States Bureau of Education; and Hon. John J. Tigert, United States Commissioner of Education.

This joint committee gave extended consideration to many different phases of the school system of Washington and the printed hearings cover 160 pages.

On February 26, 1923, the report of the subcommittee on "Reorganization of the schools of the District of Columbia" (S. Doc. No. 315, 67th Cong., 4th sess.) was submitted to the Committees of the Senate and the House of Representatives on the District of Columbia. The first part of this report is the statement of the committee and the latter part consists of a report prepared at the request of the committee by Dr. Thomas E. Finegan, who had appeared before the committee on two different occasions.

Among other topics this report of the subcommittee deals with the school building program and the educational policies relating thereto. It is on the basis of this report and the testimony obtained by the committee, together with information collected by the school officials, that this bill on the five-year school building program has been prepared.

STUDIES BY SCHOOL OFFICIALS

On December 1, 1920, the superintendent of schools prepared and submitted to the Board of Education "A special report on schoolhouse accommodations" on the urgent need of additional schoolhouse accommodations. This report was based on a detailed study of those conditions in the schools which result from the lack of proper school facilities. That report was the basis of the discussion before the subcommittee of the Senate Committee on the District of Columbia at its hearings in May, 1921.

A similar but more detailed study of congestion in the schools has been made by the superintendent of schools and his associates on November 1 of each year. That study includes consideration of the portables in use, the rented quarters, undesirable rooms used for classes, oversize classes, and classes which are on part time in the elementary schools. It covers also part time and crowded conditions in high and junior high schools.

The results of the study of congestion in the schools due to the lack of adequate schoolhouse accommodations as of November 1, 1924, was contained in a report submitted to the Senate Committee on the District of Columbia by the superintendent of schools in explanation of the five-year school building program and printed for the use of the committee. Since the detailed facts on which the five-year school building program is based are contained in this printed report of 28 pages already available for use, it is unnecessary to present those same facts in this report.

Instead this report will deal with the testimony developed in hearings before congressional committees as that testimony relates to the need of a school building program, the desirable size of school buildings, the necessity for assembly halls and gymnasiums in elementary schools, the need of special rooms for manual training, domestic science, and domestic art in the larger buildings, and provisions for play and recreation. (S. Doc. No. 315, 67th Cong., 4th sess., "Reorganization of the schools of the District of Columbia," pp. 6–7.)

The need of a definite policy for a school building program is stated in the following language of the report of the subcommittee:

"The construction of school buildings in the District of Columbia was practically suspended during the period of the war. Even though building costs have not yet returned to pre-war standards, the committee believes that further delay in providing schoolhouse accommo-

dations is unwarranted. The education of the next generation now in our public schools must not be jeopardized through any failure on the part of those who appropriate school moneys to provide adequately for their proper instruction and training. The committee recommends that a definite policy be adopted which shall provide from year to year sufficient schoolhouse accommodations, in order that it make it possible for the Board of Education to eliminate part-time instruction, the use of portable schoolhouses, the use of undesirable school buildings now accommodating classes, and the reduction of the size of classes in both elementary and high schools to the standard generally accepted as desirable." (P. 6, S. Doc. No. 315, 67th Cong., 4th sess.)

The preamble of the five-year school building program bill goes so far even as to incorporate some of the very language of this paragraph in its preamble.

This bill has been prepared with a view of accomplishing by June 30, 1930, those purposes stated in the preamble.

Each year for a period of five years estimates for school buildings and grounds will cover such portions of the items contained in this bill as to insure the accomplishment of its purpose by June 30, 1930.

The question of the size of the school buildings was raised at the various hearings and much information is to be found in the printed hearings relating to the proper size of elementary school buildings.

It has been the policy of the Board of Education for a number of years to increase the size of elementary school buildings by constructing additions to eight-room buildings and by joining for administrative purposes two eight-room buildings located near one another. On this particular subject the committee report contains the following statement:

"The committee indorses the policy of establishing larger units of administration in the elementary schools. Economy of administration and educational advantages of great value will be obtained by creating school units of considerable size. These units should be sufficiently large to justify the employment of an independent principal, who should be responsible for the direction of the school unit. This principal should be a person with the gifts and the training to assume real educational leadership of the school unit intrusted to his direction. The committee believes that the buildings hereafter erected should have at least 16 classrooms when erected, or should be so planned that their extension into large unit is easily possible (p. 6, ibid.).

The five-year school building program follows this general recommendation. For the most part the items of schoolhouse construction are for such additions to present buildings as will result in buildings of 16 rooms or more.

In some of the suburban sections a school building is needed, but 16 rooms are not needed at the present time. In such cases requests are made for an extensible building of four or eight rooms, with the clear intention of enlarging such buildings when the need arises.

On the subject of assembly halls and gymnasiums for elementary schools the report says:

"The committee further believes that in each such unit (that is, a 16-room building) there should be an assembly hall and gymnasium, together with adequate play space."

Following the report of the schoolhouse commission appointed in 1906, which report recommended gymnasiums and assembly halls for elementary school buildings, the policy of providing assembly halls for elementary school buildings of 12 rooms or more was generally followed until 1919. The following buildings were enlarged or newly constructed during that period, with assembly halls:

"Ketcham: Eight-room building with assembly hall. Opened in 1909.

"H. D. Cooke: Sixteen rooms and assembly hall. Opened 1909.

"Bryan: Twelve rooms and assembly hall. Opened 1909.

"Mott: Sixteen rooms and assembly hall. Opened 1909.

"Garfield: Twelve rooms and assembly hall. Opened 1910.

"Thomson: Twelve rooms and assembly hall. Opened 1911.

"Cleveland: Twelve rooms and assembly hall. Opened 1912.

"Park View: Sixteen rooms and assembly hall. Opened 1916.

"Powell: Eight rooms and assembly hall added to eight-room building. Opened 1916.

"E. V. Brown: Eight rooms and assembly hall added to eight-room building. Opened 1919."

During the period of the war all schoolhouse construction in Washington ceased. Following the war the school system of Washington, like the school systems in all other American cities, found itself with an accumulated shortage of schoolhouse facilities. Likewise the cost of construction reached the highest point in history. Accordingly, no appropriations have been made for assembly halls during that period.

Since 1920 the following buildings have been constructed in accordance with plans which contemplate the continuance of the policy of providing assemblies in elementary-school buildings with 16 or more classrooms:

"Eaton: Eight-room addition opened November 15, 1922.

"Petworth: Eight-room addition opened September, 1921.

"Takoma: Eight-room addition opened September, 1921.

"West: Eight-room addition opened September, 1921.

"Wheatley: Twelve-room addition opened October, 1922.

"Buchanan: Eight-room addition opened November, 1922.

"Deanwood: Eight-room addition completed September, 1922.

"Lovejoy: Eight-room addition opened October, 1923.

"Garrison: Eight-room addition opened January, 1924."

This bill gives legislative authorization for the construction of the assembly halls for the above buildings and for constructing a combined assembly hall and gymnasium in each new building of 16 rooms or more carried in this bill.

Attention is invited to two important considerations. In the first place there is no request for an assembly hall for an elementary school of less than 16 rooms, or that will not in the immediate future be enlarged to 16 rooms. Requests are made for the construction of 8-room buildings and assembly halls because of greater economy of building the first unit of a 16-room building in that manner.

In the second place, the request is uniformly for a combined assembly-gymnasium. The superintendent of schools of the District of Columbia testified before the joint committee as follows:

"This is not ideal. It requires a level surface in that portion of the assembly hall which is used for gymnasium purposes. It means that when the assembly hall is in use pupils may not use the gymnasium. The provision for a combined assembly hall and gymnasium is solely in the interests of economy. Most elementary schools in other cities are constructed with separate assembly halls and gymnasiums."

The testimony on the need of these facilities is of sufficient importance to quote some of it here, in order that Congress may have before it the testimony of those educators from outside of Washington.

[Testimony of Dr. Harris Hart, State superintendent of public instruction, Virginia. Hearings on the "Reorganization of public schools of the District of Columbia," p. 46]

Senator KING. Coming back to the buildings, you would think the buildings from the first to the sixth grade should not exceed 18 rooms?

Mr. HART. Should not exceed 16 classrooms, with assembly halls large enough at least to seat the school; that is, 600 seats. Now, personally I feel that every school building ought to have, in addition to an assembly hall, adequate study halls, but I think that the assembly hall itself ought to be equipped as a study hall. In other words, for your elementary schools, instead of having the slanting floors with a pitched stage, as is frequently set up, I would prefer a flat floor and at least half filled up with school desks for students, for the reason that unless you have ample classroom facilities you do not always get the best results.

[Testimony of Dr. Randall J. Condon, superintendent of schools, Cincinnati, Ohio, p. 31, ibid.]

Mr. CONDON. * * * I should also want a gymnasium in every schoolhouse, and in a good many I should want plunge and shower baths, full and complete provision for health education.

Senator KING. In every schoolhouse?

Mr. CONDON. In every large schoolhouse; not in the smaller schoolhouses. I should also want an assembly hall, a place where the school can be brought together. Then I should want to make, as I presume you are making here, large provision or opportunity for the entire community to get together for community-center work. I think the schoolhouses are the natural places for the development of democracy, by bringing all the people together and making a large use of the facilities.

[Testimony of Dr. Thomas E. Finegan, State commissioner of education for Pennsylvania, p. 21, ibid.]

Mr. KELLAR. In preparing plans, the question of cost and what we can do each year will enter very largely into our plans. Is it absolutely necessary to have auditoriums in all these schools?

Mr. FINEGAN. It is not absolutely necessary, but it is a great mistake not to put them in.

Mr. KELLAR. Which is the most necessary, an auditorium or gymnasium? I ask that because in making up our plans we have to consider the demand for each year, and if we have to eliminate something temporarily, which could be better eliminated?

Mr. FINEGAN. If I were to eliminate either, I would eliminate the auditorium. I would put in the gymnasium for the physical training and recreation it would afford. A gymnasium may be utilized for general meetings, but it is not well adapted to such purposes.

Senator KING. Do you think an auditorium is necessary in every school building? I mean in the lower grades.

Mr. FINEGAN. I think it is advisable. I think it would be a good thing to have every school operated so that the children could be convened in one room and so that the fathers and mothers of the children could be brought into the school frequently.

Mr. KELLER. Community work?

Mr. FINEGAN. Yes.

Senator KING. Where you have a school of six or seven or eight hundred an auditorium costs a good deal of money.

Mr. FINEGAN. Yes.

Senator KING. And it takes a good deal of space?

Mr. FINEGAN. Yes.

Senator KING. Notwithstanding that fact, you feel we ought to have an auditorium in every public-school building?

Mr. FINEGAN. Yes.

Mr. HAMMER. You would not advise having a building constructed with sliding partitions so as to make four recitation rooms into an auditorium?

Mr. FINEGAN. No. I have seen that tried often, and it is not practical and does not give satisfaction.

[Extracts from the statement of Dr. Thomas E. Finegan, incorporated in the report on "Reorganization of the public schools of the District of Columbia"]

3. The elementary buildings should not have fewer than 16 rooms nor more than 30. Not over 30 pupils should be allotted to one room. The buildings should not be more than two stories high and should be fireproof construction. Each one should be provided with a gymnasium and assembly hall (p. 23).

In addition to the shortage in schoolroom accommodations there is at the present time a conspicuous deficiency in the provisions of gymnasiums and playgrounds in both elementary and high schools. Present-day standards require every school to be provided with adequate gymnasium and playground. The standard of size for playground area is 100 square feet for each pupil, using the average number belonging to the school as the basis of computation (p. 23).

The present situation in the District of Columbia, with respect to schoolroom, gymnasium, and playground facilities, demands well-planned action. Congress should immediately take steps looking to the adoption of a constructive program of school legislation. Liberal appropriations, sufficient to remedy the results of past neglect on the part of Congress, as well as to permit of constructive development of a modern school system in the District, must be one of the first steps in this constructive program (p. 24).

SPECIAL ROOMS FOR MANUAL TRAINING, DOMESTIC ART, AND DOMESTIC SCIENCE

The schoolhouse construction proposed in this bill contemplates providing instruction in manual training for boys, domestic art and domestic science for girls in each 16-room building, thereby making it unnecessary for pupils in such buildings to go to another building for such instruction.

This is in accordance with the policy of the board of education, which was indorsed in the committee report in the following language:

"In addition, the committee indorses the policy of providing for manual training, domestic science, and domestic art, as an integral part of such school facilities, wherever classes in grades 7 and 8 are to be instructed" (p. 7).

Moreover, the facilities provided will make it possible to extend such instructon to grades below the seventh and eighth in a larger number of schools.

PLAYGROUNDS

Much consideration has been given to the subject of adequate playgrounds. The committee report contains the following statement:

"The committee recognizes that play is an indispensable part of the life of all children. Play and recreation are coming to play a larger and larger part not only in the school life of pupils but among adults. Every community that undertakes to meet satisfactorily the demands upon it must provide opportunity for play and recreation. Every system of efficient education looks upon playgrounds as an indispensable part of the school program. Modern schoolhouse construction not only provides for gymnasiums for indoor physical training but playgrounds for outdoor exercise and training whenever weather conditions permit. The committee believes that the playground facilities should be greatly increased" (p. 7).

In accordance with the above statement and continuing the policy of the Board of Education to provide appropriate instruction and training in physical education, the five-year school building program contains:

1. A limited number of items seeking to enlarge certain school playgrounds.

2. Provision in the combined assembly hall and gymnasium for indoor physical training during those days and months of the year when weather conditions do not permit outdoor play.

JUNIOR HIGH SCHOOLS

Those testifying at the hearings before the several committees of Congress indorse the policy of establishing junior high schools. The committee report contains the following statement:

"The committee believes that the junior high schools have passed beyond the experimental stage. From evidence submitted the committee believes that the organization of public education into 6 years of primary work, 3 years of junior high-school work, and 3 years of senior high-school work has received the approval of the leading educators of the country. The committee believes that this organization of the schools should be indorsed for the District of Columbia and should be extended throughout the school system as opportunities arise. Such extensions should provide not only the customary academic and scholastic training but should include an increased amount of vocational and prevocational work for both boys and girls who leave school before completing their senior high-school course."

The first junior high school in Washington was established in 1919. Since that time seven additional junior high schools have been established, making a total of eight such schools. This bill continues the policy of establishing junior high schools in those sections of the city where congestion in elementary schools can be relieved most economically by the erection of one junior high school rather than by enlargements of several elementary school buildings.

The quotations made from the testimony from hearings and from the report of the joint committee which studied school conditions in Washington clearly indicate that the five-year school program bill is in accordance with the judgment of those who testified before the subcommittee and in harmony with the policies of the Board of Education which received the indorsement of those educators who were invited to appear before the committee.

TYPES OF SCHOOLHOUSE CONSTRUCTION

All school buildings erected in Washington are of first-class fireproof construction. In his testimony before the joint committee, the superintendent of schools furnished the following information concerning the standardizing of schoolhouse construction:

The John F. Cook Building, now in the process of construction, is typical of the 16-room building with combined gymnasium-assembly hall carried in this bill. A 16-room building includes 16 classrooms with the necessary cloakrooms adjoining them and other necessary accommodations. In addition to classrooms, each 16-room building will contain a manual training room, a domestic art room, a domestic science room, at least two toilet rooms, one for the boys and one for the girls, a janitor's room, storeroom, and store for educational supplies, teachers' retiring room, and principal's office. In comparing the cost of a 16-room building in Washington with the cost of 16-room buildings in other cities, these necessary accommodations, other than classrooms, are frequently left out of consideration.

The Janney School, now nearing completion in Tenleytown, is typical of the 8-room extensible building with gymnasium-assembly hall. This building contemplates an 8-room addition, thereby making the unit a 16-room building with gymnasium-assembly hall. The joint committee was informed that, in the judgment of the municipal architect, it was more economical to construct the gymnasium-assembly hall with the first 8 rooms of an extensible building than with the second 8-room unit. If the gymnasium-assembly hall is constructed with the first unit of 8 rooms, the heating plant, toilet facilities, plumbing, and many of the special rooms can be constructed permanently, thereby eliminating the high cost of moving such fixtures when the second unit of 8 rooms is constructed.

Accordingly, the bill provides for the construction of the gymnasium-assembly hall with the first unit of each 8-room extensible building.

The size of classroom, the type of special rooms have been standardized by the municipal architect and the school authorities in these types of 8-room extensible buildings and 16-room buildings. Furthermore, such buildings are constructed with the basement above the ground, with two additional stories in the construction in order that all rooms shall have an abundance of light and air.

JUNIOR HIGH SCHOOLS

The bill carried legislative authorization for the erection of a number of junior high schools, each one to be constructed "in accordance with the plans of the Macfarland Junior High School." The Macfarland Junior High School plans contemplate the erection as a first unit of 24 rooms with combined gymnasium-assembly hall. This complete unit will accommodate 700 or 750 pupils.

The complete plans of the building contemplate the addition of two wings and the construction of additional shops. The total unit when complete will accommodate 1,200 or 1,300 pupils. The plans of the Macfarland Junior High School will be followed in the construction of new junior high school buildings in so far as the conditions of the site will permit.

SENIOR HIGH SCHOOLS

By the purchase of a site and an appropriation for the preparation of plans which have been drawn, the beginning of a new building for the McKinley Manual Training School has been initiated.

The bill also carries provision for the erection of a new building for the Business High School.

The plans for these buildings are being developed in accordance with the respective needs of the two institutions and in accordance with the plans of Central, Dunbar, and Eastern High Schools, each of which is a modern high-school building.

Amendments have been recommended by the committee relating to athletic fields at the Dunbar, Western, and McKinley High Schools. These amendments are included here as a matter of form. Purchases have been made of a considerable part of the land necessary for the athletic field at Dunbar and an appropriation has been made for the purchase of an athletic field for the Western High School, and the

site already purchased will provide a considerable part of, if not all, the ground necessary for an athletic field at the new McKinley Manual Training School. The amendments authorize appropriations for putting these athletic fields in condition for use.

WHAT SOME OTHER CITIES ARE DOING

In his testimony before the joint committee the superintendent of schools of Washington called attention to the fact that other cities of the country are undertaking to make up the shortage of schoolhouse accommodations by issuing of school bonds. As typical of what other cities are doing, the superintendent called attention to the following cities and the amount of money being raised by the issuance of bonds for the construction of schoolhouses: Boston, Mass., $14,500,000; Baltimore, Md., $15,000,000, as part of a total bond issue of $23,000,000; Oakland, Calif., $9,600,000; San Francisco, Calif., $12,000,000; Minneapolis, Minn., $9,500,000; Philadelphia, Pa., $32,000,000.

The most outstanding city in the matter of bond issues is Los Angeles, Calif., which has issued bonds during the last 10 years as follows:

| Date election held | Elementary | High | Total | Vote carried |
|---|---|---|---|---|
| May 14, 1914 | $3,000,000 | $1,600,000 | $4,600,000 | 7 to 1 |
| June 8, 1920 | 6,000,000 | 3,500,000 | 9,500,000 | 15 to 1 |
| June 6, 1922 | 10,040,000 | 7,360,000 | 17,400,000 | 15 to 1 |
| June 3, 1924 | 19,360,000 | 15,280,000 | 34,640,000 | 20 to 1 |
| Total | | | 66,140,000 | |

The above list of cities is only suggestive. It indicates that the proposed legislation authorizing the five-year building program is consistent with the procedure followed in other cities looking toward the rehabilitation of schoolhouse accommodations throughout the country.

THE COST OF THIS FIVE-YEAR PROGRAM

The following letter from the superintendent of schools contains information regarding the cost of the five-year school-building program:

JANUARY 20, 1925.

Hon. ARTHUR CAPPER,
*Chairman Joint Senate-House Committee on the District of Columbia, United States Senate, Washington, D. C.*

MY DEAR SENATOR CAPPER: In response to your suggestion over the telephone I submit the following statement relative to the cost of the bill carrying the five-year school-building program. At our request the municipal architect furnished a general statement giving the estimated cost of the various types of school buildings carried in the bill. His estimates are as follows:

Elementary schools:

| | |
|---|---|
| Four-room extensible building | $75,000 |
| Four-room addition (to four-room building) | 75,000 |
| Eight-room extensible building | 150,000 |
| Eight-room addition (to eight-room building) | 125,000 |
| Eight-room addition and combination assembly-gymnasium (to eight-room building) | 200,000 |
| Sixteen-room building with combination assembly-gymnasium | 325,000 |
| Assembly-gymnasium (addition to 16-room building) | 75,000 |

Junior high schools (Macfarland type):

| | |
|---|---|
| 24 rooms, assembly hall, and gymnasium | 475,000 |
| 44 rooms, assembly hall, and gymnasium | 650,000 |

I have consulted with the assistant to the engineer commissioner who is in charge of the purchase of land concerning certain land items now in the bill. On the basis of knowledge of recent land purchases for school sites we have made a rough estimate of the cost of the land which is carried in the five-year school building program.

As a result, I estimate the total cost for land and buildings in S. 3765 as it now stands to be approximately $19,000,000.

Certain facts should be noted regarding this total cost.

1. Between $300,000 and $400,000 of this amount is for sites for use beyond the five-year period. This amount should really be charged to the future and not the five-year period.

2. Several of the items carried in this bill are carried in the District appropriation bill for 1926 now before Congress. Those items amount to $845,000, which amount, of course, should be deducted from the total cost of this bill.

3. S. 3765 provides for abandoning the future use of 18 buildings, as follows:

Conduit Road School, Conduit Road.
Threlkeld School, Thirty-sixth and Prospect Streets NW.
Abbot School, Sixth Street and New York Avenue NW.
Adams School, R Street, between Seventeenth Street and New Hampshire Avenue NW.
Berret School, Fourteenth and Q Streets NW.
Bradley School, Linworth Place SW.
Force School, Massachusetts Avenue, between Seventeenth and Eighteenth Streets NW.
Jefferson School, Sixth and D Streets SW.
Lincoln School, Second and C Streets SE.
Webster School, Tenth and H Streets NW.
Bell School, First Street, between B and C Streets SW.
Tenley School, Wisconsin Avenue and Yuma Street NW.
Hamilton School, Bladensburg Road NE.
Arthur School, Arthur Place NW.
Brightwood School, Georgia Avenue, Brightwood.
Garnet School, Tenth and U Streets NW.
Langdon School, Franklin and Twentieth Streets NE.
Patterson School, Vermont Avenue near U Street NW.

Most of these buildings and much of the land will be of no future use to the public schools. Much of the land is highly valuable. No estimate has been made of the probable value of this property. Obviously, if it is no longer used for public-school purposes, and is sold or devoted to other public uses, the public schools should receive appropriate financial credit for the value of these items.

If there is anything further that I can furnish you regarding the cost of this bill, I shall be glad to undertake to do so.

Very sincerely yours,

FRANK W. BALLOU,
*Superintendent of Schools.*

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

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

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 10 o'clock and 50 minutes p. m.) adjourned until to-morrow, Tuesday, February 17, 1925, at 12 o'clock meridian.

## NOMINATIONS

*Executive nominations received by the Senate February 16, 1925*

SECRETARY OF STATE

Frank B. Kellogg, of Minnesota, to be Secretary of State, vice Charles E. Hughes, resigned, effective March 4, 1925.

SECRETARY OF AGRICULTURE

William M. Jardine, of Kansas, to be Secretary of Agriculture, vice Howard M. Gore, resigned, effective March 4, 1925.

GOVERNOR OF ALASKA

George Alexander Parks, of Alaska, to be governor of Alaska.

PURCHASING AGENT FOR POST OFFICE DEPARTMENT

Thomas L. Degnan, of Pennsylvania, to be purchasing agent for the Post Office Department. (A reappointment, his term expiring June 9, 1925.)

UNITED STATES DISTRICT JUDGE

Adolphus Frederick St. Sure, of California, to be United States district judge, Northern District of California, vice M. T. Dooling, deceased.

UNITED STATES ATTORNEY

John B. Wright, of Arizona, to be United States attorney for the District of Arizona, vice Frederic H. Bernard, resigned.

Albert Ward, of Indiana, to be United States attorney, District of Indiana, vice Alexander G. Cavins, appointed by the court.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

SIGNAL CORPS

Second Lieut. James Edwards Poore, jr., Air Service, with rank from June 12, 1924.

Second Lieut. Harry William Coon, Air Service, with rank from June 15, 1924.

PROMOTIONS IN THE REGULAR ARMY

CHAPLAIN

*To be chaplain with the rank of captain*

Chaplain Paul Bertram Rupp, from February 5, 1925.

PROMOTION BRANCHES

*To be captain*

First Lieut. Albert William Stevens, Air Service, from February 6, 1925, subject to examination required by law.

*To be first lieutenants*

Second Lieut. Harold Gaslin Sydenham, Infantry, from February 5, 1925.

Second Lieut. Hugh Cromer Minter, Air Service, from February 6, 1925.

PROMOTIONS IN THE NAVY

Lieut. Commander George W. Simpson to be a commander in the Navy from the 5th day of June, 1924.

Lieut. Commander Alexander M. Charlton to be a commander in the Navy from the 5th day of January, 1925.

Lieut. George B. Wilson to be a lieutenant commander in the Navy from the 4th day of November, 1924.

Lieut. Charles E. Rosendahl to be a lieutenant commander in the Navy from the 8th day of January, 1925.

Chief Gunner Frank Stinchcomb to be a lieutenant in the Navy from the 3d day of February, 1925.

Lieut. (Junior Grade) Robert S. Savin to be a lieutenant in the Navy from the 18th day of September, 1923.

Lieut. (Junior Grade) William E. Smith to be a lieutenant in the Navy from the 30th day of August, 1923.

Lieut. (Junior Grade) Frederick Strohte to be a lieutenant in the Navy from the 14th day of September, 1923.

Lieut. (Junior Grade) Frank Leghorn to be a lieutenant in the Navy from the 1st day of December, 1923.

Lieut. (Junior Grade) Andrew M. Parks to be a lieutenant in the Navy from the 31st day of January, 1925.

Lieut. (Junior Grade) Claude Farmer to be a lieutenant in the Navy from the 1st day of January, 1924.

Lieut. (Junior Grade) Leon W. Mills to be a lieutenant in the Navy from the 2d day of January, 1924.

Lieut. (Junior Grade) Frank W. Rasch to be a lieutenant in the Navy from the 25th day of January, 1924.

Lieut. (Junior Grade) Edward G. Evans to be a lieutenant in the Navy from the 5th day of February, 1924.

Lieut. (Junior Grade) Thomas T. Hassell to be a lieutenant in the Navy from the 26th day of March, 1924.

Ensign Jefferson D. Beard to be a lieutenant (junior grade) in the Navy from the 3d day of June, 1924.

Carl M. Dumbauld, a citizen of Ohio, to be an assistant surgeon in the Navy with the rank of lieutenant (junior grade) from the 2d day of February, 1925.

Pay Inspector McGill R. Goldsborough to be a pay director in the Navy with the rank of captain, from the 14th day of January, 1925.

Boatswain William F. Ahrens to be a chief boatswain in the Navy, to rank with but after ensign, from the 20th day of September, 1924.

Boatswain Edwin J. Hill to be a chief boatswain in the Navy, to rank with but after ensign, from the 21st day of October, 1924.

The following-named gunners to be chief gunners in the Navy, to rank with but after ensign, from the 21st day of October, 1924:

William H. Moore.

Edward J. Kreuger.

The following-named gunners to be chief gunners in the Navy, to rank with but after ensign, from the 20th day of November, 1924:

Walter J. Love.

Herman Vollmer.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 23d day of January, 1924:

Stephen D. Thornton.

Alfred Ward.

The following-named machinists to be chief machinists in the Navy, to rank with but after ensign, from the 20th day of August, 1924:

Frank P. Moore.

Asa M. Gainer.

Machinist William J. Brennan to be a chief machinist in the Navy, to rank with but after ensign, from the 21st day of October, 1924.

Machinist George Rahm to be a chief machinist in the Navy, to rank with but after ensign, from the 20th day of November, 1924.

Carpenter William H. Buchanan to be a chief carpenter in the Navy, to rank with but after ensign, from the 24th day of September, 1923.

Carpenter Garrett P. Fitzmaurice to be a chief carpenter in the Navy, to rank with but after ensign, from the 20th day of February, 1924.

The following-named carpenters to be chief carpenters in the Navy, to rank with but after ensign, from the 20th day of September, 1924:

William F. Leahy.

Benjamin Meyer.

Carpenter Daniel McLeod to be a chief carpenter in the Navy, to rank with but after ensign, from the 21st day of October, 1924.

Carpenter Harold E. Landre to be chief carpenter in the Navy, to rank with but after Ensign, from the 20th day of November, 1924.

Pay Clerk Murray D. King to be a chief pay clerk in the Navy, to rank with but after ensign, from the 20th day of May, 1924.

The following-named lieutenants to be lieutenants in the Navy from the 8th day of June, 1923, to correct the date from which they take rank as previously nominated and confirmed:

John O. Jenkins.

Earle C. Peterson.

The following-named lieutenants to be lieutenants in the Navy from the 13th day of June, 1923, to correct the date from which they take rank as previously nominated and confirmed:

Francis E. Matthews.

Joseph W. McColl, jr.

The following-named lieutenants to be lieutenants in the Navy from the 16th day of June, 1923, to correct the date from which they take rank as previously nominated and confirmed:

Ira D. Spoonemore.

Charles R. Hoffecker.

Lieut. Henry L. Burmann to be a lieutenant in the Navy from the 20th day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Arthur P. Spencer to be a lieutenant in the Navy from the 23d day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. John S. Hawkins to be a lieutenant in the Navy from the 29th day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

Lieut. Charlie S. East to be a lieutenant in the Navy from the 30th day of June, 1923, to correct the date from which he takes rank as previously nominated and confirmed.

The following-named lieutenants to be lieutenants in the Navy from the 7th day of July, 1923, to correct the date from which they take rank as previously nominated and confirmed:

Reuben F. Davis.

William C. Betzer.

Lieut. Richard E. Byrd, jr., to be a lieutenant commander in the Navy on the retired list from the 10th day of February, 1925, in accordance with a provision contained in an act of Congress approved February 10, 1925.

POSTMASTERS

ALABAMA

Allie O. York to be postmaster at Midland City, Ala., in place of J. B. Hamric. Incumbent's commission expired June 4, 1924.

CALIFORNIA

Lillie A. Mideiros to be postmaster at Morro Bay, Calif., in place of L. A. Mideiros. Office became third class October 1, 1924.

COLORADO

Patrick H. Gallagher to be postmaster at Windsor, Colo., in place of H. V. Teller, resigned.

IDAHO

Edgar H. Taylor to be postmaster at Juliaetta, Idaho, in place of R. F. Pepple, resigned.

INDIANA

Elmer S. Applegate to be postmaster at Paragon, Ind., in place of J. O. Hawley, deceased.

Roy R. Berlin to be postmaster at Nappanee, Ind., in place of G. N. Murray. Incumbent's commission expired September 5, 1922.

Orville E. Steward to be postmaster at Rossville, Ind., in place of O. E. Steward. Incumbent's commission expired May 6, 1924.

IOWA

Arthur M. Burnside to be postmaster at Boone, Iowa, in place of J. R. Herron. Incumbent's commission expired June 5, 1924.

Albert L. Meredith to be postmaster at Lynnville, Iowa, in place of Cynthia Schock. Office became third class October 1, 1924.

KANSAS

Clyde O. Brown, jr., to be postmaster at Centralia, Kans., in place of E. M. Brown, resigned.

KENTUCKY

William G. Morgan to be postmaster at Stanford, Ky., in place of E. H. Hays. Incumbent's commission expired April 1, 1924.

MARYLAND

Carolyn M. Stuart to be postmaster at Brentwood, Md., in place of J. P. Gooch, resigned.

MICHIGAN

Charles J. Larson to be postmaster at Ironwood, Mich., in place of A. W. Peterson. Incumbent's commission expired September 13, 1922.

MINNESOTA

Lesley S. Whitcomb to be postmaster at Albert Lea, Minn., in place of C. H. Day. Incumbent's commission expired June 5, 1924.

MISSISSIPPI

Mary B. Smith to be postmaster at Charleston, Miss., in place of J. W. Ashcraft. Incumbent's commission expired November 19, 1923.

Bettie D. Robertson to be postmaster at Collins, Miss., in place of W. R. Flanagan. Incumbent's commission expired August 5, 1923.

Finley B. Hewes to be postmaster at Gulfport, Miss., in place of F. B. Hewes. Incumbent's commission expired August 20, 1923.

Jack F. Ellard to be postmaster at Leland, Miss., in place of D. H. Landrum. Incumbent's commission expired August 5, 1923.

Malcom E. Wilson to be postmaster at Marks, M'ss., in place of T. I. Clarke. Incumbent's commission expired June 4, 1924.

Minnie S. Suddeth to be postmaster at Mount Olive, Miss., in place of M. S. Suddeth. Incumbent's commission expired July 28, 1923.

Ben Linn to be postmaster at Pickens, Miss., in place of S. V. Clements. Incumbent's commission expired January 28, 1924.

Levi J. Jones to be postmaster at Richton, Miss., in place of W. R. Smith, resigned.

Aden N. Utsey to be postmaster at Vosburg, Miss., in place of J. S. Andrews, resigned.

James Chamberlain to be postmaster at Wiggins, Miss., in place of C. W. Boen, resigned.

Ethan A. Wood to be postmaster at Woodville, Miss., in place of E. A. Wood. Incumbent's commission expired May 6, 1924.

MISSOURI

Minnie Rice to be postmaster at Irondale, Mo., in place of Alma Brennecke, declined.

NEW JERSEY

Fred P. Crater to be postmaster at Gladstone, N. J., in place of F. P. Crater. Incumbent's commission expired September 10, 1923.

Sealah P. Clark to be postmaster at Pitman, N. J., in place of D. S. Pancoast. Incumbent's commission expired June 5, 1924.

NEW YORK

Morgan C. Harris to be postmaster at Newport, N. Y., in place of J. C. F. Walker. Incumbent's commission expired May 6, 1924.

NORTH CAROLINA

Cephus Futrell to be postmaster at Murfreesboro, N. C., in place of C. H. Chamberlain, resigned.

OHIO

William E. Pangburn to be postmaster at Felicity, Ohio, in place of S. S. Bagby. Office became third class January 1, 1922.

OKLAHOMA

Belle Moulton to be postmaster at Earlsboro, Okla., in place of G. D. Reavis. Office became third class October 1, 1924.

PENNSYLVANIA

Sharp A. Caylor to be postmaster at Punxsutawney, Pa., in place of W. M. Carter. Incumbent's commission expired June 4, 1924.

Daniel F. Pomeroy to be postmaster at Troy, Pa., in place of M. J. McNulty. Incumbent's commission expired June 5, 1924.

PORTO RICO

Josefina C. Silva to be postmaster at Hato Rey, P. R., in place of J. C. Silva. Office became third class January 1, 1923.

SOUTH CAROLINA

Ellen M. Williamson to be postmaster at Norway, S. C., in place of E. M. Williamson. Incumbent's commission expired June 4, 1924.

TENNESSEE

Homer W. Black, to be postmaster at Bolivar, Tenn., in place of S. A. Wheeler, removed.

John E. Barnes to be postmaster at Ramer, Tenn., in place of S. R. Chambers. Office became third class October 1, 1924.

Florie W. Landress to be postmaster at Signal Mountain, Tenn., in place of F. W. Landress. Incumbent's commission expired September 5, 1923.

VIRGINIA

Robert N. Goodloe to be postmaster at Afton, Va., in place of R. N. Goodloe. Office became third class January 1, 1925.

WASHINGTON

Herbert A. Miller to be postmaster at Stevenson, Wash., in place of A. C. Sly, resigned.

WISCONSIN

Earle R. Adamson to be postmaster at Belleville, Wis., in place of Robert Luchsinger, resigned.

Arthur G. Besse to be postmaster at Butternut, Wis., in place of S. B. Anderson. Incumbent's commission expired March 22, 1924.

Thomas D. Morris to be postmaster at Cambria, Wis., in place of F. C. Schliesman. Incumbent's commission expired June 5, 1924.

Thomas D. Smith to be postmaster at Fairchild, Wis., in place of T. D. Smith. Incumbent's commission expired June 5, 1924.

Robert W. Brown to be postmaster at Lakemills, Wis., in place of Alexander Buchanan. Incumbent's commission expired August 29, 1923.

Dorothea Devlin to be postmaster at Loyal, Wis., in place of Dorothea Devlin. Incumbent's commission expired August 29, 1923.

Leo E. Butenhoff to be postmaster at Markesan, Wis., in place of L. E. Butenhoff. Incumbent's commission expired May 28, 1924.

Carl C. Martin to be postmaster at New Lisbon, Wis., in place of C. H. Farley. Incumbent's commission expired June 5, 1924.

Giles H. Putnam to be postmaster at New London, Wis., in place of Henry Knapstein. Incumbent's commission expired June 5, 1924.

Edward B. Shanks to be postmaster at Portage, Wis., in place of E. B. Shanks. Incumbent's commission expired March 22, 1924.

Herbert Hopkins to be postmaster at Randolph, Wis., in place of Herbert Hopkins. Incumbent's commission expired August 29, 1923.

Arthur V. DeWitt to be postmaster at Sayner, Wis., in place of O. W. Sayner. Office became third class October 1, 1922.

Jessie M. McGeorge to be postmaster at Stone Lake, Wis., in place of M. R. Gross, resigned.

Arthur Heins to be postmaster at Tigertc , Wis., in place of F. Y. King. Incumbent's commission expired June 5, 1924.

August J. Christianson to be postmaster at Webster, Wis., in place of J. A. Corcoran. Incumbent's commission expired March 22, 1924.

WYOMING

Harry J. Thompson to be postmaster at Parco, Wyo., in place of James King. Office became third class July 1, 1924.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate February 16, 1925*

Frank B. Kellogg to be Secretary of State, effective March 4, 1925.

COLLECTOR OF CUSTOMS

Miner G. Norton to be collector of customs for customs collection district No. 41, with headquarters at Cleveland, Ohio.

UNITED STATES ATTORNEY

John B. Wright to be United States attorney for the district of Arizona.

UNITED STATES MARSHALS

Palmer E. Anderson to be United States marshal, northern district of Illinois.

Millard M. Owens to be United States marshal, northern district of Florida.

POSTMASTERS

GEORGIA

Glossie A. Dunford, Helena.

IOWA

Samuel A. McCreery, Clarion.
Clara Bentzinger, Donnellson.
Martin T. Jensen, Grandmound.

LOUISIANA

Lola M. Hutchings, Bossier.
Edward J. Templet, Pharr.

MISSISSIPPI

Reid R. Williams, Arcola.
James W. Gresham, Ashland.
Victor B. Garraway, Bassfield.
Albert S. Johnston, Carthage.
James G. Carr, Centerville.
Harry L. Callicott, Coldwater.
Clarence L. Fleming, Crandall.
Robert F. McMullan, Decatur.
Joseph M. Scrivner, Derma.
Mellon E. Daniel, Dlo.
Minnie Davis, Duncan.
John R. Terry, Dundee.
Bessie H. Ballard, Edwards.
Aaron B. Johnston, Enid.
Bennett A. Truly, Fayette.
William B. Stone, Fulton.
Sara B. Townes, Glendora.
Jefferson D. Fogg, Hernando.
Sarah L. Townsend, Holcomb.
Isaac N. Joyner, Houlka.
Dan Cohn, Lorman.
Wiley S. Davis, Lyman.
Walter W. Holmes, McComb.
Emmett L. VanLandingham, McCool.
Thomas C. Moore, Macon.
Albert S. Russell, Magee.
Maude Barton, Mathiston.
Maggie E. Sullivan, Meadville.
Willis L. Malley, Merigold.
Josephine J. Dent, Morgan City.
Fred H. Laseter, Morton.
Allie B. Terry, New Augusta.
Pearl Young, Noxapater.
Carson Hughes, Oakland.
John P. Edwards, Ocean Springs.
Minnie T. Brown, Ovett.
Elma M. Lindinger, Pascagoula.
Robert J. Delpit, Pass Christian.
Elisha E. Petty, Pheba.
Johnnie L. Posey, Philadelphia.
Fred W. Whitfield, Picayune.
Virginia B. Duckworth, Prentiss.
Thomas W. Cooper, Purvis.
Katherine M. Alvis, Rienzi.
Mary S. Graves, Roxie.
Sarah M. Gryder, Shannon.
David W. Gillis, Sledge.
Tommie A. Hamill, Sturgis.
William P. Jones, Terry.
John R. Trimm, Tishomingo.
James W. Bell, jr., University.
Frances E. Clay, Vance.
Andrew V. Lamar, Vardaman.
Katie Starling, Walnut Grove.

OKLAHOMA

Bert E. Irby, Haworth.

SOUTH CAROLINA

James M. Byrd, Branchville.

SOUTH DAKOTA

Thomas R. Worsley, Witten.

VERMONT

Walter H. Akin, Beebe Plain.

## HOUSE OF REPRESENTATIVES

MONDAY, *February 16, 1925*

The House met at 12 o'clock noon.

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

Our Heavenly Father, we thank Thee more than words can express for Thy love and mercy. Behind the poorest mortal that trembles on the verge of destruction is the heart of Almighty God. To all our lives so give us Thy wisdom that there may be diminishing evil and growing goodness. Nourish and care for every institution of this broad land that gives encouragement and strength to the poor and unfortunate. Let Thy truth burn through our lips and Thy holy precepts speak through our conduct and always direct the desires of our hearts, through Christ. Amen.

The Journal of the proceedings of Saturday, February 14, and Sunday, February 15, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its Chief Clerk, announced that the Senate had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

S. 365. An act for the relief of Ellen B. Walker; and

S. 1765. An act for the relief of the heirs of Agnes Ingels, deceased.

The message also announced that the Senate had passed with amendments 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, in which the concurrence of the House of Representatives was requested.

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

*Ordered*, That Mr. ASHURST be excused as conferee on the part of the Senate on the bill (H. R. 9393) entitled "An act authorizing the adjudication of claims of the Chippewa Indians of Minnesota, and that Mr. KENDRICK be appointed in his stead.

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

*Resolved*, That the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to 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," be recommitted to the Committee of Conference.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 4087. An act to revive and reenact the act entitled "An act to authorize the construction of a bridge across the Sabine River at or near Orange, Tex."

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 11474. An act to fix the time for holding the terms of the United States District Court for the Eastern District of Virginia at Alexandria;

H. R. 2656. An act to permit the correction of the general account of Robert G. Hilton, former Assistant Treasurer of the United States;

H. R. 2745. An act for the relief of J. M. Farrell; and

H. J. Res. 325. Joint resolution extending the time during which certain domestic animals which have crossed the boundary line into foreign countries may be returned duty free.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2424. An act to reduce the fees for grazing livestock on national forests.

ENROLLED BILLS SIGNED

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

S. 4056. An act to provide for an additional district judge for the western district of Michigan;

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;

S. 365. An act for the relief of Ellen B. Walker;

S. 1765. An act for the relief of the heirs of Agnes Ingels, deceased;

H. R. 103. An act for the inclusion of certain lands in the Plumas National Forest, Calif., and for other purposes;

H. R. 4441. An act to amend section 4044 of the Revised Statutes, as amended;

H. R. 8090. 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. 9765. An act granting to certain claimants the preference right to purchase unappropriated public lands.