The State of Minnesota to fill said vacancy before the adjournment of this Congress the administration of justice in the Federal courts of the State of Minnesota will be delayed and hampered, to the great detriment of the public interest and to the loss of the interests of those whose causes are there pending: Now, therefore, be it

Resolved by the Senate of the State of Minnesota (the House of Representatives concurring), That we hereby call the attention of the Congress of the United States to the conditions herefore referred to, and respectfully but urgently request that such action be promptly taken by the Congress before its adjournment, so that a third Federal judge may be appointed to the end that the public and private business pending and accumulating is said court may receive a measure of that prompt attention to which public and private interests are entitled.

The PRESIDENT pro tempore laid before the Senate a joint memorial adopted by the Legislature of the State of Utah, favoring the passage of legislation requiring commission merchants and brokers engaged in buying and selling horticultural and agricultural products, handled or to be handled in interstate commerce, to procure a license and give bond for the faithful discharge of their duties and the performance of their contracts, etc., which was referred to the Committee on Interstate Commerce. (See duplicate joint memorial printed in full text presented on the 25th instant by Mr. Egan, page 4027, CONGRESSIONAL RECORD.)

The PRESIDENT pro tempore also laid before the Senate a telegram embodying a joint memorial adopted by the Legislature of the State of Utah, relative to the Salt Lake Basin irrigation project, which was referred to the Committees on Appropriations and ordered to be printed in the RECORD, as follows:

[Western Union telegram]

SALT LAKE CITY, UTAH, February 25, 1925.

Hon. A. B. CUMMINS, President of Senate, Washington, D. C.:

Following is copy of Senate joint memorial No. 5, passed by the Legislature of State of Utah, February 23: Copy memorial resolution memorializing Congress of the United States for the proposed appropriation of $500,000 for the Great Salt Lake Basin reclamation project. For memorials, the Governor and Legislature of the State of Utah respectfully represents:

"Whereas the Congress of the United States has heretofore appropriated $475,000 for the Great Salt Lake Basin project; and

"Whereas the Congress of the United States at this session has appropriated an additional $250,000 for the Great Salt Lake Basin project, which amount is sufficient to begin construction work on said project; and

"Whereas this appropriation is now threatened with defeat through lack of immediate action on the part of the conference committee of the House and Senate; and

"Whereas a similar appropriation of $4,000,000 was defeated in the closing days of the last session of Congress, which has retarded the beginning of the construction of this project in Utah; and

"Whereas the development of said project is of inestimable value to the citizens of the State of Utah and the development of the intermountain country; and

"Whereas the people of the State of Utah are prepared and willing to give ample security for the return of this money to the Government of the United States:

"Now, therefore, your memorialists hereby most earnestly implore and petition the Congress of the United States to make said appropriation at the present session and make said sum available immediately. Be it further

Resolved, That a copy of this resolution be immediately transmitted to the Senate and House of Representatives of the United States and to both of the United States Senators and Congressmen from the State of Utah."

H. E. CROCKETT, Secretary of State.
Mr. SMITH presented a petition of sundry citizens of South Carolina, residing in the eastern district of that State, who have just completed a period of service as petit jurors at a term of the District Court of South Carolina, sitting at Columbia, and for the compensation allowed jurors under Federal statutes be increased to such sum as will reasonably cover actual expenses of such jurors in attendance upon United States Courts, which was referred to the Commi-

Mr. FRAZIER presented telegrams in the nature of mem-

into the Senate, the committee shall perform the duty of seeing the bill referred by the Senate to its own or any other committee.

Mr. WARREN presented a petition of sundry citizens and taxpayers of Hot Springs County, Wyo, praying for the repeal or modification of the prohibition enforcement law, which was referred to the Committee on the Judiciary.

RELIEF FOR LIVESTOCK INDUSTRY

Mr. CAMERON, Mr. President, I sent to the desk and ask to have read a telegram and an extract from a letter relative to relief needed for the livestock industry.

The PRESIDENT pro tempore. Without objection, the clerk will read as requested.

The Chief Clerk (Mr. Crockett) read as follows:

Mr. B. HAMILL.

I might add our cattle in Ellis County are on the forest and I am very anxious to see your action toward the cancelation of grazing fees for 1925 pushed to a successful conclusion. We have had no rain and our prospects for spring have the darkest possible appearance. If rain does not come within the next 30 days I think I am safe in saying the loss we will lose will be 40 per cent in the better pastures. Cattle are dying right now by the hundreds. I make this statement from a knowledge of the facts gained by conversations with cattlemen at our weekly association, of which I happen to be the first vice president, and from observation and knowledge of the situation on my own account. From this and the other situation you can easily see my position.

Kindly give this your immediate attention and wire me Globe, Ariz. Yours very truly,

A. C. WEBB.

REPORTS OF COMMITTEES

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 10347) for the relief of Robert B. Sanford, reported it without amendment and sub-

Mr. LADD, from the Committee on Commerce, to which was referred the bill (H. 4350) to extend the time to the Valley Transfer Railway Co. for commencement and completion of bridge across the Mississippi River, reported it with amend-

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

A bill (S. 4377) to permit a compact or agreement between the States of Washington, Idaho, Oregon, and Montana respecting the disposition and apportionment of the waters of the Columbia River and its tributaries, and for other purposes.

Whereas the Columbia River and its tributaries are interstate streams having their sources in a drainage area of approximately 250,000 square miles, said streams flowing through the States of Montana, Idaho, Washington, and the Columbia River forming the boundary between the States of Washington and Oregon; and

Whereas the above-named States are vitally interested in the possible development of the Columbia River and its tributaries for irrigation, power, domestic, and navigation uses; and

Whereas the Secretary of the Interior, in a letter to the President dated December 11, 1924, has pointed out that plans for future reclama-

Whereas it is desirable that a compact for the economic apportionment of the water of the Columbia River and its tributaries for irrigation, power, domestic, and navigation purposes, entered into by and between the said States of Montana, Idaho, Oregon, and Washington, and that the interests of the United States be considered in the drawing of said compact, by authorized representatives of each of said States and of the United States: Now, therefore,

Be it enacted, etc., That consent of Congress is hereby given to the States of Washington, Idaho, Oregon, and Montana to negotiate and enter into a compact or agreement not later than January 1, 1927, providing for an equitable division and apportionment among said States of the water supply of the Columbia River and of the streams tributary thereto, upon condition that such persons, who shall be appointed by the President of the United States, one from each of the Departments of the Interior and one from the War Department, shall participate in such negotiations as the representatives of the United States and shall make report to Congress of the proceedings and of any compact or agreement entered into; Provided, That such compact shall not be binding or obligatory upon any of the parties thereto unless and until the same shall have been approved by the legislature of each of said States and by the Congress of the United States.

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

The bill 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.
INVESTIGATION OF PUBLIC DOMAIN

Mr. JONES of New Mexico. Mr. President, I ask unanimous consent that the present consideration of Senate concurrent resolution 34. It will be necessary, of course, for the concurrent resolution to pass the House. It has been unanimously agreed upon by the Committee on Public Lands and States, as proposed, to be amended. A joint commission of five Members from the Senate and five Members from the House to make a study of the public land situation. I ask unanimous consent for its present consideration.

The President pro tempore. Is there objection to the present consideration of the concurrent resolution?

Mr. BORAH. I do not desire to object to the consideration of it, but, reserving the right to object, I would like to have a little further statement as to just what the commission is expected to do.

Mr. JONES of New Mexico. We have various bills pending before the Public Lands Committee for the leasing of the public domain, for the enlargement of the stock raising homestead law, for turning the remaining public lands over to the States, and various other proposals regarding the public domain and the extent of the forest reserves, whether a considerable quantity of land is in forest reserves which should be turned back to the public domain, and various problems. The purpose of the present commission shall make a study of the entire public-land problem and report recommendations to the Congress.

The President pro tempore. The resolution is not yet before the Senate. Is there objection to the present consideration of the concurrent resolution? The Chair hears none, and the concurrent resolution is before the Senate.

Mr. KING. Mr. President, will the Senator from New Mexico accept an amendment?

The President pro tempore. The resolution is not yet before the Senate. Is there objection to the present consideration of the concurrent resolution? The Chair hears none, and the concurrent resolution is before the Senate.

Mr. KING. I wish to ask the Senator to accept an amendment. He has stated that one of the objects of the commission is to investigate the wisdom or propriety of a cession of the public lands to the respective States in which the public lands were situated. I did not know that such a concurrent resolution was pending. I am very much interested in the proposition, and I want to be sure that the commission, if it shall be appointed, shall investigate that subject, because I think the public lands should be ceded to the States. I have a bill pending for that purpose. I desire to know if the Senator will accept the following amendment: On page 1, after the word "including," insert the words "the cession of the public lands to the States?"

Mr. JONES of New Mexico. That is the general purpose, and the Senator thinks that amendment should go in, I have no objection to it.

The President pro tempore. The amendment proposed by the Senator from Utah.

The Clerk. On page 1, line 10, after the word "including," insert the words "the cession of the public lands to the States?"

Mr. JONES of New Mexico. That is all.

The President pro tempore. The amendment is before the Senate.

The amendment was agreed to.

Mr. JONES of New Mexico. After consultation with various members of the Public Lands Committee it has been thought advisable to increase the commission to five members from each of the Houses. Therefore, where the word "three" occurs in the resolution, I move that it be changed to "five.

The amendment was agreed to.

The concurrent resolution as amended was agreed to as follows:

Passed, etc., etc., There is hereby established a joint congressional commission to be known as the "Joint Commission for the Investigation of the Public Domain" to be composed of five Senators appointed by the President of the Senate, and five Members elect of the House of Representatives for the Sixty-Sixth Congress, to be appointed by the Speaker. The commission is authorized and directed to investigate all matters relating to the public domain and its administration, including the cession of the public lands to the States—grazing lands, forest reserves, and other reservations and lands withdrawn from entry. The commission shall elect a chairman from among its members, and vacancies occurring in the membership of the commission shall be filled in the same manner as the original appointment.

For the purpose of this resolution, the commission, or any subcommittee thereof, is authorized to hold hearings and to sit and act at such places and times, to employ such experts and clerical, stenographic, and other assistants, to cause such maps to be prepared, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony and to make such expenditures as the commission deems advisable. The cost of stenographic services to report the proceedings of the commission shall be paid out of the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives upon vouchers properly approved. The commission shall make a final report to the Congress as to its findings and recommendations for such legislation as it deems necessary. The commission shall cease to exist upon the presentation of its final report but not prior thereto.

MRS. PATRICK H. BODKIN

Mr. Johnson of California. Mr. President, I ask unanimous consent for the immediate consideration of the bill (S. 1030) confering jurisdiction upon the Court of Claims to hear and determine the claim of Mrs. Patrick H. Bodkin.

It is a bill which permits a widow of advanced years to present her claim to the Court of Claims, and nothing more. It was reported favorably by the Committee on Claims and approved by the department.

The President pro tempore. Is there objection to the present consideration of the bill?

Mr. BRUCE. I am bound to object. I regret it very much.

Mr. STOCKTON of California. Mr. President, I wish to explain that if the bill is not passed now it will work a great hardship. It is a bill merely giving a widow the right to go to the Court of Claims. It gives nothing else at all and everything is agreed upon. I hope the Senator will withdraw his objection.

Mr. BRUCE. Very well; I withdraw my objection.

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

Be it enacted, etc., That within six months from the date of the passage of this act a petition may be filed with the Court of Claims by or on behalf of Mrs. Patrick H. Bodkin, of Yreka, Siskiyou County, Calif., for a hearing of a claim for reimbursement for all loss, liability, damage, and expense incurred by her in any manner in connection with a quarter section of land described as northwest quarter section 11, township 7 south, range 22 east, Siskiyou meridian, in the State of California, for which she had been issued a patent and which she now holds as trustee for William B. Edwards in accordance with the decision of the United States Supreme Court in the case of Bodkin v. Edwards (275 U. S. 721), and the Court of Claims is given jurisdiction to hear and determine such claim.

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

SAMBRE FREEDMAN AND HENRY MILLS

Mr. FEHLIN. Mr. President, I ask unanimous consent for the present consideration of House bill 1948. It is a bill which authorizes the Secretary of the Interior to issue a patent to some people in my State who have lived on the land for fifty-odd years.

Mr. SMOOT. From what committee does the bill come?

Mr. FEHLIN. From the Committee on Claims.
The President pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of the bill (H. R. 1948) for the relief of Samuel Friedman, as trustee for the heirs and devisees of B. Friedman, deceased, and Henry Mills, as trustee for the heirs and devisees of Emanuel Loveman, deceased.

Mr. KING. It is a very brief bill. Let it be read.

The bill was read, as follows:

The President pro tempore. Is there objection to the present consideration of the bill?

Mr. BORAH. Mr. President, I understand that is a bill quite favorable to the State of Alabama.

The President pro tempore. That seems to be the purpose of the bill.

Mr. HEFLIN. I will state to the Senator from Idaho that this course has to be pursued. My understanding is that the department here has informed Representative Oliver that it would be necessary for Congress to enact this legislation.

Mr. SMOOT. It is the only way to clear title to the land which the man has hold for over 50 years.

Mr. HEFLIN. The people interested have held the land in question for over 50 years.

Mr. BORAH. I am not objecting, but I understand the Senator from Utah to say that this is the only way to clear title to the land. What are the courts for?

Mr. SMOOT. The land involved belonged to the United States.

Mr. HEFLIN. Under the bill the Secretary of the Interior is directed to issue patent for the land.

Mr. KING. I desire to ask the Senator from Alabama, is he sure, from reports and investigations which have been made, that there is no other claim or claimant to the Government not conveyed title to this land to somebody else.

Mr. HEFLIN. There is no doubt as to that matter.

Mr. SMOOT. And that there is no contest or there may not be a contest by the rightful owners?

Mr. HEFLIN. The rightful owners have been living on the land for over 50 years and have paid taxes on it during all of that time.

Mr. KING. And it is necessary that they should receive title from the Government?

Mr. SMOOT. There is no objection on the part of the Government officials to the passage 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 Interior be, and he is hereby, authorized and directed to issue a patent for the relief of Samuel Friedman, as trustee for the heirs and devisees of B. Friedman, deceased, and Henry Mills, as trustee for the heirs and devisees of Emanuel Loveman, deceased, conveying the northwest quarter of the northeast quarter of the southeast quarter of the southwest quarter of the northeast quarter, and the southwest quarter of section 6, in township 10 south, of range 8 west of the Huntsville meridian, Alabama, containing 319.72 acres, which lands they and their legal representatives, their heirs, assigns, and devisees, have occupied and held during the lifetime of said Friedman and Loveman:

Provided, That the title conveyed shall inure to the benefit of the true owners of the land under the laws of Alabama as though patent had issued during the lifetime of said Friedman and Loveman:

And provided further, That application and payment of $1.25 per acre be made for the use and benefit of all persons in interest within six months from the passage of this act.

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

Amendment of Revenue Act of 1924

Mr. SMOOT. From the Committee on Finance I understand that the bill (H. R. 12300) to amend section 281 of the revenue act of 1924 was read, as follows:

The President pro tempore. The Secretary will read the bill, for the information of the Senate.

Mr. Senate Clerk. The resolution provides that where a waiver has been granted for a waiver of the statute of limitations running in favor of a creditor, the waiver shall not be allowed or made if claim therefor is filed after (1) within one year from the time such tax was due, he sure, from reports and investigations which have been made, that there is no contest or there may not be a contest by the rightful owners?

Mr. SMOOT. There is no objection on the part of the Government officials to the passage of the bill.

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

Fort M'Henry

Mr. BRUCE. Mr. President, if there is no objection, I should like to call up for immediate consideration House bill 1291, which is a bill to designate Fort McHenry in the State of Maryland, a national monument. The bill does not carry any appropriation; the expense of restoration is to be borne entirely by the proceeds of the sale of special material which is now in existence on the ground. The bill was passed unanimously by the House of Representatives and it has been favorably reported by the Senate Committee on Military Affairs. I trust the Senate will let the bill be considered and that it may be passed.

The President pro tempore. The Senator from Maryland asks unanimous consent for the present consideration of the bill named by him, the title of which will be read by the Secretary.

The Chief Clerk. A bill (H. R. 3261) to repeal and reenact section 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes.

Mr. BORAH. Mr. President, I am not going to object to the consideration of this bill, but in view of the fact that we are going to have a time set apart this afternoon for the purpose of taking up unobjected bills on the calendar, I hope that we shall go ahead with the regular business.

The President pro tempore. The Chair bears no objection to the request of the Senator from Maryland.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That an act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation in the State of Maryland to the mayor and city council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, passed and becomes a law.

Mr. SMOOT. The bill as reported from the Senate is now on the calendar as the bill (H. R. 12300) to amend section 281 of the revenue act of 1924, as read, as follows:

The President pro tempore. There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13200) to amend section 281 of the revenue act of 1924, which was read, as follows:

Be it enacted, etc., That subdivision (e) of section 281 of the revenue act of 1924 is amended by adding the words two new lines to said subdivision, and as follows: "If the taxpayer has, on or before June 15, 1925, filed such a waiver in respect of the taxes due for the taxable year 1919, then such credit or refund relating to the taxes for the taxable year 1919 shall be allowed or made if claim therefor is filed either on or before April 1, 1926, or within four years from the time the tax was paid. If any such waiver so filed has, before the expiration of the period thereof, been extended either by the filing of a new waiver or by the extension of the original waiver, then such credit or refund relating to the taxes for the year in respect of which the waiver was filed shall be allowed or made if claim therefor is filed either (1) within four years from the time the tax was paid, or (2) within one year after April 1, 1926, in the case of credits or refunds relating to the taxes for the taxable years 1917 and 1918, or on or before April 1, 1927, in the case of credits or refunds relating to the taxes for the taxable year 1919."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.
merce for a light and flagstaff station under revocable license from the War Department, with the maintenance of the electric lines thereto and such portion of the reservation, including improvement, as may be necessary for the development of the use of the lands and the Chief of the Corps of Engineers, the said reservation to be maintained as a national public park, subject to such regulations as may from time to time be issued by the Secretary of War.

"That any and all repairs, improvements, changes, and alterations in the grounds, buildings, and other appurtenances to the reservation shall be made only according to detailed plans, which shall be approved by the Secretary of War; and all such repairs, improvements, changes, and alterations shall be done at the expense of the Corps of Engineers, or in such manner as the Secretary of War shall direct, and all the expenses actually incurred shall be recovered from the operator, by purchase of condemnation of the lands of the dry dock company, so that the Secretary of the Treasury may, in connection with land acquired from the Baltimore & Ohio Railroad Co., have access to and from said reservation, and for this purpose the Secretary of the Treasury shall have the power to construct, contract for, and arrange for railroad and other facilities upon said reservation, and all such expenses, together with the cost of the railroad and facilities, shall be paid out of the expenses of the War Department, with the maintenance of the same property, and for the immigration station at Baltimore, said strip of land being located along the northwest boundary of the land ceded to the Baltimore Dry Dock Co. and the land of the said immigration station, the same to be used, if so desired, by purchase or condemnation, of the lands of the dry dock company, so that the Secretary of the Treasury may, in connection with land acquired from the Baltimore & Ohio Railroad Co., have access to and from said immigration station and grounds over the right of way extending beyond the limits of the city streets and railroads beyond the boundary of the city of Baltimore, the Secretary of the Treasury to have the same power to construct, contract for, and arrange for railroad and other facilities upon said station, as if the Secretary of the Treasury had the same power to construct, contract for, and arrange for railroad and other facilities upon said reservation, and for this purpose the Secretary of the Treasury shall have the power to construct, contract for, and arrange for railroad and other facilities upon said reservation.

"That the Secretary of War, in case of a national emergency, may close the said military reservation and use it for any and all military purposes during the time of the emergency, and for such period of time thereafter as the public necessity may require: And provided further, That the Secretary of War may, in case of a national emergency, close the said military reservation, and use it for any and all military purposes during the time of the emergency, and for such period of time thereafter as the public necessity may require.

"That the Secretary of War shall make dispositions for the immigration station at Baltimore, in such manner as may be necessary, not exceeding $50,000, for use by the Secretary of War in the restoration of said Fort McHenry reservation, and for other purposes consistent with this act.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its enrolling clerk, announced that the House had passed (H. R. 12962) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1923, and June 30, 1925, for other purposes, in which it requested the concurrence of the Senate.

ORDER FOR EXECUTIVE SESSION AND CONSIDERATION OF CALENDAR

Mr. CURTIS. I ask unanimous consent that at 5:30 o'clock this afternoon the Senate shall proceed to the consideration of executive business, and that at the conclusion of the executive session, the Senate shall resume the consideration of legislative business and consider unobjected bills on the calendar only, beginning where we left off at the last call of the calendar.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that at 5:30 o'clock this afternoon the Senate enter an executive session, and at the conclusion of such session make the legislative session and then consider the calendar at the point which was reached when the calendar was last under consideration, being Order of Business 1180, for the consideration of unobjected bills only. Is there objection?

Mr. HEFLIN. Does that mean that after concluding the calendar from the point indicated, we shall go back and begin at the point we left off on the calendar?

Mr. CURTIS. I was going to suggest that when we had concluded with the consideration of unobjected bills on the calendar from the point indicated the Senate then return to the consideration of the consideration of the calendar for the consideration of unobjected bills and that at the conclusion, when the Senate finishes its business, it take a recess until 11 o'clock to-morrow.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Kansas?

Mr. ROBINSON. As I understand the unanimous-consent agreement sought, it is not contemplated that there shall be any recess to-day.

Mr. CURTIS. No.

Mr. ROBINSON. But that the business of the Senate shall proceed continuously until the time of the recess at the conclusion of its business?

Mr. CURTIS. That is correct.

Mr. ROBINSON. I have no objection to that agreement.

Mr. FLETCHER. May I ask the Senator from Kansas, if it is expected that the executive session will continue for a long time?
tribute toward the cost of said work the sum of $250,000, which amount shall be deposited in the Treasury and be applied toward the prosecution of the work of improvement hereby adopted."

Muskogee Harbor, Mich., in accordance with the report submitted in House Document No. 494, Sixty-seventh Congress, fourth session: Provided, That before entering upon the prosecution of the said project the Secretary of War shall require local interests to contribute toward the cost of said work the sum of $225,750, which amount shall be deposited in the Treasury and be applied toward the prosecution of the work of improvement hereby adopted.

Mr. JONES of Washington. I am directed by the committee to move the disapproval of the amendment.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment reported by the committee.

Mr. KING. Mr. President, I should like to ask the Senator why a disapproval is requested in respect to that amendment?

Mr. JONES of Washington. For the general reason, as explained last night, with reference to other similar amendments. The committee did not deem it wise under all the circumstances to require contributions from these localities. I think that in the particular locality referred to in the amendment the business is largely through business; it is not of a peculiarly local character, as is the case in a great many other places. Both of these projects are on the Great Lakes where there is largely a ferryage business of through commerce.

Mr. KING. Obviously the committee must have had some reason to justify recommending this amendment to the House bill.

Mr. JONES of Washington. I think, Mr. President, that I would probably be more responsible for it than anybody else, because it embodies a principle or policy, as I said last night, of which I am in favor, and it was thought perhaps, because of that, that the amendments should be put on; but subsequently adopted, but that under the circumstances that developed that it would be wiser at this time not to insist upon these amendments.

I want to say to the Senator, as I think I have already said on the floor, and as I announced in the committee, that when we have another bill I shall do all I can, so far as I am personally concerned, to have this principle of contribution recognized specifically with reference to river and harbor projects.

Mr. JONES of Washington. I appreciate that.

Mr. KING. As to many of the projects, I am sure that if the Senator had examined them carefully, as he must have done, he must realize that they are essentially local in character, and, therefore, it is to be applied at all of having local contributions made, that policy ought to be applied to many other projects that are provided for in this bill.

Mr. JONES of Washington. That is true, as I said last night; but I will say to the Senator, in justice, these two projects are not peculiarly local; they are projects designed largely to benefit through commerce, and I think there is much more reason for not requiring contributions in these cases than in a great many other cases.

Mr. KING. When the Senator says "these cases" he refers to the items now under consideration?

Mr. JONES of Washington. Oh, no; there are several projects in which local contributions are required; not by Senate committee amendments, however, but by the provisions adopted by the House. I would refer to several of those, where 50 per cent is required to be contributed by the local communities, and there are several others in the House bill where such a certain extent is required.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

Mr. EDGE. Mr. President, following the suggestion made by the Senator from Utah [Mr. King], in order to be perfectly clear, is it not true that in the case of a large proportion of these projects where there is no amendment suggesting local cooperation and help, the report of the engineers indicating the project has provided for very large expenditures on the part of the neighborhoods affected, and that where we see in italics amendments from the committee adding such provisions, these are simply cases where the engineers have not in their report made such local cooperation? Mr. JONES of Washington. That is true.

Mr. EDGE. In other words, this is in addition to many items of local cooperation?

Mr. JONES of Washington. That is true, as I said a while ago. There are several of these propositions involved in the bill as it passed the House where contribution is required. It is not specifically mentioned in the language but is embraced within the description of the report adopting the project.
Mr. FESS. Mr. President, will the Senator yield for a question in regard to this St. Lawrence item?

Mr. JONES of Washington. Certainly; but it went out.

Mr. FESS. It went out on the ground that it is in the deficiency bill?

Mr. JONES of Washington. Yes.

Mr. FESS. How could it be put in the deficiency bill? It is legislation.

Mr. JONES of Washington. It is in the bill.

Mr. FESS. There is no doubt about it.

Mr. JONES of Washington. No; the Senate has not acted upon this item until the Senate has acted on the Senate item, as to the appropriations made for the Secretary of Commerce and Labor.

The amendment, as amended, was agreed to.

Mr. JONES of Washington. No; the Senate has not acted upon this item until the Senate has acted on the Senate item, as to the appropriations made for the Secretary of Commerce and Labor.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The amendment, as amended, was agreed to.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. JONES of Washington. I have no objection to that.

Mr. KING. That is all right.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The amendment, as amended, was agreed to.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. JONES of Washington. Yes; and I think I can explain that satisfactorily to the Senator.

Mr. KING. All right.
Mr. JONES of Washington. This project, according to the report, will cost, I think, $364,000. The local engineer's report came in on June 27, 1922, laying out the recommendation that has been made in this case, which, in the interests of saving for the formal adoption of the project, went on and expanded money in line with the recommendation that the Army, and the recommendation of the engineer was adopted; and that is the project here. The recommendation of this report is that these people shall contribute 50 per cent of the cost of the project. It seemed to the committee perfectly fair that a credit should be allowed on that 50 per cent for the money they had actually spent on the project in line with the recommendation of the engineers. In other words, if they had not spent anything, and then, after its adoption, they had to spend this money, they would get credit for it; but without want of a word, and they also spent the money along the line of the report, just the same as they would do hereafter, and the committee felt that they were entitled to have credit for that on the 50 per cent contributed to them that they had here.

Mr. KING. The amount for which they are seeking credit does not exceed the aggregate amount which, under the arrangement, they were to pay.

Mr. JONES of Washington. I am not sure as to that. They may do that; but they do not get credit for that, more than 50 per cent, even though they spend more.

Mr. KING. That is what I wanted to know.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was on page 14, after line 23, to insert: Wrangell Narrows, Alaska, in accordance with the report submitted in House Document No. 179, Sixty-seventh Congress, second session, and subject to the conditions set forth in said document. It is understood in providing that an aggregate sum of $400,000 shall be expended on this project until specifically authorized by law.

The amendment was agreed to.

The next amendment was, on page 15, after line 11, to strike out section 2. In the following words:

SEC. 2. That the provisions of the law and barber acts hereunto passed providing for the prosecution of work upon the construction of a lock and dam at Grand Rapids, on the Wabash River, Illinois and Indiana, are hereby repealed: Provided, That sufficient funds may be provided in the furtherance or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors, for the removal of a section of the dam, as recommended in House Document No. 457, Sixty-fourth Congress, first session.

The amendment was agreed to.

The next amendment was, on page 15, after line 19, to insert in the following words:

Sec. 2. That the provisions of the law and barber acts hereunto passed providing for the prosecution of work upon the construction of a lock and dam at Grand Rapids, on the Wabash River, Illinois and Indiana, are hereby repealed: Provided, That sufficient funds may be provided in the furtherance or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors, for the removal of a section of the dam, as recommended in House Document No. 457, Sixty-fourth Congress, first session.

The amendment was agreed to.

The next amendment was, on page 15, after line 4, to strike out section 3 in the following words:

Sec. 3. The Secretary of War is hereby authorized and directed to cause to be made by the Corps of Engineers, United States Army, such investigations as may be necessary for the preparation of a general plan for the most effective navigation improvement in combination with the most efficient development of the potential water power on those navigable streams of the United States and their tributaries where such power development appears feasible and practicable, together with an estimate and report of the cost of conducting such investigations as to such streams and tributaries; at a cost not to exceed $500,000, with recommendation that $250,000 be immediately appropriated.

The amendment was agreed to.

The next amendment was, on page 16, after line 16, to insert a new section, as follows:

Sec. 3. The Secretary of War and the Water Power Commission are hereby authorized and directed to prepare and submit to Congress an estimate of the cost of making such examinations, surveys, or other investigations as, in their opinion, may be required to determine feasible and practicable, with a view to the formulation of general plans for the most effective improvement of such streams for purposes of navigation and the prosecution of such improvement in combination with the most efficient development of the potential water power, the control of floodwaters, and the needs of irrigation.

Mr. UNDERWOOD. Mr. President, I desire to call to the attention of the Senate and of the chairman of the committee a proposition with reference to the Senate amendment. The House has passed the bill containing section 8, which provides for general surveying with reference to the development of navigation and the development of water power. The Senate has amended the proposition in many material respects, but the general proposition in the Senate amendment I do not object to. The House language provides that if it is approved by the Senate, the Senate amendment provides none.

I think this is a very important item. For a long time in the history of the House we have controlled our streams for navigation alone. The entire cost of the development of navigation in this country was chargeable to the Treasury of the United States. To-day we have reached a point in the development of hydroelectric power where it may be entirely possible that the development of navigation on many of the rivers of this country may be accomplished without a charge against the Treasury, if we are informed in advance of legislation, if the Congress, before it passes such a law, thoroughly understands the possibility of developing hydroelectric power at the same time that navigation is developed. So I regard this section as one of the most important sections in this bill.

What I object to about the Senate amendment is this: and I say this to get a response from the chairman of the committee, because I may not be thoroughly informed. The amendment of the committee may advise me under the situation from a viewpoint. I am not advised about the language of the House provided that this work of surveying should be carried on by the Secretary of War, through the Corps of Engineers. It reads: "The Secretary of War is hereby authorized and directed to cause to be made by the Corps of Engineers of the United States Army, and so forth. That is the power to accomplish the result, practically, of the Corps of Engineers, where it has always been. The Senate amendment provides: 'The Secretary of War and the Water Power Commission are hereby authorized and directed to prepare and submit to Congress,' and that proceeds to provide for a survey for navigation, water power, and other development.

The question in my mind is, What does this mean? The Secretary of War is the head of the Water Power Commission. It might be construed to mean that we were taking this entirely away from the Corps of Engineers. I do not think that is the purpose of the Senate who has charge of the bill. Nevertheless, as the Secretary of War, instead of the Water Power Commission, it might be construed that we are transferring the right of surveying the navigable streams of this country to the Water Power Commission instead of leaving it to the Corps of Engineers.

There might be warrant for that, because in the act creating the Water Power Commission they are given the authority to make surveys of such water power, the control of which is vested in the Water Power Commission under the Secretary of War instead of in the Corps of Engineers. I do not know what this means, and I do not think the Senate amendment is in any case contrary to the amendment of the Committee of Commerce, which has been recommended by the Interstate Commerce Commission and the Senate.

In going to set up a surveying bureau to make the river and harbor work under the Water Power Commission, we are going to maintain in the future the two great bureaus of this Government charged with the same responsibility, undoubtedly not in the interest of economy.

Mr. President, there is no intention of doing that, and any language the Senator can suggest that would avoid that would be welcome to accept. If the Senator will permit me to strike out this amendment, I will be glad to do so. I am responsible for
Mr. UNDERWOOD. I yield.

Mr. WILLIS. If the Senator will permit me, I do not know what the view of the chairman of the committee may be upon that point, but he did not accept that suggestion. The information upon which that suggestion would be based is already in the possession of the Board of Army Engineers and the Water Power Commission. I can not see any good reason why we should not have access to that information, and why there should not be cooperation. We are not starting a survey; we are trying to find out what the cost of a survey will be. The intention was to use the services of the Army Engineers, but that information which may be in the possession of the Water Power Commission, it seems to me, ought to be used, and that was the idea of the committee in so drafting this amendment.

Mr. UNDERWOOD. Direction to striking out the words “the Water Power Commission,” allowing it to rest with the Secretary of War, who has command of both of these organizations? The there would be no doubt about what this language would mean.

Mr. JONES of Washington. Let me suggest that the Secretary of War is not in command of the Water Power Commission. He is one member of the Water Power Commission.

Mr. UNDERWOOD. He is the head of it.

Mr. JONES of Washington. No more than any other Cabinet officer. That Water Power Commission is composed of three Cabinet officers and he is a minority member.

Mr. UNDERWOOD. I do not think the language clearly conveys that the Secretary of War is Secretary of War shall act. He can act through and we would expect him to act through his Chief of Engineers jointly with the Water Power Commission as a commission. That is the intention of the committee.

Mr. UNDERWOOD. I will say to the Senator that I am anxious to see the bill passed, and I am not going to raise an argument about it here, because I know perfectly well the issue will be raised in conference. When the bill goes to conference the House conferees will contend for their language and the Senate conference will probably contend for theirs. If it is not worked out satisfactorily in conference then I will be here when the bill comes back. I wanted to give the Senator my view, and I hope the Senator will consider it and see if the language can not be satisfactorily worked out, so there may not be the conflict that I think may arise under the language his committee proposes.

Mr. LENOIR. May I suggest to the chairman, if there is any doubt about the language, that it possibly could be cured by providing that the Secretary of War through the Chief of Engineers shall act?

Mr. FLETCHER. One point could be cured by that suggestion.

Mr. UNDERWOOD. That would be far more satisfactory to me than the other, because that is exactly our contention any way.

Mr. HEFLIN. Mr. President, I would much prefer to have the language of the House text remain in the bill. If the suggestion made by the Senator from Florida is adopted, providing that the Secretary of War, together with the Water Power Commission, shall do this work jointly under the direction of the Secretary of War, I am satisfied that the power commission will do it.

The power companies of the country are trying to get held of the power commission in Washington. They are moving heaven and earth to control it. Anybody who can see anything can see that. They do not want these power sites discovered by the people in the various States. They want them to be hidden away until they can send their agents in and buy them for practically nothing, and after they have bought them and have them in their own name they do not mind the public and the world knowing that such power sites exist. The Nation is rich in power resources. The Nation ought to know where these power sites are. We ought not to have a makeshift arrangement put upon the Senate or put upon the country.

The engineers of the War Department are already in the service of the Government. They are already being paid. They are in every State in the Union, and at less expense than in any other way we could act upon this matter by the War Department. I rose for the purpose of asking the Senator if he would not consent to strike out the words “the Water Power Commission are jointly,” and let it provide, “The Secretary of War is the head of both of these organizations. He is the head of the engineers and he is the head of the Water Power Commission, and if it is left to him I will be satisfied that this section can be a good deal more satisfactory. I rose for the purpose of asking the Senator if he would not agree to that amendment.

Mr. JONES of Alabama. The President pro tempore. Does the Senator from Alabama yield to the Senator from Ohio?
Mr. FLETCHER. After the word "War," in line 17, I move to insert the words "through the Corps of Engineers of the United States Army," so as to read:

The Secretary of War, through the Corps of Engineers of the United States Army, and the Water Power Commission are jointly hereby authorized and directed—

And so forth.

The PRESIDENT pro tempore. The clerk will state the amendment proposed by the Senator from Florida.

The Chief Clerk. On page 16, line 17, after the word "War," insert "through the Corps of Engineers, United States Army, so as to read:

The Secretary of War, through the Corps of Engineers of the United States Army, and the Water Power Commission are jointly hereby authorized and directed—

And so forth.

Mr. SHORTRIDGE. I suggest to the Senator from Florida that he amend the word "Water" and insert the word "Federal." I have observed in the bill as it is proposed in the amendment, that it speaks of the Water Power Commission.

Mr. JONES of Washington. The Senator from California is right. The correct name is Federal Power Commission.

Mr. FLETCHER. We want to use the correct name. I ask that my amendment be modified by striking out the word "Water" and inserting "Federal." The PRESIDENT pro tempore. The Senator has the right to modify his amendment to the amendment of the committee.

Mr. STERLING. Mr. President, I do not speak in opposition to the Senator from Florida [Mr. FLETCHER]. On the contrary, I agree with the amendment, but the hope has been expressed here this morning that section 3 may be adopted as it left the House. In the Senate amendment there are at least two very important elements that are not contained in the House provision, and these relate to control of floods and the needs of irrigation. I think they are two of the most important features of the amendment and of the bill itself.

The Missouri River covers a distance of about 500 miles in courting through my State and along its boundaries. We know that in order to save the silt and the sediment caused by erosion of the Missouri River are carried down into the Mississippi River and add to the expense, of course, of keeping that river navigable. The matter of flood control is one of the most important things to be considered and studied by the authorities named in section 3. If we control the floods in the tributaries of the great waterways, we dispense then with a great part of the expense of dredging and keeping these waterways open for navigation.

In the West, too, is the further problem of irrigation, and a great purpose will be served, I think, in having the Secretary of War through the Board of Engineers and the Water Power Commission yield to the possibility of the use of the water for irrigation purposes. So for these reasons I hope the consideration will not return to the House text of section 3, but will keep the language of the amendment as proposed by the committee.

Mr. ASHURST. Mr. President, I agree with the Senator from Alabama [Mr. Unakaawoon] that this is one of the important sections of the bill. I also agree with the Senator from South Dakota [Mr. Stevenson] that an efficient method of controlling floods and of keeping our rivers open for navigation must be kept the control of the streams beginning at their uppermost reaches. But I do not agree with the Senator from California, that I ought to suggest the absence of a quorum.

Mr. JONES of Washington. Does the Senator refer to the Senator from California [Mr. Johnson]? Mr. JONES of Arizona. Yes. Mr. JONES of Washington. I talked to him this morning, and I do not think he needs to be called.

Mr. NORRIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Nebraska?

Mr. ASHURST. Yes.

Mr. NORRIS. I raise here my attention called to this proposition by Senator Johnson. I have examined it. This is what he was afraid of, and what seems to me is going to be the result if the Senate committee amendment is agreed to. I am thinking particularly of the Colorado River, in which the Senator from Arizona is definitely interested—

Mr. ASHURST. I shall be pleased to listen—

Mr. NORRIS. And the damage that is done in the Imperial Valley in California as a result of the floods in that river,
ermanent opposed its construction. The Congress last June enacted upon the report of the War Department, and that project will soon be commenced.

I do not wish to delay this bill; in fact, I am in favor of this bill. But I had a year ago engaged in a serious error; that I had been voting against river and harbor bills; and I think I am entitled to some credit for coming forward manfully and saying that I have been mistaken. I am going to vote for the river and harbor bill hereafter. I agree with the speech which the able Senator from Missouri [Mr. Rusk] made last night, in which he stated that it is not good business to starve to death a horse that can earn a thousand times his keep in the service.

I am of opinion that a sensible development of our waterways would assist in reducing high freight rates. One of the surest ways to aid the farmer is to make highways of commerce available so that he may reach the markets.

Mr. JONES of Washington. Mr. President, the PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Washington?

Mr. ASHURST. I yield.

Mr. JONES of Washington. The Senator from California spoke to me on yesterday; he also spoke to me on yesterday; he also spoke to me on yesterday; he also spoke to me on yesterday. Nevertheless, I am going to keep in one year. cooperate with the War Department in this subject. . .

Mr. ASHURST. I yield.

Mr. JONES of Washington. The Senator from California spoke to me on yesterday; he also spoke to me on yesterday; he also spoke to me on yesterday; he also spoke to me on yesterday. Nevertheless, I am going to keep in one year. cooperate with the War Department in this subject. . .

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Mr. ASHURST. I yield.

Mr. JONES of Washington. The Senator from California spoke to me on yesterday; he also spoke to me on yesterday; he also spoke to me on yesterday; he also spoke to me on yesterday. Nevertheless, I am going to keep in one year. cooperate with the War Department in this subject. . .
Mr. NORRIS. Yes; I would not like it then. I would not like it even if that river were specifically named as an exception to the rule, because in the irrigation system that we have we are continually developing new and more water every year for an increase to irrigation. Irrigation is the main object. We did not think much about it when we passed the irrigation law; but work after work has been developed, and people have objected because it has gone on, and I proceed with it the engineers find that here is a lot of water power; and there have been several irrigation projects where the water power, although just an incident to irrigation, has developed into a very important element. It belongs, when it becomes an incident to irrigation, to the farmers who own the project. I think there are 21 of them in operation now, some of them supplying hydroelectric energy to the farm homes so cheaply that they use it for all possible purposes connected with the farm and with the house.

The Senator says—and that is true; he states it correctly—that this amendment simply provides for an estimate, and that Congress then can act, and can decide what instrumentality it will use to bring about a survey if we decide to have it made. Let me call your attention now to the condition that exists down in the Imperial Valley. Mr. REED of Missouri. Mr. President, I do not want to interrupt the Senator, but I have an amendment to suggest which I should like to suggest now. It may meet with the approval of the Senator. I am for it; but I thought the suggestion might be acceptable.

The Senator. Mr. REED of Missouri. I was going to suggest it now, and I think it is a very good suggestion. The suggestion might be acceptable.

Mr. REED of Missouri. I was going to suggest it now, while the Senator had the floor, so that he might discuss it.

Mr. NORRIS. All right.

Mr. JONES of Washington. I want to say to the Senator that I am very much opposed to the House provision. It is starting on a new project when we do not know what it will cost, when the Senate estimate of the costs of the project is higher than the estimate of the Secretary of War.

Provided. That the Secretary of War shall, so far as practicable, utilize such information as may have been gathered by the Water Power Commission, and said commission, shall upon request furnish such information to the Senate. Mr. JONES of Washington. I want to say to the Senator that I am very much opposed to the House provision. It is starting on a new project when we do not know what it will cost, when the Senate estimate of the costs of the project is higher than the estimate of the Secretary of War.

Mr. NORRIS. Mr. President, I was about to call the attention of the Senate to the condition of the Imperial Valley—a valley as fertile as that of the Nile; a valley which, through the millions of years that have passed, has been made out of the silt that has come down the Colorado River. The Colorado River, through depositing its silt, has built up its bed. At various times in the ages that have gone by, when it would get its bed built up, it would break its banks and make a new channel, and carry away to deposit somewhere else the silt it brought down. Now, however, since we have started the building of its channel, millions and millions of dollars of damage have been in the Imperial Valley, although trouble has occurred and it has broken out several times, and once when it started the building, millions and millions of dollars of damage have been in the Imperial Valley a county in the United States. It is a veritable empire, made by the toil and the brawn of American citizens.

Let us see what they have to contend with. This irrigation system that supersedes the Imperial Valley—and then you come to that one ditch there, as I remember—that is taken out of the Colorado River on American soil. On account of the topography of the country the irrigation ditch runs first into Mexico. It runs through Mexico for a good many miles, and many miles into Mexico. In that country there, the same as the Imperial Valley, made in the same way, excepting that it is higher. The lowest point in the Imperial Valley is on American soil. It is around that point that this system of irrigation has taken place. The land locks level, to look at it.

This system of irrigation after going into Mexico, into a foreign country, comes back into the United States. The only way that those people in the Imperial Valley have of irrigating their farms is from this irrigation system that passes through Mexico for many, many miles, subject to use there by almost as large a tract of country as is on the American side, incidentally owned almost entirely by American citizens; and they are the ones, according to my understanding, who are opposed to having Congress do anything with the Colorado River, that will in any way change this condition.

The American farmers and also the American cities and towns in the Imperial Valley are absolutely dependent for their very existence upon this water. I understand that they are continually developing more and more every year, and project after project has been made in the Imperial Valley, and for a good many miles, on the American side, the American farmer has had to pay for all the improvements, and has footed all the expenses, most of the money having been expended on Mexican soil.

For instance, a few years ago, quite a number of years ago, I think we will remember that there was a million dollars appropriated here to help out on that. The Colorado River broke its banks. It was on Mexican soil where it broke them. It did not go into the sea; and after it went out to the sea, it came back the other way and came back into the Imperial Valley, and the entire river was pouring the contents of its flood waters into the Imperial Valley. It was only a question of a few minutes until it would fill up that valley to a levee.

What they did on this new branch of the river that went through was fine farms and localities as existed anywhere, and tore them all to pieces, and destroyed many millions of dollars' worth of property, was this: They went down into Mexico. The Americans had to do that. They built a pile bridge across that new stream. They dug a new channel from where they were, and built a new bridge over the river, and the water commenced to flow out of the new channel and washed its own way to a great extent; and then, after they had overrouted the Imperial farmers, and the entire water in the Imperial Valley keep in readiness a body of men and a railroad train; they have several engines; they have a good many miles of railroad on American soil following this new branch and pouring the contents of the Imperial Valley into the Colorado River, until they can get them to a new channel, and that water can again be used in the Imperial Valley. The Colorado River has been at our disposal.

At a moment's notice, night or day, that train from the quarry that these farmers own on the American side can be started with a trainload of soil and rock—it is always ready to go, night or day, at a moment's notice, and fill up wherever water is taking place anywhere on American soil or on Mexican soil;
and they have built embankments, hundreds of miles of them, on American soil. At one time—I do not think they have to do that now—at one time they had to pay the Mexican Govern- ment for the right to keep the water from danger of taking it from Mexico. But they have built a canal upon the Colorado that will take the water out of the river, not only on American soil, but one that would not go into Mexico. On account of the topography of the country, there are some difficulties connected with that kind of irrigation. Among the things that is important to know is that this ditch, coming out of the American side and going over to Mexico, and coming around and around, and then coming around this big valley, can not be made here and irrigate all of the valley which ought to be irrigated. If we had an American canal running on American soil, the amount of land that could be irrigated would be practically doubled, because this valley would be struck higher up.

That has been the dream of these farmers, that has been the dream of those living in the Imperial Valley, and they have been the beneficiaries of the board of control of the Imperial Canal, an irrigation canal that will take the water out of the Colorado River. Incidentally, it has developed that if that dam is built up there to hold back the flood waters of this river, and thus save the people from the damage that would be done if the water would be developed that it would be equal to the largest water-power development in the United States. The Colorado River has potential water power of 100,000,000 horse-power, and if the entire river is taken into consideration. This dam would develop an immense amount of power. There has been an attempt for years to have that dam built.

The idea is to control the flood waters, to save the homes and to save the Imperial Valley. The second object is irrigation, because the people there can not live without irrigation. Incidentally, when they get this dam, if it is built, the irrigation ditch will be started at a different place, and make the people independent of the control of a foreign country. First, there is the control of the flood waters of the Colorado River so that will have no overflow. Then there will be one less thing to irritate me as an irrigator, and that is to have more water for the Imperial Valley. That has been the dream of these farmers, that has been the dream of these people which has been taken. They would see what was possible, but in order to see what was possible they would have to send their engineers out and make a survey, and that would probably take two or three years.

Mr. STERLING. The question in my mind is whether or not the Secretary of War, the commission, or the Board of Engineers would interfere with the project in any way with any existing project? The Senator has referred to the project in the Imperial Valley. Finding that project developed and under way, would they do anything, could they, under this act, do anything to interfere with it?

Mr. NORRIS. The Senator must remember that while that project which I have outlined as being desired by these farmers and citizens of the Imperial Valley is developed, it is the same as a new project. They are building a dam upon the Colorado River to control the flood waters of the stream. There is no such dam there now. The ditch, instead of going around Mexico, would take some other course and would not go through Mexico. We do not want the Senator to think that I am charging the War Department or any of its officials with trying to delay this or anything of the kind, but we do not want the Senator to think that it is our duty to look into this. We ought to survey this. We ought to estimate for it. We ought to calculate it and see what it would cost. Would not the power commission use the same language?

Mr. STERLING. Let me say simply this, that that would not interfere in any way with any existing project, but they would only look to the watercourse and see what was feasible and what was practicable at this or that site.

Mr. NORRIS. Very well. They would see what was possible, but in order to see what was possible they would have to send their engineers out and make a survey, and that would probably take two or three years.
Mr. JONES of Washington. I want to say this with reference to irrigation, that I take the responsibility for having thrown out that provision. I have suggested them coming, of course, from a State where there is irrigation. This was the reason for it: In ascertaining the power resources of a stream, especially in the arid country, where I think the question of irrigation is a very important question in the power that can be obtained from that source.

Mr. NORRIS. I do, too. I agree with the Senator.

Mr. JONES of Washington. Before they would pass on the power possibilities they would take into account the interests of irrigation.

Mr. NORRIS. Yes.

Mr. JONES of Washington. That is the reason I had those words put in. Perhaps the Senator from Nebraska and I would be on the same tack.

Mr. NORRIS. I do not doubt but that if we should both investigate the same project we would come out at the same place.

Mr. WILLIS. Mr. President, I want to ask a question of the Senator from Washington.

Mr. NORRIS. I have no objection.

Mr. WILLIS. I wanted to be sure I understood the chairman of the committee. It was my understanding, when the committee reported this measure, that no survey whatever was contemplated, that we were simply to get an estimate from the Army Engineers and the Federal Power Commission already had. They are not to survey anything, but to give us an estimate based upon information that we have.

Mr. JONES of Washington. That is exactly what we called for, an estimate of the cost of a survey. We do not authorize them to make any survey.

Mr. FLETCHER. The Senator is quite right in saying that if we were providing for an estimate of the cost of a project, the engineers would have to go and make a survey and investigate, but this does not require that. All we are asking for here—and I think the Senator will not object to it—is to have these great agencies, with all their facilities and with all their information, make an estimate, and to Congress and so say, "It will cost about so much to make such a survey as is contemplated under this provision. Before we authorize the survey, we want to find out what the cost of the survey will be. We are not going to be the one to pay for the survey, but what we are going to pay for the cost of the survey will be. That is all we have provided in this amendment.

Mr. JONES of Washington. Let me suggest, in that connection, that, of course, the Senator is aware of the fact that the Engineer Corps has district engineers located all over the country, and they will call on them for the information in their offices. The Water Power Commission, likewise, has representatives at different places, and they will gather together all the information in their possession.

Mr. EDGE. Mr. President—

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

Mr. NORRIS. I yield.

Mr. EDGE. The Senator from Ohio has stated practically most of the thing I had in mind, but the Senator from Nebraska emphasizes, very properly I think, the great benefit to the country of properly protecting our wonderful possibilities of water power. What would the Senator suggest as a practical way to start that provision at the Federal Capital the information necessary to properly protect the Government? As a member of the Committee on Commerce, I may say that we have discussed that subject at length. Mr. NORRIS. I tried to make myself plain. In the first place, I have not been on this committee. I have not been able to have the bill the consideration that one ought to give a bill of this magnitude. I may find it, however, an amendment and a provision authorizing the Federal Power Commission and the Secretary of War to make an estimate of surveys that would include this very river, the
Colorado River. My objection, I will say to the Senator from Oregon, is that when we pass the bill representatives will go before the commission and say, "We are making an estimate on this and we do not want you to do anything," and that would put it over to the next year, and then the next year, and then the next year again. I would say, "Put it over again until the next year." The Water Power Commission would come before the committee and say, "The bill of Congress is not enacted, and consequently we have to make a survey or report of a survey. We are trying now to make that estimate. Do not legislate until we get through." That is what I fear is going to happen.

Mr. SHORTRIDGE. The PRESIDENT—Mr. NORRIS, I yield to the Senator from New Jersey.

Mr. EDGE. As a general policy, does not the Senator agree, leaving aside for the moment the specific case which the chairman has indicated he wants us to leave out entirely, that this is the first step for the Government, through its proper officials so organized for the purpose, to get the information we need to protect this great asset? Is not that the first step?

Mr. NORRIS. My contention is that the first step has long ago been taken. I believe that we are in possession of sufficient information right now in the Reclamation Bureau, scientifically made from many years of investigation, to act on the question.

Mr. FEENEY. Mr. President.

Mr. ORRIS. Mr. President—Mr. NORRIS, Just a moment. I want to answer one Senator at a time.

Now we propose to put something in the law that will give somebody else the power to investigate. That means delay. That is my contention here. That is where I think we are going, for instance. If we do not have to have the Secretary of War or the Power Commission be able to go out and say, on a project where the Reclamation Bureau is going, "Just hold up here awhile until we investigate. There is a flood always that can control an irrigation project. We do not want you to take that on. Let us investigate that. We will make an estimate of it." And so delay after delay would follow; and then the whole Colorado River is flowing along, and in the meantime a flood may at any time break out and drown all those beautiful farms and 60,000 American citizens.

Mr. EDGE. As the Senator well knows, we never appropriate money or start the most minor harbor or river improvement until the Engineer Corps of the Army makes a survey and reports a report.

Mr. NORRIS. But the Senator insists on disregarding the point I make.

Mr. EDGE. Mr. Norris: No; I am trying to answer it.

Mr. NORRIS. Perhaps the point is not good. I concede my statement is not correct, with respect to make one that is good, but to my mind it is very impressive. The Senator says we ought to make estimates. I agree with the Senator in that suggestion; but here is the Reclamation Bureau, which goes along on a project, makes a survey, and the Senator says, "This will irrigate a million acres of land." We must get the water in the river up here and build a dam, and incidentally it will control the flood waters in that stream and prevent destruction of all these homes now all this property through this valley. Then, incidentally, it will develop 100,000 horsepower, and these people who pay the expenses of the irrigation district will have a lot of power to divide up among themselves or to sell to somebody else. That has all been done. The Reclamation Bureau has completed it. They are ready to start to build the dam. They have done it in many other cases, none of which I concede is so stupendous and large as this one. They have developed a system of irrigation at one place in Idaho where incidentally the water power came in, and they give the farmers under the project electricity for nothing. What have we done in other cases? Here is something that will bring about the development of an immense amount of electricity, and now comes the bill and under­ takes that shall be brought by the Secretary of War to make estimates of all the streams in the United States, and immediately he sends somebody before the committee that is having a hearing on the Johnson bill, and says, "Here, you make the bill at this very next session. We are making our estimate and when the estimates are made next will be a survey." Then the Water Power Commission will come along and it will be the same thing. When we get it, if we have the Reclamation Bureau with its survey, its estimates, its plans and specifications, the Water Power Commission with its estimates, its plans, and its specifications, and the Secretary of War with its plans, its estimates, and its specifications, meaning the people in the Imperial Valley may be dead, drowned, their farms destroyed. The delay will go on continually one year after another.

It is true that the American citizens who own the land over in Mexico, and who incidentally control the greatest newspaper on the earth before the politics to a great extent of that part of the country, are tickled to death. That is what they want. The same interests own the land over in New Mexico that own the greatest newspaper published in the city of the Grand Canyon. They want something put on the statute book to bring about further delay. I do not believe any man with a heart in his body can travel over the Imperial Valley and see the people living there and the conditions there, the homes built there, the towns and cities existing there, the beautiful valley that is there, and see that on the embankment is the Colorado River that has all those people and all this property at its mercy, and that he can come back here and say he wants to delay this a single hour. We are dreading in our duty that we have not passed some law that would protect these people long ago.

Mr. JONES of Washington and Mr. HEFLIN addressed the Chair.

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

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES of Washington. Would this delay interfere with the approval of the Senator from Nebraska—and I want to call the attention of the Senator from California to it, too? Suppose we put in a provision, "Provided, That no consideration of the Colorado River and its tributaries shall be included in the consideration or estimates provided herein."

Mr. NORRIS. I think that would meet this difficulty.

Mr. HEFLIN. I hope the Senator will accept that.

Mr. JONES of Washington. Has the Senator from California [Mr. SHORTRIDGE] any objection to a proviso like that? I will read it again:

"Provided, That no consideration of the Colorado River and its problems shall be included in the consideration or estimates provided herein."

Mr. SHORTRIDGE. I am not quite sure that the work designed by the proposed amendment shall excite the Colorado River problem. I need not multiply words. We all understand the situation. We are deeply interested, vitally interested, in the early solution of that great problem.

Mr. JONES of Washington. We do not want to have anything in the bill to interfere with it.

Mr. SHORTRIDGE. From assurances given by the chairman of the committee a few moments ago that there was some movement in the amendment which was designed to delay a solution of what I might call, for brevity, the Colorado River problem, I felt satisfied with the proposed amendment. Person­ ally, I see nothing dangerous in it. I impute to no one an evil motive or any cunning, but it says, "Provided, That no consideration of the Colorado River problem. If there be any such design or purpose, I do not perceive it."

I understand that this proposed amendment, as, indeed, the House section 3, was designed to secure certain information for the benefit of Congress. I dare say that there is a great deal of data, a great deal of information on these matters, now in the possession of the War Department or of the Federal Power Commission. I understand that we are asking them to prepare and submit to us, the Congress, an estimate of the cost of making such examinations, surveys, and so forth, in respect to matters that are now in detail set out. Of course if the prepara­ tion and the submission to us of this estimate is to be indefinitely postponed, it may give us concern; but if, as I understand, it is the purpose to submit such estimate at an early date, then I do not see wherein this is dangerous. The more information we shall have, the better.

Mr. JONES of Washington. It is the understanding that the estimate can be submitted at the opening of the next session of Congress.

Mr. SHORTRIDGE. At the next session of Congress in December?

Mr. JONES of Washington. Yes.

Mr. SHORTRIDGE. I submit it to thoughtful minds who are earnestly considering this problem whether it is wise to exclude the great question of the Colorado River from the desired estimate of the cost. There are seven States and two Indian reservations involved in the Colorado River. Let me suggest this—

Mr. SHORTRIDGE. Will the Senator permit me to conclude my sentence?

Mr. JONES of Washington. Certainly.
Mr. SHORTRIDGE. There are seven States directly interested in this problem. I was very much gratified to listen to the Senator from Nebraska [Mr. Norris]. Of course California, of which I can speak only with the affection of the heart, is very deeply interested in this problem. The Imperial Valley, lying below the level of the sea—a garden more beautiful than Babylon, with her hanging gardens—the Imperial Valley is in constant danger from the Colorado River. We are very greatly concerned with an early removal of that danger. There is the question of power, there is the question of irrigation, and there is the question of flood control to be considered. I see no danger in this section or in this proposed amendment, and therefore I question whether it would be wise to elicit the great river and its accompanying problems from estimates which we seek. These estimates may be of aid to the Irrigation and Reclamation Committee. I am a member of that committee and during the recess of Congress I propose journeying with fellow Members and others to the Colorado River Basin, with a view of gathering additional information to submit to the Senate at the next session, in the hope of the early passage of appropriate legislation. So it may be that it can be benefited by such estimate or suggestion of the Secretary of War or the Federal Power Commission. I am sorry to have taken so many words and consumed so much time.

Mr. JONES of Washington. Mr. President, it has occurred to me that if we adopt this amendment as it is and the Senators and Representatives from the States that are interested should come to the conclusion in the next day or two that they could include in the bill the Colorado River, I think we could probably that action in the conference report. I will be glad myself to entertain a request of that kind if they should desire it.

Mr. SHORTRIDGE. I will confer with my brother Senators and Members of the House on that point.

Mr. NORRIS. Why can not the language be put in, and then if the Senator from California wants to take the responsibility of having it stricken out or of asking that it be eliminated in the conference, that could be done? It is a little easier to get it out when it is in, it seems to me, than to get it in when it is out.

Mr. SHORTRIDGE. It is about six of one and half a dozen of the other.

Mr. NORRIS. I think it about ten of one and a half of the other.

Mr. JONES of Washington. What I desire to do is to accommodate the situation. I thought the Senator from California, coming from one of the States directly involved, could insist that the Senator from California gets what he desires, and also probably the other Senators interested wanted could be done.

Mr. SHORTRIDGE. Mr. President, if the Senator will excuse me for a moment, the two Senators from Arizona are as vitally interested as are we in California. We will confer with them, and also with other Senators who are interested in the Colorado River. I wish again to express my gratification and my thanks to the Senator from Nebraska for his observations touching the State of California and the Imperial Valley.

Mr. FLETCHER. Mr. President, why would it not be better to allow the provision to go in as the Senator from Nebraska suggests, and then it can be taken out in conference if it is desired. In that event the question will be on the amendment which is proposed in line 17. I ask the Secretary to state the amendment, and then the other amendment will follow.

The PRESIDING OFFICER. The Secretary will state the amendment offered by the Senator from Florida.

The Chief Clerk. On page 16, line 17, after the word "water," it is proposed to insert the words "through the Corps of Engineers of the United States Army."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida to the amendment offered by the Senator from Washington to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Mr. President, the question is upon the committee amendment as amended.

Mr. NORRIS. Now I will ask the Senator from Washington to submit his amendment.

Mr. JONES of Washington. I submit as a proviso to the committee amendment the following:

The PRESIDING OFFICER. The Senator from Washington offers an amendment to the amendment, which the Secretary will state.

The Chief Clerk. At the end of the amendment reported by the committee it is proposed to insert the following proviso:

Proviso. That no consideration of the Colorado River and itsuse shall be included in the consideration or estimate provided herein.

The PRESIDING OFFICER. The question is upon the amendment proposed by the Senator from Washington to the amendment reported by the committee.

Mr. KING. Mr. President, before that amendment is agreed to, I should like to ask the Senator who proposed it, the chairman of the committee, whether he will strike out on lines 3, 4, and 5, page 23, the following words:

"Colorado River, Wyoming, Colorado, Arizona, New Mexico, Nevada, and California, with a view to its utilization for navigation."

It is absurd to treat that river as navigable.

Mr. JONES of Washington. Yes; we expect to strike that out.

Mr. KING. I ask unanimous consent that the language to which I just called attention may be imported into the amendment just offered and treated as one amendment.

Mr. JONES of Washington. I want to move to strike out entirely the provision for a survey of the Colorado River when we get to it.

Mr. KING. Will not the Senator consent now that that may be stricken out?

Mr. JONES of Washington. Yes; I have a note to that effect. I am going to move that that be done when we reach it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Washington to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is now upon agreeing to the committee amendment as amended.

Mr. KING. Mr. President, I appreciate the fact that nothing which I may say or do will prevent the passage of this bill. I have long since learned that the forces behind rivers and harbors bills are sufficient to enable them to speedily push them through both branches of Congress.

An examination of the pending bill will reveal that projects within most of the States are provided for, and also that applications are made for development, construction, and in some instances completion of more than 50 projects, and that investigations and surveys are authorized in behalf of more than 225 new projects. If time permitted I should like to call attention to many of these new projects for which surveys are authorized. I have before me scores of reports made by the engineers of the War Department dealing with new projects. I have examined many of them and am at a loss to understand upon what theory Congress justifies appropriations to investigate the same. Many of these new projects are small streams and creeks and bayous, not navigable and not part of interstate streams. They are not navigable, and if used at all, are used only for the purpose of floating timber or conveying, by small boats, a limited amount of produce. These reports show that there are less than 20,000 tons carried annually upon many of these little streams for which surveys are authorized by the pending measure. As a matter of fact, many of the 50 projects for which direct appropriations are made aggregating nearly $41,000,000 are small and not large enough to serve local communities alone, and not capable of being developed so as to be of any particular utility for commercial purposes.

The first report I place my hands upon deals with what is called Cambridge Harbor, Md. The tonnage in 1919 was 67,000 tons and in 1921 39,783 tons. There are railroads connecting the community which would be served by this water improvement. I am glad to see that the so-called harbor is of but inconsequential importance. Yet it is to be developed at the expense of the Public Treasury.
I pick up at random the next report, dealing with Glencoe Creek, N. Y. It is said that there is a "prospective water business" of $47,850 tons per year. I might say in passing that from an examination of several thousand projects from time to time during the past six years the conclusion has invariably been that many of the most innocuous predictions made by the engineers as to the prospective or possible or probable tonnage to be developed upon the various projects for which appropriations have been made have not rested upon a solid foundation and subsequent experience has disproved them.

I make no criticism because of these erroneous reports, or at least the erroneous conclusions drawn by engineers, because in many instances they relied largely upon the statements of local communities who spent a large sum of money in securing appropriations from the Federal Treasury and sought in every possible way to exaggerate the importance of the enterprises for which they were seeking governmental aid.

The next report which is before me relates to the so-called Deep River, Wash. In 1922 the commerce amounted to 138,000 tons, 13,000 tons consisting of logs. And yet we are asked to spend a large sum of money for this stream. One of the projects is what is called the Louisiana-Texas intercoastal waterway, from the Mississippi River continuing to Galveston Bay, Tex. This bill provides $50,000,000 to be expended upon this project. The final cost of it is difficult to tell. The report upon this project consists of 160 pages, together with a large number of maps. It is submitted by the Secretary of War and is based upon the report of Laing H. Bruce and the Coast and Geodetic Engineers. My only criticism is, from a reading of the report that the cost of the project will be considerably more than $20,000,000, with an annual maintenance charge of more than $1,000,000. I notice that it is to be constructed so as to serve the local producers of sugar cane. The cane is to be hauled from the fields to the mills near by, the amount of tonnage anticipated is insignificant, measured by the tremendous cost of the project.

Mr. President, I repeat that, in my opinion, but few of the projects referred to in the pending bill, nearly 300 in all, are worthy of consideration or are navigable waters or are susceptible of being made carriers of commerce, and the statements of the engineers, in many cases, are nothing more than what is known as "speculation," and I am sure that the taxpayers of this country are not going to pay that for any purpose whatever.

Mr. President, great pressure is brought upon the engineers of the War Department, as well as upon Congress, by local communities in many States to secure approval for the improvement of their small streams and swamps and rivers. Some perhaps, can be made carriers of commerce but certain others are so small that they are of no real value.

In a recent report that was made by United States engineers on the Navigable Rivers of the United States, it was said that an aggregate of $89,000,000 available for that fiscal year.

For 1916 the amount appropriated was $42,657,311; for 1917, $52,355,500; plus; for 1918, $30,989,960; for 1919, $34,000,000; for 1920, $39,727,000; for 1921, $28,562,950; for 1922, $29,122,000; for 1923, $33,180,000; for 1924, $12,382,000; for 1925, $13,100,000; for 1926, $42,657,500; for 1927, $15,509,910. This report shows that there was an aggregate of over $90,000,000 for the fiscal year 1924, $80,014,554.80. In my opinion, Mr. President, the demands made upon the Public Treasury for rivers and harbors are unwarranted.

The enormous budget, the enormous appropriations which have been made, show that the issue of expenditure was based upon a careful investigation that at least one-half of the amount appropriated had been wasted. The works were also disclosed that upon many projects the tonnage carried annually was greater before the appropriations were made than after they were made, and yet the engineers and contractors had spent large sums of money in their so-called improvement and development. Indeed, it seemed with respect to many projects that in proportion to the amount of money appropriated there was less advantage or importance were they for commercial purposes.

Those who desire to see public funds expended only for national and proper purposes, and who are interested in seeing that there shall be no waste or extravagance, can only be filled with regret, if not dismay, when they examine the results of the enormous appropriations which have been made by Congress for the improvement of rivers, harbors, and bays, etc., and which were not until several years ago, Mr. President, we appropriated $40,000,000 to be expended by the War Department upon our rivers and harbors for the fiscal year. The bill before us authorizes the development and construction of many projects which the Appropriations Bill of 1915, authorized $40,000,000, will be $40,025,400. What the final cost will be no one can determine, but it is a safe prediction that when these projects are finally completed the cost will be greatly in excess of the sums just named.

And the bill before us authorizes, as I have stated, surveys in various States of 228 additional projects. How many of this number will be adopted no one can determine, nor is it possible to even conjecture what the cost will be. The number and completion of the projects which will be finally adopted by Congress are Federal schemes. So, Mr. President, the bill before us may ultimately cost the Government $100,000,000.

If any considerable number of the 228 projects which are to be surveyed are adopted by the Government, undoubtedly the cost will be more than $50,000,000.

I believe liberally for river and harbor work during the past few years. A statement appearing in the House hearings before the subcommittee of the Committee on Appropriations of the House which had charge of the War Appropriation bill for 1926 shows the following appropriations:

For the fiscal year 1912, $30,583,838.80, and there was a balance from the preceding fiscal year at that time amounting to $55,848.40, thus the total amount appropriated for that fiscal year was $30,538,019.80. That report shows that there was an aggregate of over $89,000,000 available for that fiscal year.

For 1913 the amount appropriated was $42,657,311; for 1914, $50,835,500; plus; for 1915, $30,989,960; for 1916, $34,000,000; for 1917, $39,727,000; for 1918, $28,562,950; for 1919, $29,122,000; for 1920, $33,180,000; for 1921, $12,382,000; for 1922, $13,100,000; for 1923, $42,657,500; for 1924, $15,509,910. This report shows that there was an aggregate of over $90,000,000 for the fiscal year 1924, $80,014,554.80. In my opinion, Mr. President, the demands made upon the Public Treasury for rivers and harbors are unwarranted.

I think the $40,000,000 appropriated for the next fiscal year is more than the situation calls for. Perhaps some of the projects referred to in the pending bill are worthy of consideration and are entitled to Federal appropriation. But I submit, Mr. President, that no further appropriations should be made for new projects until a comprehensive, proper, and scientific plan has been adopted for the completion of existing projects which should be constructed and for which Federal appropriation should be made. Undoubtedly there are many projects which were made upon which Congress and the War Department authorized but have never been expended and insisted that no further appropriations should be abandoned, not only because of their local character but because of their lack of utility even to the local communities in which they are found.

When we are asked to appropriate money to the Public Treasury, there must be clear constitutional warrant for the same. The American people are burdened with heavy taxes. Our appropriations for the current year will be approximately $4,690,000,000. In addition, there will be obligations incurred which will call for not only hundreds of millions of dollars but perhaps billions, which will soon have to be met by the Government. Between 13 and 17 per cent of all of the earnings of the people of the United States are taken from them by the strong hand of the tax-gatherer. The Federal taxes and the State and municipal taxes for the next fiscal year will aggregate $8,000,000,000. This enormous sum is a heavy draft upon the earnings of the people.

There is much talk about the economy of the Federal Government and the economical policies which have been enforced by the present Executive and the Republican administration. Mr. President, I challenge the claim so frequently made that this administration practices economy. The enormous budget, which has the approval of the President, calls for appropriations more than three times as great as the expenditures of the Government for the year 1916. The number of Federal employees in the District of Columbia is double the number at the present time. New and additional executive and administrative agencies are being created. The President has insisted that another department shall be created, which would call for more employees and an additional cost to the taxpayers of the country for which there is no grant of power.
I have been amazed at the indifference of public officials to the limitations imposed by the Constitution. Distinguished Senators seem to think that under the general welfare clause of the Constitution there are no limitations upon Congress with respect to appropriations.

The Federal Government is equipped with a numerated power. It cannot transgress the limitations imposed by the Constitution.

If it can not exercise powers not granted to it, obviously it can not make appropriations and thus burden the people by increased taxation for purposes not within the powers granted to it by the sovereign States. The view seems to obtain, and even among Senators, that appropriations may be made for any purpose.

Accordingly measures are proposed making demonstrable clear, true, and indubitable the purposes for which the Federal Government owns the streams and rivers, and their tributaries, within the confines of the United States, when whether the stream is within the States, navigable or nonnavigable, the United States have the title to the soil under streams and water of their respective States.

The amendment now under consideration seems to support the view that the Government has a power over streams whether the stream is navigable or nonnavigable, and subject to regulation as the power to control their use; and also the power to improve such streams, as are navigable in order that navigation may not be interfered with.

Mr. President, in my view, that doctrine is utterly at variance with the Constitution, and if carried out would prove a destructive assault upon the rights of the States. I am afraid the view seem to be that the Government owns the streams and rivers, and their tributaries, within the sovereign States, subject to the limitations imposed by it to the usual modes of transportation by water.

But I am speaking in a general way of the authority of the Federal Government under the amendment and commerce clause of the Constitution. As I understood the statement of a Senator, who spoke a few moments ago, his contention was that the Federal Government owns the streams and rivers from the various States of the Union and that the duty rests upon the Federal Government to assert dominion over them and develop and utilize them as a proprietor.

In other words, the view seemed to be that the Government has proprietary interest in all the streams found within the States; that it owns the bed of the streams as well as the water flowing between the banks thereof, and has unrestricted power to use the water in any way it can.

Mr. President, in my view, that doctrine is utterly at variance with the Constitution, and if carried out would prove a destructive assault upon the rights of the States.

I am afraid the view is that the Government has unrestricted control over all the navigable streams of the United States, navigable waters must be navigable, that is, such streams which are used for navigation.

The amendment now under consideration seems to support that view. It directs the Secretary of War and the Federal Government to make surveys and investigations of all the navigable streams in the United States and their tributaries, with a view to determining whether water-power development is feasible and practical and with a view to the formulation of plans to effectively improve the streams for navigation and the development of potential water power, the control of floods, and the needs of irrigation.

Undoubtedly those who prepared this amendment regarded it as within the purview of the Federal Government to formulate plans to construct hydroelectric power plants upon the various streams of the United States and develop power for private and public use, and to investigate the law to be applied to surveys made, not only upon streams which are navigable but upon their tributaries, no matter how unimportant they may be, and that un navigable and wholly within the confines of a single State.

I repeat the amendment takes for granted that Congress has plenary power to deal as an owner with all navigable streams of the United States, and with their tributaries.

It assumes that Congress has the same power over such streams as a private individual would have over his own property, whether real or personal. The provision or amendment contemplates that the Federal Government, granting Congress power to regulate interstate commerce as a transfer to the United States of all title to the waters within the States, as well as the power to control their use; and also the power to control activities and enterprises which would operate in the field of private endeavor if they are related to such waters.

Mr. President, the thirteen States, when they formed the Federal Constitution and entered the Union, did not part with their ownership, or any proprietary powers which they possessed. I am, and to this view I am, and can not, however, give to the Federal Government the power to regulate interstate commerce, not commerce within the States, not to engage in commerce, but merely to regulate interstate commerce, to take the railways, acquire all power plants in the United States, and construct all future plants, and by appropriate legislation, and some measures in the nature of a local and domestic commerce or to interfere in any manner with the streams and rivers of our country, unless their navigability is threatened, and then for the purpose of protecting such as are navigable in order that navigation may not be interfered with.

I repeat, the regulation of commerce confers no right upon the Federal Government to erect dams and build power plants and sell and dispose of power to the public. I maintain that the title to rivers and streams is in the States and not in the Federal Government, and that the States or their inhabitants have the right to use the waters of such streams, and may not be controlled or interrupted by the Federal Government except to prevent navigation from being interfered with upon those streams which are used for navigation.

Mr. President, the thirteen States, when they formed the Federal Constitution, granted Congress power to regulate commerce as a transfer to the United States of all title to the waters within the States, as well as the power to control their use; and also the power to control activities and enterprises which would operate in the field of private endeavor if they are related to such waters.

The test of what are navigable waters under the Constitution is whether the same are used, or natural to be used, as highways of interstate or foreign commerce; it matters not whether the streams so used are broken by rapids or falls.

He further states:

When the American Revolution took place the people of each State became sovereign with absolute title to the soil, streams, and water of their respective States as against any other State or nation. After the formation of the United States each State continued to be vested with the sovereignty of its soil and waters, subject only to rights surrendered to the United States under the Constitution adopted. Under the commerce clause of the Constitution all navigable waters used, or susceptible of being used, for interstate and foreign commerce are subject to regulations of the United States for the protection of such commerce. As jurisdiction or powers over all other navigable and all nonnavigable waters were not delegated to the United States by the Constitution nor provided by law to the States, the power of the Federal Government, reserved unto the absolute jurisdiction and control of the respective States or to the people.

A State may make its classification of navigable waters in order to determine its rules of property or riparian rights; however, under the Constitution of the United States, navigable waters must be navigable; that is, used or susceptible of being used in their natural state for interstate or foreign commerce by the usual modes of transportation by water.

The test of what are navigable waters under the Constitution is whether the same are used, or natural to be used, as highways of interstate or foreign commerce; it matters not whether the stream so used is broken by rapids or falls.

Applying the sound doctrine announced by Mr. Shields, to the principles underlying the bill before us, and to many of the items found therein, as well as to many rivers and harbors bills passed by Congress, it will be apparent that a bill for the protection of such commerce, under the Federal Government dealing with appropriations and the rights of sovereign States, the Federal Government has interfered with the title to the soil under streams within the States, and has asserted jurisdiction and control over streams not navigable, and subjected them, as well as navigable streams, to the control of Federal agencies who have denied citizens of States title to the streams, and in the waters thereof. Moreover, the Federal Government, more and more, has departed from sound political and economic policies and has embarked upon industrial enterprises which are peculiarly of a private character.
to the end that the people of the United States may be furnished with Government not only with power, but with heat. They inveigh against what they denominate the "power trust" and contend that it is the duty of the National Government to prevent the further construction of hydroelectric works within any of the streams in the United States. It follows necessarily, if this view shall prevail, that the Federal Government must utilize such power, and to accomplish that end must engage in business enterprises requiring electric energy.

The same view is entertained by the Communists of Russia. They declare that all "key industries" particularly shall be owned and controlled by the community and that the railroad lines shall be owned and operated by the general government. The development of heat and power is likewise considered by them as an indispensable function of the government.

Statements are frequently made upon the floor of the Senate that there is a "great power trust" in the United States which threatens the industrial life of the people, if it does not menace their liberty.

Mr. President, Congress has the undoubted power to deal with trusts and combinations in restraint of trade, no matter what form they assume. The growth and progress of our country has been largely in large public enterprises which have obtained in our country. We have encouraged private initiative and private enterprise. The poor boys of to-day believe that they will be the outstanding commercial and business figures of the future. If the Federal Government will paralyze the hand upon business and enterprise and the genius of the people, we may expect retrogression instead of progress.

Political conquests in the industrial and business life of our country, Mr. President, will be arrested if socialistic policies prevail. Much has been said against Mussolini, the outstanding figure to-day in Italy. He took the country when communistic, heresies are introduced into our midst. A few thousand of young men who are developing and equipping themselves to carry forward great business enterprises and to bring additional prosperity to the people of our country. They are building railroads and ships and bridges and fashionable great structures. Filled with pride and a proper ambition they go forward into new fields of endeavor and win mighty conquests in the industrial and business life of our country. They will harness the streams and develop electric energy to illuminate our cities and furnish power for industrial development. They will construct railroads and open mines and forests and build great enterprises which will add to the glory of our country and to the welfare of the people. It is better, in my opinion, for private corporations and the young men of genius who are developing throughout the United States to carry out great enterprises, including production of electric energy, then for the Government of the United States to assume the functions of a corporation or an individual and embark upon these enterprises of which I have spoken.

Mr. President, undoubtedly this amendment which directs the Secretary of War to furnish the Government with water power and make the surveys and investigation called for is but a prelude to the inauguration of a more drastic and far-reaching paternalistic policy which will infringe the Federal Government more upon the liberties of the individual within the limits of the powers which have been reserved to the States and to the people, respectively. With the Federal Government taking charge of all the streams and controlling them for irrigation purposes as well as for navigation, it is evident that it will be impossible for the States and the people to engage in business enterprises requiring electric energy.

Mr. President, I am not in favor of this new federalism; I want the States and the people in all their vigor; I believe in home rule and in the right of the people to govern themselves. I am afraid of powerful governments, of paternalism, and the growing power of bureaucracy in our own country. Our industrial progress, Mr. President, will be arrested if society and the heroes are introduced into our midst. We have men in the United States who are competent to deal with the economic and business problems. In the banks and mills and mines and factories and homes there are already thousands of young men who are developing and equipping themselves to carry forward great business enterprises and to bring additional prosperity to the people of our country. They are building railroads and ships and bridges and fashionable great structures. Filled with pride and a proper ambition they go forward into new fields of endeavor and win mighty conquests in the industrial and business life of our country. They will harness the streams and develop electric energy to illuminate our cities and furnish power for industrial development. They will construct railroads and open mines and forests and build great enterprises which will add to the glory of our country and to the welfare of the people.
Union itself. If the States are destroyed, or if their powers are weakened, it is obvious that the Federal Government will become more omnipotent than designed by the founders of this Republic.

The equilibrium essential to maintain the Federal Government and the State governments in their proper places will be disturbed, and evils will result, the effects of which must be destructive.

But may I say to the Senator that, if there is nothing in the Constitution of the United States of America which prohibits it from constructing and operating power plants, then it may do so. As I have argued, the streams belong to the States, and if the organic law of a State does not prohibit it, the State may construct and operate power plants for the building of levees and railroads. The people of the States have the right to determine, in the absence of limitations in their constitutions, just how far their State government may go in socialistic or paternalistic measures. The State of North Dakota amended its State Constitution so that it might engage in banking and the construction of grain elevators. Undoubtedly the people had the power to authorize the State to engage in such activities. Whether it was wise or not is a different question.

In my opinion the experiment was an unsafe one, as I think experience has demonstrated.

I believe that the people of the State of New York can get railroads and railroads, and heat and power from private corporations than they can from State ownership and control. However, that is a question that they must decide for themselves.

Mr. COPELAND. Mr. President, I agree with the Senator in many of the things he has said. I think he did, perhaps, give a wrong impression about the attitude toward State operation of these activities.

Mr. KING. Mr. President, before being interrupted by the Senator, I was speaking of the limitations upon the Federal Government and was attempting to show that, being a Government of enumerated powers, it could not transgress the authority granted it; that it had no right under the interstate commerce clause of the Constitution to take over the streams and the use of the waters of the streams and to build power plants and to invade the field of private endeavors. I was not discussing the power of the States to construct electric plants outside of their industrial activities.

Mr. COPELAND. I agree with the Senator, for instance, in the matter of building roads. I think Congress has acted wholly outside of its constitutional power in making appropriations for building many lateral roads—which those which cannot be forced into the position of being post roads.

Mr. KING. I am not in disagreement with the Senator.

Mr. COPELAND. I am in full sympathy with the Senator in that feature.

Mr. KING. As I have indicated, Mr. President, I arose simply for the purpose of commenting upon the statements of Senators—statements which, as I interpret them, conveyed the impression that the Federal Government owned all the streams in the land, and that it was its duty to use the waters thereof for irrigation or for other purposes or for anything it might desire. This view to me is untenable. I think it is a usurpation of authority. I am in line with the new federalism which is aggrandizing the power of the Federal Government and reducing the States, so far as it can, to mere shadows of what they should be.

I wish that the tenets of the Federal Government are being extended, strangling individualism and restricting the States in the assertion of their undoubted authority.

Mr. President, I deny that the Federal Government owns the waterways of the country. They may use the waters or control them, except the streams are navigable, and then only for the purpose of protecting navigation. I protest against the extension of Federal power through a misinterpretation of the Constitution. The Senate, Mr. President, I plead for home rule, for the rights of the States, for individual and vigorous local communities. I plead for individual rights and for a revival of that fine spirit of liberty and unionism that animated our fathers in the establishment of this Nation.

The PRESIDING OFFICER. The question is upon agreeing to the committee amendment as amended.

The amendment was agreed to.

The next amendment was, on page 17, after line 15, to strike out section 5 in the following words:

Sec. 5. That hereafter a per diem of $7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army for the actual time consumed while traveling by air, under competent orders, in connection with aerial surveys of rivers and harbors, and a per diem of $6 for the actual time consumed in making such aerial surveys, to be paid from appropriations available for the particular improvement for which the survey is being made.

Hereinafter, when in the opinion of the Secretary of War the changes of a station of an officer of the Corps of Engineers is primarily in the interest of river and harbor improvement, the mileage and other allowances to which he may be entitled incident to such change of station may be paid from appropriations for such improvements.

And in lieu thereof to insert:

Sec. 5. To cover actual additional expenses to which fliers are subjected when making aerial surveys, hereafter a per diem of $7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army for the actual time consumed while traveling by air, under competent orders, in connection with aerial surveys of rivers and harbors, or other governmental projects, and a per diem of $6 for the actual time consumed in making such aerial surveys, to be paid from appropriations available for the particular improvement or project for which the survey is being made: Provided, That not more than one of the per diem allowances authorized in this section shall be paid for any one day.

Hereinafter, when in the opinion of the Secretary of War the changes of a station of an officer of the Corps of Engineers is primarily in the interest of river and harbor improvement, the mileage and other allowances to which he may be entitled incident to such change of station may be paid from appropriations for such improvements.

Mr. KING. Mr. President, I would like to have an explanation from the Senator as to this item, and especially as to the number of fliers employed, the duties which they perform, and whether the compensation provided for here is in addition to the per diem allowances authorized in this section, shall be paid for any one day.

The Senator, in explanation, stated that the new regulations they couldn't pay the young officers if they went up into the country and they couldn't get back into their regular stations, and they would be mere shells—they will have no life, no vigor, no integrity, and the capacity of the people for local self-government will have departed from them.

I am protesting against a destructive paternalism, against these absorbing processes which secretly and openly are undermining States and drawing, as if by the power of gravitation, the people and the States within the ever-increasing and all-embracing power of the General Government.

Mr. COPELAND. Mr. President, I agree with the Senator in many of the things he has said. I think he did, perhaps, give a wrong impression about the attitude toward State operation of these activities.

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Mr. KING. I am not in disagreement with the Senator.

Mr. COPELAND. I am in full sympathy with the Senator in that feature.
Mr. JONES of Washington. That matter was brought up specifically with General Taylor, and I insisted that it should be made very clear that these allowances for expenses should be made to cover only those allowances for expenses specifically with General Taylor, and I insisted that it had and I objected to it, but General Taylor gave me legal, and the General Accounting Office is hereby authorized and directed to allow credit for such payments in the cases of such officers.

Mr. HOWELL. Mr. President—

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

Mr. HOWELL. I yield.

Mr. WADSWORTH. Mr. President—

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

Mr. HOWELL. I yield.

Mr. WADSWORTH. I do not think the Senator from Nebraska ought to say that according to custom of the Army a certificate is paid merely because it is presented. The disbursing officer, advised by higher authority in the War Department, invariably construes the statute in the way the War Department believes it should be construed, and when he makes the disbursement he does so in the belief that it is done within the provisions of law. Ten years later he has the Comptroller General, does the Comptroller General decide that all those payments were against the provisions of law and checks the pay of the officers and demands that the disbursing officer make a repayment of $90,000. The man is perfectly helpless. He did it in perfect good faith. The disbursements of the disbursing officer in the field are all O. K. by the Finance Department of the War Department and the whole thing checked from bottom to top, and then suddenly, as I said, the Comptroller General says, "You had no right to do all those things; I have suddenly found out you have been wrong for 10 years: give me all the money back."

It is impossible.

Mr. HOWELL. In other words, it is evident that in the War Department a superior officer can audit the accounts and direct his inferior to pay.

Mr. WADSWORTH. Of course. How else could it be done?

Mr. HOWELL. I think that is wrong. Some one besides those who are interested in the payments should audit the payments.

Mr. WADSWORTH. Does the Senator insist that no officer in the Army can disburse a penny until the permission of the Comptroller General is asked?

Mr. HOWELL. No.

Mr. WADSWORTH. Some one must authorize it in accordance with the best judgment of the War Department.

Mr. HOWELL. There is just one authority to authorize the payment of money, and that is Congress. Congress makes appropriations. The pay officers are supposed to understand the law. Time and again in the various departments pay officers have hesitated to make payments and have been ordered to do so by their superior officers, and then they are "called upon the carpet," formerly by the Comptroller of
the Treasury and now by the Comptroller General, they say, "I was directed to make that payment."

Mr. HARRISON. Mr. President. The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. HOWELL. I yield.

Mr. FLETCHER. This grows out of the following situation: Under an Executive order they were allowing Saturday half holidays during the summer months. That was all done under Executive order. Under the regulations, if a pay employee of a certain class worked four hours on Saturday, he was allowed his full pay for that day in accordance with the President's order. If he was required to work more than four hours, he was given for the extra time the same rate of pay that they were making. If an employee was paid $4 for an ordinary day, he would get the $4 for the half day on Saturday, and if he worked four hours more during the day, he would be paid 50 cents per hour, so that his total pay for that day would be $8. That went along without question for nearly 10 years. Recently the Comptroller General has held that such payments were illegal, and then these people were called on, after having done this for 10 years, to pay back these amounts because the Comptroller General suddenly decided they were illegal. The provision simply makes legal those things which have been done according to custom.

Mr. JONES of Washington. But it does not continue it in the future.

Mr. FLETCHER. No. The department then issued an order stopping it when the comptroller made that ruling so that there has been no violation of the ruling since.

Mr. FLETCHER. I am suggesting to the Senator that we have had quite a good many instances like that lately. I know we passed a bill through the Senate just the other day dealing with a similar matter in connection with the Civil Gulf. They paid out certain money and afterwards the comptroller held it was illegally done. We passed a bill relieving those people from having to refund the money. I think there were several instances of that kind occurring lately because of the construction of the law and the decisions of the Comptroller General.

Mr. HOWELL. I want to make it clear that a pay officer has no authority to make a payment except the authority derived from Congress, and if that pay officer made payments not authorized, he should not come back to Congress and ask that his accounts be cleared.

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

Mr. HOWELL. Certainly.

Mr. CARAWAY. If the authority that heretofore has been looked to shall be paid his per diem for a four hour day, that is the right to act, would the Senator say he ought to become personally liable?

Mr. HOWELL. So far as this particular case is concerned, I have not gone into the details, but I have this distinct impression.

Mr. CARAWAY. I see the Senator's viewpoint. I was just asking for information.

Mr. HOWELL. I had this distinct impression, that we ought not to look lightly upon claims to clear a pay officer, because there is a responsibility on the pay officer that he ought not to shirk.

Mr. CARAWAY. I find myself in sympathy with that view of the Senator. Heretofore I rather think there has been a good deal of looseness about the payment of allowances in the departments. I think the present Comptroller General is doing a very fine work; think he is about as popular with the department as a polack at a party, but I think he is doing a highly commendable work. I am in sympathy with him. But if it is sort of like a lower court were to adjust the accounts of administrative executives and they all acted upon that adjustment for years and years, and then some other court finally should reverse that decision and we were to deny to those people the authority they had a right to receive, I do not think with the view the Senator presents that there ought to be more care exercised than seemingly has been exercised in the payment of public funds. They make all the more excuse of being foreigners from the Navy and Army they should, but I hardly think we could expect a pay officer acting under the orders of his superior, to become personally liable. I think, Mr. HOWELL. I want to say to the Senator it seems to me the exercise of authority of a superior over a pay officer when the payments are made in the department is bad.

Mr. CARAWAY. It is bad and I am in sympathy with what the Senator is saying.

Mr. HOWELL. It is absolutely bad. Something came to my attention the other day that I think demonstrates very clearly the looseness to which the Senator referred. I am not associated with all the details of the case, but it has been brought to my attention that an employe of Mr. HEFLIN. So then the payments are made in the department is bad.

Mr. HEFLIN. I want to say to the Senator it seems to me the exercise of authority of a superior over a pay officer when the payments are made in the department is bad.
ter which, if we are going to have a discussion of it, I shall
desire to discuss at length. I wish to put a question
particularly to the chairman of the committee who heard the
matter discussed. Of course, the
committee did not know that there was any opposition to the
provisions of the Mississippi bill, and if they had
known that the Legislature of the State of Missis-
sippi had passed a resolution unanimously against any spill-
way on the east side of the Mississippi River, and that every
business organization on the Gulf coast of Mississippi, and
done likewise, the committee at least would have done the
right thing and would have allowed the Senators from Mis-
sissippi to have appeared before the committee and, at least,
to have told them of their opposition and views relative to
the matter. It seems to me that it ought to be quite sufficient
for me to make that suggestion. We were not told anything about
the matter, and the bill was out of the committee
without an idea on the part of the chairman and other
members of the Committee on Commerce that there was any opposi-
tion to the proposition. It is, however, a matter about which
there is so much difference of opinion that it will prolong
the discussion here. It is a matter of such importance that
the committee should at least hear both sides of the question.

So I appeal to the chairman of the committee that this
matter should be brought before the whole Senate so that if the
committee had any intimation or knowledge to the effect
that there was opposition to the bill from Louisiana and the committee desire a survey of the
Mississippi River, and that every
business organization on the Gulf coast of Mississippi has
opposed the provision in the bill, they had no intimation or knowledge to the effect
that there was opposition to the bill from Louisiana and the committee desire a survey of the
Mississippi River.

The bill from which section 7 is taken was introduced at the beginning of the session by my colleague in
the House of Representatives, Mr. Wilson of Louisiana, and
very full hearings were had before the Flood Control Commit-
tee of the House of Representatives on the measure. One of
the distinguished men that have ever sent to Congress, the Hon. Ben-
jamin Humphreys. Representative William Humphreys suc-
ceded his father.

After a very full hearing before the Flood Control Commit-
tee, on an independent bill, which is identical with section 7
carried in the pending river and harbor bill, the Flood Control
Committee reported it favorably upon the measure, and it was
passed by the House of Representatives. I introduced a simi-
lar bill in the Senate, incorporating in it the exact words
contained in Representative Wilson's bill. The Senate bill was sent back to the Committee on Commerce for some time
and certainly for several weeks—I do not remember exactly how
many—it was considered in the ordinary course along with
other measures pending before the committee. At the same
time it was added to the river and harbor bill, as in section 7,
I was authorized to report it as a separate bill, which I did.
That bill was passed by the Senate and is now pending on a
motion to reconsider, which was entered by the Senator from
Mississippi [Mr. HARRISON]. That is the legislative history of
this matter.

Now, Mr. President, let me ask the indulgence of Senators
who I state very briefly the importance of this subject. In 1879, 45 years ago, the
Congress created and given authority to control the floods on that
mighty stream. That commission has done the best it could
within the 45 years and has met with very great success in controlling the waters that flow down from
Louisiana from 31 States of this Republic.

In 1922 there was a great flood on the Mississippi, and the people of the lower river, and
the people of the Mississippi River Commission, though having authority to use the
outlet or spillway system, confined their efforts to the
construction of levees. Most of the engineers of the commission
have believed that it was not the best, and it never has advocated any other spillway or outlet than
the continued use of the Atchafalaya.

Mississippi, and the

And it never has advocated any other spillway or outlet than
the continued use of the Atchafalaya.

After the flood of 1922 the people of
Mississippi, a son of one of the most distin-
guished men in the profession, after
studying the problem for some time, devised a plan to construct a gigantic outlet or spillway in the Atchafalaya River, which leaves the
Mississippi about 320 miles from the mouth of the Mississippi and runs through
Mississippi, emptying into the Gulf of Mexico about 100 miles from the mouth of the
Mississippi River. I say "taking its source in the Mississippi," although its source, as a matter of
fact, is in the Red River, 6 miles from where the Red empties into the
Mississippi.

At times of flood the Atchafalaya River carries off about one-fourth of the total flood volume of the Mississippi and to
that extent acts as a gigantic outlet or spillway.

It has aided very much in caring for the big floods of the
lower river, but the commission, after a very mature study, and many of the
engineers of the commission in this country, and in Europe, decided that the spillway system was not the best, and it
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And it never has advocated any other spillway or outlet than
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They have, I will give the Honorable Senator from Florida a minute to say to Congress. The Honorable Senator from Florida, if you please.

Mr. RANSDELL. I yield to my colleague from Florida.

Mr. FLETCHER. Do I understand the Senator to say that it is the opinion of the Chief of Engineers that a spillway ought to be constructed at a certain place, or do I understand the Senator to say that he is opposed to this proposition in the bill? I yield to my colleague from Florida.

Mr. RANSDELL. He certainly may do that; and if he follows the lead of the Mississippi River Commission for 45 years he will very likely do that; but if he follows the advice of those extremely able Louisiana engineers he may say that a spillway is feasible.

Mr. FLETCHER. But upon the report it would still be for Congress to decide whether in the judgment of Congress a spillway ought to be established?

Mr. RANSDELL. Entirely.

Mr. FLETCHER. And then, in addition to that, the engineers might say: "We believe, upon an investigation of this matter, that it would be advisable at a certain place, and a spillway at another place"); they might recommend spillways, in other words, as a means of relief, but the Secretary might say: "This spillway will cost so much, and that spillway will cost so much," and even the whole series of spillways he might say that on account of the cost it was almost prohibitive; or it might be that Congress would say that the cost was too great, notwithstanding it believed in the spillway plan.

Mr. RANSDELL. That would be entirely possible.

Mr. FLETCHER. Nothing is settled by this procedure with reference to the effect on Mississippi or Louisiana or any other State or Territory, because the only time that any question of settling that matter comes up is after Congress gets this information. It may be, as I say, that the recommendation will be against the spillway, or that the estimate of cost will exceed the cost that the engineers themselves would recommend, or Congress might even then decide one way or the other with reference to the matter. It will have to be threshed out here, somewhere.

Mr. RANSDELL. That is entirely correct. The Senator has not only the bill, but he has the committee reports.

Mr. HARRISON. Mr. President—

Mr. RANSDELL. Pardon me just a minute; then I will yield to the Senator from Mississippi.

Mr. HARRISON. Mr. President, I merely wanted to make an inquiry of the Senator from Mississippi. I agree with him thoroughly as to the procedure that has to be gone through in order to get a project adopted. I have had enough experience here to know that is the way in which such things are done; but is the Senator in favor, after the statement I have made to him for this and that we are so vitally interested, of keeping this provision in the bill? I am addressing my inquiry to the Senator from Mississippi.

Mr. FLETCHER. I can not see that there will be any harm in sequence to Mississippi or any other part of the country if it is in the bill.

Mr. HARRISON. The Senator and I differ as to that; and in view of what I say and the Senator's statement of his position it is quite plain that he is in favor of keeping it in. I just wanted to get the Senator's position.

Mr. RANSDELL. I have stated my position. I must insist upon the provision remaining in the bill and ask the Senate to vote that way.

Mr. HARRISON. Mr. President, I do not want to detain the Senate with reference to this matter; but I know the consequences of this proposition and I can not agree with the Senator from Florida that this bill merely calls for a survey and that there may be a favorable report or not. What if on this investigation the engineers should say that the most practicable route for this spillway is through Lake Borgne, and then, in the next minute, I thank the Senator, but I want to test those who are present in the Senate Chamber on this proposition. I can get another vote in the Senate if they vote me down.

I would like to get the attention of the Senator from Washington, the chairman of the committee.

Mr. HEPFIL. Mr. President, will the Senator yield to me for just a question?

Mr. HARRISON. Yes.

Mr. HEPFIL. I understand that the Senator's colleague is of the same opinion, and that he was not consulted either. Mr. HARRISON. Mr. President. That is correct. The Senator on Commerce, but unfortunately he was not in the city, because of an accident with which the Senate is familiar. Neither he nor I knew anything of this matter until just the other day, when a bill had been presented. The House, was reported here, and was about to be passed, when I heard the word "spillway," got a copy of the bill, and saw what it meant. It was that day that the Committee on Commerce reported out the bill of funds already allotted to Mr. RANSDELL. It was reported one day, and the Senator asked unanimous consent the same day immediately following the report to have it passed, and that was done. I, as a consequence, the Senator to look at what this proposition means.

Senators have a right to be informed when other States are in

The Secretary of War is hereby authorized and directed to cause a survey to be made, and estimates of the cost of such controlled and regulated spillways or spillways as may be necessary for the diversion and control of a sufficient volume of the excess flood waters of the Mississippi.

And forth. It is only a survey. It is only to give information to Congress, and it was thought by all interested parties that the cost would be so small that we merely authorized the Secretary to use $25,000 of funds already allotted for the purposes. General Taylor told me that he did not think it would cost anything like that amount, but to be on the safe side that amount was inserted in the bill.

Surveys have been made, let me say, in the greatest detail and remade and remade, following different big floods during the past 45 years. The surveys to which I allude were made by the engineers of the Mississippi River Commission. We have also had many elaborate surveys made by the engineers of the State of Louisiana, for we have a board there, known as the Louisiana State Board of Engineers, composed of five of the best men among the engineers of the State.

I now yield to the Senator from Mississippi. Mr. HARRISON. Mr. President, I merely wanted to make an inquiry of the Senator from Florida. I agree with him thoroughly as to the procedure that has to be gone through in order to get a project adopted. I have had enough experience here to know that is the way in which such things are done; but is the Senator in favor, after the statement I have made to him for this and that we are so vitally interested, of keeping this provision in the bill? I am addressing my inquiry to the Senator from Florida.

Mr. FLETCHER. I can not see that there will be any harm in sequence to Mississippi or any other part of the country if it is in the bill.

Mr. HARRISON. The Senator and I differ as to that; and in view of what I say and the Senator's statement of his position it is quite plain that he is in favor of keeping it in. I just wanted to get the Senator's position.

Mr. RANSDELL. I have stated my position. I must insist upon the provision remaining in the bill and ask the Senate to vote that way.

Mr. HARRISON. Mr. President, I do not want to detain the Senate with reference to this matter; but I know the consequences of this proposition and I can not agree with the Senator from Florida that this bill merely calls for a survey and that there may be a favorable report or not. What if on this investigation the engineers should say that the most practicable route for this spillway is through Lake Borgne, and then, in the next minute, I thank the Senator, but I want to test those who are present in the Senate Chamber on this proposition. I can get another vote in the Senate if they vote me down.

I would like to get the attention of the Senator from Washington, the chairman of the committee.

Mr. HEPFIL. Mr. President, will the Senator yield to me for just a question?

Mr. HARRISON. Yes.

Mr. HEPFIL. I understand that the Senator's colleague is of the same opinion, and that he was not consulted either. Mr. HARRISON. Mr. President. That is correct. The Senator on Commerce, but unfortunately he was not in the city, because of an accident with which the Senate is familiar. Neither he nor I knew anything of this matter until just the other day, when a bill had been presented. The House, was reported here, and was about to be passed, when I heard the word "spillway," got a copy of the bill, and saw what it meant. It was that day that the Committee on Commerce reported out the bill of funds already allotted to Mr. RANSDELL. It was reported one day, and the Senator asked unanimous consent the same day immediately following the report to have it passed, and that was done. I, as a consequence, the Senator to look at what this proposition means.

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Surveys have been made, let me say, in the greatest detail and remade and remade, following different big floods during the past 45 years. The surveys to which I allude were made by the engineers of the Mississippi River Commission. We have also had many elaborate surveys made by the engineers of the State of Louisiana, for we have a board there, known as the Louisiana State Board of Engineers, composed of five of the best men among the engineers of the State.

I now yield to the Senator from Mississippi.
The country is being built up and developed. We have no opposition in Mississippi to any spillway that might be constructed that would not throw the flood waters upon the coast of Mississippi. We think we have as good a coast as any there is in Florida. People have come there from all over this country and made their investments. We have a great oyster industry there. We want the people of my State to see that the Mississippi River being deposited throughout the Mississippi Sound, destroying our own coast country?

I want to help the people of New Orleans. I have tried to cooperate with them, and with the Senators and Representatives from that State. I went to school in the State of Louisiana, and I love the people of that State. Some of my warmest friends live in New Orleans. I have great pride in her growth, and very much desire to see the welfare of her and her people happy. I went there in conference with the distinguished Senator [Mr. RANSDELL] and the delegation, and we met the delegation, and I said to them, and to the members of the delegation with me from Mississippi said, "If you can agree on a spillway, locating one at a place where it will not throw the flood waters over into the Mississippi Sound, we will cooperate with you. We are merely trying to protect ourselves in this matter."

The legislature of my State has passed a resolution against this proposition. Every business organization on the Mississippi coast has passed a resolution against it. If the Senator will amend his provision so as to provide that the spillway shall be constructed on the west side of the Mississippi River, or at such place on the Mississippi River that, if it should be constructed, it would not throw the waters into the Mississippi Sound, either directly or indirectly, I shall not oppose it; I shall cooperate. But I cannot agree to any other spillway constructed whether it shall be located at Lake Borgne or anywhere else.

We have a right to come before committees when our States are involved, and I submit to the Senate if this provision is incorporated it will be a bad precedent. I think it is almost discourteous. I leave the matter to the Senate. I hope the Senate will vote this proposition down.

Mr. STEPHENS. Mr. President, I shall detain the Senate only a moment in regard to this matter. Reference was made a moment ago to the fact that I am a member of the Committee on Commerce. I want to say that because of a physical disability I was unable for a long time to attend the sessions of that committee. A few days ago I went from New York to Washington for the first time during this session. I think the day I arrived was notified that there would be a meeting of the Committee on Commerce to consider the river and harbor projects of the United States. I found a letter from the Senator from Louisiana [Mr. RANSDELL], who is also a member of the committee.

From my colleague I had made inquiry as to whether there were any items in the bill affecting the State of Mississippi. I was given information with reference to certain items. His attention had not been drawn to this particular matter, nor was mine. As I have said, I sat across the table from the Senator from Louisiana, and the attention was the bill without my attention ever having been directed to it. It does seem to me, Senators, that to say the very least, common courtesy demanded that my attention should have been directed to this matter, but I never heard of it until the bill reached the Senate, reported from the Committee on Commerce.

I am going to say just this word: It has been suggested that this is to be only a survey, and therefore will amount to but little. It is true that a survey is all that is asked for at present, but the very fact that a survey was ordered might perhaps show the Senator from New Orleans that the South is interested in account of its warm climate. People are going down into Mississippi. The country is being built up and developed. I recall that quite a number of years ago attention was directed to the part of the country, and people began to make investments, but about that time the fever came, brought by the mosquito. Progress stopped; people began to refuse to invest their money; development ceased; the country was almost wrecked, but science advanced, and people came again. So that if any orderly enactment is passed, since these people down there know what the effect may be, indeed, what it will be, if a spillway is constructed. They know it will affect the bathing beaches; they know it will affect the oyster beds; they know it will affect the oyster industry. When a moment a survey is ordered the people of those communities down there which would be affected will be badly hampered and injured.

Mr. RANSDELL. I attended a committee from Louisiana, I believe, that there was a difference of opinion as to whether or not a spillway is feasible. Is that correct?

Mr. RANSDELL. Does the Senator wish a reply to that?

Mr. RANSDELL. Of course I am not an engineer, and I have always felt that the propositions now presented they should be worked out by the greatest engineers in the world. I stated very frankly a few moments ago that the Mississippi River Commission, which has been composed of very eminent engineers and has been directed to study the problems, stated that many eminent engineers of the State of Louisiana—and I am proud of my State and think the people of Louisiana are here to be consulted anywhere a number of the best Louisiana engineers say that a spillway is feasible. There the doctors are disagreeing. How can I, as a layman, pass upon that great engineering problem? I simply want to call in the highest engineering authority in the United States, the War Department, through its board of engineers, to help solve the problem. We are not obliged to follow the advice of the board, even after they give it, but I have stated that there was a difference of opinion already existing, and we want some help on it. The Senator knows that when a patient gets very sick and two doctors disagree a third is frequently brought in, and he sometimes arrives at a correct diagnosis. Maybe the Engineer is not the right solution, but I do not, I will admit, I am not an engineer.

Mr. STEPHENS. The Mississippi River Commission is composed of engineers who have a knowledge of the business. They have made a study of this matter, and they have stated that a spillway is not feasible, so the Senator states.

Mr. RANSDELL. Let me modify that just a little. They have not yet built a spillway, and they have not been consulted upon it; they have not even been asked to present a proposition for a spillway, and as far as I can tell, I think the people of Louisiana will want a spillway constructed.

Mr. STEPHENS. My proposition is just this, that the Mississippi River Commission, a commission interested in studying that great problem, in taking care of the great flood waters of the Mississippi River, in protecting New Orleans, and all the millions involved in the Mississippi River problem—that commission, composed of eminent engineers, feel that this is not a feasible project, that a spillway should not be constructed at all. When I suggest this great majority in the Senate, that is the people of Mississippi, and the United States, of the people of the South, that the waters of the Mississippi River should not be laid along the coast of Mississippi. It has been a bad precedent. I think it is almost discourteous. I leave the matter to the Senate. I hope the Senate will vote this proposition down.

Mr. RANSDELL. Mr. President, I wish to say just a few words with regard to this matter. The Senator referred to the fact that we have not built one yet, and the president of the commission stated his personal opinion to be that it was inadvisable, in a letter to President Harding dated, I think, the 11th of June, 1923.

Mr. STEPHENS. My proposition is just this, that the Mississippi River Commission, a commission interested in studying that great problem, in taking care of the great flood waters of the Mississippi River, in protecting New Orleans, and all the millions involved in the Mississippi River problem—that commission, composed of eminent engineers, feel that this is not a feasible project, that a spillway should not be constructed at all. When I suggest this great majority in the Senate, that is the people of Mississippi, and the United States, of the people of the South, that the waters of the Mississippi River should not be laid along the coast of Mississippi. It has been a bad precedent. I think it is almost discourteous. I leave the matter to the Senate. I hope the Senate will vote this proposition down.

Mr. BROSSARD. Mr. President, I wish to say just a few words with regard to this matter. Mr. Harding got a letter from the president of the commission stating that amendment will not be agreed to.
Last year I was on a special committee appointed to investigate and report on the feasibility of a 9-foot channel from Chicago to the Gulf. We were accompanied on the trip by the chairman of the Mississippi River Commission and by its engineer. The engineer on frequent occasions discussed with me and later we discussed with General Beach and other members of the committee what other possibilities could be resorted to in order to afford the relief. I wish to say to my friend from Mississippi [Mr. Hammond] that it developed on that trip that the engineer of the Mississippi River Commission stated that it was not the policy of the Mississippi River Commission to require people living along the river to maintain a levee system; that if they desired to abandon their levees they were free to do so in doing so; and thought that this idea had not been considered, and, of course, the removal of 30 miles of levees would be much more effective than a spillway.

I reported this fact to Mr. James M. Thompson, chairman of a committee in New Orleans, established for the purpose of enlightening the people of the country on the subject. The levee board, including the territory in which New Orleans is situated, and the territory below New Orleans, have practically decided on the abandonment of the levees on the east side of the Mississippi River below New Orleans and are now in conference with the Mississippi River Commission to ascertain whether or not it meets with their full approval.

The object and the purpose of the pending legislation is not to annoy Mississippi. We have no such idea. The points covered under the bill are entirely within Louisiana territory on both sides of the river. Opposite Red River Landing, which is on the west side of the river, Louisiana has fully 60 miles of territory, and the point designated in the bill is between Red River Landing and Fort Jackson, which is also within Louisiana territory. In that particular territory, limited under the terms of the bill, the engineers may make suggestions that might be very valuable to the Congress in the adoption of a policy with reference to spillways on the lower Mississippi River. The bill does not authorize nor does it adopt any policy but merely asks for information, and I, therefore, trust that the amendment may be retained in the bill.

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

On a division, the amendment was rejected.

The next amendment of the Committee on Commerce was, at the top of page 20, to insert: Mr. JONES of Washington. Mr. President, there are quite a number of provisions for surveys in the bill put in in the nature of amendments. I do not know whether there is any opposition to any of the amendments or not. I am going to ask that those amendments be agreed to en bloc, excepting the amendment on page 33, lines 3 to 5.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent that the amendments relating to surveys, which the Chair assumes end with line 12 on page 33, Mr. JONES of Washington. That is correct. The PRESIDENT pro tempore. With the exception of lines 3, 4, and 5 on page 33, shall be agreed to en bloc, excepting the amendment on page 33, lines 3 to 5.

The PRESIDENT pro tempore. The question is on agreeing to the amendment. The amendment was agreed to.

On page 20, after line 7, to insert: Mill River, N. Y.

On page 22, after line 22, to insert: Hudson River at Ossining, N. Y.

On page 22, after line 23, to insert: Peekskill Harbor, N. Y.

On page 22, after line 3, to insert: Barataria Bay, N. J., from natural deep water up to the west side of the Great bend, with a view to providing a suitable harbor with a channel depth of 30 feet.

On page 22, after line 7, to insert: West side of Barataria Bay, N. J., including the Port Aransas point section, with a view to providing a suitable harbor with a channel depth of 30 feet.

On page 23, after line 10, to insert: Maurice River, N. J., with a view to improvement of the entrance channel.

On page 23, after line 10, to insert: Smith's Creek, N. J.

On page 24, after line 1, to insert: Twitch Cove to Ewell, Md.

On page 24, after line 2, to insert: Potomac River: The water front on the north side of Washington Channel, D. C., with the view of surveying same and preparing and submitting plans and estimates of cost for the construction of an adequate terminal or terminals which would provide appropriate facilities for water transportation and for interchange of traffic between vessels and the railroads and highways, respectively, including any recommendations which may be deemed advisable for coordinating the full commercial use of said water front and the approaches, with the benediction thereof.

On page 24, line 19, after the name "Virginia," to insert "and hence up the Pamunkey River to a point near and above West Point," so as to read:

York River, Va., and hence up the Pamunkey River to a point near and above West Point.

On page 27, line 3, after the name "Virginia," to insert "and channel leading into the deep waters of Mobjack Bay," so as to read:

Chickahominy River, Va., and channel leading into the deep waters of Mobjack Bay.

On page 25, after line 5, to insert: Twenty Creek, a branch of North Landing River, Va., Mill Creek, Va.

On page 25, after line 7, to insert: Brasforde Bay, Accomack County, Va.

On page 25, after line 22, to strike out "Channel connecting the harbor at Manteo, N. C., with the Norfolk Beaufort Inland Waterway," and insert: Channel beginning at the mouth of Manteo Bay, N. C., and thence southwardly via Reapeoke Sound to the main channel in Pamlico Sound.

On page 26, after line 21, to insert: Charleston Harbor, S. C.

On page 27, after line 4, to insert: North Newport River, Ga., with a view to the deepening and improvement of such river.

On page 27, after line 6, to insert: Manatee River, Fla.

On page 27, after line 7, to insert: Taylor Creek, Fla., in Okaloosa County.

On page 27, after line 8, to insert: Cedar Keys Harbor and Channel, Fla.

On page 27, after line 9, to insert: Wakulla River, Fla.

On page 27, after line 10, to insert: Sarasota Inlet, Fla.

On page 27, after line 11, to insert: Homosassa River, Fla.
On page 27, after line 12, to insert:

Caneotoahatchie River, Fla.

On page 27, after line 15, to insert:

St. Cloud Canal, Fla., connecting the lake at St. Cloud with the lake of Kissimmee.

On page 27, after line 15, to insert:

Mississippi River from Minneapolis to Lake Pepin, with a view to improving it by the construction of locks and dams.

On page 30, after line 17, to insert:

St. Croix River from Stillwater, Minn., to its mouth.

On page 31, after line 7, to insert:

Dalath-Superior Harbor, Minn., and Wis., with a view of deepening the channel at and near the entrance of Tower Bay at its junction with Howard's Bay.

On page 31, after line 10, to insert:

Algoma Harbor, Wis.

On page 31, after line 23, to insert:

Strawberry Passage, Green Bay, Wis.

On page 32, after line 13, to strike out:

Fairport Harbor, Ohio.

On page 32, after line 14, to insert:

The outer harbor of Fairport Harbor, Ohio, with a view to extending the breakwater and making such other improvements as may be necessary to the enlargement of the harbor.

On page 33, after line 13, to insert:

Harbor at San Francisco, Calif.

On page 33, after line 13, to insert:

Crescent City Harbor, Calif.

On page 34, after line 21, to insert:

Umpqua Harbor and River, Oreg.

On page 34, after line 3, to insert:

Columbia and lower Willamette Rivers, between Portland, Oreg., and the sea, with a view to deepening and widening the channel.

On page 34, after line 6, to insert:

Columbia River, from Tongue Point base, Astoria, Oreg., to its mouth.

On page 34, after line 8, to insert:

Snake River, Idaho and Wash., with a view to its canalisation to Shoshone Falls.

On page 34, after line 10, to insert:

Quillayute River, Wash.

On page 34, after line 17, to insert:

Puget Sound and tributary waters, Washington.

On page 34, after line 18, to insert:

Willapa Harbor, Wash.

On page 34, after line 19, to insert:

Port Angeles Harbor, Wash.

On page 34, after line 20, to insert:

Chetolos River, Wash.

On page 34, after line 21, to insert:

Olympia Harbor, Wash.

On page 35, after line 5, to insert:

Resurrection Bay breakwater or harbor of refuge, Alaska.

The next amendment was, on page 38, after line 2, to insert:

Colorado River, Wyoming, Colorado, Arizona, New Mexico, Nevada, and California, with a view to its utilisation for navigation.

The amendment was agreed to.

The next amendment was, on page 39, after line 2, to insert:

The President pro tempore. The question is on agreeing to the amendment of the President pro tempore. The question is on agreeing to the amendment of the President pro tempore.

The next amendment was, on page 39, after line 5, to insert:

The President pro tempore. The question is on agreeing to the amendment of the President pro tempore.

The amendment was adopted by the yeas and nays.

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that I have before me a communication from the mayor of the city of Zanesville, Ohio, calling attention to the need for the repair of the levee in that city. He makes the following statements of fact, and I know these statements to be facts:

After 1848 a strong levee was placed by the State of Ohio along this portion of the river bank, and in 1884 the same was washed out by high water, and the State of Ohio appropriated and expended the sum of $8,000 and built a new levee.

About the year 1888 the State of Ohio transferred the river to the United States Government, and the same has been under charge of the War Department since said time. In 1889 the United States appropriated and expended the sum of $8,000 on the present levee, and in 1910 made repairs thereon to the extent of $5,735.

If the present contemplated repairs are not made it will be impossible to keep the river above the dam within its present channel.

I have before me copies of those acts or the portions of those acts which are in point. The act of July 1, 1888, provided, as follows:

That $5,000 of said sum may be used for the repair and extension of the levee of the Muskingum River at Zanesville, Ohio, in the discretion of the Secretary of War.

The act of June 25, 1910, provided:

For repairing the break in the levee at Dam No. 19 in the Muskingum River at Zanesville, Ohio, the Secretary of War is authorized and directed to use not exceeding $3,000 of the sum appropriated to the river and harbor appropriation act approved March 3, 1909, for the preservation and maintenance of existing river and harbor works.

So there is proper precedent for the action I propose. It is an action which in my judgment ought to be taken, because the danger that otherwise could not be cured is now made part at least by the construction of the Dam No. 10 in the city of Zanesville, Ohio.

Mr. JONES of Washington. What did the engineers say with reference to the situation?

Mr. WILLIS. I must be perfectly frank with the Senator and say that I do not have a statement from the Board of Engineers in that respect. The only information I can give is what was given me by a Member of the House who was interested in the project, and who stated that the engineer had told him in the first instance that he thought this could be cared for out of the general appropriation. Upon looking that up, however, I ascertained that that would not be authorized; that if repair was to be made it would have to be made by a special appropriation. I am not able to say, however, that this item was approved by the Board of Army Engineers. I do not have that information.

Mr. JONES of Washington. Has the Senator from Ohio conferred with General Taylor, the Chief of Engineers?

Mr. WILLIS. I spoke to General Taylor; I talked with him briefly over the telephone about the matter. I do not believe General Taylor looks upon it with a great deal of favor; I must tell the Senator from Washington the truth about it. He did not indicate to me he was opposed to the proposition, but I was not able to obtain the enthusiastic endorsement which I had hoped I might be able to obtain. The Senator compels me to tell all that I know about it, and I, of course, state the truth. It does not have the indorsement of the Board of Army Engineers; but there is precedent for it in the two acts to which I have referred.

Mr. JONES of Washington. Does the Senator really think that they should adopt amendments on the floor of the Senate simply on the recommendation of other parties not connected with the survey and improvement of rivers and harbors?

Mr. WILLIS. The Senator embarrasses me greatly, because he knows that, as a member of the committee, I have always fought that policy. I will say to the Senator frankly that I do not indorse such a procedure; but it did seem to me the circumstances of this case were peculiar, and I thought I ought to make a perfectly frank statement, which I have now done.

Mr. JONES of Washington. The Senator has made a perfectly frank statement. I think the amendment should be agreed to; but I am willing, of course, to let it be voted on by the Senators here who have heard the statement of the Senator.
Mr. KING. Is the amendment not subject to a point of order?

Mr. WILLIS. I think it is, but I trust the Senator from Utah will not make it, and I believe he will not.

Mr. JONES of Washington. I did not suppose any proposition was subject to a point of order in connection with this bill.

Mr. KING. But the Senator from Ohio [Mr. Willis] thinks that it is, and I think upon this matter he is better authorized than the Senator from Washington [Mr. Jouxas].

Mr. JONES of Washington. I should be very glad to make the point of order and to get a ruling from the Chair, which I may be able to use in connection with other amendments which may be proposed to the bill.

Mr. KING. I think the Senator from Washington should make the point of order against the amendment.

Mr. JONES of Washington. I make the point of order against the amendment.

The PRESIDENT pro tempore. What is the ground of the point of order?

Mr. JONES of Washington. That the amendment is not estinated for.

Mr. WILLIS. But this is not a general appropriation, and so an amendment does not have to be estimated for. It does not come within the rule providing that that shall be done.

Mr. JONES of Washington. I am asking for the opinion of the Chair. I will state frankly that my judgment is, the amendment is in order under our rules.

The PRESIDENT pro tempore. As the Chair remembers, the Senator from Washington [Mr. Joupas] has stated that this is not an appropriation bill?

Mr. JONES of Washington. It is.

The PRESIDENT pro tempore. And if it is not an appropriation bill, the Chair would like to know upon what the Senator from Washington bases his point of order?

Mr. JONES of Washington. I have nothing upon which to base it, Mr. President.

Mr. WILLIS. The Senator from Washington has not any basis for his point of order.

Mr. JONES of Washington. But, in my judgment, it is not in order.

The PRESIDENT pro tempore. The point of order is overruled. The question is upon agreeing to the amendment. [Putting the question.] The Chair is in doubt.

Upon a division, the amendment was agreed to.

The PRESIDENT pro tempore. The bill is still before the Senate as in Committee of the Whole and is open to further amendment.

Mr. CAMERON. I offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stricken.

The CHIEF CREEK. On page 23, after line 10, it is proposed to insert a new section to read as follows:

SEC. 10. (a) That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, of $65,000, or so much thereof as may be necessary, to reimburse the reclamation fund for the benefit of the Yuma Federal irrigation project in Arizona and California for all costs, as found by the Secretary of the Interior, herefore incurred and paid from the reclamation fund for the operation and maintenance of the Colorado River front work and levee system adjacent to said project.

(b) That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $50,000, or so much thereof as may be necessary, to be transferred to the scheduled fund and to be expended under the direction of the Secretary of the Interior for the purpose of paying the operation and maintenance costs of said Colorado River front work and levee system adjacent to said Yuma project, Arizona-California, for the fiscal year ending June 30, 1924.

(c) That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $30,363 for the first 10 months of the year 1924. But so long as this tremendous expense was caused by the construction of the levee in Mexico, paid for by the funds from the United States Federal Treasury, it hardly stands to reason that the settlers of Yuma project should be held liable for the cost of operating and maintaining this Government-constructed levee system. The annual payments have become burdensome, so much so that the farmers of Yuma project are now fairly staggering under this wholly unjust tax.

Inasmuch as this tremendous expense was caused by the construction of the levee in Mexico, paid for by the funds from the United States Federal Treasury, it hardly stands to reason that the settlers of Yuma project should be held liable for the cost of operating and maintaining this Government-constructed levee system. The annual payments have become burdensome, so much so that the farmers of Yuma project are now fairly staggering under this wholly unjust tax.
pay in the same proportion that other communities along navigable streams are required to pay.

It would seem, therefore, that this simple act of justice should be done at once. President Coolidge, in his annual message to Congress, recommended the enactment of such legislation, and I hope the House will now see fit to pass the necessary measures on the public interest.

The Colorado River. The Yuma project levee system is the only bulwark the United States has to withstand the annual overflow of the Colorado. The President certainly did not know when he made his statement as to the cost of the levee system whether it could be charged against the landowners of Yuma project, but rather that the Federal Government should undertake to control the flood waters of the river. The levee system has been established fact that the Colorado River to that point is a navigable stream. The settlers of Yuma Valley, on what is known as the Yuma irrigation project, have been caused to pay out this enormous sum of money every year to protect themselves against the flood waters of the Colorado River.

Several years ago the United States Government went into Mexico and built on the west side of the river a levee. That levee was constructed, it forced the water from the rock levee back on to the east side of the river, and overflowed the farm lands of the settlers of that valley. I say this in my heart: it was done with good faith, who in their money, and who had obligated themselves to the Government of the United States under the reclamation laws to the extent of $75 per acre. Now, they come along every year, as I have stated before to the Senate, and have been charged up as high as $150,857. In one year for the maintenance of this levee. That was in the year 1921.

Is there any more reason why the settlers of the Yuma Valley should pay this amount and have it charged up against the maintenance of their irrigation system and have it to pay, Mr. President, than the people on the Mississippi River or the Missouri River, or the Columbia River, or any other river in the United States for the dredging and maintenance of which the Government has been for years and is now by this bill appropriating money?

I say to you, Mr. President, and I say to the Senate of the United States, that there never was a more just cause presented here than this one. I am pleading the cause of these worthy people who have, without complaint, paid up to this time, from the time that the irrigation system was in existence, every expense that they had paid, to pay the Government, which they are paying back year by year, have to pay each year the additional sum of $2 an acre to protect themselves of ravaging flood waters which the Government really created by the construction of a rock-fill levee in Mexico.

Some will say to you, Mr. President, that this is not the regular, proper place for this amendment. If this is not the proper place for this amendment, I do not know where you would go for the proper authority for the reimbursement of this fund.

I want to say this, and I say it with every honest thought in my heart: I did not rise here to-day with this amendment for the purpose of having it exploited or getting it into the bill for public or political purposes. I am standing here before the Senate of the United States and you, Mr. President, asking you to do this act of justice for these people, who are suffering under such a disadvantage from the flood waters of the Colorado River that you have heard so much about during the last ten years from the different sections of the country. There have been hearings held here before the Reclamation Commission by the month on the House side and on the Senate side. Here are a people that can not protect themselves, who have obligated themselves to pay the Government $75 per acre, and with one surge of the river from the rocks the Colorado River most of this land can be overflowed and wiped away. There never was a condition like it in the history of the United States and I plead with you to give the Senate of the Go\n
Mr. President, I hope this amendment will be adopted. Here are facts. In the development of the Yuma Federal Irrigation project Arizona-California, it became necessary to project the project from the flood waters of the Colorado River by means of levees along the southern shore. These were constructed at an expense of $2,715,082.51 and have since been maintained at an expense of $397,088 and have been charged to the reclamation fund and appear as a part of the cost of the Yuma project.

At the point where the levees are located, the Colorado River is navigable, and the expense of such levee work and of its maintenance in the aggregate would not be charged against the project rather than against the project the water users thereunder. A similar work, known as the Ockersee Levee, was built in 1917 by the Government on the western bank of the river in the Yuma Project property in Cali., at a cost of $800,000. This cost was paid by the Government and was not charged to landowners in Imperial Valley.

The amendment before us does not affect the item of construction cost, but in the sum of $397,088 here before expended for operating and maintaining the levees, and would provide for payment after the end of the current fiscal year of the annual operation and maintenance expense of these levees through a cooperative arrangement between the United States, the State of Arizona, the State of Colorado, the County of Yuma, and the Yuma project.

The so-called Fact-Finding Commission, viz., the Committee of Special Advisers on Reclamation, recommended this legislation in the following language, which will be found on page 23 of the report of the Committee of Special Advisers on Reclamation:

That the levee system be regarded as a public work of the United States, similar in character to other protection works built under the rivers and harbors act along navigable streams, because the United States holds that the Colorado River is a navigable stream, and in pursuance of that holding the Government has built protection works at Yuma and a levee on the Colorado side of the stream in Mexico, known as the Ockersee Levee, at an expenditure of $1,000,000. These have been treated as improvements under the rivers and harbors act, and have never been regarded as having been made against anyone.

The committee recommends, therefore, that legislation be secured under which the expenditure for the construction, operation, and maintenance of these levees by the reclamation fund shall be treated as an expenditure of the Government, similar to expenditures under the rivers and harbors act, and that the reclamation fund be reimbursed by an appropriation equal to the amount of this expenditure.

The committee recommends that expenses incurred in the maintenance and operation of the levee system be provided for under some cooperative agreement between the States of California and Arizona and the War Department, similar to other cooperative agreements for the maintenance of levees on the Mississippi and other rivers, and that no part of this cost be included in the operation and maintenance expenses of this project.

Mr. President, this amendment is just and fair; it has passed the Senate heretofore, but was abandoned by conferees.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latt, one of his secretaries, announced that February 20, 1925, the President approved and signed the following acts:

S. 2287. An act to permit the Secretary of War to dispose of and the Port of New York Authority to acquire the Hoboken Manufacturers' Railroad; and
S. 3765. An act 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.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chipper, one of its clerks, announced that the House had passed, without amendment, and the War Department, similar to other cooperative agreements for the maintenance of levees on the Mississippi and other rivers, and that no part of this cost be included in the operation and maintenance expenses of this project.

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assistant professors of military science and tactics at educational institutions, and for other purposes;
S. 3666. An act for the exchange of lands in the Custer National Forest, Mont.;
S. 3824. An act to provide for the appointment of a leader of the Army Band;
S. 3866. An act to create a Library of Congress trust fund, and for other purposes;
S. 4015. An act to authorize the Secretary of the Interior to construct, maintain, and operate a bridge across the Sabine River at or near Orange, Tex.;
S. 4178. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Hudson between the States of New York and New Jersey;
S. 4179. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Kill Van Kull between the States of New York and New Jersey; and
S. 4268. An act to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn.; and
S. J. Res. 163. Joint resolution to accept donations of furniture and furnishings for use in the White House.

The message also announced that the House had passed bills of the following titles, in which it requested the concurrence of the Senate:

H. R. 6723. An act to provide for reimbursement of certain claims of the Navy Department at the naval torpedo station, Newport, R. I., for the value of personal effects lost, damaged, or destroyed by fire;
H. R. 10826. An act to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War; and
H. R. 3425. An act granting the thanks of Congress to the village of Spooner, Minn., for the construction of a bridge across the Rainy River.

MAINTENANCE SENATE OFFICE BUILDING (S. Doc. No. 221)

The President pro tempore laid before the Senate a communication from the President of the United States transmitting, with a statement, a bill estimate of appropriation for maintenance, Senate Office Building, $4,000; for furnishings, Senate Office Building, $1,500; in total amount $5,500, which, with other matters, was referred to the Committee on Appropriations and ordered to be printed.

SETTLERS ON FORT PECK RESERVATION LANDS

Mr. WHEELER. From the Committee on Indian Affairs I report back favorably with an amendment the bill (S. 3467) to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes, and I submit a report (No. 3242) thereon. I ask unanimous consent that the bill may be immediately considered by the Senate. A similar bill has been reported favorably by the House committee. It is a bill merely for the relief of settlers. It has been agreed to by the Indians and white settlers upon the Fort Peck Reservation, and it is necessary and it get it through the Senate and send it to the House.

The President pro tempore. Is there objection to the present consideration of the bill?

Mr. JONES of Washington. If it takes no time I shall not object.

Mr. ROBINSON. There ought to be an explanation of the bill.

Mr. WHEELER. I will state in explanation that by reason of drought on the Fort Peck Reservation, where the settlers had come in and taken up their homestead entries, they are unable to raise crops required by the Secretary of the Interior to the Indians. The Indians on the Fort Peck Reservation to whom the land originally belonged and to whom the money is due have entered into an agreement with the white settlers to the effect that this bill may be passed and the extension given. It is recommended by the Indian Affairs Committees and also by the department.

Mr. ROBINSON. Is the report unanimous?

Mr. WHEELER. The report is unanimous.

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

The amendment was, on page 2, line 10, after the word "interest," to insert "shall draw interest," so as to make the bill read:

Re is enacted, etc., That all persons who have made homestead entries, being actual settlers on the ceded lands of the Fort Peck Indian Reservation, are hereby granted an extension of time for payment of one-half the amount, including principal and interest due and unpaid on their homestead entries, until the 1st day of November, 1925, at the rate of 5 per cent per annum, until the payment dates, at 5 per cent per annum: Provided, That upon failure to make complete payment of either installment by any such persons the entry shall be canceled and the land revert to the status of other tribal lands of the Fort Peck Indian Reservation.

Sec. 2. All such persons who have abandoned residence on and cultivation of their entries and who are in arrears in any amounts are hereby required to make payment in full of principal and interest due and unpaid on or before the 1st day of November, 1925, and for the failure to pay during the five years' period.

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.

RIVER AND HARBOR BILL

The Senate, as in Committee of the Whole, resumed the considera­tion of the bill (H. R. 11473) and agreed to a substitute for the bill (H. R. 11474), providing for alterations, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arizona [Mr. CAMERON].

Mr. REED of Missouri. Mr. President, this bill is a forward gesture in that it proposes a preliminary step toward the adoption of a number of public works, all of them calculated to produce better navigation on the waters of the Republic. It was preceded by a bill appropriating the pitiable sum of $4,000,000 for the improvement and maintenance of all of the rivers and harbors of the United States and for their further development. The amount of money that will actually remain for development is about $22,000,000, and with the sum of money the War Department of the United States Army is expected to carry on in the great work of internal improvement. The engineers, embarrassed and oppressed as they have been by the policies which have been recently in vogue, and held down as they were and have been for several years by the declared intent of the Government to cut river and harbor appropriations to the bone, nevertheless reported a request for $52,000,000. That appropriation, I am informed, could have been passed in the House of Representatives, but obstacles were encountered, and it was finally, as it was thought, agreed that if the bill were allowed to go through carrying $40,000,000 such pending bill would be passed and that it would contain provisions for the completion of all adopted rivers and harbors projects of the country within five years' time. Notwithstanding that agreement, which at least had been made by certain parties who were presumed to know that they spoke with authority, we are informed that the pending bill can not be passed, or, if passed, will be vetoed if it contains the five-year period.

I am informed that the reason for this attitude is that one Mr. Lord, who occupies the position of Director of the Budget, has taken the position that if the Congress shall adopt the five-year provision, that approval would oblige future Congresses to appropriate the necessary moneys to complete these works within the period referred to. It is, of course, true that the passage of such a measure would be an instruction to the Executive to appropriate the necessary funds to the Budget bureau and to the engineers to bring in recommendations consistent with the law thus passed. Of course, as all here understand, there would be absolutely no obligation upon the Congress to pass the necessary appropriations, but it would
have the effect of instructing the Budget Bureau to report favorably the necessary appropriations.

Now, we do not talk of the virtue of passing a law directing that these works shall be completed within a period of five years, at the will of one man, and that man the Director of the Budget, a man who has something of a record connected with the public business. If I mistake not, this is the same Mr. Lord who, being in the employ of certain manufacturers of the East, obtained an appropriation for an individual canal, and Finance claimed he had some years ago, and while endeavoring that position acted as the agent of his private employers for the purpose of writing into a tariff bill provisions which suited his private employers.

I also adhere to the Senator from Mr. [Texas], Texas, tells me I am mistaken. If I am, I will, of course, withdraw my remarks.

Mr. UNDERWOOD. I only say this because I know the Senator would like to correct his statement. When I first knew General Lord he was the clerk of the Ways and Means Committee of the House. That was before the Spanish War. During the Spanish War, or immediately afterwards, he was appointed to a commission in the Army, and has been there ever since. I am not aware of the name of the gentleman to whom the Senator refers, but he is not General Lord.

Mr. REED of Missouri. I know I am not mistaken as to the fact that there are some people who think General Lord from Alabama makes this statement I will withdraw what I said about him personally. I was evidently misinformation. This is the first time I have heard the fiduciary examiner talk the fiduciary examiner about other fiduciary examiners.

But withholding any past history, Congress is being dictated to by one individual, and I protest against that policy now as I proteted when the Congress adopted the scheme of having a budget. Whenever the Congress gets into so pitiable a condition that it must be held down by the will of some board or some bureau or some man with reference to the important business of public improvement, it is time that such a Congress should be dissolved. There is only one thing written in the history of our race it is that the control of the purse strings of the Nation belongs to the legislative branch of the Government.

Moreover, it is impossible for any one man to understand the various problems coming before Congress as the committees of the Congress themselves understand those problems. With-out calling any names now I can make the assertion that when a river and harbor bill was first under discussion in the not very remote past the chief of the Budget at that time thought we had on hand and would have available a very large sum of money, running into the millions; but that money had already been voted and he had not yet his information from the members of the committee of Congress over whom he was exercising authority and jurisdiction.

I unhesitatingly say that in the attitude of the Director of the Budget a world of evidence of truth of the statement I made when the bill providing for the creation of the Budget was before Congress—that we would find that we had committed an egregious blunder in the creation of any committee or tell the record of the history of the United States when and how and where they would be permitted to appropriate money for the public business. I say now if the Director of the Budget was a member of this body he probably would have to sit at the feet of many of the old Senators of the body in order to learn how to conduct the public business. Yet he sits off there some place and tells the country and its representatives how much money they dare appropriate. So we have the administration, a self-programmed plan of really throwing a damper upon the public improve-

As to that I desire to say a word or two. There is no country in the world so richly endowed by nature with great natural waterways as is the United States. Every year we allow the power of those streams to go without employment; every year we lose millions by going without that commerce of the Nation; every year we allow the desert wastes of the West to remain unimproved; every year we permit the soil that has been plundered and retared by insuf-

We are like a farmer who, having a field, refuses to invest enough money in a plow so he may turn over its soil. We are like a man who has raised a crop and refuses to expend the necessary expense of a vehicle to transport it to market. We are worse than either of those men because we are proceeding as might the man in the market who were buying his plow upon his original plan, taking 40 years to pay for it without delivery before the end of the 40 years, losing all of the interest upon his original payments until the end of that long period of time; or we are like the man in the second instance if he bought his truck upon the installment plan without delivery until the end of 20 years and allowed his crops to go to waste for want of carriage to market.

We began the improvement of the Ohio River half a century ago. It was known then that until that scheme of improvement had been completed the Mississippi Valley would not reach the ocean over that stream. Every principle of common sense required that the improvements once undertaken should be pushed forward with all possible dispatch. Instead of that we adopted a piecemeal plan of building a dam here and there some place and tells the what effect the boat line on the Mississippi River, because we are proceeding as though the little or eight remain to be built. According to the commerce of that river safely navigate the great brown waters that are now in operation. But when they undertake to navigate from New Orleans to Cairo and thence to St. Louis they must lay their course to the end of the Mississippi, the commerce is discouraged and the entire valley of the Mississippi is suffocated.
but his place in history and in the hearts of his people does not depend upon the building of a $14,000,000 bridge.

For surely, no man can now build the public works of the country and improve its natural resources, then we are too poor to build $14,000,000 bridges; and the thing to do, if we are not to interfere with the necessities of the time and not to use it in ornamentation or in sentiment.

Speaking of that, we have not forgotten Abraham Lincoln. We never shall; the world will never forget him. While men shall live, his name will be mentioned only in the lips of praise and reverence; and we have built at a site near where it is proposed to erect this bridge the most splendid of all modern tributes to the immortal dead that has probably been placed upon the ground. It is called the "most modern modern," but it is probably the most splendid ever erected.

Mr. President, there is another bill in the House of Representatives. It proposes to issue $200,000,000 worth of bonds for building boats. I do not know when the sad day will come when we can build public enterprises that have already been approved. The interest upon that money will be so small, when the bonds shall be issued, that the advantage coming to the country from the immediate completion of those works and the saving of the least interest upon works half completed will far more than equal the interest upon these bonds. I believe that an administration of which it is a fixed duty is probably the most splendid of all modern tributes to the immortal dead that has probably been placed upon the ground. It is called the "most modern modern," but it is probably the most splendid ever erected.

Mr. President, the last war gave us a lesson that ought not to be forgotten. It was a sign of the times, a sign of the hard conditions of farm life. Some of those schemes have, in my judgment, been utterly chimerical; some of them may have merit in them; but there is one way by which we can inevitably benefit the farmer, and that is by giving him the railroad. If the Mississippi and Missouri Rivers were thoroughly opened to navigation the farmers of the great Mississippi Valley, and even those who live beyond the Rockies, in many instances, would in a few years be marketing their products at 50 per cent of the present railroad rates.

We talk here about benefiting the farmer, and many plans have been brought forward in the hope that something may be done to help him; but when you addled the great comprehensive system of public improvements and to complete the line from the Mississippi to the Atlantic, you have the only solution of the slightest doubt. If we had a navigable waterway, but his place in history and in the hearts of his people does not depend upon the building of a $14,000,000 bridge.

Mr. President, before the Senator from Arizona, as I have a right to call his attention to the fact, for I am sure he wants to be correct in his statement, as usually he is. The bridge to which he refers is not to be erected in memory of Abraham Lincoln, but it is to be the Arlington Memorial Bridge.

Mr. REED of Missouri. Very well. It has been called by many names; and just how the committee finally designated it I do not know; but I know that, whether it is in memory of the dead at Arlington and to open the public works of the country and improve its natural resources, then we are too poor to build $14,000,000 bridges; and the thing to do, if we are not to interfere with the necessities of the time and not to use it in ornamentation or in sentiment.

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Mr. JONES of Washington. Oh, Mr. President, I can not agree with the Senator from Missouri in that respect. This is a business of Congress to legislate, and it is the business of the Executive to sign or veto, and not to come here in advance telling us what we can do.

Mr. JONES of Washington. Oh; yes; that is true; and yet I think it is very wise and very proper and very considerate for the President to advise Congress as to how he views a situation that is coming up. I remember that there was a very severe business of the United States because of a certain bill that passed at the last session of Congress, he did not let some of us know or let the Senator or any other Senator know what was wanted in reference to it. He vetoed the bill. I think myself that the President has acted very considerately in advising us of his viewpoint. We do not have to follow it—certainly not—but it is simply a question as to whether or not we want legislation.

Mr. President, if the President had not advised us as to how he viewed the situation, and we had gone on and passed the bill for $30,000,000 or $35,000,000, and then he had vetoed it without indicating to us in any way during the pendency of the bill as to how he looked upon it, everybody knows that he would have been most severely criticised by the Members of the bill. I appreciate the situation where these were what reference to it. He vetoed the bill. I think myself that the President has acted very considerately in advising us of his viewpoint. We do not have to follow it—certainly not—but it is simply a question as to whether or not we want legislation. I think it is entitled to praise rather than condemnation for doing what he has done in the considerate way that he has done it. That, of course, is only my opinion.

Mr. President, if I had just a word or two about the amendment that is pending. The Senator from Arizona said he wanted it understood that if this amendment passed he did not want it discarded in conference without reading, and that he would expect to confer with Senator Jones on the floor of this Chamber. I appreciate the situation down there. I should like to say to him that I am in hearty accord with the view of the Senator from Arizona. I have never believed, personally, in the acceptance of amendments on the floor of the Senate. I appreciate the Senator's idea that they are to be made on conference; and I want to say to the Senate now, and I want Senators to take this into account when they are voting on this amendment, that I propose to try to secure the retention of this amendment if it is put on the Senate bill.

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

Mr. JONES of Washington. Certainly.

Mr. ROBINSON. Does the Senator really think this bill is going to get into conference?

Mr. JONES of Washington. I hardly think that is just the right question to ask me. I have no idea whatever on this bill, and I am going to take only a minute now.

Mr. ROBINSON. I know the Senator has not; but if the friends of the bill persist in discussing it when there is absolutely no issue before the Senate or any of the committees of the Senate; and I am going to take only a minute now.

Mr. ROBINSON. I know the Senator has not; but if the friends of the bill persist in discussing it when there is absolutely no issue before the Senate, I would like to express my appreciation of the action taken down there. I should like to express my appreciation of the action taken by the Senator. I appreciate the situation where these were wanted in reference to it. He vetoed the bill. I think myself that the President has acted very considerately in advising us of his viewpoint. We do not have to follow it—certainly not—but it is simply a question as to whether or not we want legislation. I think it is entitled to praise rather than condemnation for doing what he has done in the considerate way that he has done it. That, of course, is only my opinion.

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Mr. ROBINSON. I know the Senator has not; but if the friends of the bill persist in discussing it when there is absolutely no issue before the Senate, I would like to express my appreciation of the action taken down there. I should like to express my appreciation of the action taken by the Senator. I appreciate the situation where these were wanted in reference to it. He vetoed the bill. I think myself that the President has acted very considerately in advising us of his viewpoint. We do not have to follow it—certainly not—but it is simply a question as to whether or not we want legislation. I think it is entitled to praise rather than condemnation for doing what he has done in the considerate way that he has done it. That, of course, is only my opinion.

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

Mr. JONES of Washington. Certainly.

Mr. ROBINSON. Does the Senator really think this bill is going to get into conference?

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Mr. ASHURST and Mr. CAMERON called for a division on the amendment being agreed to.

Mr. FERNALD. I offer the following amendment and ask that it be added to the bill as a new section.

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

The legislative clerk (Mr. Welsh) called the roll, and the following Senators answered to their names:

Ashurst Erskine
Ball Errett
Bayard Forbush
Blaisdell Gann
Borah Fess
Brookhart Fletcher
Braunlar Prazel
Bruce Greene
Burton Gregory
Burns Guyke
Burrill Gurney
Cameron Gooding
Capper Hoke
Caraway Harris
Copeland Harrison
Curran Howard
Dillingham Howard
Donnell Jones
Dראל Keener

Mr. BROUSSARD. Mr. President, I wish to say a few words with reference to this matter.

Mr. JONES of Washington. Mr. President—

The President pro tempore. Does the Senator from Maine yield to the Senator from Washington?

Mr. FERNALD. I yield.

Mr. JONES of Washington. I do not know that it is necessary, but I desire to give notice that if this bill gets into the Senate, I shall ask for a separate vote on the amendment just agreed to.

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

Mr. FERNALD. I yield.

Mr. GOODING. I offer the following amendment to the amendment offered by the Senator from Maine.

The President pro tempore. The amendment offered by the Senator from Maine has not yet been read to the Senate. The Secretary will read it.

The CHIEF CLERK. The Senator from Maine proposes to add a new section to the bill, to read as follows:

SEC. 2. That the sum of $5,500,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, for the acquisition by purchase, in accordance with the terms of such contract, modified as provided in section 1 of this act, of the Cape Cod Canal and other property referred to in paragraph 1 of such contract.

SEC. 3. That when the Secretary of War has certified that the company has filed its consent, in writing, to the modification of the contract provided in section 1, and when the Attorney General has certified that the title to the property referred to in paragraph 1 has passed to the United States, the Secretary of the Treasury is authorized to pay the principal of the bonds referred to in such contract, and to pay the interest coupons thereon as they fall due each year after the passage of this act, or to the holders of the bonds.

Nothing in the contract or in this act shall exempt or release the bonds or the income therefrom from any taxation, national, State, or local. Nothing in this act shall be applicable to import or export rates, or by virtue of any provisions of this section. No part of the funds authorized to be expended under the provisions of this section in so far as applicable to import or export rates, or by virtue of any provisions of this section shall be used or permitted to be used for advertising the bill. Nothing in this act shall be applicable to import or export rates, or by virtue of any provisions of this section. Nothing in this act shall be applicable to import or export rates, or by virtue of any provisions of this section.

Mr. GOODING. Mr. President, I now offer my amendment to the amendment offered by the Senator from Maine.

The President pro tempore. The Senator from Idaho offers an amendment to the amendment proposed by the Senator from Maine, which the Secretary will read.

The CHIEF CLERK. At the end of the amendment just read, The Senator from Idaho proposes to add:

That section 4 of the interstate commerce act, as amended, is amended by adding thereto the following:

"(3) Provided, however, That from and after the passage of this amendment the navigation of the river and harbor shall be limited to the commission to relieve any rail carrier or rail carrier from the provisions of this section in order to meet the competition of water transportation, directly or indirectly: And provided further, That nothing in this section shall be applicable to import or export rates, or by virtue of any provisions of this section. Nothing in this act shall be applicable to import or export rates, or by virtue of any provisions of this section. Nothing in this act shall be applicable to import or export rates, or by virtue of any provisions of this section. Nothing in this act shall be applicable to import or export rates, or by virtue of any provisions of this section. Nothing in this act shall be applicable to import or export rates, or by virtue of any provisions of this section.

Mr. FERNALD. Mr. President, I am as anxious as any Senator in this Chamber that the river and harbor bill shall be passed at this session and that we make a law. I realize that at this late hour in the afternoon, when we are engaged in legislative session but about an hour longer, and at this late time in the session, it would be very unfair to Senators who are interested in the river and harbor bill and other bills which they desire to debate before the close of the session, to take more than a very short time to make a brief statement regarding the merits of my amendment.

My amendment is identical with House bill 3028, which passed the House last May and came over to the Senate and was referred to the Commerce Committee for consideration. I think I have been exceedingly patient in this matter. That bill was one of the first bills considered by the Commerce Committee at this session, and it had due consideration. It was reported to the Senate, and for nearly five weeks I have been trying to bring the measure to the attention of the Senate.

The purpose of the amendment primarily is to ratify a contract made by the Secretary of War, acting under the authority of Congress, to make a settlement between the Government and the Cape Cod Canal Company.

Cape Cod Canal, for this matter has been under consideration by this Government from almost the formation of the Government. In fact, as early as 1776, when, it will be recalled, there was some military activity about Boston, General Washington recommended that the Government build the Cape Cod Canal. He was so much interested that he sent a surveyor to the country and took the ground over, and he recommended to the Congress of the United States as early as that time—150 years ago—that the canal be built.
Four years later Washington’s Secretary of War, General Knox, recommended that the project be completed by the Government. Thomas Jefferson and General Gallatin, his Secretary of the Treasury, a little later recommended that Congress build the canal. All in 22 years after John C. Calhoun, one of the greatest Secretaries of War this country ever knew, recommended that the Government build the Cape Cod Canal.

The government foundation of the Republic for 150 years almost periodically this project was brought to the attention of the Congress of the United States. But an accident which happened in 1898 brought very forcibly to the attention of the people the necessity of building the canal. It was not only a matter of the advisability and the necessity of building the canal. A marine accident happened in 1898 when the vessel “City of Portland” with 138 souls went down on those shoals, bringing the situation then very forcibly to the attention of the people as to not only the advisability but the necessity of building this great project.

But it is much easier to talk about these things than it is to get people interested in them and to finance them. So the people in Boston and the press of all New England began at that time to agitate the building of the project. It was some years before men could be found who had the ambition and the courage and the money to invest and begin operations.

Mr. FERNALD. I will give the exact figures. I have here the number of vessels which passed through the last year I have any record of.

Mr. HOWELL. What was that year?

Mr. FERNALD. In 1922. There were 8,140 vessels passed through the Cape Cod Canal in that year and 2,892 passed through the Panama Canal. Of course, the tonnage through the Cape Cod Canal were much smaller than those passing through the Panama Canal.

Mr. HOWELL. What was the tonnage in each case?

Mr. FERNALD. The Panama Canal was 14,422,000, or about three times as much through the Panama Canal as through the Cape Cod Canal.

Mr. LENROOT. I think the Senator is making a mistake. The tonnage, of course, is very much smaller through the Cape Cod Canal.

Mr. LENROOT. I have the tonnage if the Senator will permit me to give it. In 1922 the tonnage passing through the Cape Cod Canal was 1,389,457 tons.

Mr. HOWELL. In 1923 about 24,000,000 tons went through the Panama Canal. So it can be seen that nothing could be more important.

Mr. FERNALD. In 1923 the tonnage of vessels which passed through the Cape Cod Canal was 4,215,000 tons. I have not the figures for 1923 for the Panama Canal, but in 1923 the tonnage passing through the Panama Canal was 14,422,000, or about three times as much through the Panama Canal as through the Cape Cod Canal.

Mr. HOWELL. Last year there passed through the Panama Canal in the neighborhood of 25,000,000 tons. I think the Cape Cod Canal carries probably less than 20 per cent of the tonnage carried by the Panama Canal.

Mr. LENROOT. I think the Senator gave the tonnage passing through the canal at something over 4,000,000 tons. That is the tonnage of the vessels and not the tonnage of the cargoes.

Mr. FERNALD. No; and neither was it as to the Panama Canal.

Mr. LENROOT. I understand. Mr. FERNALD. As I said, the books were very carefully kept by the canal company, because the State of Massachusetts insisted upon the form and policy which was to be pursued by the canal company. Later on when the Government took over the property it proved to be a very valuable asset. It was always determined in the building of the canal that first of all it was to be a commercial proposition. Mr. Belmont never expected to turn the proposition over to the Government. Mr. Belmont never had it in mind that they both belonged to the opposite of the party in power at Washington at that time. There was never intended to be any political pull in the matter. It was found that the amount of business that went around Cape Cod of about 20,000,000 tons, as I recall, if it could be carried through the canal would make it a profitable proposition. The amount of business increased very materially. The first year was about 414 vessels and later something like 7,000, as I recall.

The Secretary of the Navy in 1916, by authority of the Congress of the United States and by special direction of the President, visited the Cape Cod Canal in New York. That was in the summer of 1916. We were then preparing for what came a little later, and the President of the United States very wisely sent his Secretary to see what the condition was. In the meantime the work was put in apple- pie order and they were ready for business when
they were needed. On his return to Washington Mr. Daniels passed through the Cape Cod Canal, and on his entry into New York City expressed himself as greatly pleased with the project and complimented the builders and said the only thing about the whole proposition was that it ought to be owned by the Government. He came to Washington and the very next week a letter was sent to the officers of the Cape Cod Canal Co. asking them to come to Washington.

There has been a good deal of conversation going about for the past three years to the effect that the canal company desired to unload this property on the Government. But I desire to say that that idea was started by the Government itself. The canal company never made any initiative and never asked the Government about it until the Government itself wrote a letter to the canal company, when Mr. Wilson came to Wash­ington a few weeks before the Senate of the United States met. Almost immediately after this, and after the conference with the Secretary of the Navy, the President of the United States wrote a letter. Let me say before reading the letter that President Wilson expressed the same idea of the value of this canal that every President of the United States has had from General Washington down to Calvin Coolidge.

This is the letter: WHITE HOUSE, November 2, 1918.

MY DEAR MR. SECRETARY: By an act of Congress of August 8, 1917, as you may remember, authorization is given for a committee, composed of the Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury, to investigate the advisability of the acquisition of the Cape Cod Canal by the Government.

Mr. President, that is the first word that was ever written, so far as disclosed by any record that I have been able to find, in regard to the Government purchasing the Cape Cod Canal.

If they should decide in favor of its acquisition, the Secretary of War is authorized either to make contract for its purchase or, in the event that a satisfactory contract can not be arranged, to institute condemnation proceedings through the Attorney General. In seems to me—

Says Mr. Wilson—from every point of view desirable that we should acquire the canal and handle it as a Government agency, and I would be very much pleased if the committee thus designated could get together at an early date and proceed with this business in any way that they may think best.

I am writing to the same effect to the Secretary of the Navy and the Secretary of Commerce.

On the strength of that letter, Mr. Wilson, the vice president and general manager of the Cape Cod Canal Co., came to Washington and had a conference with the Secretary of War. They were unable, however, to get together on the price of the canal. The Secretary of War made the offer of $8,250,000, but Mr. Wilson, acting for his company, stated that it had cost the company a little more than $13,000,000, so that they were unable to get together, and condemnation proceedings were begun.

Then, Mr. President, this property was turned over to the Government under a different act from the one under which the railroads were taken over. There was no provision made to return the property to the canal company; so at the expiration of the term and after the war, in undertaking to turn the property back, no provision was made for any revenue to be returned to the company for the use of the property during the 20 months. Condemnation proceedings were begun on October 24, 1918.

Mr. President, with all the attorneys the Government has in the Department of Justice, it was thought best to go outside and secure attorneys from Massachusetts to handle the business. So a very eminent man, a very competent attorney in the State of Massachusetts, Mr. Nathan Matthews, was engaged to handle this case before the court in Massachusetts. Hon. Sherman Whipple was engaged for the canal company. Those attorneys "went to the mat," and for 21 days they conducted the case in the courts of Massachusetts. A verdict for the canal company was finally rendered of $16,591,200.11.

Mr. President, in determining the amount that should be paid by the Government for the property, reliance was very largely made on the accounts of the company. The accounts of the company were kept so that the Board of Utilities of the State of Massachusetts were entirely satisfied; and, although there were such accounts available, the Government with its best advice, Waterhouse & Co., the leading accountants of Massachusetts, going over the books of the company for three months in order to determine the cost of the canal and what were the proceeds thereof, and three men for three months going over the books of this company, and when they finally made their decision it was within a very few thousand dollars of the amount that the canal company itself had determined upon. Price, Waterhouse & Co. were paid $25,000 for that audit; it ought to have been worth something to the company on the question of the value of the company, the verdict I have indicated was rendered.

The Government had some of the leading experts of the country. It had General Goethals as an expert, who, Senators all know, was one of the leading spirits in the construction of the Panama Canal. General Goethals testified in favor of the acquisition of the canal. Every man who was connected in any way with the Government, and the Government are very much interested in the property, so far as they are available, have been cleared out of the house. The Government and Mr. Goethals were here at this time, about four years ago—

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

Mr. FERNALD. Yes, Mr. WHEELER. What are the bonds selling for at the present time?

Mr. FERNALD. I do not know that any of them are for sale; I think they are owned largely by the same people who built the canal.

Mr. WHEELER. Are they on the market at all?

Mr. FERNALD. I do not know that.

Mr. WHEELER. Is the canal paying at the present time?

Mr. FERNALD. Since the litigation proceedings the canal is being operated for the Government by Captain Colbeth "for whom it may concern." After the Government took over this property in 1918, instead of advancing rates, as was done in the case of the railroads, the rates of toll were maintained at the same level, and not only were the rates maintained at the level that the canal had been built, but the heaviest tolls were taken off. For instance, the Eastern Steamship Co. had two boats going back and forth between New York and Boston that paid something over $1,000 a day. Both of these boats were taken over and used in the foreign service and smaller boats were put on.

Under this contract—and this is the reason I am desirous of holding fast to the contract—made by the Secretary of War and Canal Co., after weeks of consideration, it was determined that whatever money was left in the treasury after paying the operating expenses—and the operating expenses consist not only of keeping the canal cleared with dredges but interest on the floating debt—would be kept for the Government. The canal company, under the direction of Captain Col­beth, must at any rate turn back at least $100,000 a year. I understand, although I am not positive, that the account, that there is now $228,000 in the treasury which will be turned back under this agreement.

Mr. WHEELER. What I meant was this: What interest is the company earning at the present time, if any, upon the investment?

Mr. FERNALD. I am unable to answer the Senator.

Mr. WHEELER. Can the Senator state what rate of interest is being earned?

Mr. FERNALD. The stock, of course, is worthless at this time.

Mr. WHEELER. What rate of interest is it earning upon $16,591,200?

Mr. FERNALD. The income last year was a little over $400,000.

Mr. FLETCHER. My recollection is that the annual income is about $200,000 over and above operating expenses.

Mr. FERNALD. I was speaking of the gross income.

Mr. HOWELL. Mr. President——

Mr. FERNALD. I yield to the Senator from Nebraska.
Mr. HOWELL. I wish to say that there was a deficit last year of a sum in the neighborhood of $800,000, and there has been a deficit—
Mr. FERNALD. If the Senator will permit me, I will give him the exact figures.
Mr. HOWELL. Very well.
Mr. FERNALD. I have the record here from the books of the company, as submitted by Price-Waterhouse & Co. for last year, showing the deficit for the years according to Price-Waterhouse & Co.
Mr. howell. Just a moment. I wish to give the figures showing the deficit for the years according to Price-Waterhouse & Co.
Mr. FERNALD. If the Senator will allow me to go on—I have three minutes left—I will be glad to-morrow to hear what he has to say if we are allowed to consider this question.
Mr. HOWELL. I thought the misapprehension might obviate that this canal was making money.
Mr. FERNALD. It is not making any money now; nobody is making that contention.
Mr. HOWELL. Then will the Senator admit that it is losing money at the rate of about $600,000 a year?
Mr. FERNALD. No: I will not.
Mr. HOWELL. Then I should like to make it clear that that is the case.
Mr. FERNALD. Let me go on and I will explain why the company is not making as much money as it should.
Mr. UNDERWOOD. Mr. President, if the Senator will allow me to finish my remarks, so that they may appear in completed form; that is the case.
Mr. FERNALD. I yield.
Mr. UNDERWOOD. I ask unanimous consent that the Senator from Maine may be allowed to conclude his remarks before we go into the executive session as contemplated. How long will it take the Senator, I will inquire?
Mr. FERNALD. I have three minutes longer. I should like a somewhat longer time than that.
Mr. UNDERWOOD. I suggest, then, that the Senator be given until a quarter of 6.
Mr. FERNALD. That would do.
Mr. UNDERWOOD. I ask unanimous consent that the Senator from Maine may proceed, if he wants that much time, until a quarter to 6.

The PRESIDING OFFICER (Mr. Sterling in the chair). The unanimous-consent agreement is that at 5:30 o'clock the Senate shall go into executive session.

Mr. UNDERWOOD. But I am asking unanimous consent to modify that order.

Mr. WHEELER. Mr. President, this matter will take all day to-morrow.

Mr. LENROOT. The debate can not be concluded upon this subject to-night, in any event, and some of us would like to question the Senator from Maine.

Mr. UNDERWOOD. Very well.

Mr. WHEELER. I do not like to object to the request for unanimous consent, but this subject is going to take very much longer than the Senator realizes, perhaps.

Mr. UNDERWOOD. I only thought that the Senator from Maine has been very patient and that he should be given an opportunity to conclude his remarks, so that they may appear in the Record in completed form; that was all.

Mr. FERNALD. I thank the Senator, but I realize that we have about reached the time when the unanimous-consent agreement takes effect.

Mr. SHEPPARD. Mr. President, if the Senator will yield to me, I think we ought to spend to-night on this and other bills and cancel the unanimous-consent order which we have previously entered into in regard to the consideration of bills on the calendar.

Mr. SMOOT. We can not do that now.

Mr. FERNALD. Mr. President, I assume that some time will be occupied to-morrow in the debate, and I should like to be recognized in order that I may conclude my remarks when the matter shall be taken up to-morrow, as I assume that it will be taken up.

Mr. WILKINS of Massachusetts. I ask unanimous consent that when the Senate convenes to-morrow the Senator from Maine may be recognized to continue his speech.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. FERNALD. Then I will yield the floor now.

The PRESIDING OFFICER (Mr. Sterling in the chair). A quorum is present.

The PRESIDING OFFICER (Mr. Sterling in the chair). The Senate is in the hands of the Senate Finance Committee.

The PRESIDING OFFICER. The hour of 5 o'clock and 30 minutes having arrived, the Senate, under the agreement heretofore entered into, will proceed to the consideration of executive business.

Thereupon the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

MESSAGES FROM THE HOUSE

A message from the House of Representatives, by Mr. Farrell, its clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4267) 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 message also announced that the House had rejected the Senate’s disagreement to its amendment to 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, and concurred therein; that the House had rejected its disagreement to the amendment of the Senate No. 11 to said bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate; and that the House insisted on its disagreement to the amendment of the Senate No. 5.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to 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 that the House further insisted upon its disagreement to the amendments of the Senate to the said bill.

DISTRICT OF COLUMBIA APPROPRIATIONS—CONFERENCE REPORT

Mr. PHIPPS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to 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, having met, after full and free conference have been so agreed to:—

L. C. PHIPPS,
W. L. JONES,
L. HEISLER BALL,
Managers on the part of the Senate.
C. R. DAVIS,
FRANK H. PUNK,
W. A. ATKINS,
Managers on the part of the House.

The report is as agreed to.

THE CALENDAR

The PRESIDING OFFICER (Mr. Sterling in the chair). The Secretary will state the first bill on the Calendar under the unanimous-consent agreement.

Mr. SHIPYARD. Mr. President, with what bill do we begin?

The PRESIDING OFFICER. With Order of Business 1190, House bill 8892.

The first business on the Calendar under the unanimous-consent agreement was the bill (H. R. 8892) to authorize allotments of lands to Indians of the Menominee Reservation in Wisconsin, and for other purposes, by Mr. COPELAND. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

NAVAJO INDIAN RESERVATION, ARIZ.

The bill (H. R. 11941) to provide for exchanges of Government and privately owned lands in the additions to the Navajo Indian Reservation, Ariz., by Executive orders of January 8,
1900, and November 14, 1901, was considered as in Committee of the Whole.

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

LANDS IN NORTH AND SOUTH DAKOTA

The bill (H. R. 10932) to amend an act entitled "An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government lands located within the upper Missouri River and Standing Rock Indian Reservations, N. Dak. and S. Dak.," was considered as in Committee of the Whole, and was read.

Mr. PRESIDENT, I have no objection to the consideration of the bill. I should like to ask, however, whether or not the passage of this bill will jeopardize in any way the rights of the Indians—whether it will postpone payments to which they are entitled, in other words, whether it gives an advantage to the white settlers, as the result of which disadvantage inures to the Indians.

Mr. STEELEING. Mr. President, I will say to the Senator from Utah that I think not. There has been a precedent for legislation of this kind before on account of hard conditions.

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

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. PHIPPS. Mr. President, I ask that the request from the House for a further conference on House bill 12033 be laid before the Senate.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES

Chosen, That the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 12033) entitled "An act 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."

Mr. PHIPPS. Mr. President, I understand that the conference on the part of the House have authority to confer fully and freely with the representatives of the Senate. I therefore move that the Senate agree to the conference and insist upon its amendments and that the Chair appoint the conferees on the part of the Senate that I think not.

Mr. KING. Mr. President, I should like to inquire what the matter in disagreement is. Does it relate to the $11,000,000 or $9,000,000?

Mr. PHIPPS. It relates, for one thing, to the $11,000,000 or $9,000,000, and on that matter the conference have had no conversation whatever as yet. We expect to have an early meeting with the representatives of the House, either to-night or early to-morrow. The other point in dispute is that of arranging for the traffic court, which is made necessary by the passage of the traffic bill, which has been practically agreed upon.

Those are the only items in disagreement.

Mr. KING. May I say to the Senator that the traffic bill, which has been agreed upon so far as the conference may do so, provides for the two Judges and the necessary clerks, bailiffs, and machinery; so I do not know just what the bill which is now in conference and with which the Senator is connected has to do with that subject.

Mr. PHIPPS. The House put in items to cover those prospective appropriations before the bill had passed, and in such form that the passage of the bill makes it necessary for some changes to be made, part of which can be cared for in the pending bills. In the item it is appropriation bill and, if necessary, added to it in the deficiency appropriation bill which passed the House yesterday and is now under consideration in the Senate Appropriations Committee.

Mr. KING. But it does not attempt to change the legislation as to the personnel of the court, and their employees, and so forth.

Mr. PHIPPS. No; but it is proposed to provide the necessary funds to carry out the purpose of the new legislation.

The PRESIDENT pro tempore. The Senator from Colorado asks that the Senate insist upon its amendments and agree to the conference. The Chair appoints the conferees on the part of the Senate. Is there objection to this request? The Chair may as well say at this time that under the unanimous agreement the calendar must be proceeded with, except by unanimous consent. There being no further debate, the Chair appoints the Senator from Colorado [Mr. PHIPPS], the Senator from Delaware [Mr. BALL], the Senator from Washington [Mr. Jones], the Senator from Virginia [Mr. Glass], and the Senator from Texas [Mr. Shippard] managers on the part of the Senate at the further conference with the House of Representatives.

ORDER OF BUSINESS

Mr. BALL. Mr. President, I ask unanimous consent to present the conference report on Senate bill 4207.

Mr. CURTIS. Mr. President, I doubt if that ought to be done tonight. The Senate has agreed to consider unobjectionable bills on the calendar. I think we should object to the appointment of conferences, but when it comes to acting on a conference report I think that is a different matter, and I hope the Senator will not ask the President to do it to-morrow just as well. We have made this unanimous consent agreement, and if any Senator should come in and complain that we have violated the unanimous-consent agreement the matter would have to be reconsidered.

The PRESIDENT pro tempore. The regular order is the consideration of the next bill on the calendar, which will be stated by the Secretary.

Mr. PHIPPS. Mr. President, I ask unanimous consent to present the conference report on House bill 12033.

The bill (H. R. 7679) for the relief of Lars O. Elstad and his assign and the exchange of certain lands owned by the Northern Pacific Railway Co. 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.

AMENDMENT OF INTERSTATE COMMERCE ACT

The bill (S. 4183) to amend paragraph 11, section 20, of the Interstate commerce act was considered as in Committee of the Whole and was read, as follows:

Being enacted, etc., That paragraph 11, section 20, of the interstate commerce act, as amended, be, and the same hereby is, amended by inserting after the words "when transported on a through bill of lading" in each instance where they stand in said paragraph the words "or when property so transported on a through bill of lading is re-consigned or diverted in accordance with the applicable tariffs filed as in this act provided," so that all that portion of said paragraph preceding the word "Provided," as first appearing in said paragraph shall, as amended, read as follows:

(11) That any common carrier, railroad, or transportation company subject to the provisions of this act receiving property for transportation from a point in one State or Territory or the District of Columbia, to a point in another State, Territory, District of Columbia, or from any point in the United States to a point in an adjacent foreign country shall issue a receipt or bill of lading therefor and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or to any line or lines and property may pass within the United States or within an adjacent foreign country in accordance with the provisions of this act provided, that a through bill of lading or when property so transported on a through bill of lading is re-consigned or diverted in accordance with the applicable tariffs filed as in this act provided, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed; and any such common carrier, railroad, or transportation company so receiving property for transportation from a point in one State, Territory, or the District of Columbia to a point in another State or Territory, or from a point in a State or Territory to a point in the District of Columbia, or from any point in foreign country to a point within a Territory, shall be liable to the lawful holder of said receipt or bill of lading or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage, or injury to such property caused by it or by any such common carrier, railroad, or transportation company to which such property may be delivered or over whose line such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading or when property so transported on a through bill of lading is re-consigned or diverted in accordance with the applicable tariffs filed as in this act provided, notwithstanding any limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, or regulation, or in any tariff filed with the Interstate Commerce Commission, or any discount, deduction, or ascertainment of the manner or form in which it is sought to be made, is hereby declared to be unlawful and void.

Mr. SHEE!l:JARD. Mr. President, let me say that this bill makes certain the liability of an initial carrier on a through bill of lading for damages occurring to goods shipped through
the negligent acts of a subsequent carrier where shipment has been diverted to a new destination. It has been very carefully studied, and was recommended by the Interstate Commerce Commission, and also by the Committee on Interstate Commerce of the Senate.

Mr. WATSON. Did the Senator say that this had been approved by the Interstate Commerce Commission?

Mr. SHEPPARD. Yes; and also by the Committee on Interstate Commerce.

Mr. WATSON. The Senator from South Carolina [Mr. SMITH] does not seem to be in the Chamber.

Mr. SHEPPARD. The Senator from South Carolina made the report on the bill. I want to say to the Senator from Indiana, I desire to offer an amendment, on page 2, line 14, where the word "transferred" should be stricken out and the word "transported" substituted in its place.

The amendment was agreed to.

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

**AMENDMENT OF MINING LAWS**

The bill (H. R. 4145) to modify and amend the mining laws in their application to the Territory of Alaska, and for other purposes, was ordered to be engrossed as next in order.

Mr. WILLIS. I do not desire to object, but I think there ought to be some explanation of that bill. I notice the Senator from Nevada here. What would be the effect of this bill? I desire to know the purpose of the bill to correct some defects in the mining laws with reference to Alaska in relation to the patenting of fractional mining claims.

Mr. WILLIS. I do not object.

Mr. ODIE. It is a very necessary measure.

The bill was considered as in Committee of the Whole. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

**FIDEL RIVER BRIDGE, MICH.**

The bill (H. R. 8258) to extend the time for the construction of a bridge across Fidel River at approximately 1½ miles north of Georgetown, in the State of Mississippi, was considered as in Committee of the Whole and was read.

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

**HUMPHREYS'S CREEK BRIDGE, MARYLAND**

The 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., was considered as in Committee of the Whole and was read.

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

**LANDS AND FUNDS OF OSAGE INDIANS**

The 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,'" was announced as next in order.

Mr. HARRILD. I do not know what the bill is doing on the calendar. It has been already enacted into law, having been signed by the President to-day.

The PRESIDENT pro tempore. The bill will be indefinitely postponed.

**CARA GRANDE RUINS NATIONAL MONUMENT**

The bill (S. 3238) to restore to the public domain certain lands within the Casa Grande Ruins National Monument, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.* That there is hereby restored to the public domain the west half and southeast quarter of the southwest quarter of the northwest quarter of the southwest quarter of section 16, township 8 south, range 8 west of the 5th Principal Meridian, a part of the Casa Grande Ruins National Monument, Ariz., needed for right of way in constructing a canal to provide irrigation facilities for lands of the Pima Indians, and hereafter the President of the United States is authorized to enter into a contract to eliminate lands from national monuments by proclamation.

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

**BILL PASSED OVER**

The 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, was announced as next in order.

Mr. KING. I would like to ask whether the senior Senator from Nevada or the junior Senator from Nevada approves of this bill.

Mr. ODIE. I ask that the bill go over for a few minutes until I can look into it.

The PRESIDENT pro tempore. The bill will be passed over.

**LANDS OF WINNEBAGO INDIAN RESERVATION**

The bill (H. R. 11358) to authorize the Secretary of the Interior to issue certificates of competency removing the restrictions against allotment on the inherited lands of the Winnebago Indians in Oklahoma, was announced as next in order.

Mr. KING. Of course, Mr. President, these bills are new to most of us. I perceive that this bill authorizes the Secretary of the Interior to remove the restrictions against allotments covering all or any part of the inherited lands of the Winnebago Indians in Oklahoma. I know in some instances the obligation against allotment has been withdrawn, and land sold to the Indians, and in a little while they became public charges. I have in mind a reservation in my State, where the Indians owned the land, it was parcelled to them in fee, and the restriction imposed originally to the allotment of the land was removed. I do not think 10 years elapsed before every foot of the land, substantially all the land, was owned by white people, and the Indians had no land. I am always suspicious of legislation that permits Indians to alienate their land, unless they have demonstrated their competency and their capacity to protect themselves against the aggressions of the whites. I would like to ask the Senator from Oklahoma whether these Indians measure up to that standard of competency that he thinks makes them able to hold their own against the aggressions of the whites.

Mr. HARRILD. I will answer the Senator from Utah by saying that the senator from Kansas [Mr. CURTIS] is a member of that tribe, and I will let him answer the question.

Mr. CURTIS. Mr. President, most of the members are perfectly able to take care of their interests, but I think it would be better to go over, because I have had letters from some of the members saying they are opposed to its passage. I may state that with the exception of a very few, they have handled their property very ably.

The PRESIDENT pro tempore. The bill will be passed over.

**WITHDRAWAL OF LAND FOR NAVAJO INDIANS**

The bill (H. R. 11477) to provide for the permanent withdrawal of a certain 40-acre tract of public land in New Mexico for the use and benefit of the Navajo Indians was considered as in Committee of the Whole and was read.

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

**PURCHASE OF LAND IN CEDAR CITY, UTAH, FOR PUTE INDIANS**

The bill (H. R. 13682) 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 Pute Indians located thereon, was considered as in Committee of the Whole and was read.

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

**TRUCKEE-CARSON IRRIGATION DISTRICT, NEVADA**

The bill (S. 4032) to reimburse the Truckee-Carson Irrigation district, State of Nevada, for certain expenditures for the construction and maintenance of drains for lands within the Palute Indian Reservation, Nev., was announced as next in order.

Mr. ODIE. I ask that the bill may go over temporarily.
The PRESIDENT pro tempore. The bill will be passed over.

Mr. ODDIE subsequently said: I ask that we recur to Senate bill 4925. The bill was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 2, line 1, after the word "section," and the period, to insert: "The money herein authorized to be appropriated shall be reimbursed to the Treasury of the United States under such rules and regulations promulgated by the Secretary of the Interior in accordance with provisions of the law applicable to the Indian lands benefited,", so as to make the bill read:

Be it enacted, etc., That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, the sum of $611,55, or so much thereof as may be necessary, to reimburse the Tracker-Carson Irrigation District, State of Nevada, for necessary expenditures incurred and to be incurred by said district during the years 1924 and 1925, in operating and maintaining irrigation ditches for lands under water-right application, located within the limits of the Paiute Indian Reservation in said State. The money herein authorized to be appropriated shall be reimbursed to the Treasury of the United States under such rules and regulations promulgated by the Secretary of the Interior in accordance with provisions of the law applicable to the Indian lands benefited.

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.

CAROLINA INDIAN RESERVATION LANDS

The bill (S. 4042) to authorize the Secretary of the Interior to purchase certain land in California to be added to the Cahuilla Indian Reservation, and authorizing an appropriation of funds therefor, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to purchase from Frank N. Clark a certain tract of land containing approximately 20 acres situated in the southwest quarter of section 5, township 8 south, range 3 east of San Bernardino meridian in California, adjacent to the Cahuilla Reservation, the legal description and area of said tract to be accurately determined: Provided, That said land when purchased shall be added to and become a part of the Cahuilla Indian Reservation: Provided further, That the sum of $2,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to cover the purchase price of the land.

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

MILWAUKEE JOURNAL

The bill (S. 4243) for the relief of the Milwaukee Journal, of Milwaukee, Wis., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the General Accounting Office be, and it is hereby, authorized, notwithstanding the provisions of section 3828, Revised Statutes, to adjust and settle the claim of the Milwaukee Journal, of Milwaukee, Wis., in the amount of $3,834, for publication of an advertisement for the sale of the Onedia Indian School plant, at Oneida, Wis., during January, February, and March, 1923, and to certify same for payment from the fund "Indian moneys, proceeds of labor," derived from the sale of products of the Onedia School farm.

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

PRICE OF GASOLINE

The resolution (S. Res. 337) directing the Federal Trade Commission to investigate the causes of the increase in the price of gasoline, was announced as next in order.

The PRESIDENT pro tempore. The resolution will be passed over.

F. M. GRAY, JR., CO.

The bill (S. 2330) for the relief of F. M. Gray, Jr., Co., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$13,568.92, plus interest," and to insert in lieu thereof "$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to direct the Secretary of the Treasury not otherwise appropriated, to F. M. Gray, Jr., Co., of Milwaukee, Wis., the sum of $2,500, being the amount of damages incurred between the 12th day of December, 1921, and the 31st day of March, 1922, by reason of the action of the Engineering Department of the United States Army in draining off water and steam at well being drilled at the Edward Mines, Jr., Hospital, Chicago, Ill.

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.

MALLORY STEAMSHIP CO.

The bill (S. 2881) for the relief of the Mallory Steamship Co. was considered as in Committee of the Whole.

Mr. FLETCHER. Mr. President, a bill identical with this was reported by the House committee and passed in the House, and is on the calendar as Order of Business 1513, House bill 9357. The same report has been made on that bill as on the Senate bill. There is one amendment suggested to the House bill. I would be glad to see the bill pass just as it passed the House, and I move that we substitute the House bill for the Senate bill.

The PRESIDENT pro tempore. Does the Senator ask for the immediate consideration of the House bill?

Mr. FLETCHER. I do.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8337) for the relief of the Mallory Steamship Co., which had been reported from the Committee on Claims with an amendment, on page 2, line 2, to strike out the words "including interest," so as to make the bill read:

Be it enacted, etc., That the claim of the Mallory Steamship Co., and of the American steamship owners, against the United States of America, for damages alleged to have been caused by the collision between said vessel and the United States Army tug Pitpan on the harbor of New York on June 12, 1908, may be set for by the said Mallory Steamship Co. 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 as shall be found due against the United States in favor of the owner of the said American steamship, Nucce, as against the owner of the said Mallory Steamship Co., in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: Provided, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: Provided further, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. FLETCHER. I ask that the amendment be disapproved.

The amendment was rejected.

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

STATE BANK & TRUST CO. OF FAYETTEVILLE, TENN.

The bill (H. R. 1076) for the relief of the State Bank & Trust Co. of Fayetteville, Tenn., was announced as next in order.

Mr. KING. Let that go over.

Mr. MCKELLAR. Mr. President, I desire to make a very short statement to the Senate, with reference to this bill.

In December, 1920, the State Bank of Fayetteville, Tenn., registered bonds amounting to about $1,800 to the Hanover National Bank in New York. Those bonds were stolen in the post office in New York.

Under the postal rules and regulations it was required that when the bonds were sent to a certain room for delivery a receipt should be taken, but this was not done. An inspection was made, and the bonds were finally traced to three persons. It seems there was no reason why they could not have been traced to the person who actually stole them, but that was not done. Under the laws to registry receipts the Government could only pay $50, and $50 was paid.

A bill was introduced in the House of Representatives for the relief of the bank for the loss of those bonds, and the House passed the bill. It was referred to the Senate with an amendment to the letter from the Secretary of the Treasury, Mr. Mellon, saying that he did not think it was a case where the Government ought to make payment. The matter was later called to the attention of the Secretary of the Treasury; the facts of the negligence of the Post Office Department were called to his atten-
tion. I want to read a letter from the Secretary of the Treas­
ury taking back his former opinion. He now says :

My attention has just been called to certain evidence which was not
before the Treasury Department at the time my letter was written. These
facts in brief show that the case was not an ordinary one of
robbery, but was due primarily to the failure of the New York post
office to follow postal laws and regulations.

Unquestionably the State Bank & Trust Co., in sending bonds by
registered mail had the right to have such registered mail handled in
accordance with the postal laws and regulations, with all the pro-
tections and benefits afforded by such laws and regulations, and as
the less was apparently occasioned by the failure to observe such
laws and regulations, I withdraw my objection to the passage of the
bill.

Before the case was done the Claims Committee had referred
the matter to my good friend, the junior Senator from Dela-
ware [Mr. BAYARD]. The Senator from Delaware came to
the conclusion that when the State Bank registered the bonds it
should have taken out an insurance policy to guard against
just what happened. While I have the utmost respect for any
conclusion reached by the Senator from Delaware, for we all
know how careful and painstaking he is, yet there is no ques-
tion on earth about the bonds having been lost through the
negligence of the New York post office on December 19,
1920, from which district in Ten-
nessee the case comes, called upon the Treasury Department to
give him notice when the stolen bonds appeared. The
department acknowledged the fact and about a year after they
had appeared through one of the banks in New York and had
been refunded the Secretary notified Mr. DAVIS. It seems to
me under all these circumstances that the State Bank & Trust
Co. should be repaid, and while there is an adverse report
of the committee by the Senator from Delaware, I am quite
confident that a majority of the Committee on Claims feel
that it is a just claim. I see some Senators present who were
there, and I hope they will make about the same statement
I earnestly hope the Senate to the contrary
fact that Congressman DAVIS, from whose district in Ten-
nessee the case is, called upon the Treasury Department to
give him notice when the stolen bonds appeared. The
department acknowledged the fact and about a year after they
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that it is a just claim. I see some Senators present who were
there, and I hope they will make about the same statement
I earnestly hope the Senate to the contrary

Mr. BAYARD rose.

Mr. WILLIS, Mr. President—
The PRESIDENT pro tempore. The matter is not de-
batable.

Mr. WILLIS. I desire to get some information.
The PRESIDENT pro tempore. The Senator from Dela-
ware has objected.

Mr. BAYARD. Oh, no, Mr. President, I did not object. The
Senator from Utah objected.

Mr. KING. I objected.

Mr. MCKELLAR. Will the Senator withdraw his objection?

Mr. KING. I will withdraw the objection temporarily, but I
have read the report made by the Senator from Delaware [Mr.
BAYARD], and I think he is right, notwithstanding the eloquence
of the Senator from Tennessee.

Mr. BAYARD. Before the bill goes to a vote, if the objection
shall be withdrawn, I wish to make just a brief statement. I
do not disagree with the statement of fact made by the Senator
from Tennessee, but I call the attention of the Senate to this
fact. Here was a banking institution having in its charge
certain moneys and securities. Those securities were worth a
little less than $2,000. It took the securities to the post office
in Tennessee, in Fayetteville, and registered them under the
ordinary registry form, paying a 10-cent fee. It is charged
with the knowledge when it is true that that the Government of
the United States says “We will take these bonds and safe-
guard them, but in the event of loss, no matter how that loss
occurs, we will not pay more than $50.” That was the contract
made.

What happened, as a matter of fact, had nothing to do with
the case, even if it were a fact, as I think it is, that the bonds
were lost in the New York post office through negligence on
the part of the officers in charge, is not evidenced by the
person to person. But if we undertake to pass the bill and to
recompense the bank as they claim—compensation in the full
amount of the loss—I say this, that anybody can go to a post office, register any amount of money or any
amount of bonds or securities, and pay the ordinary fee to the
Government, even though the Government says in the event of
loss they will pay but $50, and then if there is a loss and the
party could show the actual loss was due to employees of the
Government, they can break that contract and recover the full
amount involved. In other words, we establish a very danger-
ous precedent. In regard to the breaking of every contract,
I will say further that the matter was discussed last fall
when a similar bill came before the committee and the Senate
committee reported adversely. When the House bill came over
Congressman DAVIS argued the case very extensively and left
the committee very much impressed with the case, but they
turned it over to me as a subcommittee, and after examination I
made a full and exhaustive report and the committee unani-
mously sustained the report and the bill goes over.

Mr. KING. Mr. President, I insist upon my objection. I
think it is too dangerous a precedent to establish.

The PRESIDENT pro tempore. Objection is made and the
bill goes over.

Mr. MCKELLAR. Mr. President, I ask unanimous consent
to have printed in the RECORD in connection with the bill just
under consideration the report of the House Committee on
Claims, the two letters of the Secretary of the Treasury.

[Report No. 929, Sixty-eighth Congress, first session]

STATE BANK & TRUST CO., FAYETTEVILLE, TEN.

Mr. EDMUNDS, from the Committee on Claims, submitted the follow-
ing report to accompany H. R. 1076:

The Committee on Claims, to whom was referred the bill (H. R.
1076) for the relief of the State Bank & Trust Co., of Fayetteville,
Tenn., having considered the same, report thereon with a recommenda-
tion that it do pass.

STATEMENT OF FACTS

On December 16, 1920, the State Bank & Trust Co., of Fayetteville,
Tenn., sent certain United States bonds, of par value of $1,650, by reg-
istered mail addressed to the Hanover National Bank, New York City.
The said State Bank & Trust Co. paid $1,229.84 cash for said bonds.
The Hanover National Bank having failed to receive said bonds, the
matter was reported to the Post Office Department and referred by it
to the chief inspector for investigation. As reported by the chief in-
spector, it developed upon investigation that the registered letter con-
taining said Liberty bonds * * * was received at the registry division of
the New York post office on December 19, 1920, and that it was subse-
quently transferred to the manifold room of that office, where it was
found. * * * And that the amount involved is $1,779.84, and that it
was lost by the bank by reason of the theft or loss of certain Liberty
bonds while being transmitted as registered mail.

Mr. MCKELLAR. The Senator from Delaware said that the
reason the Senate rejected the relief bill for the State Bank & Trust Co.,
Fayetteville, Tenn., was that the Senate did not consider the bill with
the recommendation that it do pass.

[To be continued]
such register would have been required to receipt thereof, and to have taken a receipt therefrom from the sender; and it further appears, that such failure to keep such individual records appears to have been in accordance with the system permitted by the Department to exist in the New York post office at the time; all of which was in clear violation of the postal laws and regulations.

Seventy-four pages of the last edition of the Postal Laws and Regulations are devoted to various stringent laws and regulations designed to protect and insure the safe delivery of registered letters and packages. No such provision is generally provided in the Post Office Department, that such postal officials or employees handling a register shall execute a receipt to the person from whom he receives it and require a receipt from the one to whom he delivers it.

The Treasury Committee on Claims finds that the loss of this register containing the Liberty bonds as aforesaid was the direct result of negligence and violation of the postal laws and regulations by officials in the New York post office.

The Post Office Department promptly paid the sender $50, which was the maximum amount the department is authorized to pay for the loss of a register.

Section 940 of the Postal Laws and Regulations provides:

"Postmasters and other postal employees will be held personally responsible by the Post Office Department for the wrong delivery, depredation upon, or loss of any registered letter or parcel if such wrong delivery, depredation, or loss be due to negligence or disregard of the regulations."

Section 144 of the Postal Laws and Regulations expressly imposes upon the chief inspector the duty of investigating all losses and of communicating with the department in regard to the loss of any register,employees personally responsible for the loss of any register, if same be due to negligence or disregard of the regulations, and no exception is made in favor of any post office or class of post offices or in any case whatsoever.

Of course, the statute fixing the limit which the Post Office Department is authorized to pay as an indemnity for the loss of a register does not preclude the Congress from authorizing the payment for the balance of the loss sustained by the claimant, if the facts warrant such action. Congress would clearly not be justified in authorizing any payment for the value of a lost register beyond the $50 which the Post Office Department is authorized to pay unless it be clearly shown that the loss is due to negligence of the postal officials so that the failure to observe the Postal Laws and Regulations provided to insure the safe handling and delivery of the register.

When the State Bank & Trust Co., Nashville, Tenn., mailed the Liberty bonds by registered mail it had a right to have same transmitted in accordance with the Postal Laws and Regulations, and with all the protection and safeguard afforded by such rigid laws and regulations, and they had a legal right to assume that the register would be handled according. This was clearly not done. The case under consideration is in no sense comparable to a loss due to destruction by fire, storm, wreck, robbery, or for a loss that can not be clearly accounted for, or to any case where the loss was due not to the negligence of the Post Office Department, but to their ignorance of the precise regulations.

My Dear Mr. Chairman: I have received your letter of April 28, 1924, transmitting for report a copy of H. R. 1076, a bill for the relief of the State Bank & Trust Co., Fayetteville, Tenn., on account of loss sustained through the mailing of the Liberty bonds while being transmitted by registered mail.

The department records show that on March 5, 1923, Congressman EDWIN L. DAVIS reported that a registered letter containing Liberty bonds on December 16, 1920, to the Hanover National Bank, New York, N. Y., had been lost in transit and that he recommended that the Post Office Department be authorized to pay the amount of the account of this letter, and copies of correspondence on file in the department in regard to the loss of the bonds and notes contained in such letter are therefore enclosed herewith. Your attention is invited to the fact that a number of the bonds and notes have been received by the Post Office Department in the regular course of business, and that Mr. Davis has been furnished with all available information relative thereto.

Since H. R. 1076 does not provide for the issue of duplicates in lieu of any specific bonds, but provides for payment for the loss of the registered letter in an amount in excess of that already provided for under existing Postal Laws and Regulations, it is thought that the matter is one to be reported on by the Post Office Department, and the copy of the bill forwarded to this department is accordingly returned herewith.

However, as stated in my letter of December 21, 1922, to the chairman of the committee on claims of the Senate, concerning S. 3965, Sixty-seventh Congress, a bill identical with the one in consideration, the Treasury is opposed to the granting of relief in this case, because the granting of such relief will accomplish in its actual result what the Treasury has always opposed, the payment of money out of the Treasury on account of lost securities which have been or may eventually be presented for payment, exchange, or transfer, and which must be honored for a paper lid holder, thus making a double payment. In this respect the bill is no different from a number of bills and claims for relief which have been considered by your committee in connection with the issue of duplicate bonds or notes in lieu of lost bonds or notes and relief granted. Furthermore, if Congress were to pass a bill of this character it would be likely to let loose a flood of similar legislation for those who have lost coupon securities in the mails and where relief has already been denied on claims for the issue of duplicates.

A copy of this letter is enclosed.

Very truly yours,

A. W. MELLON,
Secretary of the Treasury.

HON. GEORGE W. EDITIONS,
Chairman Committee on Claims,
House of Representatives, Washington, D. C.

POST OFFICE DEPARTMENT,

HON. GEORGE W. EDITIONS,
Chairman Committee on Claims,
House of Representatives, United States.

My Dear Mr. Editions: In response to your communication of April 5, 1924, regarding bill H. R. 1076, introduced by Hon. Edwin L. Davis, providing "That the Secretary of the Treasury is authorized and directed to pay to the State Bank & Trust Co. of Fayetteville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $1,719.89, such sum being the amount of actual loss sustained by the bank by reason of the theft or loss of certain Liberty bonds while being transmitted as registered mail," you are informed that the department has uniformly refunded from recommending that favorable consideration be given relief measures similar to the one in consideration of this bill. It is believed that the Treasury Department in the light of especially favoring certain individuals or firms and in effect would extend insurance not authorized by law nor paid for by postal patrons.

Fifty dollars, the maximum registry indemnity payable at the time of mailing, was paid in this case, and where mailers elect to send greater values than $100 (the maximum indemnity now payable) through the registered mails, they must, of necessity assume the additional risk or take advantage, as many do, of the opportunity for additional insurance extended by private interests.

In this connection attention is invited to bill H. R. 6232, authorizing the Postmaster General to fix the fees chargeable and the indemnities for registered mail, and the report of the Committee on the Post Office and Post Roads of the House of Representatives (Rep. No. 1022, 232nd session of Congress), fixing the limit of indemnity at $1,000, if the bill now under consideration is enacted into law it will permit claimants in cases like the one in question to receive a greater amount of registry indemnity than is now obtainable and will preclude attempts to obtain relief in ordinary cases through special legislation.

Very truly yours,

Harry S. New,
Postmaster General.

THE SECRETARY OF THE TREASURY,
Washington, February 2, 1923.

HON. EDWIN L. DAVIS,
House of Representatives.

My Dear Congressman: I am including herewith for your information a copy of my letter of this date to chairman Committee on Claims, in regard to the postal rate. I am glad to withdraw my objection to the bill in view of the additional facts which have been furnished me, but I feel the bill should be amended in the form suggested by me, as otherwise it is miscell...
tory notes.

1925, opposing the passage of H. R. 3095, I aimed to secure the reappointment of Mr. H. R. 1051, "An act requiring the rates of the State Bank & Trust Co., Fayetteville, Tenn., on account of the loss or theft of a registered letter containing coupon Liberty bonds and Victory notes."

My resolution has just been called to certain evidence which was not before the Treasury Department at the time my letter was written. These facts, in brief, show that the case was not an ordinary case of robbery, but was due primarily to the failure of the New York post office to follow postal laws and regulations.

Unquestionably the State Bank & Trust Co., in sending bonds by registered mail, had the right to have such registered mail handled in accordance with the postal laws and regulations, with all the protection and safeguards afforded by such laws and regulations, and as the loss apparently was occasioned by the failure to observe such laws and regulations I withdraw my objection to the passage of the bill, provided, however, that the bill be amended to properly show the true state of facts by the addition of the words: "caused by the neglect or disregard of postal laws and regulations on the part of the postal officials or employees."

It is more particularly important that this be done in order to show the distinction between this case and the general class of cases to which the Treasury objects. The bill in its present form is misleading and has misled the Treasury Department. It would, therefore, misled other people who would promptly introduce bills without the full knowledge that the basis of relief in this case is entirely different from the ordinary case.

Very truly yours,

A. W. MILLON,
Secretary of the Treasury.

The bill (H. R. 4913) to pay to Jere Austill fees earned as United States commissioner was considered as in Committee of the Whole and read, as follows:

*Be it enacted, etc.* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury of the United States, to Jere Austill, the sum of $772.35 for fees earned as United States commissioner for the southern district of Alabama during the year 1922.

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

ROBERT B. SANFORD

The bill (S. 2428) for the relief of Robert B. Sanford was announced as next in order.

Mr. GLASS. Mr. President, a similar bill passed the House. H. R. 10547, was referred to the Committee on Naval Affairs of the Senate and favorably reported and is on the clerk's desk. I move to substitute the House bill for the Senate bill. The PRESIDENT pro tempore. Without objection the House bill will be substituted for the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10647) for the relief of Robert B. Sanford, which was read, as follows:

*Be it enacted, etc.* That the President is authorized to appoint Robert B. Sanford, formerly lieutenant in the United States Navy, a lieutenant in the United States Navy and place him upon the retired list of the Navy with the retired pay and allowance of that grade; Provided, That a duly constituted naval reversion board finds that the said Robert B. Sanford incurred physical disability incident to war service in time of war: Provided further, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act.

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

Mr. WADSWORTH. Mr. President, I would like to inquire whether we are debating the next bill on the calendar or the one that was just passed?

Mr. SMOOT. I did not know the bill had passed.

Mr. GLASS. Yes; the bill did pass, and the Chair so announced.

Mr. SWANSON. I would like to make just a brief statement. The department has not recommended it for this reason, the law expired in October, 1921, for retirement of these men. This application was filed in September, 1921, 90 days before the time expired. On account of delay in the department it was not acted on; it was noted in its file, and this man was retired. He was a warrant machinist and was a lieutenant. The department wrote that they would file their application before the 1st of October, 1921, they have been given relief. Those who did not so file were not given relief.

Mr. SMOOT. But the department say they can not recommend the passage of the omnibus bill for the relief of all such cases, and it was not passed. Notwithstanding that statement of the department, the Naval Committee of the House and the Naval Committees of the Senate unanimously approved the bill, and it has been passed.

OWNERS OF CARGO LADEN ABOARD THE U.S. "FLORENCE LUCKENBACH"

The bill (S. 3231) for the relief of the owners of cargo laden aboard the U. S. transport Florence Luckenbach on or about December 27, 1918, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 5, striking out the words "including interest," so as to make the bill read:

*Be it enacted, etc.* That the claims of all owners of various shipments of merchandise which were laden on board the United States transport Florence Luckenbach, at the time hereinbefore mentioned, against the United States of America for damages alleged to have been caused by water used to extinguish fire on or about the 27th day of December, 1918, at Locust Point, Baltimore, Md., may be secured for by the said owners of cargo in the District Court of the United States for the Southern 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 suits and to enter judgments or decrees for the amounts of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of said cargo, or against the owners of said cargo in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: Provided, That such notices of the suits shall be given to the Attorney General of the United States as may be provided by orders 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 suits shall be brought and commenced within four months of the date of the passage 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.

OWNERS OF STEAMSHIP "BASEE INDRE"

The bill (S. 3232) for the relief of the owners of the steamship Basse Indre and all owners of cargo laden aboard said vessel at the time of her collision with the steamship House- tone was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 2, line 6, to strike out the words "including interest," so as to make the bill read:

*Be it enacted, etc.* That the claims of the owners of the steamship Basse Indre and all owners of cargo laden aboard said vessel at the time of her collision with the steamship House-tone was considered as in Committee of the Whole.
I shall not object, but I think it is unjust to the claimants.

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

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

Be it enacted, etc., That, upon the payment of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized to sell and patent to Lizzie M. Nickery, a resident of De Soto Parish, La., with a reservation to the United States of all the coal, oil, gas, and other minerals in the lands patented, together with the right of the United States, its grantees or permittees, to prospect for, mine, drill for, and remove the same, the southwest quarter of northeast quarter, southeast quarter of southwest quarter, and northwest quarter of southeast quarter of section 12, township 18 north, range 13 east, meridian, containing 160 acres, more or less, land which she and her grantees have occupied under claim and color of title, and of which they have had actual possession, beneficial use, and enjoyment, believing themselves to be owners thereof, for more than 30 years; Provided, That application for the purchase of the described tract of land be filed at the United States land office at Baton Rouge, La., within 90 days after the passage and approval of this act, and that no adverse claim thereto be effectually recorded as pending when the application is allowed and the sale consummated.

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

CHARLES SPENCER

The bill (H. R. 5689) for the relief of Charles Spencer was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury, all sums which were or are appropriated, to Charles Spencer, President, Tex., the sum of $497.53, the said sum representing the value of certain arms and ammunition belonging to said Spencer, and seized by military authorities of the United States, and said arms on being returned to said Charles Spencer being water-soaked, marred and abused as to be of no value, and said ammunition being destroyed by the ordnance depot, United States Army.

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

LIZZIE M. NICKERY

The bill (H. R. 6045) authorizing the Secretary of the Interior to sell and patent certain lands to Lizzie M. Nickery, a resident of De Soto Parish, La., was announced as next in order.

Mr. KING. Mr. President, I desire to ask in connection with this matter whether, if the bill passes, there may be any confusion or difficulty. I thought that substantially all the lands of Louisiana years ago had passed from the Federal Government by purchase or individual sale. I was inclined to think whether or not a conveyance had been made, perhaps many years ago, either to the State or to individuals, and, if that were true, whether another conveyance might not lead to controversy which would involve the Government in some litigation, indirect if not direct.

Mr. RANDELL. I do not understand there is any danger of that kind. The bill recites that the "land which she and her grantees have occupied under claim and color of title, and of which they have had actual possession, beneficial use, and enjoyment, believing themselves to be owners in good faith, for more than 30 years," and merely authorizes the Government to issue a patent to that land under those circumstances at the usual price of $1.25 per acre. The bill passed the House and has been favorably and unanimously reported by the Committee on Public Lands and Surveys of the Senate, and I do not think there could be any possible trouble. It reserves the mineral rights to the Government.

Mr. KING. That is one objection I have to the bill. I think it is better to get the title to it and the recognition of the Government to their patent rights even if they do not get the mineral rights. I hope the Senator will give me a purpose an objection.

Mr. KING. I shall not object, but I think it is unjust to the claimants.

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

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

Be it enacted, etc., That, upon the payment of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized to sell and patent to Lizzie M. Nickery, a resident of De Soto Parish, La., with a reservation to the United States of all the coal, oil, gas, and other minerals in the lands patented, together with the right of the United States, its grantees or permittees, to prospect for, mine, drill for, and remove the same, the southwest quarter of northeast quarter, southeast quarter of southwest quarter, and northwest quarter of southeast quarter of section 12, township 18 north, range 13 east, meridian, containing 160 acres, more or less, land which she and her grantees have occupied under claim and color of title, and of which they have had actual possession, beneficial use, and enjoyment, believing themselves to be owners thereof, for more than 30 years; Provided, That application for the purchase of the described tract of land be filed at the United States land office at Baton Rouge, La., within 90 days after the passage and approval of this act, and that no adverse claim thereto be effectually recorded as pending when the application is allowed and the sale consummated.

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

WILLIAM OF THE LANDS IN NEVADA

Mr. ODISH. I ask that the Senate recur to Order of Business No. 1205, being the bill (H. R. 10259) to provide for the continued withdrawal of certain described lands in the State of Nevada for the use and benefit of the Indians of the Walker River Reservation. I ask that the bill may be now considered.

The PRESIDING OFFICER. Is there objection?

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

Be it enacted, etc., That the following described lands situate in the State of Nevada, temporarily withdrawn from settlement, entry, sale, or other disposal until March 5, 1925, by presidential order dated June 27, 1924, for the use and benefit of the Indians of the Walker River Reservation, be, and they hereby are, permanently withdrawn for the purpose indicated in said order: Provided, That this withdrawal shall not affect any existing legal right of any person to any part of the withdrawal lands: All of township 14 north, range 30 east, Mount Diablo meridian, west half of township 14 north, range 31 east, Mount Diablo meridian, east half of township 13 north, range 31 east, Mount Diablo meridian, west half of township 12 north, range 31 east, Mount Diablo meridian, east half of township 12 north, range 30 east, Mount Diablo meridian: Provided further, That the Secretary of the Interior be, and he is hereby, authorized to issue patents to the persons of the Walker River Reservation, or other persons, to make surveys, or to explore for coal, salt, and geologic or mineral or other precious deposits, or to sell, lease, or assign such lands; provided, That such notices of the suits shall be given to such persons as may be entitled to it, they are entitled to it from the beavers above to the center of the earth.

I make my amendment to the bill which I send to the desk.

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

The CHIEF CLEEK. On page 1, line 11, before the colon it is proposed to insert:

Or any prior existing vested right to the use of water, but that the water rights for this land or any land within the reservation shall be acquired or proven according to the local customs, laws, and decisions of the courts.

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

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.

LINDSAY HOWARD

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 6045) authorizing the Secretary of the Interior to sell and patent certain lands to Flora Horton, a resident of De Soto Parish, La., which was read as follows:

Be it enacted, etc., That, upon the payment of $1.25 per acre, the Secretary of the Interior be, and he is hereby, authorized to sell and patent to Flora Horton, a resident of De Soto Parish, La., with a
reservation to the United States of all the coal, oil, gas, and other minerals in the lands patented, together with the right of the United States, its grantees or permittees, to prospect for, mine, and remove the same, the north half of the north half of section 14, township 13 north, range 13 west, meridian containing 100 acres, more or less, land which she and her grantees have occupied under claim and color of title, and of which they have had actual possession, beneficial use, and enjoyment, believing themselves to be owners in good faith for more than 50 years: Provided, That application for the purchase of the described tract of land be filed at the United States land offices at Baton Rouge, La., within 90 days after the passage of this Act, and that no adverse claim thereto be officially recorded as pending when the application is allowed and the sale consummated.

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

LEASE OF LANDS BY THE SECRETARY OF THE INTERIOR

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4710) to authorize the Secretary of the Interior to lease certain lands, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior, upon such terms and under such regulations as he may deem proper, may permit responsible persons or associations to use and occupy, for the erection of certain hotels, or other improvements for the accommodation of the public, suitable spaces or tracts of land near or adjacent to mineral, medicinal, or other springs which are located upon unreserved public lands or public lands which have been withdrawn for the protection of such springs: Provided, That permits or leases hereunder shall be for periods not exceeding 20 years.

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

WIDOW AND MINORS CHILDREN OF ED ESTES

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4712) for the relief of the widow and minor children of Ed Estes, deceased. It proposes to pay to the widow and minor children of Ed Estes, deceased, $5,000, as full compensation for the death of her husband, who was killed by being run over by a Government truck from Camp Jesup on January 16, 1920.

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

HERMAN SHULOF

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4050) for the relief of Herman Shulof, which had been reported from the Committee on Claims with an amendment, in line 9, after the word "but," to strike out the words "who was thereafter, on June 2, 1919, a few days after his arrival at Atlanta prison, pardoned by the President," and to insert "and subsequently pardoned by President Wilson," 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, out of any money in the Treasury not otherwise provided for, the sum of $10,690 to Herman Shulof, of New York City, which sum was paid by him to the United States by reason of the forfeiture of the bail bond of William Kahn, who was afterwards taken into custody and convicted, but subsequently pardoned by President Wilson.

The amendment was agreed to.

MR. KING. I should like to have an explanation of the bill, Mr. President.

MR. BRUCE. I shall be very glad to give it. William J. Kahn was arrested for perjury in connection with certain affidavits in a bankruptcy case in New York. His brother-in-law, Herman Shulof, went on his bail in the sum of $10,000. Kahn absconded, leaving a false bond, before he could be arrested. The testimony in the case shows conclusively that it was entirely through the activity of his brother-in-law who had gone on his bail—that is to say, this man Shulof—that Kahn was finally arrested. The affidavits of the police officers demonstrate that; and there can be no doubt about it that the arrest was brought about entirely through his activities. He followed this astounding criminal from New York City out to Kansas City, then from Kansas City to Los Angeles. Finally, he was arrested there and brought back. The testimony shows that Shulof spent no less than $2,500 in his efforts to apprehend the fellow. Then, some time after this critical period—I forget the exact time, but it was some months—he was pardoned by President Wilson. So under all the circumstances of the case the Committee on Claims considered that the right that should be given and that Shulof should be relieved from the bail bond.

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.

IDA FAY

The bill (S. 4043) for the relief of Ida Fay was announced as next in order.

MR. STEEPARD. A bill in almost similar terms to the one which has just been stated has passed the other house and is now on the calendar. I ask that the House bill may be considered instead of the Senate bill.

The PRESIDING OFFICER. Is there objection to substituting the House bill for the Senate bill?

There being no objection, the Senate as in Committee of the Whole, proceeded to consider the bill (H. R. 4711) for the relief of Ida Fay, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That sections 17 and 20 of the act entitled "an act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Ida Fay, widow of Valentine Fay, a civilian employee of the War Department, who was killed at Fort Leavenworth, Kans., on January 26, 1919, and whose case is hereby authorized to be considered and acted upon under the remaining provisions of such act: Provided, That the Compensation Commission shall not make payments to the said Ida Fay in excess of the sum of $7,500.

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.

The PRESIDENT pro tempore. The bill (S. 4043) for the relief of Ida Fay will be indefinitely postponed.

LANDS AND FUNDS OF OSAGE INDIANS IN OKLAHOMA

Mr. HARRELD. I ask that the Senate return to Order of Business No. 1197, being the bill (H. R. 2944) for 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 23, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes,'"

I moved that the bill be indefinitely postponed a while ago, but I find I was in error in making that request. I thought it was another bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Oklahoma to consider the bill named by him?

Mr. Robinson. I have no objection to the bill. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HARRELD. Mr. President, this is a very important bill for this reason: The act of 1921 provided that all of the oil lands in the Osage Nation should be offered for sale within a period of 10 years. The Secretary of the Interior started to do that by selling about one-tenth of the acreage each year; he has been doing that up to the present time. During the last year the sales did not bring what he thought they should have brought on account of conditions existing in the oil business at that particular time, but he felt obliged to go ahead and make the sales; he felt he was directed to do so. This bill is to relieve him of necessity of having to make these sales under conditions that do not warrant him in believing that it is to the best advantage of the Indians to make the sales.

Mr. ROBINSON. The bill, then, is intended to conserve the proper rights of the Indians?

Mr. HARRELD. Exactly.

Mr. ROBINSON. I have no objection to 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.

STEPHEN A. FARRELL

The bill (S. 4106) for the relief of Stephen A. Farrell was announced as next in order.

Mr. SHEPHERD. Let that bill go over.

Mr. COPELAND. Mr. President, I inquire who objected to the consideration of the bill.
The PRESIDING OFFICER. The Senator from Utah [Mr. Smoot] objected.

Mr. COPELAND. I hope the Senator from Utah will withdraw his objection for a moment. This man was one of the Revolutionary Soldiers who went up in a balloon which landed in Canada, Hudson Bay, and he was lost there. He was surveyed by a medical board and ordered before a retiring board. The Navy Department has proposed a general bill to cover cases like this, but it has not been passed, and the Senate Naval Committee after consideration decided that it was only fair and just that this officer be given the right which he had earned by long and faithful service. The committee has proposed that he be left on the rolls before a retiring board, and exactly what would have happened if the general bill had been passed.

Mr. SMOOT. The Secretary of the Navy makes the statement.

In view of the above, and the further fact that this proposed legislation is individual in character and not for the general good of the naval service, the department recommends that S. 4100 be not enacted.

Mr. COPELAND. That statement was made with the expectation that in the omnibus bill general legislation would be passed to cover cases such as this. It will be observed that this man had very long service, over a quarter of a century, and an excellent record.

Mr. ROBINSON. May I ask the Senator from New York whether this case is provided for in the omnibus bill?

Mr. COPELAND. No, sir; it is not. The only hope of relief he has is in the passage of this particular measure. The feeling of the committee, after long discussion, was that it has the proper relief to give to the particular case.

Mr. SMOOT. May I, in view of the statement in the report, I object to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Utah objects.

TRESPASSES ON COAL LANDS OF THE UNITED STATES

The bill (H. R. 6713) to define trespass on coal land of the United States and to provide a penalty therefor was announced as next in order.

Mr. COPeland said, Mr. President, I will ask that this bill be passed over for a few moments. I should like to examine it.

The PRESIDING OFFICER. The bill will be passed over.

ED JOHNSON, OF EAGLE, COLO.

The bill (H. R. 2065) to authorize an exchange of lands with Ed Johnson, of Eagle, Colo., was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That upon the transfer by Ed Johnson to the United States of title to lots Nos. 10, 20, 21, 22, 23, and 24 of block 55, of the town of Eagle, Colo., the Secretary of the Interior be, and he is hereby, authorized to exchange with the said Ed Johnson for lots 19, 21, 22, 23, and 24 of section 31, township 3 south, range 84 west, principal meridian: Provided, That the patent issued shall reserve to the United States or its successors all coal, oil, or other mineral deposits in the lands patented as well as the right of prospect for, mine, and remove the same.

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

LAND IN KOOTENAI COUNTY, IDAHO

The bill (H. R. 11067) to provide for the relinquishment by the United States of certain lands in the county of Kootenai, in the State of Idaho, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Survey with an amendment on page 1, line 3, after the word "That," to insert "upon payment therefor at the rate of $1.25 per acre," so as to make the bill read:

Be it enacted, etc., That upon payment therefor at the rate of $1.25 per acre, the United States relinquish unto the county of Kootenai, in the State of Idaho, all such lands as the possession of that certain piece or parcel of land situated in Kootenai County, in the State of Idaho, and described as follows: "Beginning at a point 1,332 feet north and 332 feet west of a stone monument at or about high-water mark on the east boundary of Fort Sherman Military Reserve (abandoned), said point being on the north line and 332 feet west of the northeast corner of lot 49 of said military reserve (abandoned); running thence west, along the north line of said lot 49, 18 feet to the north line of the 290 feet line at right angles thence east 350 feet to the intersection with the east line of said lot 49; running thence north along the east line of said lot 49 for a distance of 290 feet to the southeast corner of the Kootenai County Court House property; running thence west along the south line of said property for a distance of 292 feet to the southwest corner of said Kootenai County Court House property; running thence northwesterly along the west line of said property for a distance of 264 feet, more or less, to the place of beginning;" to have and to hold forever as a part of the public lands belonging to the said county of Kootenai.

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.

LANDS IN THE STATE OF WASHINGTON

The bill (H. R. 11210) to grant certain public lands to the State of Washington for park and other purposes was announced as next in order.

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

Mr. SMOOT. Mr. President, just for the record, and so that it will not be counted as a precedent, I wish to state that there is no provision in this bill in regard to the grant being made at a price of $1.25 an acre, as required in all bills in relation to the public lands that have passed the Senate heretofore. The acreage, however, is so small that the charge would only amount to 5 cents under the provisions of the bill. Therefore it was reported without an amendment. I do not want any Senator in the future to rise and say that this bill was passed here without the provision with regard to the price of a dollar and a quarter an acre.

Mr. ROBINSON. The Senator says the payment would only amount to 5 cents?

Mr. SMOOT. Yes.

Mr. ROBINSON. Does the area so small as that?

Mr. SMOOT. It is.

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 lot 5 of section 2, township 16 north, range 2 west, Willamette meridian, be, and the same is hereby, granted to the State of Washington for park and other public convenience purposes: Provided, That there shall be reserved to the United States all oil, coal, or other mineral deposits found at any time in the land, and the right to prospect for, mine, and remove the same: Provided further, That the grant herein is made subject to any valid existing claim or easements, and that the lands hereby granted shall be used by the State of Washington only for the purposes herein indicated, and if the said land, or any part thereof, shall be abandoned for such use, said land or such part shall revert to the United States; and the Secretary of the Interior is hereby authorized and empowered to declare such a forfeiture of the grant and to restore said premises, as the case may be.

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

WILLIAM M. PHILLIPSON

The bill (H. R. 2016) for the relief of William M. Phillipson was announced as next in order.

Mr. DIAL. I ask that the bill be read.

Mr. SHORTRIDGE. Mr. President, I hope the Senator will put me under additional obligations by not objecting to this particular bill. It affects an old man, now 85 years of age. All he asks is that his name be cleared on the records of the Navy Department. The bill has no retroactive effect, and it would really be a great happiness for him if the bill could go through. I hope the Senator will not object.

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw his objection?

Mr. DIAL. I cannot withdraw it, Mr. President. The bill shall stand as a precedent, and the record shows that the man deserted.

Mr. SHORTRIDGE. May I say to the Senator then the House committee and others and I have agreed as to the circumstances of this case. A very eminent gentleman in California, Senator Curtin, a former candidate for Governor of the State of California, belonging to the party of the Senator from South Carolina, is deeply interested in this measure, and I have come to the opinion that this poor man, now so aged, was really "shanghaied" in San Francisco, in his early yonder in the sixties and that it was a mistake to have it recored that he had "deserted" from the Navy.

Mr. DILL. Mr. President, the Senator from California certainly deserves a great deal of credit if he can get through a
Mr. SHORTRIDGE. The bill passed the House, where it was favorably considered, and now will be taken. I do not imply that this particular person is not entitled to relief.

Mr. DILL. Of course, every man who has a record as a deserter has a proof now that he did not desert; but I do not understand why this precedent should be established when all other cases of the kind are turned down. Mr. SHORTRIDGE. I am not aware that others of the kind have been turned down.

Mr. DILL. I am aware of it.

Mr. SHORTRIDGE. I am not.

Mr. SWANSON. Mr. President, the difference between this case and most cases is the fact that this man was enlisted in San Francisco, at that time was a turbulent town, possibly he was seized and could not report in time. It is a matter of high character, from which the records show that he was a man of high character. He has delayed and delayed trying to get somebody who was with him on the ship to testify in regard to the matter; but it is an absolute impossibility to find somebody who served with him, and the committee considered it. A number of people there have said that he is a man of character, who stands as high in that community as anybody in it. It seems to me that it is a case where relief ought to be granted.

Mr. DIAL. Mr. President, I cannot allow this precedent to be established. The record shows clearly in two places that this man deserted.

Mr. SWANSON. Mr. President, if the Senate will permit me, I will read the record so that a man deserts. If a man gets a leave of absence for one day and does not report to his ship at a certain time he is put down as a deserter. It is hard to get testimony from people who are on ships under such conditions. This man has been trying for a long time to get the testimony of somebody who was with him. He claims that at that time he was seized and could not get back to the ship in time to report.

Mr. DIAL. Does not my good friend from Virginia think he has had a long time to get his record straight?

Mr. SWANSON. He has been trying to get the testimony of somebody who was on the ship with him.

Mr. DIAL. The Secretary of War reports against it.

The PRESIDING OFFICER. Objection is made.

Mr. SHORTRIDGE. Mr. President, may I say just a final word? This phrase was "shanghaied," and the record shows that he has had a long time to get his record straight.

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

Mr. SMOOT. Mr. President, I read from the report this statement: It would seem that Phillipson left the naval service at a time during the Civil War when his services were especially needed, and as the records do not disclose such matters in his case as would warrant favorable consideration to the exclusion of a number of similar cases, it is recommended that the bill H. R. 2018 be not enacted.

Mr. ROBINSON. Mr. President, may I call the attention of the Senator from Utah to the fact that that objection is based upon the ground that there were others similarly situated who are not embraced in this bill, and to whom relief should be granted? The language which the Senator has read does not imply that this particular person is not entitled to relief. It simply implies that the relief should be more general than this bill contemplates. I am believes that the Senator, if he read the report, would find himself justified in permitting the bill to pass.

Mr. SWANSON. Mr. President, if the Senate will read the statement of the old man explaining the matter, and the affidavits of these other people, it will be seen that he is a man of high character as there is in that town, and he has spent years and years trying to get somebody who was on that ship to exonerate and vindicate him. It is nearly impossible to get any individual who was on this ship in the Arctic region. It certainly is a case that appealed to me as a very deserving one. Nobody hates a deserter more than I do.

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.

Mr. ROBINSON. Mr. President, may I say that in my humble judgment, this bill will be passed over temporarily. It will be passed over temporarily.

Mr. SWANSON. The PRESIDING OFFICER. The bill (H. R. 5637) for the relief of Edward R. Wilson, lieutenant commander, U. S. Navy,, was announced as next in order.

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

Mr. KING. Will the Senator kindly explain the bill?

Mr. SHORTRIDGE. Mr. President, this is the benefit of an aged mother whose son was killed in the Japanese earthquake. It gives her the usual six months' compensation.

Mr. KING. May I say to the Senator that I was in error in the number.

The PRESIDING OFFICER. The Senator from California apparently reported the bill.

Mr. SHORTRIDGE. Let it be passed over temporarily.

The PRESIDING OFFICER. It will be passed over temporarily.

Mr. KING. Mr. President, is that the one I thought I was asking the explanation for, not the other.

The PRESIDING OFFICER. The Senator from Utah asks for an explanation with reference to House bill 5637.

Mr. KING. May I say to the Senator that I was in error in the number.

The PRESIDING OFFICER. The Senator from California for an explanation with reference to House bill 5637.

Mr. KING. Let it be passed over temporarily.

The PRESIDING OFFICER. It will be passed over temporarily.

Mr. SHORTRIDGE subsequently said: Mr. President, I ask unanimous consent to return to House bill 1245, House bill 5637.

The PRESIDING OFFICER. The bill (H. R. 5637) for the relief of Edward R. Wilson, lieutenant commander, U. S. Navy, was announced as next in order.

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

Mr. KING. Mr. President, that is the one I thought I was asking the explanation for, not the other.

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The PRESIDING OFFICER. The Senator from California apparently reported the bill.

Mr. SHORTRIDGE. Let it be passed over temporarily.

The PRESIDING OFFICER. It will be passed over temporarily.

Mr. KING. Mr. President, I ask unanimous consent to return to House bill 1245, House bill 5637.
the sum of $3,564.32, to reimburse Edward R. Wilson, lieutenant com- mander Supply Corps, United States Navy, being an amount stolen by a number of persons unknown, between the dates of July 23 and July 25, 1910, from the funds of the United States then in the custody of William J. Garrity, paymaster's clerk, United States Navy, the lawfully de- tailed deputy of said Edward R. Wilson, on the United States sta­ Mariey Philadelphia, receiving same at a yard, Bremerton, Wash., which amount was charged on the books of the Treasury against the accounts of the said Edward R. Wilson, then a passed assistant paymaster, United States Navy, and which he deposited in the Treas­ ury of the United States on demand of the accounting officers of the Treasury.

The amendments were agreed to.

Mr. KING. Mr. President, may I ask the Senator whether the officers of the Government, the Secretary of the Navy or the Navy Yard, received a copy of this bill?

Mr. SHORTRIDGE. It appears to be recommended by the present Secretary of the Navy as of date February 17, 1929.

Mr. KING. Was there any negligence upon the part of the officer who lost the money?

Mr. SHORTRIDGE. I should conclude that there was not. The report is there. printed. I do not wish to take up the time of the Senate.

Mr. KING. I have not had time to read it, but I shall examine it.

The PRESIDING OFFICER. If there be no further amendment to the bill, it will be reported to the Senate.

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.

ROBERTA H. LEIGH AND LAURA H. PETTIT

The bill (H. R. 5796) for the relief of Roberta H. Leigh and Laura H. Pettit, 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.

RESTORATION AND COMPLETION OF HISTORICAL FRIEZE IN CAPITOL.

The joint resolution (S. J. Res. 28) authorizing the Joint Committee on the Library to provide for the restoration and completion of the historical frieze in the rotunda of the Capitol, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Library, with amendments, on page 2, line 1, after the word "hereby," to insert, "authorized to be," and on line 3, after the words "sum of," to strike out "$30,000," and insert "$40,000," so as to make the joint resolution read:

Resolved, etc., That the Joint Committee on the Library be, and it is hereby authorized to provide for the restoration and completion of the frieze in the rotunda of the Capitol, and the design of said joint committee's ability to perform the work in a proper manner.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $40,000, or so much thereof as may be necessary, for the purposes of this resolution.

The amendments were agreed to.

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

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

ABANDONMENT OF WIFE AND Destitute CHILDREN IN THE DISTRICT.

The bill (S. 4832) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances," approved March 23, 1906.

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

Mr. KING. Mr. President, does it make provision that the mother shall be imprisoned and that she shall be charged with an offense, or does it apply only to the father? I have not had time to read the bill.

Mr. BALL. This bill is exactly the same as the Senate bill.

The Senator will find in his file a report on the Senate bill. It is to return to the juvenile court the right to hold a hearing. It was supposed that they had by the right of the Supreme Court some time ago hold that they had no right. The bill returns to the juvenile court the right to hold a hearing to investigate those cases; that is all.

The PRESIDING OFFICER. Is there objection?

Mr. KING. Mr. President, if the bill that I have before me is the one the Senator is referring to, then he and I are at cross-purposes. I was inquiring about Order of Business 1248, Senate bill 432, which makes the act making it a mis­ demanor to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or his or her minor children in destitute or necessitous circumstances.

Mr. BALL. Mr. President, that is the bill that was passed in 1906. There is merely an amendment to that, to give to the juvenile court the right to hold hearings. If the Senator will read the letter from the District Commissioners, it will explain the provisions of this bill.

Mr. ROBINSON. Mr. President, the bill provides for striking the words "hard labor" in the act approved March 23, 1906. It is customary in such legislation to state how the act will read when amended.

Mr. BALL. I think the letter from the commissioners in the report will explain the difference.

Mr. ROBINSON. Let it be passed over for the present.

The PRESIDING OFFICER. The bill will be passed over.

ELIMINATION OF LAMOND GRADE CROSSING, ETC., IN THE DISTRICT OF COLUMBIA.

The bill (H. R. 12061) to provide for the elimination of Lamond grade crossing in the District of Columbia, and for the extension of Van Buren Street, 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.

ABANDONED LIGHTHOUSE RESERVATION, ETC.

The bill (S. 4101) authorizing the transfer of abandoned and unused lighthouse reservation lands and buildings to States, counties, or municipalities for public park purposes, and author­ izing the transfer of lighthouse reservation lands and buildings in exchange for other real property, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, to strike all of section 3, and to change the number of the following section from 4 to 3, so as to make the act:

Be it enacted, etc., That whenever the Secretary of Commerce shall determine that any land or buildings included in lighthouse reserva­ tions of the United States have been abandoned and are unused, and are no longer required for lighthouse purposes, or for any other pur­ pose of the United States by any department or independent estab­ lishment thereof, he is hereby authorized, in his discretion, to transfer and convey all the right and title vested in the United States in such land or buildings to any State, county, or municipality, for public park purposes, and to execute and deliver in the name of the United States, and in its behalf, any and all contracts, conveyances, or other instruments necessary to effectuate such transfer without cost to the Government: Provided, That any lease or license which the United States may have in effect at the time of any transfer authorized under this section shall not be affected by such transfer: Provided further, That any lands or buildings transferred from the United States under this act, for park purposes, shall be forever reserved by the State, county, or municipality to which they are transferred, as public parks; and if the said lands are not used as public parks by such State, county, or municipality, they shall revert to the United States without notice, and without regard to manner of title, or actions brought.

SEC. 2. Any lands or buildings transferred from the United States under this act, for park purposes, shall be subject to the right of the United States to use any or all of the same in any manner, includ­ ing the right of, hold, use, and occupy, without license, consent, or lease from the State, county, or municipality to which the transfer may be made, any or all of the said lands or buildings for any and all military, Government, or other governmental purposes, or for any and all public charges, encumbrances, or any license made, created, permitted, or
sanctioned therein by such State, county, or municipality. The rights reserved to the United States shall apply in all cases to all additional lands that may be formed by accretions of the sea.

Sec. 5. This act shall take effect immediately.

Mr. McNARY. Mr. President, I am not familiar with the terms of the resolution. I should like to ask the Senator from New York [Mr. Wadsworth] if, in his opinion, the bill is sufficiently comprehensive to include life-saving stations.

Mr. WADSWORTH. Mr. President, the bill includes "any land or buildings included in light house reservations of the United States." I assume that all life-saving stations are included, as known as light house reservations.

Mr. McNARY. The reason why I propose the inquiry is this: In the State of Oregon there is an old abandoned life-saving station that has been unused by the Government for many years. It is on private property, not subject to taxation, and fit only for park purposes; and if there is any doubt about this bill not including a reservation of this character I should like to offer an amendment to include life-saving stations, if the Senator has no objection.

Mr. WADSWORTH. I have no objection. I merely say to the Senator that as this is a Senate bill, there is not the slightest chance of its passing both Houses at this session.

Mr. President, I am willing to accept the interpretation of the Senator from New York. If he thinks it is sufficiently comprehensive, I will not press the amendment.

Mr. WADSWORTH. I think it is, although I will not guarantee it.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

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

AMERICAN CONGRESS OF HIGHWAYS

The joint resolution (S. J. Res. 190) to provide for the expenses of delegates of the United States to the Pan American Congress of Highways, was announced as next in order.

Mr. KING. Mr. President, I should like to ask the Senator from New York [Mr. Wadsworth] what reason there is for this resolution. The League of Nations provides all sorts of boards and agencies to deal with a multitude of questions. I do not know whether or not it deals with highways, but it deals with sanitation and a multitude of other matters. What is the reason that we are to have a Pan American Highway Congress?

Mr. WILLIS. Mr. President, this proposal, which is made by the President of the United States, as the Senator will see by glancing at the report, and which is recommended by the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce, is a proposal by which the United States of a Hemisphere may be represented, and at the Pan American congress, that has for its purpose the consideration of the development of methods of highway transportation.

There have not been such a meeting in this country in 1924, and it is believed that it was productive of very splendid results.

The Argentine Government has extended an invitation to this country to be represented at this conference at Buenos Aires, and the President of the United States, in harmony with the three Cabinet officers I have named, very strongly recommends that this appropriation be made for this purpose. It being believed that it will not only be very helpful in the development of better methods of highway construction, and transportation, but that it will cement very greatly the friendly relations which now obtain between this country and the South American countries.

Mr. KING. Why did not the Senator broaden his resolution so as to provide for the consideration of the subject of commerce and the establishment of commercial relations, the question of water transportation and aerial transportation? The question of roads is not so important.

Mr. WILLIS. That might have been desirable, but that is not the meeting the President of the Government has called, and they are the ones who are extending the invitation. Such a congress might have been desirable, but we have not been invited to attend it.

I cannot conceive of any particular benefit from a meeting in Buenos Aires to determine about highways. Our systems of highways are not so very important to the people of Patagonia, or Brazil, or Chile, and their systems of highways are not very important to us. Of course, we are interested in good roads, if they care to develop good roads, but I can not see any benefit that they will derive or that we will derive from the meeting.

Mr. WILLIS. Evidently the South and Central American countries felt that they derived very great benefit from the visits of their delegations to this country and the meeting of last year, and the Secretary of Commerce and the Secretary of Agriculture, as well as the Secretary of State, are particularly emphatic in their suggestions that this congress will be very beneficial, not only in that it will promote better methods of highway construction but that it will be very helpful to the extension of American business and the cementing of friendly relations. As the Senator will note, both the Secretary of Commerce and the Secretary of Agriculture very strongly recommend the legislation.

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

There being no objection, the resolution was read in the Senate without amendment, ordered to be engaged for a third reading, read the third time, and passed.

Mr. WILLIS. Perhaps it might be wise to have the report printed for information, and I ask that that be done.

There being no objection, the report was ordered to be printed, as follows:

[Report No. 1179, to accompany S. J. Res. 190]

The Committee on Foreign Relations, to whom was referred S. J. Res. 190 to provide for the expenses of delegates of the United States to the Pan American Congress of Highways, having had same under consideration, report it back without amendment and recommend its passage.

The proposed Pan American Congress of Highways, to meet at Buenos Aires in 1925, is the outgrowth of a resolution adopted at the Fifth International Conference of the Pan American States held at Santiago, Chile, in April, 1925; this resolution called for an official Pan American Highway Commission to be held in Buenos Aires in 1925.

Information respecting this resolution was received at Washington by Dr. Lee S. Bowes, Director of the Argentine legation, and numerous conferences were held between officials representing the Pan American Union and the United States Departments of Agriculture and Commerce.

Subsequently, in 1924, as a result of these conferences, some 37 delegates, representing 19 Pan American countries, visited the United States and made a rather extensive study of highway improvements. These preliminary conferences and the proposed meeting at Buenos Aires will undoubtedly be of great benefit to the Pan American Union and the United States Departments of Agriculture and Commerce.

The recommendation by the President of the United States and also letters from the Acting Secretary of Commerce and the Secretary of Agriculture support the recommendations of the Senate and letters from the Secretary of State, the Secretary of Agriculture, and the Acting Secretary of Commerce are attached hereto and made a part of this report.

To the Congress of the United States:
I transmit herewith a report by the Secretary of State concerning a Pan American Highways Congress, to meet at Buenos Aires on May 22, 1925, in which the participation of the Government of the United States has been invited by the Government of the Argentine Republic. Accompanying the report are copies of letters from the Acting Secretary of Commerce and the Secretary of Agriculture, furnishing information regarding the congress and urging the importance of participation therein by the United States.

I am the stronger of these representations, and in accordance with the recommendation of the Secretary of State, I request of Congress legislation which will authorize an appropriation of $15,000 for the expense of delegates of the United States to the Pan American Congress of Highways, to meet at Buenos Aires on May 22, 1925.

CALVIN COOLIDGE

THE WHITE HOUSE, Washington, January 21, 1925.

The President.

On December 29, 1924, the embassy of the Argentine Republic at Washington extended, in the name of that Government, an invitation to the Government of the United States to be represented by dele gated at the Pan American Congress of Highways, which will meet at Buenos Aires on May 22, 1925,
The invitation was communicated to the Secretary of Commerce and the Secretary of Agriculture for the consideration of their departments. It appears from the reply of the Acting Secretary of Commerce that this request is passed not only here but in all the Pan American Union and expresses the desire of the government that the practical effort initiated in the Department of Commerce and carried out by various industrial groups, including the automobile and road machinery manufacturers and the bankers. A copy of this reply, which sets forth the origin and history of the movement, represents its effort at the forthcoming congress by a mission whose membership should, in my judgment, include those most familiar with the recent advances made by the United States in highway administration, finance, construction, and maintenance, and the various phases of highway research.

In view of these representations, the undersigned the Secretary of State has the honor to recommend the submission to Congress of a request for legislation authorizing an appropriation of $15,000 for the expenses of delegates of the United States to the Pan American Congress of Highways to meet at Buenos Aires, Argentine Republic, on May 22, 1925.

A copy of a letter from the Director of the Bureau of the Budget stating that this request is not in conflict with the President's financial policy is attached.

Respectfully submitted.

CHARLES E. HUGHER

DEPARTMENT OF STATE,
Washington, January 22, 1925.

THE SECRETARY OF STATE.

The Secretary of Commerce, Office of the Assistant Secretary, Washington, January 15, 1925.

Mr. SECRETARY: I beg to acknowledge receipt of your letter of the 10th instant in which you state that an invitation has been received from the Argentine Government inviting the United States to send representatives to the Pan American Congress of Highways to be held in Buenos Aires on May 22, 1925, and asking that the invitation be brought to the knowledge of organizations in the United States interested in the subject.

This invitation is the logical sequence of a broad and constructive effort initiated in the Department of Commerce and carried out by various industrial groups, including the automobile and road machinery manufacturers and the bankers, and participated in by officials of the Department of State, the Department of Agriculture, and this department. The idea in the first instance arose from the proposal of the Pan American Union to hold a Pan American Highway Conference in which all the American States would participate. As requested by the Argentine Republic, extending the invitation of the American Congress of Highways to meet at Buenos Aires, the Argentine Government, extending the invitation to the United States to be represented at the Pan American Congress of Highways which will be held at Buenos Aires, May 22, 1925.

I have the honor to submit herewith a translation of a note from the Acting Secretary of Commerce.

DEPARTMENT OF COMMERCE,
WASHINGTON, FEBRUARY 27, 1925.

The Secretary of Commerce,
Washington, January 22, 1925.

Mr. SECRETARY: I have the honor to acknowledge receipt of your communication of January 10, File SYH 515. 4 D 1/-, including a translation of a note from the chargé d'affaires ad interim of the Argentine Republic, extending the invitation of the Argentine Government to the United States to be represented at the Pan American Congress of Highways which will be held at Buenos Aires, May 22, 1925.

I shall be glad to bring this invitation, which I regard as of the utmost importance, to the organizations in the United States who are interested in the subject of the congress, and believe it to be highly desirable to designate a representative of this department to the congress.

You will recall that this country was visited during the last summer by representatives of the Latin American Republics constituting the Pan American Highway Commission, which, under the guidance of representatives of this and other departments of the United States Government and officials of the State highway departments, traveled through several States for the purpose of inspecting and studying American methods of highway administration.

The immediate results of that visit in the establishment of friendly relations between the United States and the Latin American Republics were most constructive, and so fortunate that I consider a continuance of the cooperative relations to be of the utmost value. As a direct outcome of the visit an international organization, known as the Pan American Conference of Highway Education Boards, was formed for the purpose of providing an agency for the interchange of information and equipment in that line. Elaborate engineering reports have been issued in the other countries based upon the studies made by their delegates to this country, and wide publicity has been given to the conference not only here but in the Pan American Congresses and was participated, indicating the great interest in those countries in highway development and the impetus given by the enterprise moving on the part of our officials and the public-spirited men of the various groups who participated in the mission of the American Congress of Highways.

The purpose of the Pan American Congress of Highways is to again call these men together and with other officials of the 21 countries of the Pan American Union to discuss the different practices in highway construction and motor transportation, to exchange information, and finally to agree upon such phases of highway development as may require international treatment.

Out of the conference held in this country as seen by American officials there grew a growing spirit of friendship and cooperation between the delegates of Latin America and those of our people who participated, which can not but have a profound influence on our future international relations and a highly beneficial effect in particular on our trade relations. The progress of the Pan American Highway Congress which is about to be held, is as it were, the sequel of the Pan American Congress of Highways and between the delegates of Latin America and those of the United States and the result is as in the standards of friendship and a desire to give the benefits of our experience to our neighbors of Latin America and the evident ultimate benefit that this country might derive in the way of trade did not in the least detract from the high motives which in the first instance and during the conference prevailed.

A secondary effect of the visit of the Pan American Highway Mission was an appreciation by the visitors that what has been done by the several States in this country is a feasible and possible task for them, which may readily and quickly be undertaken and will directly tend to the improvement of methods of transportation of the Latin American States and between the States and the result is the improvement in the standards of living.

The final influence of the Latin American delegation will unquestionably be found in improved trade relations in every direction between the people of this country and of the south. While no effort was made during the trip of the delegates to sell them American products it was naturally and properly felt that this friendly effort on the part of our people should and would lead to improved trade relations, with a consequent greater benefit to the Pan American States therefrom.

The next step in this constructive and practical move toward the improvement of understanding and relations with our friends of the Pan American States will come at the conference at Buenos Aires, where a permanent organization will be established looking toward the carrying on in each of the Pan American States of the activities initiated at the time of the visit of their delegates to this country last year. This work has received and will continue to receive the approval and support of this department. It has already clearly demonstrated its value, and I believe our Government should by all means send official delegates, as requested by the Argentine Republic.

Very truly yours,

J. WALTER DEANE,
Acting Secretary of Commerce.

DEPARTMENT OF AGRICULTURE,
WASHINGTON, FEBRUARY 27, 1925.

The Secretary of State,
Washington, January 22, 1925.

Dear Mr. Secretary: I have the honor to acknowledge receipt of your communication of January 10, File SYH 515. 4 D 1/-, including a translation of a note from the chargé d'affaires ad interim of the Argentine Republic, extending the invitation of the Argentine Government to the United States to be represented at the Pan American Congress of Highways which will be held at Buenos Aires, May 22, 1925.

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tion with regard to highway improvement and related matters between the American Republics, and, as the coming Congress will afford the first opportunity for the development of that organization, I regard it as especially desirable that the United States Government participate officially. It is needless to refer to the certain beneficial effects of highway improvements upon the economic development of the Latin American Republics, or to the probable increase in trade with the United States which would probably follow. But, to the end that the United States may extend its cooperation on such desirable matters, I sincerely hope, I cannot too strongly that suitable provision be made for the representation of this country at the forthcoming congress by a commission, whose membership should, in my judgment, include those most familiar with the results of the United States in highway administration, finance, construction, and maintenance and the various phases of highway research.

Sincerely,

HOWARD M. GORE, Secretary.

CARROL A. DICKSON

The bill (S. 2738) for the relief of Carrol A. Dickson was announced as next in order.

Mr. SHEPPARD. I do not think it is. Mr. Dickson did not make a report of it.

Mr. SHEPPARD. I am aware of that. I do not think it is. The Postmaster General's action may not have the sanction of the commission, and I ask that the bill be passed over.

Mr. SHEPPARD. I see an adverse report by the Postmaster General.

Mr. SHEPPARD. The Postmaster General merely says there was no record of this injury, and that this country at the forthcoming congress by a commission, whose membership should, in my judgment, include those most familiar with the results of the United States in highway administration, finance, construction, and maintenance and the various phases of highway research.

The bill (H. R. 11954) granting the consent of Congress for the construction of a bridge across the Grand Calumet River at Chicago, was considered as in Committee of the Whole, and was read.

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

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

Mr. SHEPPARD. Perhaps it was two other bills, but I remember distinctly that when two bridge bills were called, some Senator had them go over because he wanted to offer amendments to them.

I want those that I think I was not interested in them. I do not think I was.

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

The joint resolution (S. J. Res. 158) authorizing the enlargement of the Federal Veterans' Hospital at Muskogee, Okla., by the purchase of an adjoining city hospital and authorizing the application of $150,000 for that purpose, was considered as in Committee of the Whole, and was read.

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

The bill of Mrs. H. S. White (S. 1621) for the relief of John F. White and Mary L. White was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments; On page 1, line 8, to strike out the words "which occurred because of the failure to repair a road "; on line 10, to strike out the words "to pay from the sum appropriated by this act such amount as he shall deem just and sufficient to satisfy such claims " and to insert in lieu thereof the words "the sum of $12,000, or so much thereof as the Commissioner
of Indian Affairs may deem necessary to pay such claims, is hereby appropriated out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Commissioner of Indian Affairs is authorized and directed to be paid the claims of John F. Wallis and Mary L. White, of Riverton, Wyo., for compensation for damage and injury to the property and persons of said claimants and of their children sustained in an automobile accident on August 7, 1918, in the Shoshone and Indian reservations in Wyo., and the sum of $13,500, or so much thereof as the Commissioner of Indian Affairs may deem necessary to pay such claims, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

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.

JOSIAH FREDDICK DESE

The bill (H. R. 1418) for the relief of Josiah Frederick Dose was considered as in Committee of the Whole, and was read. The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALONZO C. SHEKELD

The bill (H. R. 5237) for the relief of Alonzo C. Shekell was announced as next in order.

Mr. KING. Let that go over.

Mr. CAMERON. Mr. President, this bill was passed in a former Congress.

The PRESIDING OFFICER (Mr. Fess in the chair). Does the Senator from Utah withhold his objection?

Mr. KING. I am objecting to House bill 5237, to remove a charge of desertion. If that is the same bill the Senator has in mind, then I object to it.

Mr. CAMERON. That is the bill. A similar bill passed the Senate in the Sixty-seventh Congress but failed of action in the House by reason of the adjournment.

The PRESIDING OFFICER. The Senator from Utah has objected, and the bill will be passed over.

FRANCIS M. A Therton

The bill (H. R. 1296) for the relief of Francis M. Atherton was announced as next in order.

Mr. KING. Let that go over.

Mr. WADSWORTH. Mr. President, I am quite sure the Senator from Utah has not read the report on the bill, or he would not raise an objection to it. It is one of the most appealing cases I ever heard. The Senator from Connecticut [Mr. RINGHAAR] does not seem to be present. He reported the bill after very careful study.

Mr. RINGHAAR. Without my objection while the Senator makes an explanation.

Mr. WADSWORTH. This man was 15 years old in February, 1892, when he ran away from home to join the First Volunteer Infantry, which his brother was a private. It was told that on account of his age he could not be enlisted lawfully, but that they were soon to sail for some place in the South, and when they should be out at sea they would enlist him.

Atherton further claims that he was furnished with a complete uniform; that in March, 1892, when at sea, the oath was administered to him, and thenceforth until the year 1908, when he had applied for a pension, he had supposed he was regularly enlisted and mustered into the military service of the United States. He was fed, clothed, and given medical treatment, the same in all respects as other members of the organization. Here was a young boy of 12 years of age, who ran away from home to join the Union Army. They took him in, but never actually enlisted him.

Mr. KING. Is there any proof other than the statement of the soldier himself? Is there any testimony to corroborate it, anything from the War Department or any other source?

Mr. WADSWORTH. There is the statement from the adjutant general, the assistant surgeon, and the inspector general at Montpellier, Vt. Everybody thought he was mustered in, and he thought so himself, but as a matter of fact he could not have been enlisted because he was only 15 years of age. This man served through the rest of the war.

Mr. KING. It is not a case of desertion?

Mr. WADSWORTH. Oh, no.

Mr. KING. Then I draw the objection.

The bill was considered as in Committee of the Whole, was ordered to a third reading, read the third time, and passed.

RELIEF OF CYCLONE SUFFERERS IN GEORGIA

The joint resolution (H. J. Res. 112) approving the action of the Secretary of War in directing the issuance of quarter-master stores for the relief of sufferers from the cyclone at Lagrange and at West Point, Georgia, in the latter part of January, March, 1920, was considered as in Committee of the Whole, and was read.

Mr. KING. The Senator from New York approves of the joint resolution?

Mr. WADSWORTH. Yes, I introduced the joint resolution and reported it.

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

OLD FOR VANCOUVER STOCKADE

The bill (H. R. 10472) to provide for restoration of the Old Fort Vancouver Stockade, was considered as in Committee of the Whole, and was read.

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

LAND AT SPRINGFIELD, MA.

The bill (H. R. 11555) authorizing the Secretary of War to convey by revocable lease to the city of Springfield, Mass., a certain parcel of land within the Springfield Military Armory Reservation, Mass., was considered as in Committee of the Whole, and was read.

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

IRRIGATION OF LANDS IN NEBRASKA

The bill (S. 4037) providing for the irrigation of certain lands in the State of Nebraska, was announced as next in order.

Mr. SMOOT. There is no report on this bill, and I would like to have some explanation from the Senator from Nebraska.

Mr. NORRIS. I supposed there was a report, but it appears there is none. The bill is one of considerable importance, but if the Senator will bear with me, I can make an explanation of it that will be satisfactory to everybody. No one has ever objected to it, that I know of, who understood it.

The bill is one relating to a semiarid country, a table-land between the Platte and Republican Rivers in the State of Nebraska, land as level as a table, which has been settled for over 30 years, is all settled up now, but it is located just at a point where there is little moisture to enable the settlers to raise crops. In some years they get a crop as it is; usually they get a partial crop; but in some years there is a complete failure.

It is a most remarkable piece of land. The bill provides, the way it is amended, for the irrigation of the land after the State of Nebraska shall have provided by the necessary legislative act a sufficient guaranty that will be satisfactory to the Bureau of Reclamation that they will pay the reclamation fund, and 4 per cent interest on it, that is used in the irrigation district on the plant on a system of amortization, either by a straight line method, or by 1 per cent interest per year, or by 2 per cent for the irrigation district levying a tax upon the land and collecting the same as other taxes. It does nothing in reality except to give to the people the credit of the government, and pays the Government for its money 4 per cent interest with the guaranty I have outlined.

Mr. FLETCHER. Are these Government lands?

Mr. NORRIS. No; they are all privately-owned lands, all settled and occupied now.

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 had been reported from the Committee on Irrigation and Reclamation, with amendments, on page 2, line 12, after the word "act," to insert "The construction of said irrigation works shall be paid for out of any money in the United States Treasury not otherwise appropriated, as shall be provided for from time to time by Congress, and shall be paid to the United States," on page 2, line 13, to strike out "reclamation fund" and insert "United States"; on page 2, line 15, to strike out "to said reclamation fund"; on page 2, line 26, to strike out "to the reclamation fund"; on page 3, line 8, to strike out "reclamation fund"; on page 3, line 9, to strike out "from the reclamation fund"; on page 3, line 7, to strike out "70" and insert "40"; on page 3, line 15, to strike out "reclamation fund" and insert "Treasury of the United States".

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to construct irrigation works for...
the storage and diversion of water and the irrigation of lands as outlined in the report and at the hearings of the House Committee dated May 3, 1924, authorized by Senate Joint Resolution 215 (67th Cong., 2d sess.), approved September 22, 1922. Said work shall be undertaken and prosecuted under the general reclamation act approved June 17, 1902, and amendment acts thereto, so far as the same apply to said project, and in so far as such acts or amendatory acts are not modified or changed by this act. The construction of said irrigation works shall be paid for out of any money in the United States Treasury not otherwise appropriated, as shall be provided for from time to time by congressional appropriation. The lands to be irrigated shall not be confined to lands located in the counties mentioned in said Joint Resolution 215 (67th Cong., 2d sess.). The amendment of the act heretofore provided for in section 1 shall not be commenced by the Secretary of the Interior until the State of Nebraska shall have provided by proper legislation for the repayment to the United States of the cost of such irrigation works in one or more of the following methods, to wit: (1) The repayment of the cost thereof directly by the State of Nebraska; (2) The reimbursement of such expenditure by obligation of the counties in which the lands to be irrigated are situated; or (3) The repayment of such expenditure by the formation of an irrigation district comprising the land to be irrigated and providing for the levying of a tax thereon sufficient to pay the amount expended in the construction and development of such irrigation works.

Such legislation to be provided by the State of Nebraska shall make provision for the amount of interest upon all the money expended by the State or the irrigation district or the Secretary of the Interior, at the rate of 4 per cent. per annum, and shall provide for repayment of the amount expended together with said interest thereon by a system of amortization, which shall extend over a period not exceeding 49 years.

In the construction of the said irrigation works, an opportunity is afforded for the development of electric power under such project, the Secretary of the Interior is authorized to sell for a period not exceeding the amortization period provided for in section 2 of this act, giving preference to farmers and municipalities, any surplus power developed, and the moneys derived from such sale or sales shall be covered into the Treasury of the United States and placed to the credit of said project. The Secretary of the Interior, as soon as practicable, is authorized and directed to pay, and shall convey to the State of Nebraska or to the counties within which said project is located, or to the irrigation district organized under the laws of the State of Nebraska, in accordance with the direction of the laws so enacted by the said State of Nebraska.

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.

FEDERAL COOPERATIVE MARKETING BOARD

The bill (S. 4390) to create a Federal cooperative marketing board, to provide for the registration of cooperative marketing, clearing house, and terminal market organizations, and for other purposes, was announced as next in order.

Mr. KING. 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.

REAR ADJUTANT JOSEPH J. JAYNE

The bill (S. 4358) for the relief of Rear Admiral Joseph J. Jayne, United States Navy, retired, was announced as next in order.

Mr. KING. The report on this bill shows that the party has already had $2,000 and it involves giving him further reimbursements. I think the bill ought to have gone to the Committee on Naval Affairs. I think I shall have to object to the consideration.

Mr. CAPPER. Mr. President, the author of the bill, the Senator from California [Mr. JOHNSON] was obliged to go to his home this evening on account of illness. He could not possibly be here, and asked me, if possible, to have the bill considered. Before the Committee on Claims the bill was very carefully considered, and I hope the Senator from Utah will let the bill go to the Secretary of the Navy.

Mr. KING. I have read the report, and the point I make is this: In the first place, the bill ought to have gone to the Committee on Naval Affairs. Secondly, if Army officers or Navy officers were to carry unlimited liabilities of personal property without insurance in their journeys around the world and make the United States Government practically an insurer of their goods, I am inclined to the idea that we are going to be great}' liable for the loss of personal property. I think there ought to be some limitation upon the liability of the Government for the loss of personal effects of Army officers or of naval officers in their travels, even though they are on active duty.

Mr. EDGAR. Mr. President, my attention has been drawn to the bill, also. I think it is a very meritorious bill. The principle involved is a principle of right, if there is a principle at all. Of course, the Senator has a perfect right to hold his objection, but here is one of the Navy who has spent his entire life in the service. He is ordered to a new post, his goods being transported by a Government lighter, and, as the report states it, they are lost. They were practically all of his household goods, and the loss amounted to some $2,000. He got $2,000, and he has no way in the world to get the balance unless the Government appreciates to some extent its responsibility. The Secretary of the Navy has unequivocally admitted the claim, and it seems to me we should be that considerate to a man who has spent his entire life in the service of his country.

Mr. KING. I shall withdraw objection to the bill, but I want to give notice now that I shall object to any of these measures that imply an unlimited obligation upon the part of the Government of the United States to be an insurer of all the personal property that employees of the Government may carry with them in their journeys throughout the world. If the Government is liable for the loss of the personal property of an admiral, which is indispensable in the discharges of his duty, there is no reason why it should not be liable for all the property he carries or all the property of any other employee of the Government. It is a dangerous precedent. They have the right to get their property insured, as other people would have their property insured. To impose this liability upon the Government I think, is unjust. However, in view of the conditions which I understand to exist in this case, I withdraw my objection.

Mr. CUYLER. I know of this case personally, and it is a peculiar case of merit.

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

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

Be it enacted, etc., That the Secretary of the Treasury be, and hereby, authorized and directed to pay to Rear Admiral Joseph J. Jayne, United States Navy, retired, the sum of $2,500.86 as reimbursement for the loss of personal property of himself and wife, Elizabeth T. Jayne, as a result of the damage to United States Navy lighter No. 91 in Chesapeake Bay on October 24, 1922, out of any money in the Treasury not otherwise appropriated.

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

JAMES P. ABBOTT

The bill (H. R. 5795) for the relief of James F. Abbott was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of $1,302 to James F. Abbott, in commercial attachment to cover a judgment against him for $3,598.80 in a suit for the loss of personal property of himself and wife, Elizabeth T. Jayne, a result of the damage to United States Navy lighter No. 91 in eastern Siberia during 1921.

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

BILL PASSED OVER

The bill (S. 3777) to permit the United States of America to be made defendant, and to be bound by decree and final judgments entered, in land-title registration proceedings in the circuit court of Cook County, Ill., and courts of appeal therefrom, under the provisions of an act concerning land titles, in force in the State of Illinois May 1, 1897, was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

Mr. CURTIS. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

TERMS OF UNITED STATES DISTRICT COURT IN MARYLAND

The bill (H. R. 5842) to provide for terms of the United States district court at Denton, Md., was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That hereafter and until otherwise provided by law, said court shall be held annually on the Thursday following the first Monday in July terms of the District Court of the United States for the District of Maryland, at the town of Denton, in said district, said terms to be in addition to the terms now required to
be held in the city of Baltimore and the city of Cumberland in said district: Provided, That suitable accommodations for holding court at the time in question be made free of expense to the United States.

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

OVERTIME PAY FOR IMMIGRATION SERVICE EMPLOYEES

The bill (S. 4811) to provide for overtime pay for employees of the Immigration Service, Department of Labor, was announced as next in order for consideration.

The PRESIDENT OF THE SENATE. Is there objection to the present consideration of the bill?

Mr. WADSWORTH. May I ask the Senator from Pennsylvania [Mr. Pepper] if the bill provides that the steamship companies will be required to pay overtime?

Mr. PEPPER. It does.

Mr. KING. I object to the consideration of the bill.

Mr. WADSWORTH. I must object to its consideration, too.

Mr. PEPPER. Will the Senator from New York withdraw his objection just a moment?

Mr. WADSWORTH. Yes.

Mr. PEPPER. Will the Senator from Utah withdraw his objection a moment?

Mr. KING. I will withdraw it, but if I may say to the Senator I have investigated the question very fully. The principle is that the government will be required to pay overtime in a bill which I shall offer when we meet in December to repeal any existing law which permits the payment of overtime in this matter. I think it demoralizes the public service. I have many letters from public officials who desire to get the overtime and I feel constrained to object. I am sure the Senate will pardon me for objecting.

Mr. REED of Pennsylvania. Mr. President, will the Senator from Utah yield for a question?

Mr. KING. I will yield.

Mr. REED of Pennsylvania. Does the Senator from Utah agree that while the system is wrong, as he said, yet there does exist under the present law a discrimination against the inspectors of the Steamship Immigration Service?

Mr. KING. I can not answer that yes or no. I will say that they do not receive the same treatment that other employees of the government receive in other branches of the service, but there are many employees in various branches of the service who may be subjected to the same treatment, and the whole system is wrong.

Mr. REED of Pennsylvania. While that may be so, the Senator recognizes the fact that the customs inspectors who work shoulder to shoulder with the immigration inspectors do get the advantage of overtime, and it comes from the steamship immigration inspectors do not get overtime. It does not seem right that the United States should require overtime from one kind of inspector on the same pier on the same work, and not compensate him, while the other is compensated.

Mr. KING. Having objected, of course I ought not to debate it, but I have letters which show the demoralization which ensues in another branch of the immigration service when they do not work during the day, seeking overtime work so they can get $10 or $11, and it creates jealousy and discord and brings confusion if not chaos in the service. I am opposed to the whole method and the whole system.

The PRESIDENT OF THE SENATE. The Senator from Utah objects, and the bill goes over.

LAND TITLES IN ILLINOIS

Mr. MOSES. Mr. President, I ask unanimous consent to return to the consideration of Calendar No. 1277, Senate Bill 3777. I have called the attention of the Senator from Utah [Mr. King] to the circumstances regarding the bill, both as to its introducer and as to the Senator who reported it, and the Senator from Utah is willing to withdraw his objection.

Mr. BRUCE. I object.

Mr. MOSES. I hope the Senator will not object.

Mr. BRUCE. When the sponsor of the bill is dead and one of his successors, I do not think we should consider it.

Mr. MOSES. The other Senator is in Chicago burying his colleague, and if the Senator from Maryland under those circumstances wishes to object at this stage of the session he may do so.

Mr. BRUCE. I am not making any particular point about it, except that it does seem to me there ought to be some person who can explain the whole thing; or, if not, I can say, further, to the Senator from Maryland that at this stage of the session no Senate bill can possibly become a law and receive consideration at the other end of the Capitol, but in the closing days of the Sixty-eighth Congress, when the introducer of the bill is dead and the responsibility of the bill is in Chicago burying our dead comrades, if the Senator from Maryland wishes to adopt such a course, he may do so.

Mr. BRUCE. With due deference to the Senator from New Hampshire, that is not the spirit in which to take up the matter. I have not the desire or the necessity for withdrawing the objection. I matter myself I do not make or do mean to make objections of that sort. If the Senator would say to me that he is familiar with the subject matter of the bill and feels he is qualified to present the Senate to pass it on its merits, I shall withdraw the objection.

Mr. MOSES. The only answer I can make to the Senator from Maryland on that point is that the committee on the Judiciary, the great law and order committee of the Senate, has passed upon the bill and reported it without amendment.

Mr. BRUCE. That remark is applicable to practically every bill on the calendar. No bill would ever be objected to under those circumstances.

The PRESIDENT OF THE SENATE. Is there objection to the present consideration of the bill?

Mr. BRUCE. I do not want to put myself in the position of being said, expedite this thing, and merely cavil about the bill. If the Senator can say he is familiar with the contents and that it is a meritorious measure, or if somebody else will say it, speaking for the two natural sponsors of the bill, I shall withdraw the objection.

Mr. STERLING. I want to say to the Senator from Maryland that the bill received very careful consideration at the hands of the Judiciary Committee. The necessity for the act arises from the peculiar situation that has developed in Illinois. They have the Torrens system and it is an account of that fact that the bill is deemed necessary.

Mr. REED of Colorado. The approval of the Senator from South Dakota of any bill goes far with me, and I would have said the same thing with reference to the Senator from New Hampshire if he had assured me he had personal familiarity with the contents of the bill. I waive my objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3777) to permit the United States of America to be made defendant and to be bound by decrees and final judgments, and decrees thereon as are in force in the Court of the United States in and to the real property described in said application or amended application on file at the time of the entry of the act concerning land titles in force in the State of Illinois May 1, 1867, and it was read, as follows:

Be it enacted, etc., That whenever the Attorney General of the United States, in his discretion, may deem it to be in the public interest so to do, and the United States of America has been named in any application for registration of title to land passing in the Circuit Court of Cook County, Ill., or in the proceedings of an act concerning land titles, approved and in force in the State of Illinois May 1, 1867, as subsequently amended, as having or claiming some right, title, or interest in and to the real property described in the application, the United States General in and to the real property consisting of the United States of America in said land title registration proceeding, and his own appearance as the solicitor for the United States of America, and thereupon the said Circuit Court of Cook County, Ill., shall have jurisdiction to adjudicate and determine such right, title, or interest of the United States of America in and to the real property described in said application, and to take such proceedings and make such orders, including references to examiners of title, and to enter such judgments and decrees thereon as are in conformity with the provisions of said act concerning land titles, approved and in force May 1, 1867, and all acts amendatory thereof.

Sec. 2. Said Circuit Court of Cook County, Ill., shall not have jurisdiction to adjudicate and determine any right, title, or interest of the United States of America in any real property not described in the application or amended application on file at the time of the entry of the appearance of the United States by the Attorney General of the United States, except as hereinafter provided. If the Attorney General of the United States shall approve in writing the entry of an order allowing the filing of an amended application describing additional real property not theretofore described in the application or amended application on file at the time of the entry of the appearance of the Attorney General of the United States of America, said additional real property shall also have jurisdiction to adjudicate and determine as to such additional real property the right, title, and interest of the United States of America therein, and to take such proceedings and enter such judgments, and decrees thereon as are in conformity with the provisions of said act.
sec. 1. The United States shall have jurisdiction to hear and determine all appeals from judgments and decrees entered in accordance with the provisions of the acts of extinguishment of the said reservation, and in force May 1, 1897, and all acts amendatory thereof and in accordance with the provisions of this act. Writs of error to the Supreme Court of Illinois from the Supreme Court of the United States, or any court or judge thereof, may be had in the said United States, to the Supreme Court of the United States would have jurisdiction.

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

Sesquicentennial of American Independence

The joint resolution (S. J. Res. 163) authorizing the establishment of a commission to be known as the Sesquicentennial Commission of the United States, in commemoration of the one hundred and fifthieth anniversary of the Declaration of Independence and the one hundred and fiftieth anniversary of the birth of Thomas Jefferson, provisions of th, United States, was considered as in Committee of the Whole.

The joint resolution was ordered to be engrossed, and was agreed to.

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

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

The Committee on Appropriations reported to strike out all of the preamble after the first whereas, which is as follows:

"Whereas the 4th July, 1826, will mark the one hundred and fiftieth anniversary of the signing of the Declaration of Independence, that heroic act which marked the birth of American Independence and these United States of America."

The amendment was agreed to.

The preamble as amended was agreed to.

The bill was amended, as follows: "Joint resolution authorizing the establishment of a commission to be known as the Sesquicentennial Commission of the Independence of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence.

LANDS GRANTED TO PUBLIC SCHOOLS

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4340) confirming in States and Territories title to lands granted by the United States in the aid of common or public schools, which was read, as follows:

"Be it enacted, etc., That, subject to the provisions of subdivision (b) of this section, the United States relinquishes to any State or Territory all right, title, and interest of the United States to the lands, irrespective of their character, granted to such State or Territory by numbered sections or otherwise for the support of or in the aid of common or public schools; unless land has been granted to, and/or selected by and certified to, any such State or Territory in lieu of and/or as indemnity land for any land so granted by numbered sections or otherwise, and in that case such relinquishment shall be limited to such land or lands specifically relinquished for water-power purposes, are included within the purposes of this act only from the date of extinguishment of such reservation and the restoration of such land to the public domain."

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

WILLIAM G. JOHNSON

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9027) authorizing the Secretary of the Interior to sell and patent to William G. Johnson certain lands in Louisiana, which was read, as follows:

"Be it enacted, etc., That upon the payment to the United States of $1.25 per acre the Secretary of the Interior be, and is hereby, authorized to issue patent to William G. Johnson to lot 8, section 18, township 19 north, range 11 east, Louisiana meridian, situated in East Carroll Parish, La.; provided, That payment be made and application filed hereunder in the district land office within six months after the approval of this act, and that no adverse claim thereto be officially of record as pending when the application is allowed and the sale consummated."

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

EDITH W. PEACOCK AND PEACOCK MILITARY COLLEGE (INC.)

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4303) for the relief of Edith W. Peacock and the Peacock Military College (Inc.), which had been reported from the Committee on Claims with an amendment, on page 1,
The amendment was agreed to.

Mr. REED of Pennsylvania. I do not wish to be captious, but it seems to me we might as well put these proposed acts in good English while we are about it. There is not any justice in the phrase, "and/or," which is found in line 8, page 1, of the bill. I move to strike out the word "or" in that line.

Mr. SHEPPARD. I accept the amendment, Mr. President.

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

Mr. REED OF Pennsylvania. After the word "College," in line 8, page 1, I move to insert "or either of them."

Mr. SHEPPARD. I accept the amendment.

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

Mr. REED OF Pennsylvania. On page 1, line 11, I also move to strike out the word "or."

I am sure the Senator from Texas will agree to that amendment.

Mr. SHEPPARD. I accept the amendment.

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

Mr. KING. I should like to ask the Senator from Texas whether the Government officials who are cognizant of this matter recommend payment?

Mr. SHEPPARD. Both the Comptroller General and the Veterans' Bureau favor payment. The Veterans' Bureau terminated a four-year lease at the expiration of two years, causing a loss of $12,000, and that lease should be made good.

Mr. KING. If it is valuable goods store for using the phrase "and/or," which is found in line 8, page 1, of the bill. I move to strike out the word "or" in that line.

Mr. SHEPPARD. I accept the amendment.

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

Mr. KING. I thought for the moment that this was the case that Captain Holson went into very fully. I recall that there are conditions attending this case that would take it out of the ordinary list of cases. Therefore I withdraw my objection to the consideration of this amendment.

Mr. SHEPPARD. Mr. President, I hope the Senator from Utah will withhold his objection for a moment.

The PRESIDING OFFICER. Does the Senator withhold his objection?

Mr. COPELAND. I wish to call the attention of the Senator to the last clause in the report of the Secretary of the Navy, which reads:

"In view of all the foregoing, this department recommends approval of the bill H. R. 8946.

This man was on the Merrimac when it was sunk in the channel of Santiago Harbor.

Mr. KING. I thought for the moment that this was the case that Captain Holson went into very fully. I recall that there are conditions attending this case that would take it out of the ordinary list of cases. Therefore I withdraw my objection to the consideration of this amendment.

That, in consideration of his gallant and heroic services in the sinking of the United States ship Merrimac, Francis Kelly shall hereafter be held and considered to have been honorably discharged from the naval service of the United States as a chief machinist's mate on July 4, 1902, in which rating he served during the Spanish-American War, and the Secretary of the Navy is hereby authorized to re-enlist him as a chief machinist's mate in the United States Navy and to immediately thereafter transfer him to the retired list of the Navy with the retired pay of that rating: Provided, That the said Francis Kelly shall not be entitled to any pension or allowance prior to the date upon which he may be transferred to the retired list, as herein authorized.

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 a third reading, read the third time, and passed.

EXCHANGE OF LANDS IN HAWAII

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11410) to extend the time for the exchange of Government lands for privately owned lands in the Territory of Hawaii, which was read, as follows:

"Be it enacted, etc., That the time for the exchange by the President of Government-owned land in the Territory of Hawaii for privately owned land or land owned by the Territory of Hawaii, as authorized by act of Congress approved January 31, 1922, and the provisions of said act are hereby extended until January 31, 1929."

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

AMENDMENT OF TREATY WITH THE ENEMY

The bill (S. 916) to amend the trading with the enemy act was amended as next in order. The amendment was ordered to a third reading.

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

Mr. WADSWORTH. Mr. President, there had better be an explanation of that bill.

Mr. BORAH. Mr. President, the effect of this bill. If enacted into law, would be to permit the return of property to some four or five individuals to the amount of something less than $500,000. Those persons were residents of the United States prior to the World War, they acquired their property in the United States during their residence, and they are now and they were then bona fide residents.

Mr. WADSWORTH. Are they citizens now?

Mr. BORAH. They are not citizens as yet, but they are residents, and they have all, as I understand, taken out papers to become citizens. They are, I repeat, residents and have been since the war, as they were residents of the country before the war. There are some four or five of them.

Mr. WADSWORTH. The Senator from South Dakota (Mr. STERLING) informs me that they have declared their intention to become citizens.
Mr. BORAH. I am so told.

Mr. WADSORTH. Are there only four or five such cases?

Mr. BORAH. The amount is something less than $500,000, and I am advised that there are only four or five of them. A number of them have been taken care of, and a number have with reference to these particular persons been advised by the Senate on a previous occasion when the Winstow bill was before the Senate, but it was left out in conference.

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

Mr. WILLIS. Mr. President, I dislike exceedingly to object to any Senator's bill, but I doubt whether we ought to go into so important a question as this at this late hour of the night. The Senate from Idaho has referred, it was passed in the closing hours of the last session of Congress.

At that time I protested against it in a free way. Mr. President, I do not believe that this great fund, which is held by the Government of the United States under treaty with Germany as a fund out of which recompense may be made to our citizens for their claims, should be whittled away until we know how the matter is to be subject—a very not the Senator think that a subject of this kind ought to go to over in order to permit pretty full discussion?

Mr. BORAH. No; I do not think this measure calls for any great and extended discussion for these reasons: First, that there will be plenty of money left after amount shall be paid to take care of any claims which American citizens may have against the fund; and, secondly, the claims involved in this bill are different from the claims of those who are now residents of Germany and were residents of Germany when they acquired property in this country. The claimants in this case are people who came here after they were residing here, and who—while nonresidents of the property here, but who were temporarily absent during the war. They have returned here since the war and have taken out their papers with a view to becoming citizens of the United States. The amount is something less, as I have said, than $500,000, and will not at all affect the final settlement of the claims of our citizens in case we conclude to do the very questionable thing of settling it in that way.

Mr. BORAH. I remember, Mr. President, when the bill referred was passed here in the closing moments of the last session that argument was advanced that there would be an abundance of property left. So far as I know there is as yet an abundance of property left; but this is a trust fund which I have grave doubt about the wisdom of interfering with until we know what is to be the final disposition of the matter. The Senator has introduced a bill out of which he may make some very illuminating remarks, as he always does. He said then that he did not expect to have that measure considered at this session.

No. There is not that I know of that would not be considered at this session, for I should like to have it considered just as quickly as possible, but I know now I cannot secure its consideration at this session. So I am not desirous of objecting to that subject at this time, and the bill now does not in any way touch the principles of the bill which I have introduced. It is upon an entirely different basis.

The PRESIDING OFFICER. Does the Senator from Ohio withdraw his objection?

Mr. FLETCHER. Mr. President, may I suggest to the Senator from Ohio before he makes up his mind about the matter, that, while I am somewhat in accord with his views, it seems to me that this bill is intended to meet an entirely different situation. There are only five or six of these persons.

Mr. WILLIS. Is the Senator certain that there are only five or six?

Mr. FLETCHER. Yes.

Mr. BORAH. That is correct.

Mr. WILLIS. Who and where are they?

Mr. FLETCHER. The original agreement with the enemy act did not authorize the seizure of the property of enemy nationals residing in the United States except where they were interned; and all who were interned, have had their property released to them. The original agreement of June 10, 1915, was signed by the President of the United States, but was absent at the time. They were never interned, it is true, but they acquired all of this property in the United States while they were here. Well, let the bill be passed, leave for the present until I have an opportunity to look into it further.

The PRESIDING OFFICER. Under objection, the bill will

Mr. WILLIS subsequently said: Mr. President, a few moments ago I objected to the consideration of the bill (S. 916) to amend the trading with the enemy act. I have since con-

ferred with a number of Senators and I am now willing to withdraw objection to the consideration of the bill. My opinion on this general question is well understood, but it has been explained that the matter involved in the bill is relatively small and concerns only three or four persons. So far as I am concerned, I am willing, therefore, to withdraw the objection which I made when the bill was reached on the calendar.

Mr. HEFLIN. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over.

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE BATTLE OF BUNKER HILL

The Joint resolution (H. J. Res. 318) establishing a commission for the participation of the United States in the observance of the one hundred and fifteenth anniversary of the Battle of Bunker Hill, authorizing an appropriation to be utilized in connection with such observance, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Resolved, etc., That there is hereby established a commission to be known as the United States Bunker Hill Sesquicentennial Commission (hereinafter referred to as the commission) and to be composed of 11 commissioners, as follows: Three persons to be appointed by the President of the United States, four Senators by the President of the Senate, and four Members of the House of Representatives by the Speaker of the House of Representatives. The commission shall serve without compensation and shall select a chairman from among their number.

Sec. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000 to be expended by the commission for the celebration and observance of the one hundred and fifteenth anniversary of the Battle of Bunker Hill, to be consummated on or about June 17, 1775.

Sec. 3. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000,000 to be utilized, in the discretion of the commission, for the appropriate participation on the part of the United States in the celebration and observance of the one hundred and fifteenth anniversary of the Battle of Bunker Hill and of the one hundred and fifteenth anniversary of such other major events of the Revolution War as he may deem appropriate.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.
The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1465) to increase the salary of the warden of the United States Penitentiary at McNeil Island, Wash., was announced as next in order.

Mr. King. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1446) for the relief of Charles W. Gibson, alias Charles J. McGregor, was announced as next in order.

Mr. King. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

DELAWARE RIVER TOWING LINE

The bill (S. 3144) for the relief of Delaware River Towing Line was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the claim of the Delaware River Towing Line, a corporation organized and existing under the laws of the State of Delaware, owner of the steam tug Henry P. Mills, against the United States for damages alleged to have been caused by collision between the said cruiser and the United States steamship Long, a prohibition patrol boat being handled by the Prohibition Unit, Bureau of Internal Revenue, in the Chesapeake and Delaware Canal, may be paid by the said Delaware River Towing Line of Delaware in the United States District Court of the Eastern District of Pennsylvania, 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 as may be found to be due against the United States in favor of the said Delaware River Towing Line or against the said Delaware River Towing Line in favor of the United States upon the same principles and measure of liability as in like cases between private parties under the same rights of property; 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 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. King. Mr. President, I will inquire if the bill is merely an authorization to enable the company to go to the Court of Claims?

Mr. Pepper. Mr. President, this measure carries no appropriation and does nothing but extend to the Delaware River Towing Line the right to file its libel in a court of admiralty and have its rights there adjudicated, growing out of a collision between a tugboat owned by the company and a vessel of the United States.

Mr. King. I perceive that it is in the usual form, and I have no objection.

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

MIGRATORY BIRD REFUGES

The bill (H. R. 745) 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.

Mr. King. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Andrew A. Gliclet

The bill (H. R. 1358) for the relief of Andrew A. Gliclet was announced as next in order.

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

Mr. King. I should like an explanation of the measure.

Mr. Moses. Mr. President, in behalf of certain people who are interested in this measure who have communicated with me and have asked me if I am enabled to find for the Senator from Minnesota [Mr. Johnson], I will say that the Senator from Utah will find, if he will read the report, that the theft took place while this officer was engaged in the military service in Luxembourg, at a time when he was sick. When it is true that the letter of the Comptroller points out that it was the duty of the man to have safeguarded the company funds at the place where the theft took place, the Senator will also recollect that time in Luxembourg, and the officer being sick, it was quite impossible to do so.

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

Mr. King. 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 is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Andrew A. Gliclet, former captain Company D, Four hundred and Eighth Telegraph Battalion, United States Army, the sum of $484.75, being the amount of money paid by said Andrew A. Gliclet from private funds because of loss of public funds through theft.

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

THE FOREST SERVICE

The bill (H. R. 5393) to facilitate and simplify the work of the Forest Service, United States Department of Agriculture, and to promote reforestation, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Agriculture and Forestry with amendments in section 2, page 2, line 4, after the word "exceed," to strike out "$1,000" and insert "$5,000"; in line 8, after the word "each," to strike out the word "and"; in line 9, after the numerals "$2,000," to strike out "each," and four at not to exceed $1,500," so as to make the section read:

Sec. 2. That in addition to buildings costing not to exceed $1,500 each, the Secretary of Agriculture, out of any moneys appropriated for the improvement or protection of the national forests, may construct, improve, or purchase during each fiscal year three buildings for national forest purposes at not to exceed $2,500 each, and three at not to exceed $2,000 each: Provided, That the cost of a water supply or sanitary system shall not exceed one fourth of the cost of any building except those costing in excess of $2,500 each, and no such water supply and sanitary system shall cost in excess of $500.

The amendments were agreed to.

Mr. King. Mr. President, may I inquire of the Senator from Oregon whether this legislation is not also in line with legislation contained in the bill reported by the Special Committee on Reforestation?

Mr. McNary. No; Mr. President, that was a bill to create forest experiment stations. This is to provide houses for rangers in the national forests, in both contemplate forestation, but operate in different fields.

Mr. King. Are there no provisions now for the same purposes which this bill has in view?

Mr. McNary. There is an old law of which this is a modification. Also, a part of this legislation is carried in the agricultural supply bill; but this is to extend and simplify the method of protecting the national forests from destruction by fire.

Mr. Moses. Mr. President, may I ask the Senator from Oregon whether this legislation is not also in line with legislation contained in the bill reported by the Special Committee on Reforestation?

Mr. McNary. It is.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the bill will be reported to the Senate.

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.

BILLS PASSED OVER

The bill (S. 3078) to authorize the Secretary of Agriculture to cooperate with State officials, crop-improvement associations, or growers of seed, and other interested parties, to encourage the production of seeds of a high varietal purity and quality, and for other purposes, was announced as next in order.

Mr. King. Mr. President, I should like an explanation of this bill. In the agricultural appropriation bill recently passed, we made very large appropriations—more than $40,000,000, as I recall—and it seems to me that the same ground covered by this bill was traversed by some of the provisions of the agricultural bill. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

WEATHER BUREAU SITE, EAST LANSING, MICH.

The bill (H. R. 12906) to authorize the transfer of the United States Weather Bureau site and buildings at East Lansing, Mich., to the State of Michigan in exchange for another Weather Bureau site on the grounds of the Michigan State Board of Agriculture and other considerations, 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.
grade and rank in the Navy held by him during the World War, was announced as next in order.

Mr. WADSWORTH. Let that go over.

Mr. ODDIE. Mr. President, may I ask if that bill can not be considered at this time? I should like to know the objection of the Senator.

Mr. WADSWORTH. Mr. President, I notice that this bill provides that no alien who holds an appointment as acting chaplain in the Navy may be appointed in the permanent grade of the rank which he held temporarily during the war. I want to say that in none of our military services with which I have been associated have we extended permanently any of the temporary grades conferred during the emergency, and that is contrary to what I regard as good public policy. It gives these men the right to enjoy permanently a temporary grade which they occupied during the war only. If we were going to do that, to be consistent we must take hundreds of Army officers who held high temporary grades during the war, and who have reverted to their regular ranks, and restore them to those high temporary grades.

The PRESIDING OFFICER. Does the Senator withdraw his objection?

Mr. WADSWORTH. No.

The PRESIDING OFFICER. The Senator objects, and the bill will be passed over.

NATIONALIZATION OF ALIENS

The bill (S. 4382) to supplement the naturalization laws was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That no declaration of intention filed after the expiration of 60 days after the enactment of this act by any alien who arrived in the United States after June 29, 1906, shall be valid unless the clerk of the court certifies upon the face of such declaration that he has been notified by writing from the Bureau of Naturalization that there is on file in the records of such bureau a certificate of arrival (issued as hereinafter provided) stating the date, place, and manner of arrival of such alien in the United States.

No. 2. No certificate of arrival shall be issued under section 1 of this act or under the second subdivision of section 4 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906, shall be issued in the case of any alien who arrived in the United States on or after June 30, 1921, unless from the immigration records it appears to the satisfaction of the official issuing the certificate that the alien was lawfully admitted to the United States for permanent residence. If the arrival was on or after July 1, 1924, the certificate of arrival shall be issued only by the Commissioner General of Immigration, except that if the date, place, and manner of arrival of the alien appear upon his permanent immigration record kept of that period, the certificate shall be issued by the Commissioner of Naturalization. If the alien arrived on or after June 30, 1921, and before July 1, 1924, the certificate of arrival shall be issued by the Commissioner General of Immigration, except that if the date, place, and manner of arrival of the alien appear upon the immigration records at the place of arrival in the United States the certificate may be issued by the immigration officer in charge of such place, or by the Commissioner of Naturalization.

Sec. 3. In the case of an alien who arrived before June 3, 1921, if the place, date, and manner of his arrival upon the immigration record at the place of arrival in the United States, the certificate of arrival shall be issued by the immigration officer in charge of such place or by the Commissioner of Naturalization. If such facts are not shown on such record, the certificate of arrival shall be issued only by the Commissioner General of Immigration, and if only if it appears to his satisfaction when, where, and in what manner the alien did arrive in the United States; that he has continuously resided in the United States since such date and of the time of the application for the certificate of arrival; that at the time of entry he did not belong to any of the classes excluded by law; and that he is not subject to deportation.

Sec. 4. For each certificate of arrival referred to in section 1 of this act the alien shall pay to the Commissioner of Naturalization a fee of $3. For each certificate of arrival issued under the second subdivision of section 4 of such act of June 29, 1906, the alien shall pay to the Commissioner of Naturalization a fee of $2, unless the certificate of arrival shall be issued only by the Commissioner General of Immigration, and if only if it appears to his satisfaction when, where, and in what manner the alien did arrive in the United States; that he has continuously resided in the United States since such date and of the time of the application for the certificate of arrival; that at the time of entry he did not belong to any of the classes excluded by law; and that he is not subject to deportation.

Sec. 5. This act may be cited as the "naturalization act of 1925."

Mr. BRUCE. Mr. President, I should like to have some explanation of this bill. I do not see the Senator from Pennsylvania [Mr. Reed] in the Chamber.

Mr. COPELAND. Mr. President—

Mr. BRUCE. I did not see the Senator from New York. Mr. COPELAND. I do not know whether the notice in the bill states that it was "reported by Mr. C. Concurrently with the Nationalization Bureau of the Department of Labor. They are not the temporary grades of the alien who wants to become a citizen must obtain a certificate of arrival, and this is presented at the time of his declaration. There are a good many people who are here lawfully who have an existing certificate, particularly those who went through Montreal, down at Rouses Point, and other places; and Mr. Crist and others of the Bureau of Naturalization consider that this bill is a very necessary one to complete the work of naturalization.

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

Mr. BRUCE. No; I simply want an explanation. I did not know that the Senator from Pennsylvania was in the Chamber. My main purpose was to call his attention to it.

Mr. REED of Pennsylvania. Mr. President, I was called out for a moment when the bill, was brought up, but I happen to be familiar with it.

Under the present law, before the final papers of citizenship are taken out by an alien, he must have a certificate of arrival. This clarifies that so as to provide that the certificate of arrival must be furnished at the time he takes out his first papers. It is really no hardship on him, because the certificate of arrival that he gets for his first papers suffices for his final naturalization.

The PRESIDING OFFICER. Is there objection?

Mr. BRUCE. I make no objection.

Mr. REED of Pennsylvania. In fairness, I ought to say that the bill goes one step further than that. It does not legalize the entry of any person who has come in since the quota law was put on; but if a man came to the United States before the temporary quota law of 1921, the commissioner of naturalization may give him a certificate of arrival. If he finds that entry was lawful, even if there is no record of that in the rather incomplete records that were kept of that period.

Mr. WADSWORTH. Mr. President, I desire to offer some amendments to this bill. I think they are an important enough and appealing enough to secure favorable action upon them, even though it be done upon the call of the calendar.

Mr. President, this matter has been prepared in the form of a statement which I will read, in the interest of brevity:

The present naturalization laws place an unnecessary hardship upon aliens who are desirous of petitioning for naturalization if they have lived at distant points in the State by preventing them from using more than two witnesses to prove their residence in a particular place in the State. It is easy for him to produce two witnesses who know of his residence for the full period. If he has lived the last two years in the city of Buffalo, of course, it is easy for him to produce two witnesses who know of him as living in the city of Buffalo at the time; but it is exceedingly difficult for him to find two witnesses in another city like New York City, 350 or 400 miles away, and he is not allowed to produce more than two altogether. One of the amendments that I propose to offer will permit the alien to prove this difficult period by two witnesses, still leave him the citizenship of the country, as it were, thoroughly protected.

Another proposal that I have to make.

Mr. COPELAND. Mr. President, will my colleague read the amendment now, having made the statement?

Mr. WADSWORTH. Yes. (Reading:)

(b) The third paragraph of the second subdivision of section 4 of such act of June 29, 1906, as amended, is amended to read as follows: After each period of residence at any place in the country or abroad, the petitioner shall also produce two witnesses who are personally acquainted with the petitioner to prove his residence in such place for such period, and that the petitioner was and during all such period has been a person of good moral character." (c) Subdivision fourth of section 4 of such act of June 29, 1906, as amended, is amended to read as follows:

"Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship (1) that immediately preceding the date of his petition the alien has resided continuously within the United States for at least five years and within the county or the
District of Columbia where the petitioner resided at the time of filing his petition for at least six months, (2) that he has resided continuously within the United States from the date of his petition up to the time of the introduction of his application for citizenship, and (3) that during all the periods referred to in this subdivision he has behaved as a person of good moral character, attached to the principles of the Constitution of the United States, and has observed good order and harmony amongst the people. At the hearing of the petition the residence in the county or District of Columbia where the petitioner resides at the time of filing his petition, and good moral character during such residence, shall be proved by the testimony of two of such witnesses for each such place of residence. At the hearing residence within the United States but outside the county and good moral character during such residence shall be proved either by depositions made before a naturalization examiner or by the oral testimony of at least two such witnesses for each place of residence."

This amendment is drafted by the Naturalization Bureau.

Mr. COPELAND. Mr. President, I can see no possible objection to it.

The PRESIDING OFFICER. Does the Senator offer the amendment now?

Mr. WADSWORTH. I offer the amendment, and I have another one to offer in just a moment.

Mr. ROBINSON of Pennsylvania. Mr. President, when did the Naturalization Bureau submit these amendments, may I ask?

Mr. WADSWORTH. To be perfectly frank about it, I was talking with the Commissioner of Naturalization a week or 10 weeks ago, about the necessary conditions and hardships which aliens encounter in gaining citizenship, and he pointed out this peculiar state of affairs under which an alien is only allowed to produce two witnesses to prove his residence, whereas during the five years preceding the time at which he is entitled to become a citizen, other things being equal, he may have lived in more than one place.

Mr. REED of Pennsylvania. The Commissioner of Naturalization before our committee on this naturalization bill within the last week, and as a matter of fact the bill was written by him and rewritten by him following some suggestions offered by the committee. I do not see why he should not submit a change to the committee, and why he should come in with extensive amendments on the floor.

Mr. COPELAND. Mr. President, if the Senator will permit me, when he was before our committee we were discussing the main principles involved in this bill. I can quite understand how he might not have had in mind what my colleague has in mind; but I can not see, and I ask the Senator from Pennsylvania if he can not see, any possible objection to this change?

Mr. WADSWORTH. I do not.

Mr. REED of Pennsylvania. I do not, and if the change which has been called to the attention of the Senator from New York is only change made by these amendments, that is a very right; but what the Senator himself has checked up these sections by comparison—

Mr. WADSWORTH. I have; I have checked them up.

Mr. REED of Pennsylvania. It seems to me it is unsafe to tinkers with the law unless that has been done.

Mr. WADSWORTH. I have checked them up with the language of the existing law, and they accomplish exactly what this memorandum that I started to read prepares to accomplish. I did not read it all.

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

The amendment was agreed to.

Mr. WADSWORTH. Now, Mr. President, one more:

During the war Congress passed a law by which all aliens who were then serving in the military or naval forces of the United States could be expeditiously naturalized in any convenient court upon the presentation of an affidavit. The act, as amended by limitation on March 3, 1924. The limitation was placed in the law by the sundry civil appropriation act of July 19, 1919, for the reason that some of the privileges of the law expired with the termination of the war. The act required that application be made within one year from the return of all of the soldiers sent to Europe. The last soldiers returned on March 3, 1923. After one year from that date, or March 3, 1924, the privilege or rights of the war were all terminated. Since then, the Bureau of Naturalization has received large numbers of applications from veterans of the World War to complete their naturalizations. These aliens comprise in their numbers many soldiers who were invalided home, who have been in hospitals recovering their health, while others have been undergoing process of rehabilitation. They have endeavored to enter the walls of life and have believed themselves to be citizens, only to find that the honorable discharge after service in this country did not make them citizens. Many of them were told by their officers on discharge that they were citizens. They can not now become citizens unless they go through the regular processes of naturalization. They must take out their first papers and go through the examination under the existing statutes.

So, Mr. President, to meet that situation, I offer this amendment, which constitutes the first paragraph on this sheet of papers.

The PRESIDING OFFICER. The Secretary will state the amendment.

The Chief Clerk. The Senator from New York proposes to add to the bill as a new section the following:

SEC. — Any alien who served in the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, and who was not, at any time during such period or thereafter, separated from such service under other than honorable conditions or discharged from the military or naval forces on account of his alienage, shall be entitled to naturalization upon the same terms, conditions and exemptions which would have been accorded to such alien if he had petitioned before the Armistice of the World War.

Mr. REED of Pennsylvania. Is there any time limit on that? Mr. COPELAND. Would it be necessary to have a time limit?

Mr. WADSWORTH. It seems so to me. Otherwise it would give a perpetual right to citizenship instantly, upon application, to any man who holds an honorable discharge, no matter if he has lived abroad for 40 years. I do not know that we want to leave open such a privilege indefinitely extended.

Mr. REED of Pennsylvania. If the Senator would add to this section the words "shall cease to be effective after five years from the date of the approval of this act," I would have no objection to it.

Mr. WADSWORTH. I will accept such an amendment and add another sentence at the end of the paragraph, reading as follows:

The provisions of this section shall cease to be effective at the expiration of five years from the date of the approval of this act.

The PRESIDING OFFICER. The Secretary will state the amendment as modified.

The Chief Clerk. The Senator from New York proposes to add a new section, as follows:

A. Alien who served in the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, and who was not at any time during such period or thereafter, separated from such service under other than honorable conditions or discharged from the military or naval forces on account of his alienage, shall be entitled to naturalization upon the same terms, conditions and exemptions which would have been accorded to such alien if he had petitioned before the Armistice of the World War. The provisions of this section shall cease to be effective at the expiration of five years from the date of the approval of this act.

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

The amendment was agreed to.

Mr. WADSWORTH. Mr. President, I regret that I have been called upon to do a thing like this at this late hour in the session, and in this manner, but the adoption of the present act of amendments with proposed amendment ago makes necessary that section 10 of the act of June 20, 1918, as amended, and section 2170 of the Revised Statutes, be repealed, because these two topics are now gathered into that section which my amendment affects, and the whole thing is re-revised and put in one section and resubmitted.

Mr. COPELAND. This is getting complicated.

Mr. REED of Pennsylvania. When we pass an act inconsistent with some existing statutes we thereby repeal those existing statutes.

Mr. WADSWORTH. Just in the interest of good law making and decent bill drafting—

Mr. ROBINSON. This bill is going to consume the remainder of the evening, or a considerable length of time, I shall request that it go over. It is not proper, under a unanimous-consent order such as the one under which we are now proceeding, to take up measures that are seriously con-
optimizing. There are only a few Senators in the Chamber at the present time, and I suggest to Senators that if this bill is going to require prolonged discussion it go over for the present.

Mr. WADSWORTH. May I say that it has not been contested. Nothing I have suggested has been contested. I am merely urging the Senator in charge of the cotton-growing bill to give it the attention it merits and to take up the cotton-growing bill and resolutions, and when objection is made, of course, the consideration of the measure is not in order. I hope the Senator from New York, with his generous dispositions, will not insist upon refusing consideration to other measures that are not objected to, even though his resolution may not be considered.

Mr. HEFLIN. The President pro tempore. The Chair understands that objection has been made.

Mr. HEFLIN. I could finish my remarks and we could finish with my resolution inside of an hour and we will be here until 11 o'clock. When we enter into these unanimous-consent agreements, we do it with an understanding with Members present who are here constantly, and I am one of them. I do not intend that Senators shall come in here and start these small matters and private bills considered, and move, under this Calendar, if I have made a practice of objecting to measures at any time in my career, whether in the House of Representatives or in the Senate. I have been fair and generous in these matters, and I hope always to be, but I do not propose to have a matter of such grave importance sidetracked in this fashion by the objection of one man.

Mr. R. ROBINSON. Mr. President, this is not a matter of personal favor. If it were I would extend it to the Senator from Alabama just as quickly as anyone, but it is a matter about which there is a difference of opinion, and about which we can not agree without debate. Finally, if it is voted upon and passed, of course we submit it to the Senate, but we can not agree upon this matter without discussion and consideration. It is not a matter of personal favor. If it were, I would extend a favor to the Senator in a moment. If I could.

Mr. HEFLIN. Mr. President, a bill is pending in the legislation of the Senator's State at this minute. If it has not already passed to-day, imposing a license fee of a thousand dollars on the manufacturers of a cottonseed product called margarine. They provide a fee of $400 for a whole dealer in it, and a $200 license to a wholesale dealer.

If Alabama should impose such a license upon a cottonseed product, the Senator's State and he himself would cry out against such conduct and say that legislation is inequitable and impossible.

Mr. R. ROBINSON. No; Mr. President—

The President pro tempore. The Chair is sure the Senator from Alabama wants to obey the unanimous-consent agreements and the rules of the Senate. An objection has been made, and that is the end of it.

Mr. HEFLIN. Mr. President, I have not heard the objection. If I had, then I would have had another suggestion to make myself. I do not propose to have a matter of such great importance sidetracked in this fashion by the objection of one man.

The President pro tempore. The Senator from Alabama is out of order.

Mr. HEFLIN. Then, Mr. President—

The President pro tempore. The Chair refuses to recognize the Senator from Alabama.

Mr. HEFLIN. I make the point of no quorum. I presume the Chair will recognize me for that purpose.

The President pro tempore. Certainly. The Secretary will call the roll.

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

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Mr. HEFLIN. How much time has he to discuss something else?

Mr. KING. Only five minutes.

Mr. HEFLIN. Mr. President, my good friend the Senator from Idaho [Mr. Borah] is making a great mistake in ob­
esting to the passage of the resolution. The passage of this bill is of the utmost importance, and I ask the Senators who to-day has wireed the governor of his State and asked him if he ought not to urge upon the legislature to ask the people in the various counties to produce what they could send; home and upon the vote of the resolution, Mr. President, reserving the right to object, the President will state the point of order. The bill is not under consideration.

Mr. STURHLING. There is this difference between the case of the Senator from New York and that of the Senator from Alabama. There was no objection to the consideration of the bill in the case of the Senator from New York, but in the case of the Senator from Alabama objection was made to the consideration of the resolution.

Mr. HEFLIN. The Chair rules the point of order. The Clerk will report the next bill on the calendar.

Mississippi River Bridge, Wisconsin-Iowa

The bill (S. 4936) authorizing the construction, maintenance, and operation of a bridge across the Mississippi River between the cities of Prairie du Chien, Wis., and McGregor, Iowa, was read as needing a quorum.

Mr. COPELAND. I have read the resolution. It does not change the principle at all. The language is a little different, but it is the same principle, and I have read it. The Senator was kind enough to send it to me yesterday. I know what it is. I object.

Mr. HEFLIN. Mr. President, I rise to a point of order.

Mr. HEFLIN. A little while ago the Senator from New York [Mr. Wadsworth] had a bill up for consideration and proceeded with it for nearly 30 minutes. The Senator from Idaho [Mr. Borah] made no point against that and no other Senator did until he had about concluded. I want to know why it is proper under the rules to consider other measures over five minutes?

Mr. STURHLING. This is the difference between the case of the Senator from New York and that of the Senator from Alabama. There was no objection to the consideration of the bill in the case of the Senator from New York, but in the case of the Senator from Alabama objection was made to the consideration of the resolution.

Mr. HEFLIN. Mr. President, reserving the right to object —

Mr. HEFLIN. The President pro tempore.

Mr. HEFLIN. If I understand the rule we have five minutes at least concerning each bill.

Mr. HEFLIN. The President pro tempore. The bill is not under consideration yet. When the bill is taken up for consideration there are five minutes allotted by the rule to each Senator for discussion. Is there objection to the consideration of the bill?

Mr. CUMMINGS. I do not.

Mr. HEFLIN. The bill was reported to the House by title.

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

House Bills Referred

The following bills were severally read twice by title and referred as indicated below:

H. R. 6723. An Act to provide for reimbursement of certain civilian employees at the naval torpedo station, Newport, R. I., for the value of personal effects lost, damaged, or destroyed by fire; to the Committee on Naval Affairs.

H. R. 5725. An Act to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War; to the Committee on Military Affairs.

H. R. 11702. An act granting the consent of Congress to the village of Spooner, Minn., to construct a bridge across the Rainy River; to the Committee on Natural Resources.

Supplementing the Naturalization Laws

Mr. COPELAND. Mr. President, I ask unanimous consent to return to Calendar No. 1301, Senate bill 4982.
The PRESIDENT pro tempore. The Senator from New
York asks unanimous consent to return to Calendar No. 1301.
Mr. COPELAND. The bill was reported to the Senate a few moments ago, from Senator Sonnenberg [Mr. Robinson] has withdrawn his objection.
The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York? The Chair hears none.
The Chair recognizes Senator Listerman to take up the amendments under consideration, and certain amendments have been adopted. The Chair is advised that the bill stands now without a pending amendment.
Mr. COPELAND. There were two amendments offered by my colleague, and of the two, one was objected to. The third one is not necessary.
The PRESIDENT pro tempore. That is precisely what the Chair said. The bill stands now with no amendments to be offered in. Two amendments have been agreed to. Is there objection to the consideration of the bill?
There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.
The bill was reported to the Senate as amended, and the amendments were concurred in.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

M. CASTANOLA & SON

The bill (H. R. 3330) for the relief of M. Castanola & Son was considered as in Committee of the Whole.
The bill had been reported from the Committee on Claims with the following report:

The amendments were concurred in. The bill will be passed over.

The PRESIDENT pro tempore. That the amendments be concurred in. The bill will be passed over.

Mr. CASTANOLA & SON.

The bill reads the third time and passed.

MARTHA JANOWITZ

The bill (H. R. 9131) for the relief of Martha Janowitz was announced as next in order.
The PRESIDENT pro tempore. Is there objection to the previous consideration of the bill?
Mr. HEFLIN. I would like to make some inquiry about the bill. I would like to have some explanation of the bill.
The PRESIDENT pro tempore. Is there any Senator who desires to make an explanation of the bill?
Mr. HEFLIN. I see that the bill is reported by the Senator from Kansas [Mr. Caprara].
Mr. ROBINSON. Let the bill go over.
The PRESIDENT pro tempore. The bill will go over.
Mr. HEFLIN. I did not object to the bill.
The PRESIDENT pro tempore. Under objection, the bill will be passed over.
Mr. HEFLIN. I say I did not object to it. Let the bill be considered.
The PRESIDENT pro tempore. The bill has been passed over.

GEORGE HORTON

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 181) for the relief of George Horton, which was read, as follows:

Resolved, etc., That the sum of $12,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be paid to George Horton, formerly consul general of the United States at Smyrna, and to his estate, to make good all legal loss of his personal effects contained in the American consulate general at Smyrna at the time of the burning and sacking of that city in 1922.
The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS OF KANSAS OR KAW INDIANS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9062) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any and all claims, of whatever nature, which the Kansas or Kaw Tribe of Indians may have or claim to have against the United States, and for other purposes, which was read as follows:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims, notwithstanding the lapse of time or statutes of limitation, to hear, examine, and adjudicate and render judgment in all legal and equitable claims which said Kansas or Kaw Tribe of Indians may have or claim to have against the United States, growing out of or arising under any treaty or agreement between the United States and the Kansas or Kaw Tribe of Indians, or arising under or by virtue of any act of Congress in relation to Indian affairs, if claims have not heretofore been determined and adjudicated upon their merits by the Court of Claims or the Supreme Court of the United States; Provided, however, That the provision of this act shall not be construed to confer jurisdiction upon the Court of Claims within its jurisdiction under any treaty or agreement between the United States and the Kansas or Kaw Tribe of Indians approved by the Commissioner of Indian Affairs or the Secretary of the Interior; and said contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior, and such contract shall be executed and approved as required by section 2103-5 of the Revised Statutes of the United States. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys employed to prosecute such claims or claims under contract with the Kansas or Kaw Tribe of Indians approved by the Commissioner of Indian Affairs and the Secretary of the Interior; and all legal and equitable claims against the United States shall not operate as an estoppel, but may be pleaded as an offset in such suit.

Sec. 4. That from the decision of the Court of Claims in any suit prosecuted under the authority of this act an appeal may be taken by the party as in other cases to the Supreme Court of the United States.

Sec. 5. That upon the final determination of any suit instituted under this act the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid to the claimants as damages so sustained by said Kansas or Kaw Tribe of Indians for the services and expenses of said attorneys rendered or incurred subsequent to the date of approval of this act: Provided, That in no case shall the aggregate amount decreed by said court for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 10 per centum of the amount of recovery against the United States, and in no event shall such fees exceed the sum of $25,000.

Sec. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any or all persons or tribes or bands of Indians deemed by it necessary or proper to the final determination of the matters in controversy.

Sec. 7. A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and be, or some attorney from the Department of Justice, to be designated by him, to appear and defend the interests of the United States in such case.

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 (S. 3933) for the relief of James M. E. Brown was announced as next in order.
Mr. DALY. Let that bill go over.
The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4206) to create a farmers' export corporation; to prevent a recurrence of agricultural depression; to place agricultural commodities upon an equal footing with those of every other description of law; to place agriculture upon an equality with industry and labor, and for other purposes, was announced as next in order.
Mr. CURTIS. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. CURTIS. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. ROBINSON. I suggest to the Senator from Delaware that he let the call of the calendar be completed.

Mr. CURTIS. It has been completed.

Mr. ROBINSON. Very well.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Delaware?

Mr. HEFLIN. I ask the Senator from Delaware to explain his objection to the consideration of the bill.

Mr. BALL. I withdraw my request if there is to be discussion of the bill at this time.

The PRESIDENT pro tempore. The request of the Senator from Delaware is withdrawn. The Secretary will now return to the first bill on the calendar and proceed with the call in regular order.

BILLS AND RESOLUTIONS PASSED OVER

The first bill on the calendar was the bill (S. 50) 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 Resolution 794, Sixty-first Congress, third session.

Mr. DIAL. Let that bill go over.

The PRESIDENT pro tempore. 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. BALL. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2541) for the purpose of stimulating crop production in the United States was announced as next in order.

Mr. KING. Let that joint resolution go over.

The PRESIDENT pro tempore. 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 favors and sentiments was announced as next in order.

Mr. REED of Pennsylvania. Let that resolution go over.

The PRESIDENT pro tempore. Being objected to, the resolution will go over.

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

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. 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. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2269) 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, 1921, was announced as next in order.

Mr. WADSWORTH. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2271) 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 bill go over.

The PRESIDENT pro tempore. 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 that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

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

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5091) 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. BRUCE. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SENATE CHAIRMAN. Mr. President, Senator Robinson made an indefinite postponement. It is so ordered.

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 connection with the preparation of cultural commodities and other commodities, and for other purposes, was announced as next in order.

Mr. BRUCE. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

C A P T. DAVID M. D. SHEARER

The bill (S. 1038) 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 considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the claim of Capt. David McD. Shearer for compensation for the adoption and use and acquisition by the United States Government of certain inventions relating to reinforced concrete revetment and construction and laying of same, made by said David McD. Shearer, and for which letters patent of the United States, Nos. 1,173,879, 1,173,880, 1,173,882, were issued to him, be, and is justly entitled to receive from the United States for the use of said inventions, or any of them, either before or since the date of said letter patent, up to the time of adjudication, and for a full and entire transfer of said several patents to the United States; and in determining the amount of compensation, if any, for the use of said inventions and transfer of said patents, the court shall take into consideration, as bearing on the question of reasonable or inducement such compensation if, and so far as, the facts may warrant, the facts, if proved, that whilst the said David McD. Shearer was engaged in perfecting the inventions he was in the service of the United States as a junior engineer superintendent in charge of willow-back revetment construction under the Mississippi River Commission, and whether and if at all, to what extent said inventions or any of them were discovered or developed during the working hours of his Government service, and to what extent his said inventions and transfer of said patents were the result of his time, channels and tanks differ from the methods previously used in material, method of laying, permanency, and value, and whether and, if at all, to what extent the expense of making experiments, trials, and testing for the purpose of perfecting said inventions was paid by the United States, and if any such expense was incurred by the United States, whether and, if at all, to what extent the United States received compensation for such services.

Either party may appeal to the Supreme Court of the United States upon any such question where appeals now lie in other cases, arising during the progress of the hearing of said claim, and from any judgment rendered in such case, at any time within 90 days after the rendition thereof; and any judgment rendered in favor of the claimant shall be
Mr. IN for the erection of such flagstaff and memorial. Keeping in order and adorning the graves in the plots of United States, the amount bequeathed to the United States shall be put in said manner as other judgments of the said Court of Claims; and the payment of such judgment shall vest the full and absolute right to said patents, and each of them, in the United States.

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. 626) to prevent the sale of cotton and grain in future markets, was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1280) 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 that bill go over.

The PRESIDENT pro tempore. 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. DIAL. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2370) to provide for the establishment, operation, and maintenance of foreign trade zones in ports of entry of the United States, the States shall be put in order.
was introduced. I am sorry the senior Senator from Alabama [Mr. Unamuno] is not present, because he has much more interest in the matter than have I, but, briefly, I can say to the Senator from Florida that the purpose of the joint resolution is to have investigations made without expense by an existing Government agency, to ascertain whether the system can be applied in other executive departments with the ensuing economy in operation.

Mr. TELLER. I have no objection to the consideration of the joint resolution.

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

Resolved, etc., That the President of the Senate appoint three Members of the Senate and three Members of the House, who shall constitute a Select Joint Committee on the Harrison Geographic Code System.

It shall be the duty of the committee—

1. To consider whether or not the use of the said system should be extended to and adopted by the other executive departments and administrative branches of the Government, and just compensation paid the owner thereof for the use of said system;

2. To investigate and report upon the fitness, utility, adaptability, and application of said system to the several executive departments and administrative branches of the Government, and among other things, whether the possible benefits and advantages to be derived from the use of said system as applied to—

(a) Interstate Commerce Commission, in connection with—

The carrying out of the requirements of the transportation act, 1920, in connection with the consideration and adoption of a plan for the consolidation of the railroad properties of the continental United States into a limited number of systems, which plan shall preserve competition "as full as possible, and wherever practicable, the existing routes and channels of trade and commerce shall be maintained"; as a means to determine accurately distances covered by the routes of public carriers and of checking the accuracy of mileage tariffs and compliance by carriers with orders of the Interstate Commerce Commission; as a means for the publication of passenger and other distance tariffs; as a means to determine operating routes, with a view to greater traffic density, and to minimize expenses.

(b) The United States Shipping Board and Emergency Fleet Corporation, in connection with—

The location of world trade routes, and the collection and correlation of information of value in obtaining and retaining control of said routes.

(c) Federal Trade Commission—

As a means of disclosing the strategy of production, distribution, and consumption.

(d) The Treasury Department, as an adequate and suitable means—

For distributing public funds accurately and in accordance with law.

For checking and auditing public expenditures for transportation and other purposes;

For making and checking appraisals of land in the Federal Farm Loan Bureau;

For justly and accurately dividing the country into Federal reserve districts according to the convenience and customary course of business, as required by law.

(e) The Department of Commerce, in connection with—

The Bureau of the Census—

As a scientific means of taking and reading the census in comparable areas in combination with political areas which are not comparable;

As a scientific means for correlating and unlocking the information in the census reports so as to make it of greater benefit to the public.

Coast and Geodetic Survey—

As an indexing system for its maps and for the accurate determination, comparison, and correlation of geographical facts as now compiled by said bureau.

Bureau of Foreign and Domestic Commerce—

As a means of meeting world trade routes according to controlling commercial, industrial, and geographical facts.

(f) Department of the Interior, in connection with—

The General Land Office—

As an additional means of indexing existing map system for general public use and reference.

Bureau of Education—

As a means for disclosing geographical knowledge of great public interest in simple and concise form.

Geological Survey—

As a means of indexing, coordinating, and correlating its map system.

Alaskan Engineering Commission—

As an aid in the selection and construction of roads in Alaska, and the collection and dissemination in popular form of information of value to the public.

(g) Department of Agriculture, in connection with—

Bureau of Farm Management—

As a means of opening and enlarging markets for sale of agricultural products.

Bureau of Soils—

As a means of collecting, indexing, and correlating information shown on its soil maps as to relative kinds and qualities of soil.

Bureau of Public Lands and Land Engineering—

As a means of scientifically locating, setting out, and comparing primary roads, and justly distributing public funds appropriated for the building of National and State highway systems; and as a means of providing useful and accurate information to travelers on said roads.

(h) Department of the Navy, in connection with—

Bureau of Navigation—

As a means for indexing, coordinating, and correlating the charts of the Hydrographic Office.

(i) Department of State, in connection with—

As a means of extending to other purposes.

(j) The Post Office Department, in connection with—

The making of accurate parcel-post geographies and a more adequate, useful, and economic method of stamping parcel-post rates.

The scientific laying out of rural routes in accordance with controlling geographical conditions.

The development of a scientific method of distribution of service according to counties.

The ascertainment of correct distances and the checking of rates of pay for transportation of mail.

The arrangement of competitive routes as required by law to be observed in letting bids for Rural Delivery Service.

3. That if, after investigation, the committee shall be of the opinion that the acquisition of said system or the use thereof by the United States Government would promote the efficiency and economy of operations and administration of the executive departments and the administrative branches of the Government, the value of said invention or system, or the use thereof to the United States Government shall be appraised, and just compensation for said system, or the use thereof, determined in a fair and impartial manner.

4. The officers and employes of any executive department or administrative branch of the Government shall, if called upon to do so, make a report to said committee on the Harrison geographic code system, and shall furnish to the committee such information as the committee may from time to time require. The committee is authorized to employ such experts and other employees to render such assistance as the committee may require in the investigation herein provided for, who shall receive such compensation as the committee may determine to be just and reasonable.

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.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haligman, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 5330. An act for the relief of Mrs. J. Adams; H. R. 5331. An act to repeal and rescind chapter 100, 1914, Public No. 108, to provide for the restoration of Fort McHenry in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes; and

H. R. 12900. An act to amend section 251 of the revenue act of 1921.

CIVIL WAR MILITARY TELEGRAPH CORPS

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 engrossed.

Mr. DIAL. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

PERMANENT COURT OF INTERNATIONAL JUSTICE

The resolution (S. Res. 231) 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. Mr. President, this resolution, as I understand, was offered by the Senator from Pennsylvania [Mr. Foraker]. If the Senator would consent to the substitution of the resolution which I offered some time ago, which was in harmony with the recommendation of President Harding and President Coolidge, I will withdraw this resolution, which was introduced into the Senate by the President pro tempore, under the reservations suggested, I should be glad to offer the substitute and ask that the resolution be then adopted.

Mr. BORAH. I should not. I object.

The President pro tempore. Is there objection to the consideration of the resolution?

Mr. KING. I object.

The President pro tempore. Objection is made.

Mr. KING. I objected to the consideration of the resolution reported by the Senator from Pennsylvania, but the Senator from Idaho [Mr. Borah] objected to the substitute which I suggested.

**BILLS PASSED OVER**

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.

Mr. KING. Let that go over.

The President pro tempore. The bill will be passed over.

The bill (S. 3390) to fix the salaries of officers and employes of the Government in the Territories of the United States, 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 go over.

The President pro tempore. The bill will be passed over.

**NATIONAL BANKING ASSOCIATIONS AND FEDERAL RESERVE SYSTEM**

The bill (S. 3316) to amend an act entitled "An act to provide for the consolidation of national banking associations," approved November 7, 1913, to amend section 5137 as amended, section 5138 as amended, section 5142, section 5150, section 5153, section 5155, section 5160, 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. KING. Let that go over.

The President pro tempore. Without objection, the bill will be indefinitely postponed.

**BILLS, ETC., PASSED OVER**

The joint resolution (S. Res. 22-3) proposing an amendment to the Constitution of the United States relative to the adoption of the eight-hour day, was announced as next in order.

Mr. WADSWORTH. Let that go over.

The President pro tempore. The joint resolution will be passed over.

The bill (S. 1197) to commission William Rees Rush as a rear admiral on the retired list of the Navy was announced as next in order.

Mr. KING. Let that go over.

The President pro tempore. The bill will be passed over.

The bill (H. R. 7299) 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.

Mr. KING. Mr. President, unless there is some reason for the delay, I am disposed to ask that it go over. I withhold any objection for the moment.

Mr. PITTMAN. Mr. President, is that the bill that transfers machinery for road building?

Mr. HEFLIN. Yes. That bill is all right, I think.

Mr. KING. Of course, if the Senator from New York is in favor of this bill—

Mr. WADSWORTH. With the committee amendments.

There are committee amendments.

Mr. KING. I want to say that we have transferred to the various States millions of dollars worth of machinery, and my information is that a great deal of it has been wasted. I am not in favor of this indiscriminate transfer of property of the Government.

Mr. HEFLIN. Mr. President, I want to say to the Senator from Utah that this machinery in the possession of the Government is that which the Government is not using, and it can be used very well in the States for road construction, and I think it ought to be utilized.

Mr. DIAL. Otherwise, it will rust out. It will be of no value. I hope the bill will pass.

Mr. KING. Let us see what the amendments are. I will withhold my objection for a moment.

Mr. FLETCHER. I suggest that this bill does not transfer the material to the States. It transfers it to the Department of Agriculture.

Mr. WADSWORTH. And from the Department of Agriculture it goes to the States. The committee amendments have both been adopted at a prior calling of the calendar. The Committee on Military Affairs reported the bill with amendments, and, of course, I have no objection to its passage in that form.

The President pro tempore. Is there objection?

Mr. WATSON. What are the amendments?

The President pro tempore. The amendments of the committee will be stated.

The Chief Clerk. On page 2, line 2, the committee amendment strikes out the words "thousand five," so as to read "one hundred five-ton caterpillar tractors"; and on line 3 the committee amendment strikes out "four" and inserts "one," so as to read "and one thousand motor trucks."

Mr. WADSWORTH. The bill as it passed the House provided for the transfer of 3,500 caterpillar tractors, with all tools and spare parts. As the War Department only owned 1,500 altogether, we thought it wise to cut down that number.

Mr. WATSON. To what?

Mr. WADSWORTH. To 300. The House bill provided for the transfer of 4,000 motor trucks of three-quarters of a ton to 5 tons capacity, and as the War Department only owned 5,000 trucks serviceable for use altogether, we thought we had better cut down the number.

Mr. HEFLIN. How much did you cut that down?

Mr. WADSWORTH. Down to 1,000.

Mr. KING. I object to the bill, Mr. President.

The President pro tempore. The bill will be passed over.

The bill (S. 3375) 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. DIAL. Let that go over.

The President pro tempore. 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. WILLIS. Let that go over.

The President pro tempore. The bill will be passed over.

The bill (S. 356) to amend section 5 of the United States cotton futures act, approved August 11, 1916, as amended, was announced as next in order.

Mr. MOSES. Let that go over.

Mr. WADSWORTH. Let that go over.

Mr. MOSES. Let that go over.

The President pro tempore. The bill will be passed over.

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

Mr. WADSWORTH. Let that go over.

The President pro tempore. The bill will be passed over.

**WINONA A. DIXON**

The bill (S. 594) for the relief of Wynona A. Dixon was announced as next in order.
Mr. KING. Let that go over.

Mr. SHEPARD. Mr. President—

Mr. KING. I withdraw the objection.

Mr. SHEPARD. The Senator from Utah withdraws his objection?

Mr. KING. I do; yes.

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

\[\textit{Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $7,613.67 to Wyzaca A. Dixon, that being the value of certain of her property seized and appropriated by the military forces of the United States during the late Civil War, as found by the Court of Claims and reported in Senate Document No. 333, Sixty-first Congress, first session.}\]

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

PHILIP T. POST

The bill (S. 3335) for the relief of Philip T. Post was considered as in Committee of the Whole, and was read, as follows:

\[\textit{Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $383.63 to Treasury not otherwise appropriated, the sum of $383.63 to Treasury not otherwise appropriated, the sum of $383.63 to Philip T. Post in compensation for the reporting of Army general court-martial.}\]

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

CALEB ABER

The bill (H. R. 1593) for the relief of Caleb Aber, 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.

HILLS PASSED OVER

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

Mr. DILL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 615) for the relief of Grover Ashley, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3257) to provide for the cooperative marketing of agricultural commodities was announced as next in order.

Mr. KING. Let that go over. That is a very important bill, and I doubt whether we can consider it under the five-minute rule.

The PRESIDENT pro tempore. It is a bill to provide for cooperative marketing.

Several Senators. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2046) to provide for the expeditions 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.

Several Senators. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 7538) to authorize the payment of an indemnity to the Government of Norway on account of losses sustained by the owners of the Norwegian steamship \textit{Hassel} as the result of a collision between that steamship and the American steamship \textit{Lusitania}, was announced as next in order.

Mr. MOSES. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2514) to place the agricultural industry on a sound commercial basis, to encourage agricultural cooperative associations, and for other purposes, was announced as next in order.

Mr. BRUCE and Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

COUNCIL ON DISTRICT UNIVERSITIES AND COLLEGES

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.

Mr. COPELAND. I move that that bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, that order will be made.

BILLS 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. BRUCE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

CITY OF NEW YORK

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. Let that go over.

Mr. COPELAND. Mr. President, I hope my friend from South Carolina will withdraw his bill. It is intended only to audit the claim. It does not involve the expenditure of any money. I hope the Senator will be good to me in these final days of the session.

Mr. DIAL. Mr. President, it is pretty hard to resist the Senator from New York. If the resolution does not involve the expenditure of any money and is a matter of gratification to him, while I do not see much good that it will do, I will withdraw the objection.

Mr. COPELAND. I think the Senator very much.

The PRESIDENT pro tempore. Is there objection to the consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Claims with an amendment, on page 1, line 2, after the words "directed to," to strike out "and settle," so as to make the resolution read:

\[\textit{Resolved, That the Comptroller General of the United States be, and he is hereby, authorized and directed to audit the claim of the city of New York for expenses incurred by said city in aid of the suppression of the insurrection against the United States during the years 1861 to 1865, and in making said audit the provision of the act of Congress of July 27, 1861 (12 Stat. L. p. 270), as interpreted and applied by the Supreme Court of the United States in the case of the State of New York against the United States, decided January 9, 1866 (159 U. S. Reps. p. 598), shall be applied by the said Comptroller General, and report the amount so ascertained to the Senate for consideration.}\]

The amendment was agreed to.

The resolution, as amended, was agreed to.

HILLS, ETC., PASSED OVER

The bill (S. 3394) to amend section 29 of the Interstate commerce act, as amended, was announced as next in order.

Mr. KING. I should like some explanation of that bill.

Several Senators. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 115) to authorize the United States Shipping Board to adjust the claim of the Near East Relief, was announced as next in order.

Mr. PEPPER. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The resolution (S. Res. 271) authorizing preparation of compilation of Indian laws and treaties, was announced as next in order.

Mr. CURTIS. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

VACION 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.

The PRESIDENT pro tempore. The author of that resolution asks that it be indefinitely postponed; and, without objection, it will be so ordered.

HILLS, ETC., PASSED OVER

The bill (H. R. 5481) to provide for the carrying out of the act of July 31, 1896 (159 U. S. L. p. 276), as interpreted and applied by the Supreme Court of the United States of New York against the United States, was announced as next in order.

Mr. DIAL. Let that go over.

Mr. PEPPER. Mr. President, will the Senator withdraw his objection for a moment?

Mr. DIAL. With pleasure.

Mr. PEPPER. I hope the Senator will not press his objection at this stage of the session. This bill has come up a number of times upon the calendar, and the Senator has objected on each occasion. He has had an ample opportunity to consider the merits of the proposal. I venture to hope that he would be willing to withdraw his objection.
will allow it to pass now, as otherwise we shall have no opportu-
nity, in all probability, to vote upon a measure which in-
volves the welfare of a very great number of people. It pro-
vides for carrying out the award of our own War Labor Board in
favor of the Postal Service and the American Postal workers.
I hope the Senator will withhold his objection.
Mr. DIAL. Mr. President, I should like to do so, but I have
studied the claim most thoroughly, and it is without merit,
as the record shows. Therefore I shall have to ask that it go over.
I am sorry I cannot accommodate the Senator.
The PRESIDENT pro tempore. Objection is made, and the
bill will be passed over.
Mr. KING. Let that go over.
Mr. STERLING. Mr. President, I hope the objector will
withdraw the objection to this bill. It is quite an important
bill, though it is not a very long one. Its passage is requested
by the Postmaster General, and it is almost necessary that we
have some such legislation because of the state of existing
laws. The bill gives the Postmaster General authority to
establish routes between the maximum horse-drawn route of
36 miles and the minimum motor-vehicle route of 50 to 75
miles, the latter to be established under existing law, to
establish any route between the 30-mile route and the 50-mile route,
that being the minimum motor-vehicle route.
Mr. KING. Mr. President, may I say to the Senator that I
understand that the Post Office Committee, of which he is
chairman but will not be after the 4th of March, during
the summer intends to make very extensive investigations in re-
gard to all matters connected with the Post Office Department
and the Postal Service and the postal operations. Undoubtedly
this question and all other matters relating to the mail service
will be investigated; and it seems to me that to take up this
question in piecemeal will be unwise and impolitic. I hope,
therefore, that the Senator will not appeal to me to withdraw
the objection.
Mr. STERLING. Mr. President, if the Senator persists in
his objection, of course, I cannot ask for the consideration
of the bill.
The PRESIDENT pro tempore. The Senator objects, and
the bill will be passed over.
Mr. KING. Let that go over.
The PRESIDENT pro tempore. The bill will be passed over.
HALLER NUTT, DECEASED
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. KING. Let that go over.
Mr. BRUCE. Mr. President—
The PRESIDENT pro tempore. Does the Senator rise to
object?
Mr. BRUCE. No. While there is no objection, yet at the
same time the amount involved in this bill is so large that
I feel that I ought to call the attention of the Senate to it,
since if any Senator feels disposed to object he can object.
Mr. KING. I withhold the objection to have an explanation
from the Senator.
Mr. BRUCE. The Senator did not object at first. I was
going to make the explanation anyhow, because I felt it was
due to the Senate.
This bill authorizes the payment of $131,000 to the estate
of Haller Nutt. The circumstances which surround this case are
quite remarkable.
Haller Nutt was a Mississippi and a Louisiana planter dur-
ing the Civil War, and he was loyal to the Union. Of course,
I should be very slow to accept that conclusion, considering
his situation and his occupation and what not; but it is an
undoubted, unquestionable fact that he was loyal to the
Union, and among the papers in this case there is a certificate
to his loyalty and fidelity to the Union from no less a person
than Major General Grant himself, as I recollect, and this valuation placed on
this ginhouse and gin mill and these 700 bales of cotton.
The estate of Haller Nutt, on account of the destruction
of various other items of property, has already been paid by
the Government. Through two appropriations made by Congress
considerable sums of money were paid the estate for the de-
struction of other items of property, but the value of this gin
house and mill, and of these 700 bales of cotton, was ascertained
at the same time that the value of the other property was
fixed, for which the estate of Haller Nutt has been paid under
acts of Congress.
Mr. KING. Mr. President, may I interrupt the Senator?
Mr. BRUCE. Certainly.
Mr. KING. I understand that this matter was referred to
the Court of Claims, and that the Court of Claims made find-
ings in 1915.
Mr. BRUCE. It did.
Mr. KING. Why has Congress not made an appropriation
prior to this?
Mr. BRUCE. One has to be a member of the Committee on
Claims to realize that it might well not have reported a claim
favorably, and yet no inference of any kind unfavorable to the
claimant could be justly drawn. I care nothing about this
claim, absolutely nothing, personally, but it became my duty to
investigate it, and I investigated it with the utmost thorough-
ness. I presented quite a lengthy report on the claim to the
Committee on Claims of the Senate, which was most carefully
considered, and fully discussed.
The PRESIDENT pro tempore. The time of the Senator has
expired.
Mr. BRUCE. This favorable recommendation has been unani-
mously made by the committee.
The PRESIDENT pro tempore. Is there objection to the
consideration of the bill?
There being no objection, the bill was considered as in Com-
mittee of the Whole, and was read, as follows:
Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to the legal representative
of Haller Nutt, deceased, late of Natchez, Miss., out of any money in
the Treasury not otherwise appropriated, the sum of $151,328, due
to the estate of said Haller Nutt for one mill and 700 bales of cotton
taken for use by the United States military authorities, in compliance
with the findings of the Court of Claims reported to Congress Febru-
ary 18, 1916.
The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF TRADING WITH THE ENEMY ACT
Mr. WILLIS. Mr. President, sometime ago I objected to the
consideration of Senate bill 916, to amend the trading with
the enemy act. I subsequently withdrew my objection, but at
that time the Senator from Alabama objected. I am advised
that he is now willing to withdraw his objection.
Mr. HEPFlin. I withdraw my objection.
Mr. WILLIS. I ask unanimous consent, therefore, that we
return to the consideration of that bill, Order of Business 1298.
The PRESIDENT pro tempore. Is there objection?
BILLS PASSED OVER

The bill (S. 1261) amending the Army appropriation act approved July 2, 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 PRESIDENT pro tempore. 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 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. At the request of the Senator from Nebraska [Mr. HOWELL], I object to the bill.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 3682) for the relief of M. Barde & Sons (Inc.), Portland, Ore., was announced as next in order.

Mr. KING. May I inquire, reserving the right to object, why this claim was not referred to the Court of Claims, as is usual where there are evidences of collision or cases of maritime accident?

Mr. ROBINSON. Let the bill go over.

Mr. SHORTRIDGE. Yes; let it go over.

The PRESIDENT pro tempore. The bill will be 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 disabled soldiers, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BURSUM. Mr. President—

Mr. KING. Over.

Mr. BURSUM. Mr. President—

The PRESIDENT pro tempore. Objection has been made.

Mr. BURSUM. I want to make an explanation.

Mr. KING. Regular order.

The PRESIDENT pro tempore. The Secretary will report the next bill on the calendar.

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.

Mr. GERRY. Let that go over.

Mr. BALL. Before we act on that, I would like to ask the Senator to withhold the objection.

Mr. GERRY. In the advice and consent of the full.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

The bill (H. R. 3683) for the purchase of the Cape Cod Canal for navy purposes, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

SETTLEMENT ON GOVERNMENT LAND IN IRRIGATION PROJECTS

The bill (S. 4151) to provide for aided and directed settlement on Government land in irrigation projects was announced as next in order.

Mr. BORAH. Mr. President, this is quite an important and lengthy bill, and I do not suppose we would want to pass it without some consideration. Has the bill been put upon the list by the steering committee?

Mr. CURTIS. I do not know, Mr. President; one of the bills.

Mr. BORAH. It can not be considered to-night.

Mr. McNARY. I may state to the Senator from Idaho that this bill received very careful study by the Committee on Reclamation, and the report on it, so far as I am aware, was unanimous. It was considered by the steering committee and made a part of the program for this week's consideration by this body. I think it would require a long debate. I think the author of the bill, or the chairman of the committee, could explain it in a very few minutes to the satisfaction of the Senator from Idaho.

Mr. MOSES. May I ask if it is a portion of the program for agricultural relief for which the Senator from Idaho has been clamoring?

Mr. BORAH. No; it is not. It has nothing to do with it.

Mr. MOSES. I would rather have the opinion of the Committee on Agriculture.

Mr. BORAH. The Committee on Agriculture can pass opinions on its affairs, but not on mine.

Mr. McNARY. Mr. President, I am curious to know if the able Senator from Idaho desires still to persist in his objection?

Mr. BORAH. I will say that no later than two hours ago I received a communication from a gentleman and two Members of the House of Representatives opposing it. I do not feel that I am prepared to pass upon the question to-night.

Mr. KENDRICK. May I ask the Senator to withhold his objection for just a moment?

Mr. BORAH. I will withhold it, and I think if the bill shall be read to the Senate others will object themselves.

The PRESIDENT pro tempore. The objection is withdrawn, and without objection the bill will be considered as in Committee of the Whole.

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

PHILIP THOMAS COFFEY

The bill (S. 2941) authorizing the President of the United States to appoint Philip T. Coffey to the position and rank of captain in the United States Army and immediately retire him with the rank and pay held by him at the time of his discharge, was announced as next in order.

Mr. KING. Let that go over.

Mr. COPELAND. This is the bill from Senator from Utah who will withhold his objection for a moment, I will explain this bill.

Captain Coffey was retired from the Army and an examining board found that he had a slight irregularity of his heart action. Before they left, they examined this man and found that he had chronic, pulmonary tuberculosis, active, advanced—pleurisy, with effusion, and other complications. The only fair thing to do was to order this man before a retiring board for a reexamination. There was apparently a mistake made, as any layman can see. In six months' time he would not have come back showing evidence of tuberculosis in an advanced stage if he had not been suffering from it before. Therefore there must have been a mistake made, and in the interest of justice this man should be permitted to be brought before a retiring board and further action determined.

Mr. KING. Was he an officer of the Regular Army?

Mr. COPELAND. Of the Regular Army.

Mr. KING. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That the President of the United States be, and he is hereby, authorized to summon Philip T. Coffey, formerly captain in the Corps of Engineers of the Regular Army of the United States, before a retiring board, to inquire, whether at the time of his honorable discharge, the 27th October, 1922, he was incapacitated for active service and whether such incapacity was the result of an incident of service and whether said discharge should have been made, and upon the result of such inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said Philip T. Coffey, a captain in the Corps of Engineers, and place him immediately thereafter upon the retired list of the Army, with the same privileges and retirement pay as are now or may hereafter be provided by law in the case of officers of the Regular Army: Provided, That the said Philip T. Coffey shall not be entitled to any back pay or allowances.

Mr. BORAH. Mr. President, this is quite an important and lengthy bill, and I do not suppose we would want to pass it without some consideration. Has the bill been put upon the list by the steering committee?
The amendment was agreed to.

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

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

The title was amended so as to read: "A bill for the relief of Phillip Thomas Coferby.

PENSIONS AND INCREASE OF PENSIONS

The bill (H. R. 11740) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was amended in order.

Mr. DIAL. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

LEVIN P. KELLY

The bill (S. 2721) for the relief of Levin P. Kelly was announced as next in order.

Mr. KING. Reserving the right to object, I would like to have an explanation of the bill.

Mr. BRUCE. I will be glad to give an explanation. Kelly was the owner of a schooner plying on the Chesapeake Bay. While his schooner was anchored at a wharf at Annapolis, a naval academy vessel ran into it and sank it. The schooner had a considerable amount of coal on board. The facts were investigated by the Navy Department, and the Secretary of the Navy determined that the damage done to the schooner, pronounced the naval academy vessel at fault, and recommended the payment of the amount of damages received by the claimant, namely, perfectly clear claim.

Mr. KING. In view of the fact that such cases of collision are generally referred to the Court of Claims, why is there a different course being pursued with this claim?

Mr. BRUCE. Of course, it could have been referred to the Court of Claims. The amount is small to begin with, however, and the facts were simple. There was an investigation by a naval board of inquiry, and the Secretary of the Navy recommended the payment of the claim, so we thought there really nothing else was needed to establish the justice of the claim.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $8,000 to Levin P. Kelly, owner and captain of the schooner John Bradley, which was sunk on the 25th day of July, 1922, by Government launch.

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

MONUMENTAL STEVEDORE CO.

The bill (S. 3515) for the relief of the Monumental Stevedore Co. was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the claim against the United States of the Monumental Stevedore Co., of Baltimore, Md., a corporation, organized and existing under the laws of the State of Maryland, with its principal place of business in the city of Baltimore, State of Maryland, owner of lighter No. 1, for damages alleged to have been caused by collision between the said lighter and United States tug Winnebago, in the Patapsco River on the 17th day of September, 1922, may be sued for by the Monumental Stevedore Co. in the United States District Court for the District of Maryland, 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 a suit and to enter a judgment or decree for the amount of such damages, if any shall be found to be due, against the United States in favor of the said lighter Co., or against the Monumental Stevedore Co. in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties, and with the same rights of appeal: Provided, That such notice as may 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 for the district to appear and defend for the United States: Provided further, That such suit shall be brought and commenced within four months from the date of the passage of this act.

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

MECHANICS & METALS NATIONAL BANK

The bill (H. R. 7118) for the relief of the Mechanics & Metals National Bank, successor to the New York Produce Exchange Bank, was considered as in Committee of the Whole, and was passed.

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

STREET RAILWAY MERGER, DISTRICT OF COLUMBIA

The bill (S. 4181) to permit the merger of street railway corporations operating in the District of Columbia, and for other purposes, was announced as next in order.

Mr. BALL. Mr. President, the Senator from Tennessee [Mr. McKellar] has objected to this bill in the past, but with the amendments which I shall send to the desk he will not object.

The PRESIDENT pro tempore. 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 any or all of the street railway companies operating in the District of Columbia be, and they are hereby, authorized and empowered to merge or consolidate, either by purchase or by the formation of a new corporation, the damages done to the owner of a schooner, or by the formation of a new corporation to acquire the properties and/or stocks or securities and to succeed to the powers and obligations of each or any of said companies under such terms and conditions as may be set by the owners of a perfectly clear claim.

The bill was read, passed and returned to the House of Representatives.

The bill (H. R. 3536) granting pensions and increasing pensions to the rent situation in the District of Columbia was considered, and the bill was passed.

The bill was reported to the Senate without amendment, and the bill was passed as amendatory.

FOOD CONTROL AND RESTS ACT

The bill (S. 4227) to extend the provisions of Title II of the food control and District of Columbia rent's act, as amended, to create a real-estate commission for the District of Columbia; to define, regulate, and license real-estate brokers and real-estate salesmen; to provide a penalty for a violation of the provisions hereof, and for other purposes, was announced as next in order.

Mr. CURTIS. Let that go over.

Mr. COPeland. Mr. President, I wish the Senator who objects would withhold his objection for a moment.

It seems a great pity that we do not take some action to give relief to the rent situation in the District. I assume this bill is too long and too complicated to be acted on at this time, and I do admit that at some time before we adjourn we should give some consideration to this matter of relief to people who have occasion to rent places in the District of Columbia.

Mr. HEFLIN. I join with the Senator in that request.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.
The bill (S. 2151) for the allowance of certain claims for extra labor above the legal day of eight hours at certain navy yards, certified by the Court of Claims was announced as next in order.

Mr. KING. Let that go over.

Mr. COPELAND. I hope the Senator from Utah will withhold his objection a few minutes. Here are claims which have been pending since 1878, and the Presidents from time to time, including President Taft, called attention to them and said they should be adjudicated. They have been pressed in various Congresses, first in the Sixty-first, Sixty-second, Sixty-third, and others. I think Congress should take action, and I hope the Senate will take action to-night and pass this bill.

Mr. KING. I objected.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. BRUCE. I feel bound to object to the bill, as I understand it undertakes to interfere with private contracts between landlords and tenants.

Mr. COPELAND. The Senator has the wrong bill before him. I am referring to Calendar 1060.

Mr. BRUCE. I withdraw my objection.

The PRESIDENT pro tempore. Objection is withdrawn.

Mr. KING. I objected, and my objection is not withdrawn, because the bill cannot be considered in the short time we can devote to it to-night.

The PRESIDENT pro tempore. The bill will be passed over.

GRANT OF LANDS TO DELTA, COLO.

The bill (S. 3698) granting certain lands to the city of Delta, State of Colorado, for public park and recreational grounds, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That upon payment therefor at the rate of $1.25 per acre the Secretary of the Interior be, and he hereby, authorized and directed to issue patent as hereinafter limited to the city of Delta, Colo., for the following described land in township 12 south, range 96 west, sixth principal meridian: Lots 9, 10, 11, 12, the north half of the southwest quarter, and the north half of the southeast quarter, section 4; lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, the southeast quarter, and the southwest quarter section 2; lots 5 and 7, the south half of the northeast quarter, the southeast quarter, and the southwest quarter section 3; the southeast quarter of the northeast quarter section 4; the east half of the northeast quarter section 10; and the west half of the northeast quarter section 11; aggregating 1,588.68 acres more or less; such lands to be used and occupied solely for public park and recreational purposes: Provided, That there shall be reserved to the United States, coal, or other minerals in the land and the right to prospect for, mine, and remove the same: Provided further, That if the grantee shall fail to use the land for park and recreational purposes or shall devote the same to other uses the title thereto shall revert to the United States, and the said lands shall be restored to the public domain upon a finding of such failure by the Secretary of the Interior: And provided further, That the grant herein authorized shall be subject to and subject to all right of way, and to any lawfully acquired and necessary public lands under the laws of the United States.

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

DISTRICT OF COLUMBIA TRAINING SCHOOL.

The bill (H. R. 9453) to provide for commitments to, maintenance in, and discharges from the District Training School and for other purposes, was considered as in Committee of the Whole, and was read.

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

REGULATION OF STEAM ENGINEERING, DISTRICT OF COLUMBIA.

The bill (S. 4004) to amend the act entitled "An act to require the regulation of steam engineering in the District of Columbia, approved February 28, 1887," was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and insert:

That the act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887, be, and the same is hereby, amended as to read:

"Sec. 2. All persons applying for such license shall be examined by a board of examiners composed of: The boiler inspector for the District of Columbia and two practical engineers to be appointed by the District Commissioners. Said examination shall be conducted in all respects under such rules and regulations as the Commissioners of the District of Columbia shall from time to time provide; and all engines and steam boilers shall be subjected to such tests as the said commissioners may prescribe.

Sec. 3. Applicants for license as steam or other operating engineers must be 21 years of age and of temperate habits, and must have at least three years' experience in an engine room and boiler house under a bona fide licensed engineer, and furnish satisfactory proof under oath; must make application in writing, to which application must be attached a certificate as to character and moral habits signed by at least three citizens of the District of Columbia, themselves of moral standing.

Sec. 4. The fee for a license as steam or other operating engineer shall be $5.

Sec. 5. Any person employed as licensed steam or other operating engineer in the District of Columbia who is found under the influence of intoxicating liquor while on duty, shall, for the first offense, have his license revoked for 6 months; for the second offense, 12 months; and for the third offense, shall have his license revoked and be deprived of the occupation of a licensed steam or other operating engineer in the District of Columbia for the period of five years.

Any owner or lessee of any engine or steam boiler, or the secretary of any corporation, who shall employ a steam or other operating engineer as such who has not been regularly licensed to act as such, or any person operating without a license or in violation of the provisions of this act, shall be fined $500, and shall be liable for the amount of compensation lawfully acquired over and against the provisions of this section.

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 PASSED OVER.

The bill (S. 2093) to standardize the procedure with reference to surety bonds running in favor of the United States, and for other purposes, was announced as next in order.

Mr. WILLIS and others. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2820) authorizing appropriations for medical school building and equipment for Howard University was announced as next in order of business.

Mr. DIAL. Let the bill go over.

Mr. COPELAND. I hope the Senator will withdraw his objection.

Mr. DIAL. I am sorry, but I cannot do it.

The PRESIDENT pro tempore. Objection is made and the bill will be passed over.

JAMES M'KAY.

The bill (S. 2947) providing employees' compensation for James M'Kay, who was injured while in the service of the Quartermaster Corps, United States Army, was announced as next in order.

Mr. KING. Let the bill go over.

Mr. TRAMMELL. Mr. President, will the Senator withhold his objection until I can make an explanation?

Mr. KING. If it is the same explanation made the other evening and the bill has not been changed, I shall have to object.

Mr. TRAMMELL. There was not a very extensive explanation made because the Senator objected before I had the opportunity to explain.

Mr. KING. I am very familiar with the bill and the report, so that in its present form I regret to say I shall be compelled to object.

Mr. TRAMMELL. I desire to offer an amendment to give an amount of compensation for the injury received.

Mr. KING. I am perfectly willing if the Senator will offer an amendment putting him in the same category as others who have been injured under the compensation act.
Mr. TRAMMELL. He is in that class now. This is an unusual case. He was severely injured and over since has been in a rolling chair or on crutches. I think the case had a great deal of merit in it. The other night when the bill was considered, the very next moment property was held more valuable than the physical well-being and welfare of a human being. The very next minute the Senate appropriated $2,500 to pay a worker's compensation law, or, that is, to compensate a claimant for a fixed amount. I am willing to offer, and propose to offer if I have an opportunity, an amendment giving him $2,000 compensation for the injury. I have seen this body time and time again fritter away thousands of dollars in paying people for injuries that were nothing compared with the injury this man received.

Mr. HARRELD. I am just asking for information. Does the Senator propose to give him the same relief that he would receive under workers' compensation law, or, is this a compensation claim under the veterans' relief act?

Mr. TRAMMELL. I had proposed to increase the compensation from $500 a month to $125 a month. That is objected to. I have in other instances that have come before the Senate that we have not increased the rates per month, but have paid to claimants certain fixed amounts in compensation for their injuries. Sometimes it was $1,000, sometimes it was $1,500, sometimes it was $2,500. I propose to take that course if I have permission to offer the amendment.

The PRESIDENT pro tempore. Does the Senator from Oklahoma object to the consideration of the bill?

Mr. HARRELD. No; I did not. I object. The PRESIDENT pro tempore. The bill (S. 2888) for the relief of James H. Kelly was announced as next in order.

Mr. BETHLEHEM. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 5143) for the relief of First Lieut. John L. Convoy was announced as next in order.

Mr. KING. Let the bill go over.

Mr. COPELAND. I hope the Senator will withdraw his objection for a moment.

The PRESIDENT pro tempore. Objection is made, and the bill will be passed over.

The bill (H. R. 5811) to provide for the carrying out of the award of the National War Labor Board of July 31, 1918, for favor of certain employees of the Bethlehem Steel Co., Bethlehem, Pa.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks unanimous consent to return to Calendar No. 922.

Is there objection?

Mr. HEFLIN. I will have to ask that the bill go over.

The PRESIDENT pro tempore. Objection is made.

Mr. PEPPER. May I ask the Senator to withdraw his objection for a moment?

Mr. HEFLIN. I will not withdraw it until I can get a chance to look into it. I will have to go on through the calendar.

The PRESIDENT pro tempore. Objection is made, and the clerk will report the next bill on the calendar.

The bill (S. 3572) relating to the use of the roads leading from the bridges across the Potomac River to Arlington National Cemetery and to Fort Myer, Va., was announced as next in order.

Mr. WADSWORTH. As the senior Senator from Virginia [Mr. SWENSON] wants to have an opportunity to consult the Senator from Alabama to withdraw his objection for a moment before the bill is considered, I ask that it may be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

SWEN A. SWENSON.

The bill (S. 1205) for the relief of Swend A. Swenson was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out "$4,400" and insert "$2,500" so as to make the bill read:

Whereas Swend A. Swenson lost an arm while performing his duty as seaman under the United States Corps of Engineers in the course of the Mississippi River improvement on the 5th day of July, 1911:

Therefore

be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Swend A. Swenson the sum of $2,500, to compensate him in full for the injury received by him in the Government employ.

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 preamble was agreed to.

PROTECTION OF WATERSHEDS AND NAVIGABLE RIVERS

The bill (H. R. 11886) to amend section 7 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," approved March 4, 1911, was announced as next in order.

Mr. KING. It will take some time to discuss the measure, I imagine, but I have no objection.

Mr. GEORGE. Mr. President.

The PRESIDENT pro tempore. Does the Senator from Utah withdraw his objection?

Mr. KING. I did not object. I merely said it would take some time to consider it.

Mr. REED of Pennsylvania. May we have an explanation of the bill?

Mr. GEORGE. I shall be very glad to make a brief explanation. A bill was introduced in the Senate by the Senator from New Hampshire [Mr. Keyes]. The bill was favorably recommended by the Committee on Agriculture and Forestry. The bill now before the Senate introduced in the House by Representative HAWLEY and passed the House and came over to the Senate. The bill does this, and this only: It makes applicable the land exchange act, which is applicable to all of the forests taken out of the public domain, to the lands purchased by the National Forest Reservation Commission under the Weeks Act. It was supposed that the general exchange law
Mr. CURTIS. Mr. President, may I ask the Senator a question?
Mr. GEORGE. Certainly.
Mr. CURTIS. I notice the bill is on the calendar as not having come from a committee. Was there a different Senate bill on the calendar?
Mr. GEORGE. There was; introduced by the Senator from New Hampshire [Mr. Keys].
Mr. CURTIS. Was it favorably reported?
Mr. GEORGE. It was favorably reported.
Mr. CURTIS. Identical with this bill?
Mr. GEORGE. Yes. We substituted the House bill for the Senate bill when the House bill came over from the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?
Mr. GERRY. Reserving the right to object, I would like to ask the Senator from Georgia a question. Does the bill apply only to lands purchased by the Government? Mr. GEORGE. No, there is no other question.

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

Mr. ROBINSON. There being no objection, the bill is passed without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3679) to protect the trade marks used in commerce, to authorize the registration of such trade marks, and for other purposes, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over. The bill to provide a comprehensive code of insurance law for the District of Columbia (excepting marine insurance, as now provided for by the act of March 4, 1922, and fraternal and benevolent insurance associations or orders as provided for by the act of March 3, 1901), and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. CURTIS. Mr. President, I hope the Chair will withhold his objection to this bill, since it is provided for by the Commissioner of the District of Columbia with the request that it be enacted promptly as there is urgent need for it.

The bill provides a comprehensive insurance code for the District of Columbia, bringing it up to proper standard, and going to the District of Columbia a standard insurance law in line with the insurance laws of 42 States. There has been no insurance legislation in the District of Columbia for something like 28 or 14 years.

Mr. SHEPPARD. Mr. President, I do not think there is any objection to the passing of the bill.

The PRESIDENT pro tempore. The Chair will put the question again. Is there objection to the present consideration of the bill?

Mr. SHORTRIDGE. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 2858) providing for sundry matters affecting the naval service, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, that bill can not be considered to-night. It has several features that will require some discussion.

The PRESIDENT pro tempore. The bill will be passed over.

BELLE H. WALKER and FRANK E. SMITH

The bill (S. 3668) for the relief of Belle H. Walker and Frank E. Smith was announced as next in order.

The PRESIDENT pro tempore. Is there objection to the present consideration of this bill?

Mr. CURTIS. I should like an explanation of the bill.
Mr. ROBINSON. Mr. President, it is a bill to enable D. W. Walkover, Maryland [Mr. Baruc], who introduced this measure in the Senate, was compelled to leave the Chamber a few moments ago. He asked me to make an explanation of the provisions of the bill if any Member called for one. I shall be glad to do that. It is desired.

It appears from the record that the Government acquired the property upon which the House is now located in 1888, and the year following authorized the construction of a Government Printing Office on the land thus acquired. By some error the Government encroached upon land belonging to the beneficiaries of this bill. The bill is intended to compensate them for the land which the Government took in that way, and which it has occupied for many years. As to the amount carried by the bill, I have examined it with some care since the Senator from Maryland spoke to me about the measure, and I believe that the sum is no more than fairly adequate to compensate the parties for the land which they are required to convey under the terms of the bill to the Government and for the damage to their property which has herebefore accrued.

Mr. WALSCH of Massachusetts. What is the amount?
Mr. ROBINSON. The total amount is a little more than $45,000.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments, on page 1, at the beginning of line 5, to strike out "$65,000, all of which, or so much thereof, if any, as may be agreed upon by the Secretary of the Treasury, after inspection and report to the Senate Committee on Territories and the House Committee on Territories, and insert "$48,002,38, which sum"; in line 9 after the word "to," to insert "Belle H. Walker, widow of"; at the beginning of line 10, to insert the word "deceased"; in line 11 after the word "them," to insert "or Frank H. Walker, deceased"; on page 2, in line 3, after the word "by," to strike out "Frank H. Walker," and insert "Belle H. Walker;" in line 9, after the word "Walker," to insert, "or Belle H. Walker"; in line 11, after the word "said," to strike out "Frank H. Walker," and insert "Belle H. Walker"; and at the end of line 10 to insert, "Provided further, That the land thus conveyed shall be transmitted to the Government Printing Office for the use of the Government Printing Office," so as to make the bill read:

Be it enacted, etc., That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $48,002,38, which sum shall be paid by the Secretary of the Treasury to Belle H. Walker, widow of Frank H. Walker, deceased, and Frank E. Smith for all damages hereafter sustained by them or Frank H. Walker, deceased, growing out of the construction of the foundations of the west wall or walls of the Government Printing Office, for their full length, running at right angles to G Street and Jackson Alley, in the city of Washington, D. C., upon and occupying a portion of the lot of land described in the said act of the 2d of May, 1888, the bill is not to be sustained by E. Smith, without claim of title to said land by or payment therefor by the United States, and for all other damages which may be found to have been caused thereby, and also to provide for and to compensate E. Smith by the operation of said Government Printing Office after its construction: Provided, That the said Belle H. Walker and Frank E. Smith, by a good and sufficient title, will convey to the
United States, clear of all encumbrances, the following-described land, together with the improvements thereon, being lots 75 and 76 and part of lots 19 and 20, inclosing a private alley 3 feet 6 inches wide, containing 9,000 more or less, which contains the property taken, used, or damaged, all situated in square 624: Provided further, That the land so embraced shall be transferred to the Public Printer for the use of the Government Printing Office.

The bill was reported to the Senate as amended, and the amendments considered. The bill was ordered to be engrossed for a third reading, the third time, and passed.

The title was amended so as to read: "A bill for the relief of R. H. Walker, widow of Frank E. Walker, deceased, and Frank E. Smith.

BOARD OF PUBLIC WELFARE IN THE DISTRICT

The bill (H. R. 12092) to establish a board of public welfare in and for the District of Columbia, to determine its functions, and for other purposes, was adopted as amended.

Mr. GERRY. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF COTTON FUTURES ACT

The bill (S. 3107) to amend the United States cotton futures act, as amended, was promised next in order.

Mr. HEFLIN. Have we not had this bill up before this evening?

Mr. HEFLIN. Mr. President, this bill has been amended as suggested by the Secretary of Agriculture—Secretary, Senators. Let the bill go over.

The PRESIDENT pro tempore. Objection is made.

Mr. HEFLIN. Mr. President, this bill is one of great importance to all the cotton producers of the United States. It seeks to correct a grave injustice that is now being done to them by the New York and New Orleans Cotton Exchanges. I accepted the two amendments proposed by the Secretary of Agriculture and the Senate Committee on Agriculture approved it and reported it as amended to the Senate. Mr. President, this bill simply provides for a fair deal not only to the cotton farmer but to the merchant, manufacturer, and everyone else interested in legitimate transactions in cotton.

The bill was ordered to be engrossed for a third reading, and I ask that it be read so that Senators may know just what its provisions are. The following is a copy of it as amended:

A bill (S. 3107) to amend the United States cotton futures act, as amended.

Be it enacted, etc. That the United States cotton futures act, approved August 11, 1916, as amended, is amended by adding after section 13 two new sections to read as follows:

"Sec. 13a. That the record of the prices of each and every transaction and/or each and every bid or offer, whether resulting in a transaction not, or made on any cotton exchange, board of trade, or similar institution, or place of business, regardless of by whom collected and disseminated, shall be, and is hereby, charged and affected with a public purpose shall be made available to copart­nerships, corporations, and associations on an equal basis, except where such information may be intended for an illegal purpose.

"Sec. 13b. Every person, copartnership, corporation, or association engaged in the business of, or in any manner exercising any control over the collection and/or dissemination of such records and/or information, shall, without any discrimination, supply the same in the same manner and upon the same terms to each and every person, copartnership, corporation, or association who shall apply therefor, except where such information is sought for an illegal purpose, and upon failure or refusal so to do, any person, copartnership, corporation, or association, whose business of dealing in commodities is restrained, hindered, or in any way made more difficult by such failure or refusal, may by appropriate action in any court of the United States having jurisdiction of the parties recover against the copartnership, corporation, or association so failing or refusing or responsible therefor, treble damages suffered by reason of such failure or refusal, and by appropriate suit in any such court, shall be entitled to injunctive relief and/or, threatened or continued injury by reason of such failure or refusal."

Mr. President, this bill seeks to have the various prices of cotton produced each day by selling and buying on the exchange made available free of charge to every American citizen. If the cotton exchange is engaged in a legitimate business, why should it object to every citizen in the country knowing every hour in the day what cotton prices are being written upon the blackboard? And why should people interested in legitimate cotton transactions be denied the quotations of cotton prices on the exchange?

Why should the cotton producer and the merchant who buys cotton in the cotton-growing States be denied information unless they pay for it regarding the price being paid for cotton?

Mr. MOSES. Let the bill go over, Mr. President.

Mr. HEFLIN. Mr. President, then we ought to have a quorum to transact further business.

Mr. CURTIS. There are only a few more bills on the calendar.

Mr. HEFLIN. I understand that, and it would not make any difference if there were only one. You can pass bills here for the big interests and appropriate money out of the Treasury to pay them, but when it comes to a bill which affects the public well and is of benefit to masses of the people generally somebody is on the job to object to such measures. I think the time has come when those of us who represent the people ought to assert ourselves, and I start the program now. I make the point of no quorum.

Mr. CURTIS, Mr. President—

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

Mr. CURTIS. I move that, in accordance with the unanimous-consent agreement, the Senate take a recess until 11 o'clock to-morrow morning.

The PRESIDENT pro tempore. The unanimous-consent agreement provides that at the conclusion of its business to-day the Senate shall take a recess until 11 o'clock to-morrow, and therefore the Chair can entertain the motion of the Senator from Kansas. The question is on that motion.

The motion was agreed to; and (at 9 o'clock and 20 minutes p.m.) the Senate took a recess until to-morrow, Saturday, February 28, 1925, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate February 27 (legislative day of February 26), 1925

UNITED STATES ATTORNEY

George Neuner, of Oregon, to be United States attorney, District of Oregon, vice John S. Coke, resigned.

POSTMASTERS

ALABAMA

Charles O. Johnson to be postmaster at Eniday, Ala., in place of R. S. Hickman. Incumbent's commission expired June 4, 1924.

ARKANSAS

Melvin E. Torrence to be postmaster at Atkins, Ark., in place of J. H. Johnson, resigned.

CALIFORNIA

Charles H. Quaintock to be postmaster at Loma Linda, Calif., in place of L. L. Casey, resigned.

GEORGIA

McCamic C. Getty to be postmaster at Ellaville, Ga., in place of Dallil Allen, resigned.

Henry G. Entrekkin to be postmaster at Bremen, Ga., in place of J. D. Long. Incumbent's commission expired February 20, 1924.

INDIANA

Adolph A. Dussel to be postmaster at Elfielder, Ind., in place of H. F. Morris. Office became third class October 1, 1924.

IOWA

Marie Jones to be postmaster at Bussey, Iowa, in place of L. L. Ansipach. Incumbent's commission expired June 5, 1924.

Ray Robertson to be postmaster at Maxwell, Iowa, in place of G. J. Bolinnott. Incumbent's commission expired March 22, 1924.

KENTUCKY

Charles A. Mathews to be postmaster at Maysville, Ky., in place of Z. W. Cochran, resigned.

MICHIGAN

Marie M. Baers to be postmaster at Walled Lake, Mich., in place of J. J. Long. Office became third class April 1, 1924.

MISSISSIPPI

Tamora C. Epperson to be postmaster at Raymond, Miss., in place of T. C. Epperson. Incumbent's commission expired June 4, 1924.

MISSOURI

Clifford R. Hayes to be postmaster at Salem, Mo., in place of T. H. Acuff, resigned.

NEBRASKA

Walter R. Martin to be postmaster at Bellevue, Neb., in place of W. N. Trent. Office became third class October 1, 1923.
CONFIRMATIONS
Executive nominations confirmed by the Senate February 27
(legislative day of February 26), 1925

COURT OF COMMISSIONERS
Irving A. Caswell to be collector of customs, district No. 35.

ATTORNEY
George Neuner to be United States attorney, district of Oregon, vice John S. Coke, resigned.

NAVY
George A. Berry to be lieutenant commander.

postmasters
MATTHEW A. COCHRAN, Edenton, district No. 23, for other purposes. That
Mr. Jones. Mr. Speaker, I desire to prefer a unanimous consent request. Day before yesterday the Senate passed Concurrent Resolution No. 23, providing for a joint congressional commission to make an examination and audit of cotton statistics in the Bureau of the Census, and for other purposes.

The House met at 10:20 o'clock a.m.

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

We thank Thee, our Heavenly Father, that all is well. Therefore we lift our breath to Thee in common thanksgiving and bless Thee for daily cure. Gladden all hearts and direct all minds. Always lead us with a gentle constraint to bear and forebear. So abide with all of us that we may work with courage and understanding; endure all hardship with patience and crown all faithful service with success. May goodness and gratitude be the expressions of our daily conduct. Amen.

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

The House is called to order by the Speaker.

Mr. Speaker, I desire to prefer a unanimous consent request. Day before yesterday the Senate passed Concurrent Resolution No. 23, providing for a joint congressional commission to make an examination and audit of cotton statistics in the Bureau of the Census, and for other purposes.

Mr. Speaker, I desire to prefer a unanimous consent request. Day before yesterday the Senate passed Concurrent Resolution No. 23, providing for a joint congressional commission to make an examination and audit of cotton statistics in the Bureau of the Census, and for other purposes.
resolution was handled by the Committee on Agriculture in the Senate. A similar resolution was introduced in the House and referred to the Committee on Rules. I desire to ask unanimous consent that that resolution be referred from the Committee on Rules to the Committee on Agriculture.

The SPEAKER. The gentleman from Texas asks for a reference of the resolution as indicated. Is there objection?

Mr. SNEAL. Mr. Speaker, that would be entirely contrary to the custom and practice of the House, and therefore I shall have to object.

**Resignation from a Committee**

The SPEAKER laid before the House the following letter:

**February 26, 1925.**

Hon. FREDERICK H. GILBERT, Speaker, House of Representatives, Washington, D. C.

My Dear Mr. Speaker: I hereby resign as a member of the Committee on the Post Office and Post Roads.

Respectfully,

FREDDIE H. LAGUARDIA.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

**Consent Calendar**

The SPEAKER. The Clerk will call the Consent Calendar.

Mr. BLANTON. Mr. Speaker, I make the point of order there is no quorum present. We ought to have the membership of the House here to take up these bills, some of which are very important, on the point of order.

The SPEAKER. It is clear there is no quorum present.

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

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

**[Roll No. 88]**

Anthony, Edmonds, Kansas, Roach, Washington, D. C.

Barbour, Mr., Iowa, L. Frankford, Massachusetts, Mass.

Beineke, Butler, Pennsylvania, F. G.

Brown, Mr., New York, J. A.

Brown, Mr., Arkansas, J. W.

Brown, Mr., Wisconsin, J. A.

Buchley, Utah, J. W.

Byrnes, S. C., South Carolina, E. C.

Canfield, California, E. A.

Carter, Ohio, H. C.

Cotter, Minnesota, J. W.

Cleary, New Jersey, J. M.

Clark, Fla., Florida, M. A.

Cole, Ohio, W. H.

Cooper, Ohio, W. N.

Croll, Ohio, A.

Crowther, Ohio, J. M.

Curl, Ohio, J. R.

Davis, Kentucky, N. J.

Dempsey, Ohio, J. M.

Dicken, Indiana, N. W.

Dole, West Virginia, J. M.

Drone, Massachusetts, J. F.

Eban, New York, J. S.

The SPEAKER. Three hundred and sixteen Members have answered to their names; a quorum is present.

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

The motion was agreed to.

**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 Senate to bills of the following titles:

H. R. 11444. An act 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.

H. R. 10029. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1926, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1573. An act for the relief of Samuel S. Weaver;

S. 2327. An act for the payment of claims for damages to and loss of private property incident to the training, practice, operations, or maintenance of the Army; and for other purposes.

H. R. 12367. An act for the relief of settlers and claimants to section 16, lands in the Au Sable and Vieux Desert Indian Reservation in Michigan, and for other purposes.

The message also related that the Senate had passed the following Senate concurrent resolution:

**Senate Concurrent Resolution 34**

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a joint congressional commission to be known as the "Joint Commission for the Investigation of the Postal System" to be composed of five Senators and five Members of the House of Representatives, to consist of the President of the Senate, and five Members elected by the House of Representatives for the Sixty-ninth Congress, to be appointed by the Speaker. The commission is authorized and directed to investigate all matters relating to the public domain and its administration, including the cession of the public lands to the States, grazing lands, forest reserves, and other reservations and lands withdrawn from entry. The commission shall elect a chairman from among its members, and vacancies occurring in the membership of the commission shall be filled in the same manner as the original appointment.

For the purpose of this resolution, the commission, or any subcommittee thereof, is authorized to hold hearings, sit and act at such places and times, to employ such experts and clerical, stenographic, and other assistants, to cause such maps to be prepared, to require by subpoena or otherwise the attendance of such witnesses, and to take testimony, to prepare and publish evidence, papers, and documents, to administer such oaths, and to take such testimony and to make such expenditures as the commission deems advisable. The cost of stenographic and telegraphic service to report such hearings shall not be in excess of $15 cents per 100 words. It shall be the duty of any governmental establishment, upon request by the commission, to cooperate with and render assistance to the commission in carrying out the provisions of this resolution. The expenses of the commission 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 vouchers properly approved. The commission shall make final report to the Congress as to its findings and such other reports as it may deem advisable, with recommendations for such legislation as it deems necessary. The commission shall not cease to exist upon the presentation of its final report but not prior thereto.

Attorn:

GEORGE A. BATHBROOK, Secretary.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4148. An act for the relief of Samuel Friedman, as trustee for the heirs and devisees of B. Friedman, deceased, and Henry Mills, as trustee for the heirs and devisees of Emanuel Loveman, deceased;

H. R. 5201. An act to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes;

H. R. 12360. An act to amend section 251 of the revenue act of 1924.

**Senate Bills Referred**

Under clause 2, Rule XXIV, Senate bill and Senate concurrent resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4264. An act authorizing the Secretary of War to convey certain parcels of the military reservation of the Presidio of San Francisco to the city and county of San Francisco for educational, art, exposition, and park purposes; to the Committee on Interior and Insular Affairs.

S. Con. Res. 34. Concurrent resolution providing for joint commission for investigation of the public domain; to the Committee on Rules.

**Enrolled Bills Signed**

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

H. R. 3266. An act for the relief of Mrs. M. J. Adams;

H. R. 3267. An act to repeal and reenact chapter 100, 1914, Public, No. 108, to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Ban-
Mr. ROSENBLUM, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 5822. An act granting to certain claimants the preference over other claimants for the appropriation of public lands situated in the City of New York, and for other purposes; and

H. R. 12192. An act to authorize the collection of game refuges on the Osage National Forest in the State of Arkansas; H. R. 11078. An act granting the consent of Congress to the exchange of land between the States of New York and Pennsylvania, for the construction of a bridge across the Allegheny River; H. R. 11705. An act to authorize the construction of a bridge across the Pend d'Oreille River at or near the Newport-Priest River Road crossing, Washington and Idaho; H. R. 9634. To provide for the creation, organization, administration, and maintenance of a Naval Reserve and a Marine Corps Reserve; and H. R. 9338. An act authorizing suits against the United States, in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes.

The SPEAKER. The Clerk will call the titles of the bills.

H. R. 11708. An act making appropriations for the Department of State and Justice and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1922, and for other purposes.

THE CONSENT CALENDAR

The Speaker. The Clerk will call the Consent Calendar. The first business on the Consent Calendar was the bill (S. 4015) to authorize the Secretary of the Interior to sell to the city of Los Angeles certain lands in California heretofore purchased by the Government for the relief of homeless Indians.

The Clerk read the title of the bill.

The Speaker. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized in his discretion to sell to and convey title on behalf of the United States of America, to the city of Los Angeles, certain lands in California heretofore purchased by the Government for the relief of homeless Indians, namely: Lot 55 of the Owens Valley Improvement Co.'s subdivision No. 1, as shown on a map filed in book No. 1, page 41, of the map records of Inyo County, containing approximately 16.63 acres; and the northerly 420 feet of lot 141 of the Owens Valley Improvement Co.'s subdivision No. 2, as shown on a map filed in book No. 1, page 42, of the map records of Inyo County, containing approximately 13 acres: Provided, That the consideration to be received for the lands shall be determined by the Secretary of the Interior and the amount for which the entire area may be sold shall not be less than the total cost of the lands and of the improvement on the lands made by the Government: Provided further, That the sum of $1,060.75 shall be segregated from the proceeds of this sale and deposited in the Treasury to the credit of the reimbursable appropriation by the act of May 24, 1922 (42 Stat. L. p. 590), for irrigation work on miscellaneous projects in district No. 4; Provided further, That the Secretary of the Interior be, and he is hereby, authorized to use the remainder of the proceeds, exclusive of the sum of $1,060.75 expended for irrigation improvements, to purchase other lands in California, with such improvements as may be appropriate thereto, for the relief of homeless Indians of that State, and the money when deposited in the Treasury shall be set apart and reserved for that purpose.

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

REIMBURSEMENT OF CERTAIN CIVILIAN EMPLOYEES

The next business on the Consent Calendar was the bill (H. R. 6723) to provide for reimbursement of certain civilian employees at the naval torpedo station, Newport, R. I., for the value of personal effects lost, damaged, or destroyed by fire.

The Clerk read the title of the bill.

The Speaker. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to reimburse civilian employees at the naval torpedo station, Newport, R. I., for the value of personal effects lost, damaged, or destroyed through the fire which occurred in the light-drill department of said station on February 20, 1923: Provided, That the expenditures herein authorized shall be paid from the unexpended balance of the appropriation "Pay, miscellaneous, 1923."

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

INSUANCE OF MEDALS OF HONOR, DISTINGUISHED SERVICE CROSSES, ETC.

The next business on the Consent Calendar was the bill (H. R. 10626) to extend the limitations of time upon the issuance of medals of honor, distinguished-service crosses, and distinguished-service medals to persons who served in the Army of the United States during the World War.

The Clerk read the title of the bill.

The Speaker. Is there objection?

Mr. Laguardia. Mr. Speaker, reserving the right to object, I would like to ask the gentleman reporting the bill if there is any particular reason why that should be extended to the line; I desire to point out to the gentleman that as time passes on friendships, connections, and all sort of factors enter into the awards of these medals, and I believe there should be a dead line sometime, somewhere.

Mr. Reece. Well, it was the idea of the committee that a dead line ought to be made at the expiration of five years.

Mr. Laguardia. Does not the gentleman believe that now, when it is seven years since the armistice, another year will give the War Department an opportunity? Would the gentleman accept such an amendment?

Mr. Reece. Yes. If the House thinks that is sufficient time, it will be agreeable to me.

Mr. Laguardia. I will offer an amendment at the proper time, if the House does not object.

The Speaker. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the eighth paragraph under the caption "Medals of honor, distinguished-service crosses, and distinguished-service medals," Army appropriation act approved July 9, 1918, to the extent that it establishes limitations of time as a condition of issuance or a condition precedent to issuance of such medals and the issuance thereof to persons on the active list of the officers and civilians who served in the Army of the United States from April 7, 1917, to November 11, 1918, inclusive, is amended so as to extend such respective limitations for a period of three years from and after the approval of this act.

Sec. 2. Proportional representation on the board of awards shall be given to all component parts of the Army of the United States.

Mr. Laguardia. Mr. Speaker, I have an amendment, to strike out "three" and insert "one."

The Speaker. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amendment offered by Mr. Laguardia: Page 2, line 2, strike out "three" and insert "one."

The Speaker. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. Dyer. Mr. Speaker, I offer an amendment at the end of line 10, on page 1.

The Speaker. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Dyer: Page 1, at the end of line 19, insert "or to any person otherwise entitled to receive it who distinguishes himself during the World War by exceptionally meritorious services rendered to the Government, and a civilian in a position of great responsibility."

Mr. Blanton. Mr. Speaker, I make a point of order against that. It is not germane to the purposes of the bill or of any paragraph in it.

The Speaker. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Dyer: Page 1, at the end of line 19, insert "or to any person otherwise entitled to receive it who distinguishes himself during the World War by exceptionally meritorious services rendered to the Government, and a civilian in a position of great responsibility."

Mr. Laguardia. Mr. Speaker, I move a point of order against that. It is not germane to the purposes of the bill or of any paragraph in it.

The Speaker. The gentleman from Missouri, the provision I have offered is contained in the original statute under which the medals were formerly issued, and this is only to extend the time of the
whole statute instead of a part of the statute. Service medals have been issued to civilians as well as to those who served in the Military Establishment, and while under the bill of the gentleman from Tennessee (Mr. REED) it limits it to all white men, this is to extend it to both, as the statute originally provided, and is satisfactory to the gentleman from Tennessee.

The SPEAKER. Is the original statute the same, both in words and in intent?

Mr. DYER. The original statute provided for the issuance of these service medals to all those who served in the Military Establishment and to those who had rendered distinguished service.

The SPEAKER. Is it in one section?

Mr. DYER. It is in the same section.

The SPEAKER. The Chair overrules the point of order. Mr. Dyer, I wish to be recognized in opposition to the amendment.

The SPEAKER. The gentleman from New York is recognized.

Mr. LaGUARDIA. Mr. Speaker, in the confusion and noise perhaps some gentlemen have not realized the purpose of the amendment offered by the gentleman from Missouri [Mr. DyER].

Under the statute the President is authorized to award distinguished-service crosses for conduct in action over and above the call of duty; also the distinguished-service medal, which is beyond the call of duty; also the distinguished-service medal, which is not meritorious, and for that reason I object.

Mr. ANDREW. Will the gentleman withdraw his objection long enough for me to make an explanation of the bill?

Mr. BLANTON. Mr. Speaker, the gentleman from Texas will withdraw his objection long enough for me to make an explanation of the bill.

The SPEAKER. Does the gentleman from Texas intend to object?

Mr. BLANTON. I do.

The SPEAKER. Then the Chair thinks the gentleman ought not to take up the time of the House. Mr. McSWAIN, I trust the gentleman from Texas will withdraw his objection long enough for me to make a statement which, I think, will appeal to his good judgment.

Mr. BLANTON. I have some of these accounts in my office which I know the gentleman himself would not approve.

Mr. DENISON. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is demanded.

Mr. BLANTON. I object, Mr. Speaker.

CURRENT AND CONTINGENT EXPENSES OF THE BUREAU OF INDIAN AFFAIRS

The next business on the Consent Calendar was the bill (H. R. 9369) to amend section 26 of an act entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1922."

Mr. CRAMTON. Mr. Speaker, because of the attitude of the department concerning this matter, I object.

Mr. JEFFERS. Will the gentleman from New York yield?

Mr. LaGUARDIA. I yield to the gentleman from Alabama.

Mr. DYER. Mr. Speaker, at the suggestion of the gentleman from Tennessee I am perfectly willing to withdraw the amendment.

The SPEAKER. The gentleman withdraws the amendment. The question is on the engrossment and third reading of the bill.

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

RELIEF OF PRISONERS IN THE NAVAL SERVICE DURING THE WAR EMERGENCY FROM CLAIMS FOR OVERPAYMENT

The next business on the Consent Calendar was the bill (H. R. 11923) to relieve persons in the naval service of the United States during the war emergency period from claims for overpayment at that time not involving fraud.

Mr. BLANTON. Mr. Speaker, reserving the right to object, this bill affects 100,000 accounts which have been passed upon by the Comptroller General adversely. Some of them are meritorious, but there are many of them involving large amounts, which are not meritorious, and for that reason I object.

Mr. ANDREW. Will the gentleman withhold his objection long enough for me to make an explanation of the bill?

Mr. BLANTON. I will withhold my objection if the gentleman wants to make a speech.

Mr. ANDREW. I do not want to make a speech, but I would like to make an explanation of the bill.

The SPEAKER. The present consideration of the bill?

Mr. BLANTON. I do.

The SPEAKER. Then the Chair thinks the gentleman ought not to take up the time of the House.

Mr. McSwAIN. I trust the gentleman from Texas will withdraw his objection long enough for me to make a statement which, I think, will appeal to his good judgment.

Mr. BLANTON. I have some of these accounts in my office which I know the gentleman himself would not approve.

Mr. DENISON. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is demanded.

Mr. BLANTON. I object, Mr. Speaker.

MEDAL COMMEMORATIVE OF THE NORSE-AMERICAN CENTENNIAL

The next business on the Consent Calendar was the bill (H. R. 12199) to authorize the Secretary of the Treasury to prepare a medal with appropriate emblems and inscriptions commemorative of the Norse-American Centennial.

Mr. KYALE. Mr. Speaker, I can give the gentleman information about the bill.

Mr. Begg. What does the Secretary say about it?

Mr. KYALE. The Secretary is very willing to have this bill pass. I will say to the gentleman.

The SPEAKER. Is there objection?

Mr. Begg. I shall not object, Mr. Speaker.

Mr. KYALE. Mr. Speaker, I ask unanimous consent to substitute Senate bill 4220. The gentleman from Minnesota asks unanimous consent to substitute a Senate bill. Is there objection?

There was no objection.
The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That a medal, not to exceed in number 40,000, with appropriate devices, emblems, and inscriptions commemorative of the arrival in the United States of the first shipload of Norse immigrants on board the sloop *Restoration*, which event is to be celebrated at the Norse-American Centennial on the Minnesota State Fair grounds June 9 to 9, 1925, inclusive, shall be prepared under the direction of the Treasury at the United States Mint at Philadelphia. The medals heretofore authorized shall be manufactured, subject to the provisions of section 52 of the coinage act of 1873, from suitable models to be supplied by the Norse-American Centennial (Inc.), so prepared shall be delivered at the Philadelphia Mint to a designated agent of said Norse-American Centennial (Inc.) upon payment of the cost thereof.

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

The SPEAKER. Without objection, a similar House bill will be held on the table.

There was no objection.

**Penalties for Violation of the Navigation Laws**

The next business on the Consent Calendar was the bill (S. 2399) to provide and adjust penalties for violation of the navigation laws, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That there be added at the end of section 4472, Revised Statutes, as amended, the provision: "That the owner of any automobile in which all fire has not been extinguished and the motors stopped immediately after the automobile has taken its position on any vessel or on navigable waters of the United States and in which such fires do not remain extinguished and the motors remain idle until the vessel is made fast to the wharf or ferry bridge at which she lands shall incur a penalty of not more than $500, for which the automobile shall be liable."

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

**Amendment to the Judicial Code**

The next business on the Consent Calendar was the bill (H. R. 57194) to amend the Judicial Code by adding a new section to be numbered 2741.

The Clerk read the title of the bill.

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

Mr. WINGO. Mr. Speaker, reserving the right to object, what is the general effect of this bill?

Mr. MONTAGUE. If the gentleman will permit, this is a bill to incorporate into the Federal procedure a practice adopted by some 12 States of the Union, by a great many foreign courts. The Great Britain for about 35 years, and Scotland for nearly 400 years, for the rendition of "declaratory judgments." It is intended to simplify, expedite, and economize Federal procedure by the exercise in the main of preventive remedies. It is to be put into operation by rules to be promulgated by the Supreme Court. It is a most wholesome and just procedure.

Mr. SABATH. And this has been recommended by the American Bar Association?

Mr. MONTAGUE. Yes.

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. MONTAGUE. Yes.

Mr. MOORE of Virginia. Does it apply only to procedure in the District courts?

Mr. MONTAGUE. It applies to Federal district courts and to the District of Columbia.

Mr. MOORE of Virginia. I mean, does it only apply to courts of original jurisdiction?

Mr. MONTAGUE. Yes.

The SPEAKER. Is there objection?

Mr. COLLINS. I object, Mr. Speaker.

Mr. GRAHAM. Will not the gentleman reserve his objection?

Mr. COLLINS. I will reserve it.

Mr. GRAHAM. I would like to say that this bill was approved by the American Bar Association. It received the approval of the Judiciary Committee, and I understand is good in the Department of Justice as well as by the courts. It comes to us thus recommended, and in addition I want to say to the gentleman that a bill similar to the provisions of this measure is in force in Scotland and has been for four centuries.

Mr. COLLINS. Mr. Speaker, I know what is in the bill, and I object.

**Bridge Across Rainy River, Minn.**

The next business on the Consent Calendar was the bill (H. R. 11702) granting the consent of Congress to the village of Spooner, Minn., to construct a bridge across the Rainy River.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the village of Spooner, in the county of Lake of the Woods, State of Minnesota, and its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Rainy River at a point suitable to the interests of navigation, between the village of Spooner, in the county of Lake of the Woods, State of Minnesota, and Rainy River, Ontario, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, such construction to be made only with the consent and approval of the Dominion of Canada.

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

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

**Bridge Across Sabine River Near Orange, Tex.**

The next business on the Consent Calendar was the bill (H. R. 11920) to authorize the construction of a bridge across the Sabine River at or near Orange, Tex.

The Clerk read the title of the bill.

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

There was no objection.

Mr. BOX. Mr. Speaker, I ask unanimous consent to substitute an identical Senate bill, S. 4087.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

*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 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 a 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 same the value thereof as determined by the court of competent jurisdiction thereto appointed in the 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 bill was ordered to be read a third time, was read the third time, and passed.

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

A similar House bill was laid on the table.

**Leasing of Restricted Indian Allotments Not Over 10 Years**

The next business on the Consent Calendar was the bill (H. R. 10983) providing for the leasing of restricted Indian allotments for a period not exceeding 10 years.

The Clerk read the title of the bill.

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

Mr. BEGG. I object, Mr. Speaker.

Mr. WILLIAMSON. Will the gentleman withhold his objection a moment?

Mr. BEGG. I withhold it.

Mr. WILLIAMSON. By the act of June 25, 1910, there was a lease passed which provided for a leasing period of five years. It has been found that that leasing period for all practical purposes can not be utilized upon the Indian reservations.
Mr. BEGG. That is the question that is causing the objection. Why is not a five-year period long enough for time for any man to lease for grazing?

Mr. WILLIAMSON. It is long enough to lease for grazing, but the purpose of this bill is to lease it for purely agricultural purposes and to get white people to break up the land and cultivate it and put improvements on it and put it in shape for the Indians.

Mr. BEGG. Then I am certainly against it. I object, Mr. Speaker.

INDIANS OF CALIFORNIA TO SUBMIT CLAIMS TO COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 12125) authorizing any tribe or band of Indians of California to submit claims to the Court of Claims.

The Clerk read the title of the bill.

Mr. RAKER. Mr. Speaker, reserving the right to object, I hold this bill.

Mr. FREE. I make the objection, Mr. Speaker.

Mr. SABATH. I reserve the right to object, Mr. Speaker.

TO AUTHORIZE THE CROW TRIBE OF INDIANS TO SUBMIT CLAIMS TO THE COURT OF CLAIMS

The next business on the Consent Calendar was the bill (H. R. 12125) authorizing the Crow Indians of Montana to submit claims to the Court of Claims.

The Clerk read the title of the bill.

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

Mr. SARATH. I reserve the right to object, Mr. Speaker.

Mr. FREE. I make the objection, Mr. Speaker.

APPROPRIATING MONEY TO PURCHASE LANDS FOR THE CHILLAM TRIBE OF INDIANS TO SUBMIT CLAIMS TO THE COURT OF WASHINGTON

The next business on the Consent Calendar was the bill (S. 1707) appropriating money to purchase lands for the Chillem Tribe of Indians in the State of Washington, and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

The next business on the Consent Calendar was the bill (S. 1707) appropriating money to purchase lands for the Chillem Tribe of Indians in the State of Washington, and for other purposes.

The Clerk read the following committee amendments:

Page 1, line 5, strike out "$400,000" and insert "$400,000."

Page 2, line 3, strike out the word "and."

Page 2, line 5, strike out "3/4" and insert "4."

Page 2, line 9, after the word "Interior," insert "And provided further, that the sum so appropriated shall be paid in such amounts as shall be deemed necessary, at the beginning of each fiscal year to the credit on the shares of any minor children of the Indian tribe, who shall be paid the same per capita to the minor children of the said tribe, with the consent of the said tribe."
When I felt compelled from a sense of duty and decency to file with the Department of Justice a report as to conditions in this judicial district involving the judge of the district court, it was not a pleasant task for me to do so. The Department of Justice, embraced in detail 33 specific charges of misconduct, and were duly sworn to by said attorney, under the following form of affidavit, viz:

T. A. Brown, United States Attorney.

The charges made by said United States attorney against the said lawyers, which he originally filed with the Department of Justice, embraced in detail 33 specific charges of misconduct, and were duly sworn to by said attorney, under the following form of affidavit, viz:

T. A. Brown, United States Attorney.

This State prohibition officer, Clayton, either told the truth or he did not. If he told the truth, Judge Baker ought to be removed from office. If he did not tell the truth, then Clayton should be prosecuted for false swearing. Clayton corroborated in every detail the sworn evidence of United States Attorney Brown.

Testimony of George L. Hannen

I quote excerpts from the testimony of Witness Hannen:

Mr. Schuck. Was it when that you quit work as Federal prohibition officer?

Mr. Hannen. On the last day of September, 1921.

Mr. Schuck. Previous to that time, I will ask you, if any liquor, any bonded liquor, had come into your charge as Federal prohibition agent in the northern district?

Mr. Hannen. I had bonded liquor.

Mr. Schuck. Shortly before that time that you quit your work as Federal prohibition officer, I will ask you if you had any bonded liquor in your charge; and if so, how much?

Mr. Hannen. Well, I had quite a lot of it; I think around 800 quarts.

Mr. Schuck. Eight hundred quarts?

Mr. Hannen. Yes.

Mr. Schuck. What was the kind of liquor that you had at that time, that composing those 800 quarts?

Mr. Hannen. Well, we had many different brands. We had Old Crow, McAlpin Bros., and Old Horsey liquor.

Mr. Schuck. Did you have any Overholt liquor?

Mr. Hannen. Yes, sir.

Mr. Schuck. And as such had charge of this liquor?

Mr. Hannen. Yes, sir.

Mr. Schuck. Just tell fully what became of the 800 quarts, so far as you know.

Mr. Hannen. I had an order of court to turn them over to the United States marshal, Mr. Smith.

Mr. Schuck. What do you mean by an order of court?

Mr. Hannen. It was an order issued at Martinsburg, dated September 27.

Mr. Schuck. By Judge Baker?

Mr. Hannen. By Judge Baker, and signed by Mr. Coffman, his clerk.

Mr. Schuck. Have you still got that order?

Mr. Hannen. Yes, sir.

Mr. Schuck. Where is it now?

Mr. Hannen. I think I have it here.

Mr. Schuck. Will you let us see it, please?

Mr. Hannen. This is it.

Mr. Schuck. How was this liquor packed or crated, if you know?

Mr. Hannen. That liquor was in suit cases, in grips, and many sacks, and boxes. There were, if I remember rightly, 10 cases that never had been broken, in piles. They were Old Chickencoop liquor that had never been opened. I had captured them just that way and stored them away.

Mr. Schuck. After the time that the liquor was surrendered, did you at any time see the liquor again?

Mr. Hannen. No, sir.

Mr. Schuck. By the way, who were the marshals, if you know, that came for the liquor; who got it?

Mr. Hannen. Mr. Adams—Howard Adams.

Mr. Schuck. You say that you saw the liquor subsequent to that; where was it?

Mr. Hannen. In the city of Clarksburg.

Mr. Schuck. How long was that after you had surrendered the liquor?

Mr. Hannen. I do not know. I had an office in that building and I came down one day out of the building, and there was Howard Adams and John Knouz with a lot of liquor.

Mr. Schuck. Both of them were United States deputy marshals?

Mr. Hannen. Yes, sir.

Mr. Schuck. Did you identify or recognize the liquor that you had turned over to them as being the same liquor you saw there?

Mr. Hannen. Yes; lots of the suitcases and grips were still there; sacks, boxes, and there were 8 or 10 of those grips. They were right there just like they had received them.

Mr. Schuck. Where had it been stored in the meantime, after you had delivered it up to the time you saw it, if you know?

Mr. Hannen. I do not know; they brought it out of the bank.
Mr. SCHUCK. Was there any necessity for holding or keeping that liquor?

Mr. HANSEN. I did not think so.

Mr. SCHUCK. Was there, so far as you know, any use for it in the trial of cases?

Mr. HANSEN. We had no use for it at all.

Mr. SCHUCK. They were going to take part of it to Elkins?

Mr. HANSEN. Yes, sir.

Mr. SCHUCK. Is that where Judge Baker was living at that time?

Mr. HANSEN. I presume he was.

Mr. SCHUCK. I will ask you whether there was any liquor that had been taken and held at Wheeling?

Mr. HANSEN. Yes, sir.

Mr. SCHUCK. How much was that?

Mr. HANSEN. Sixty-four quarts.

Mr. SCHUCK. I will ask you, Mr. Hennan, if you were present one night in the McClure Hotel during a term of court at Wheeling, I believe, in May, 1921?

Mr. HANSEN. Yes, sir.

Mr. SCHUCK. I will ask you if you saw Judge Baker and others there in the lobby of the hotel at that night?

Mr. HANSEN. Yes, sir.

Mr. SCHUCK. Who were there, that you saw, that were connected with the United States court?

Mr. HANSEN. There were Judge Baker; Mr. Coffman.

Mr. SCHUCK. The deputy marshal Wade Coffman?

Mr. HANSEN. Yes.

Mr. SCHUCK. You mean the clerk of the court?

Mr. HANSEN. The clerk of the court. And Mr. Barrett here, the deputy marshal.

Mr. SCHUCK. Who was at that time a deputy marshal?

Mr. HANSEN. He was deputy marshal; and myself. I do not remember any others.

Mr. SCHUCK. What occurred that night, if you know, with reference to the taking of any liquor upstairs in the hotel by any of those gentlemen?

Mr. HANSEN. We were sitting around the hotel lobby in different small groups that Judge Baker and Mr. Coffman left the lobby, walked out. I did not pay any attention to where he was going. They were not gone but a few minutes until Tom Joyce went out, and while he was gone Judge Baker and his clerk came in and went upstairs on the elevator. Young Mr. Barrett here and myself sat around a little while and after a few minutes we decided that we would go to bed and retire. We walked over to the elevator, but before we got there Tom Joyce had entered from the street, coming in this way (Illustrating). I do not know what street it is from, toward the post office, and he had a package under his arm. It was a big envelope, like the one the judge has here. It was perhaps that big and it had the appearance of looking like bottles—quart bottles. Of course, I could not see it; it was under his arm. When we got there and pushed the button to go up on the elevator, instead of Judge Joyce going up on the elevator with us, he stepped back, and we went up on the elevator, but he did not go on the elevator with us. I do not know where Mr. Barrett went, but I went to my room.

Mr. SCHUCK. What did you do the next morning about that?

Mr. HANSEN. I did not do anything about it.

Mr. SCHUCK. Did you do with reference to that?

Mr. HANSEN (interposing). Oh, yes; I went over to see Mr. Conrad.

Mr. SCHUCK. Who was Mr. Conrad?

Mr. HANSEN. He was the deputy clerk that had this 64 quarts.

Mr. SCHUCK. That was part of this 800 quarts you are talking about?

Mr. HANSEN. Yes; part of the 800. I said to him, "John, you let the marshal have 2 quarts of that liquor last night, didn't you?"

He said, "Yes, he came over and get a couple of quarts of it."

Mr. SCHUCK. Who did he say sent him for it?

Mr. HANSEN. He said Judge Baker wanted it.

Mr. SCHUCK. I will ask you if you saw Judge Baker on the bench the next morning?

Mr. HANSEN. Yes, sir.

Mr. SCHUCK. What did his appearance indicate to you?

Mr. HANSEN. Well, he looked like he had a little party, and he said what you mean by that?

Mr. HANSEN. He looked like he had been drinking.

Mr. SCHUCK. What were the indications that led you to that conclusion?

Mr. HANSEN. Well, his eyes were red and he looked just like a man that had had too much liquor.

Mr. SCHUCK. Did you smell any fumes of liquor on him at that time?

Mr. HANSEN. Yes, sir.

Mr. SCHUCK. What have you to say with reference to an occurrence at Clarksburg sometime previous to that, to a demand made on you for liquor for Judge Baker?

Mr. HANSEN. There was a man came to me and wanted 2 quarts of liquor for Judge Baker. I told him he could not get it.

Mr. SCHUCK. Who was that man?

Mr. HANSEN. It was the commissioner over there, Mr. A. L. Lohn.

Mr. SCHUCK. You mean the United States commissioner at that time?

Mr. HANSEN. I do not know whether he was commissioner at that time or not. I do not know whether he had left office or not; whether he had resigned or whether he was out.

Mr. SCHUCK. Were you in court at Clarksburg the next morning?

Mr. HANSEN. After he wanted the liquor?

Mr. SCHUCK. Yes.

Mr. HANSEN. Yes, sir.

Mr. SCHUCK. What took place there? Did the court open at the usual hour?

Mr. HANSEN. No, sir; we stood around waiting for Judge Baker quite a little bit. He came in about 11 o'clock or a little later.

Mr. SCHUCK. What was his condition at that time?

Mr. HANSEN. Well, he looked like he had had another party.

Mr. SCHUCK. Mr. Hansen, what do you mean by a party?

Mr. HANSEN. He looked like he had been drinking.

ABLE BRIEF FILED WITH COMMITTEE BY ATTORNEYS

I have not time now to quote other similar testimony from other witnesses, but after the subcommittee had taken 387 pages of testimony, most of the defensive evidence being of such a character that little probative force and effect may be given to same. Messrs. J. Bernard Haltland, Charles J. Schuck, H. O. Hiteshew, and Howard D. Matthews, as attorneys for United States Attorney Brown, complainant, filed with the Committee on the Judiciary an able brief, showing that action should be taken against Judge Baker to remove him from office. They called attention to the fact that from Judge Baker's own defense witness, whom Judge Baker called to the stand, Mr. Welch, it was proven that Judge Baker drank liquor while holding court. Quoting:

Mr. SCHUCK. Did you ever smell it out of court?

Mr. WELCH. I have smelled his breath at the office once, in the afternoon, when I thought he had had a drink, but I don't know.

Mr. SCHUCK. From what you smelled, you felt reasonably sure he had?

Mr. WELCH. Yes.

Mr. SCHUCK. Well, it smelled like other people's breath when they take a drink once in a while.

Mr. SCHUCK. And that was during the term of court, was it not?

Mr. WELCH. It was in this office over there.

Mr. SCHUCK. It was during a term of court, was it not?

Mr. WELCH. Yes, sir.

I quote further from this able brief the following:

Charles Sharp, a disinterested witness, testified that he saw Judge Baker drink in the McClure House in Wheeling during a term of court, in October, 1922, a former prohibition agent, testified to the same fact. A. T. Barrett, chief clerk in the office of the United States marshal, testified to the same fact. W. B. Pierce, a Federal prohibition agent, testified that he saw Judge Baker in the Waldo Hotel in Clarksburg, during a term of court, in April, 1924, under the influence of liquor. Charles J. Schuck, former special assistant in the United States attorney's office, Howard D. Matthews, former assistant in said office, neither of whom are any longer connected with that office, all testified to having seen Judge Baker under the influence of liquor, and with the odor of liquor upon his breath while in the discharge of his official duties, not to mention the testimony of other persons still connected with the office of the United States attorney.

It is inconceivable that all of these persons would deliberately swear falsely against Judge Baker. No fair-minded person can read this testimony without coming to the conclusion that Judge Baker has indulged in the use of intoxicating liquor since he has been on the bench in violation of the law and of the Constitution. Indeed he admits having drank in private homes. In the absence of proof that such liquor was possessed by the owners of said homes prior to the adoption of the eighteenth amendment, the presumption is that the liquor was possessed in violation of the law. (See sec. 36 of title 2, national prohibition act.)

We insist that Judge Baker has not put himself in a position to claim that he was justifiable, under the law, in the use of the intoxicating liquor which he admits he did use. If the liquor which he admitted to consuming in private homes was not in the lawful possession of his hosts, he not only violated the national prohibition act but he was guilty of being a party to a conspiracy to violate a Federal law. He has not cleared his side on this point, and in the absence of evidence showing that the liquor he consumed was legally in the possession of his hosts, he stands convicted by his own testimony.

The record as it now stands would justify a grand jury in
Mr. BOWLING. Mr. Speaker, in that connection I merely want to say that the charge that Judge Baker had anything to do with the consumption of liquor confiscated was abandoned by the prosecution and withdrawn on their own motion.

Mr. DYE: Mr. Speaker, I object.

Mr. RIEG. Mr. Speaker, I would like to know what officer was responsible for such a blunder.

Mr. GIBSON. Later, by act of Congress, an appropriation was made for its purchase.

Mr. RIEG. Under and by whose recommendation?

Mr. GIBSON. I can not say; but it was purchased under an act of Congress for $120,000. It has since been practically destroyed by a tropical storm. It is not now in use and there is no intention of using it.

Mr. RIEG. I would like to have it passed over, and I would like to find out something about it. What are they going to get for it?

Mr. GIBSON. It is sold to the highest bidder or bidders. The net proceeds of such sale shall be applied to defray the expenses of the operation of the hospital.

Mr. RIEG. Further reserving the right to object, at this same period of time there were others authorized, and now they are under authority to sell them. I shall object to this, because I think it is the best thing for us to do, but I hope the membership of the House will be more careful in appropriating for these things hereafter.

Mr. GIBSON. There is no objection.

Mr. Speaker, I ask unanimous consent for one minute on this proposition.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOWLING. Mr. Speaker, I ask unanimous consent for one minute on this proposition.

The SPEAKER. Is there objection?

There was no objection.

The next business on the Consent Calendar was the bill (S. 2100) authorizing the sale of the United States Veterans' Hospital at Corpus Christi, Tex.

The Clerk read the title to the bill.

The SPEAKER. Is there objection?

Mr. RIEG. Reserving the right to object, I would like to ask who purchased this veterans' hospital, when it was liable to be inundated and it never had a patient in it?

Mr. GIBSON. Answering to the gentleman, at the close of the war this hospital was taken over by way of lease by the Public Health Service.

Mr. RIEG. I would like to know what officer was responsible for such a blunder.

Mr. GIBSON. Later, by act of Congress, an appropriation was made for its purchase.

Mr. RIEG. Under and by whose recommendation?
The Clerk read the bill, as follows:

Resolution, etc., That the sum of $5,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams.

The Clerk read the title of the bill.

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

Mr. GARRETT. Not that I am aware of. We have taken notices of the burial places of former Presidents. We have just passed a resolution, which I think the President has signed within the last two or three days, in the matter of President Zachary Taylor.

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

Mr. ROBERTS. Mr. Speaker, the matter of precedents I cite to the gentleman that the same thing was done in the case of Thomas Jefferson, and $10,000 was appropriated in the case of John Tyler.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $5,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War in the erection of tablets or other form of memorials in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams.

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

RIDGE ACROSS THE HUDSON RIVER BETWEEN NEW YORK AND NEW JERSEY

The next business on the Consent Calendar was the bill (S. 877S) to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Hudson River between the States of New York and New Jersey.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. LaGUARDIA. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill if either the Legislature of the State of New York or the Legislature of the State of New Jersey has appropriated the initial expense to the port authority for the construction of any of these bridges?

Mr. PARKER. Mr. Speaker, in answer to the gentleman, I wish to state these are ordinary bridge bills in the ordinary form. The first step always in building a bridge over a navigable stream is to get the consent of the Congress to build a bridge. After that the money is raised, never before that I have ever known anything about. These bills are absolutely in the form that all bridge bills come before the House.

Mr. LaGUARDIA. The gentleman will recall a positive statement made on the floor of this House by the gentleman from New York [Mr. Mills] that the New Jersey Legislature had passed one house and within two days from the time he was speaking that the New Jersey Legislature could appropriate the initial expenses. Since that time I am informed that the State of New Jersey sent back one of those bills and no action has been taken by the New Jersey Legislature.
Mr. PARKER. In answer to the gentleman, I wish to state that all we are doing anywhere is granting to the Port Authority of New Jersey and New York the right to build a bridge; that is all we do, and we are not depriving anybody of any right whatsoever.

Mr. LA GUARDIA. How is that? The gentleman says we are not depriving anyone of their rights whatsoever?

Mr. PARKER. Absolutely.

Mr. LA GUARDIA. Is the gentleman willing to put the time at two years?

Mr. PARKER. The ordinary period is three years.

Mr. LA GUARDIA. The gentleman knows you can not compare this bridge bill that has ever been introduced in the history of the country.

Mr. PARKER. The gentleman wants me to confine it to two years or one year, but here is a project which entails an expenditure of probably $150,000,000.

Mr. LA GUARDIA. Exactly.

Mr. PARKER. And it is absolutely impossible to limit it to less than the specified time of three years. I do not desire to take up the time of the House; if the gentleman is going to object, let him object.

SEVERAL MEMBERS. Regular order!

The Speaker read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate a bridge and approaches thereto across the Hudson River, at a point suitable to the interests of navigation, and connecting a point between One hundred and forty-sixth Street and One hundred and eighty-fifth Street, borough of Manhattan, New York City, with a point approximately opposite thereto in the borough of Fort Lee, Bergen County, New Jersey, in accordance with the provisions of an act entitled “An act to regulate the construction of bridges over navigable waters,” approved March 23, 1906.

Sec. 2. Construction of the said bridge shall be commenced within three years and it shall be completed within seven years from the date of the passage of this act, and in default thereof the authority hereby granted shall cease and be null and void.

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

Mr. LA GUARDIA. Mr. Speaker, I offer the following amendment: Page 2, line 4, strike out the word “three” and insert the word “two”; and on that I would like to be heard.

The Speaker. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, strike out the word “three” and insert in lieu thereof the word “two.”

Mr. LA GUARDIA. Mr. Speaker and gentlemen, I ask for an audience and a hearing on my amendment. Gentlemen, this project can not be compared with the ordinary bridge bill that comes before us and passes as a matter of routine.

Mr. BEGG. If the gentleman yields?

Mr. LA GUARDIA. In just a moment. I will in a moment. This is a bridge which will span the Hudson River and will be the largest bridge in the world. A few days ago the gentleman from New York (Mr. MILLER) made the positive statement on the floor of the House that the New Jersey Legislature had already appropriated for the initial expenses for the construction of this bridge. I took issue with him at the time. To date the New Jersey Legislature has not appropriated one cent, and neither has the Legislature of the State of New York. Now, what you are doing is you will delay for three years the bridge by passing this bill instead of expediting its construction. I say that if the State of New Jersey and State of New York are really in earnest about construction of this bridge, that two years’ time is sufficient to grant the authority provided for in the bill before us now. There is no need of a three-year period. Gentlemen, I can understand your attitude, because you are not familiar with the local situation surrounding the so-called port authority.

Mr. WATKINS. Will the gentleman yield?

Mr. LA GUARDIA. There has not been one cent appropriated to date for construction purposes, and all they will do with this authority is to peddle it on the market as they have peddled the Shore Line Railroad, even before we authorized it. In all good faith, in all good faith, I say that two years’ time granted to both Legislatures of the States of New Jersey and New York is sufficiently to start this project.

Mr. BEGG. The question I wanted to ask the gentleman is, Why is not this bridge project entitled to three years if every other large project gets three years?

Mr. LA GUARDIA. Because, I say to the gentleman, the time is ripe now to build this bridge and that the personnel of this agency that we are selecting is simply playing with it; they may have neither the ability nor the requirements to build this bridge or any other bridge.

Mr. BEGG. I will say to the gentleman that that is to be fought out in the States and not in a legislative tribunal like Congress.

Mr. LA GUARDIA. You gentlemen should be willing to at least hear the facts from the Representatives in the locality. I hope the amendment will be accepted.

Mr. PARKER. Mr. Speaker, I simply want to make a plain statement: That the whole delegation from New York State and the delegation from New Jersey are in favor of this proposition with the exception of the gentleman from New York (Mr. LA GUARDIA).

The Speaker. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Speaker. The question is on the third reading of the bill.

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

Mr. KING. Mr. Speaker, I make the point of order that there is no quorum present.

The Speaker. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will now look to the Clerk.

[After consultation.] A quorum is present. The Clerk will report the next bill.

Bridges across Arthur Kill between New York and New Jersey

The next business on the Consent Calendar was the bill (S. 4170) to authorize the Port of New York Authority to construct, maintain, and operate bridges across the Arthur Kill between the States of New York and New Jersey.

The title of the bill was read.

The Speaker. Is there objection to the present consideration of this bill?

There was no objection.

The Speaker. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate two bridges and approaches thereto across Arthur Kill, one of said bridges to be located at a point suitable to the interests of navigation in or near Perth Amboy on the New Jersey side and Tottenville on the New York side, and the other to be located at a point suitable to the interests of navigation in or near Elizabeth on the New Jersey side and Howland Hook, Staten Island, on the New York side, in accordance with the provisions of an act entitled “An act to regulate the construction of bridges over navigable waters,” approved March 23, 1906.

Sec. 2. Construction of the said bridges shall be commenced within three years and they shall be completed within six years from the date of the passage of this act, and in default thereof the authority hereby granted shall cease and be null and void.

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

The Speaker. The question is on the third reading of the bill.

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

Bridge across the Kill Van Kull

The next business on the Consent Calendar was the bill (S. 4203) to authorize the Port of New York Authority to construct, maintain, and operate a bridge across the Kill Van Kull between the States of New York and New Jersey.

The title of the bill was read.

The Speaker. Is there objection to the present consideration of this bill?

There was no objection.

The Speaker. The Clerk will report the bill.
The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Port of New York Authority to construct, maintain, and operate a bridge and approaches thereto across the Kill Van Kull, at a point suitable to the interests of navigation, at or near Bayonne, on the New Jersey side, and on the New York side, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 29, 1906.

Sec. 2. The title of the bill was read. There was no objection.

Amend the title so as to read: "A bill granting the consent of Congress for the construction, maintenance, and operation of a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn."

Mr. DENISON. Mr. Speaker, there was so much confusion that I did not hear the title of the bill read. If the Clerk is now reading No. 735 on the Consent Calendar, 1 desire to ask unanimous consent that the bill be laid on the table.

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

There was no objection.

"An act to regulate the construction of bridges across navigable waters," approved March 29, 1906: Provided, That it shall be optional with the owners of said bridge as to whether the same is constructed to be provided for street railways.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

The Clerk will report the next bill.

The next business on the Consent Calendar was the bill (H. R. 11818) granting the consent of Congress to the construction of a bridge over the Rio Grande, at a point in the city of El Paso, in the state of Texas, and in the city of Ciudad Juarez, in the Republic of Mexico, to be constructed as a lift bridge or pivot drawbridge, from Belknap Street, on the New Mexico side, to the city of El Paso, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 29, 1906.

Sec. 2. The cities of Duluth, Minn., and Superior, Wis., may jointly, or either to and/or with the consent of the other, at any time after 10 years after the completion of said bridge, purchase the same. The purchase price shall be the reasonable value of said bridge, including approaches, right of way, and accessory works. In such value the bridge shall be considered as having the license to continue, but such license or franchise shall not be considered to have a value of exceeding $1,000, and nothing shall be allowed for going concern value. The item of cost of financing the construction shall be considered, but it is not intended that any specific sum of money theretofore expended must be applied to the purchase price otherwise determined. Such value shall be determined by such board of arbitration as may be selected by the corporation and said cities, and in the event of disagreement, then upon request of either the bridge company or the cities by the Secretary of War. When such determination is made it shall be filed with the city clerks of the respective cities of Duluth, Minn., and Superior, Wis. The said bridge company shall file with the Secretary of War the city clerks of the cities of Duluth and Superior within six months after the completion of said bridge and works an accurate report, verified by its treasurer, of the expenditures made by the company in such construction and purchase of right of way and accessory works. The cost of financing construction and purchase shall be paid out of the Treasury of the United States. The Secretary of War and the city clerks of such cities within said time after the expenditure thereof, verified report of any additional improvements afterwards made thereon. The books of said company shall be open to audit by either city at any time upon demand of proper officials.

In the event of any incumbrances upon said bridge property, the amount thereof, with accrued interest, but not to exceed the purchase price, shall be first paid direct to the owners or holders thereof and applied upon the purchase price: Provided, That if the amount of such incumbrances exceeds the purchase price, then the payment of such purchase price to the owners or holders of such encumbrances shall fully extinguish the same, and shall be paid in order of their priority of lien.

Upon payment of said purchase price, within four months after the filing with said city clerks of the determination thereof, the said Twin Ports Bridge Co., its successors and assigns, shall execute and deliver a conveyance of said bridge to the purchaser or purchasers and assign all rights and grants hereunder. The limitation herein as to the four months shall not bar subsequent purchase under the provisions of this act.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

The Clerk will report the next bill.

The next business on the Consent Calendar was the bill (H. J. Res. 336) to provide for the expenses of delegates south of the town of Tornillo, of the United States to the Pan American Congress to be held in Mexico, to be provided for out of the treasury of the United States, and the same shall be expended in Mexico.

Sec. 2. The title of the bill was read. There was no objection.

"An act to provide for the expenses of delegates south of the town of Tornillo, of the United States to the Pan American Congress to be held in Mexico, to be provided for out of the treasury of the United States, and the same shall be expended in Mexico," approved March 29, 1906: Provided, That the consent of Congress is hereby granted to the Twin Ports Bridge Co., a Wisconsin corporation, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto, across the St. Louis River, between the city of Superior, Wis., and the city of Duluth, Minn., said bridge to be constructed as a lift bridge or pivot drawbridge, from Belknap Street, on the New Jersey side, and on the New York side, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 29, 1906.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

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

The Clerk will report the next bill.

The next business on the Consent Calendar was the bill (H. R. 735) granting the consent of Congress to the construction of a bridge across the St. Louis River between the cities of Superior, Wis., and Duluth, Minn.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The title of the bill was read. There was no objection.

"An act to provide for the expenses of delegates south of the town of Tornillo, of the United States to the Pan American Congress to be held in Mexico, to be provided for out of the treasury of the United States, and the same shall be expended in Mexico," approved March 29, 1906: Provided, That the consent of Congress is hereby granted to the Twin Ports Bridge Co., a Wisconsin corporation, its successors and assigns, to construct, maintain, and operate a bridge and approaches thereto, across the St. Louis River, between the city of Superior, Wis., and the city of Duluth, Minn., said bridge to be constructed as a lift bridge or pivot drawbridge, from Belknap Street, on the New Jersey side, and on the New York side, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 29, 1906.

Sec. 2. The cities of Duluth, Minn., and Superior, Wis., may jointly, or either to and/or with the consent of the other, at any time after 10 years after the completion of said bridge, purchase the same. The purchase price shall be the reasonable value of said bridge, including approaches, right of way, and accessory works. In such value the bridge shall be considered as having the license to continue, but such license or franchise shall not be considered to have a value of exceeding $1,000, and nothing shall be allowed for going concern value. The item of cost of financing the construction shall be considered, but it is not intended that any specific sum of money theretofore expended must be applied to the purchase price otherwise determined. Such value shall be determined by such board of arbitration as may be selected by the corporation and said cities, and in the event of disagreement, then upon request of either the bridge company or the cities by the Secretary of War. When such determination is made it shall be filed with the city clerks of the respective cities of Duluth, Minn., and Superior, Wis. The said bridge company shall file with the Secretary of War the city clerks of the cities of Duluth and Superior within six months after the completion of said bridge and works an accurate report, verified by its treasurer, of the expenditures made by the company in such construction and purchase of right of way and accessory works. The cost of financing construction and purchase shall be paid out of the Treasury of the United States. The Secretary of War and the city clerks of such cities within said time after the expenditure thereof, verified report of any additional improvements afterwards made thereon. The books of said company shall be open to audit by either city at any time upon demand of proper officials.

In the event of any incumbrances upon said bridge property, the amount thereof, with accrued interest, but not to exceed the purchase price, shall be first paid direct to the owners or holders thereof and applied upon the purchase price: Provided, That if the amount of such incumbrances exceeds the purchase price, then the payment of such purchase price to the owners or holders of such encumbrances shall fully extinguish the same, and shall be paid in order of their priority of lien.

Upon payment of said purchase price, within four months after the filing with said city clerks of the determination thereof, the said Twin Ports Bridge Co., its successors and assigns, shall execute and deliver a conveyance of said bridge to the purchaser or purchasers and assign all rights and grants hereunder. The limitation herein as to the four months shall not bar subsequent purchase under the provisions of this act.

Sec. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.
The next business on the Consent Calendar was the bill (H. R. 12123) to fix the salaries of officers and employees of the United States Department 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. The title of the bill was read.

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

Mr. BLANTON. Mr. Moore of Virginia, and Mr. Lozier objected.

Mr. GRAHAM. I hope the gentlemen will withhold their objection.

Mr. BLANTON. Five or six of us will object.

The SPEAKER. The Chair thinks it is a great injustice to the employees of the Supreme Court of the District of Columbia.

Mr. BLANTON. We have abandoned all hope of cutting down taxes for the taxpayers of the United States unless we can stop some of these bills from passing.

Mr. GRAHAM. That statement is just about as reliable as the statements that the gentleman usually makes.

Mr. BLANTON. And that statement of the gentleman is just about as reliable as the bills he reports and the statements he usually makes.

The SPEAKER. Objection is made.

ADDITIONAL JUDGE IN THE DISTRICT OF MARYLAND

The next business on the Consent Calendar was the bill (H. R. 5089) to create an additional Judge in the District of Maryland.

The Clerk read the title of the bill.

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

Mr. BLANTON, Mr. MOREHEAD, and Mr. ALLEN objected.

Mr. HILL of Maryland. Mr. Speaker, I ask the gentlemen to reserve their objection for just a moment.

Mr. BLANTON. We are unalterably opposed to the bill.

Mr. HILL of Maryland. I want to call the gentleman's attention to the fact that this bill is unanimously reported favorably by the Judiciary Committee, both Democrats and Republicans. I ask the gentlemen to give us a chance to have the bill brought up for a vote.

Mr. SPEAKER. Is there objection?

Mr. SUMNERS of Texas. Mr. Speaker, I shall also have to object.

PAYMENT OF CLAIMS ARISING OUT OF THE OCCUPATION OF VERA CRUZ, MEXICO

The next business on the Consent Calendar was the bill (S. 2560) authorizing an appropriation for the payment of claims arising out of the occupation of Vera Cruz, Mexico, by American forces in 1914.

The Clerk read the title of the bill.

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

Mr. KING, Mr. BLANTON, and Mr. MOREHEAD objected.

PUBLIC BUILDING IN BECATE, ALA.

The next business on the Consent Calendar was the bill (H. R. 374) to increase the limit of cost of public building at Decatur, Ala.

The Clerk read the title of the bill.

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

Mr. BEGG, Mr. LOZIER, and Mr. LEAVITT objected.

The next business on the Consent Calendar was the bill (H. R. 4548) to authorize the Secretary of War to repossess and immediately discharge or retire certain warrant officers of the Army Mine Planter Service.

The Clerk read the title of the bill.

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

Mr. BLANTON, Mr. MOREHEAD, and Mr. KING objected.

Discharge or Retirement of Certain Warrant Officers of the Army Mine Planter Service

The next business on the Consent Calendar was the bill (H. R. 294) to authorize the Secretary of War to repossess and immediately discharge or retire certain warrant officers of the Army Mine Planter Service.

The Clerk read the title of the bill.
gentleman from California [Mr. Finkel] objected, be returned to the gentleman from California having withdrawn his objection. Is there objection?

There was no objection.

The SPEAKER. Is there objection to the bill last reported?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the action of the War Department in directing the issue and the issuance of quartermaster stores out of the Reserve stores for the field service of the Army of a value not exceeding $100 of the relief of sufferers from cyclone in northwest Mississippi in March, 1923, is approved; and credit for all such supplies so issued shall be allowed in the settlement of the accounts of the officers of the Army.

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

POSTHUMOUS APPOINTMENT TO COMMISSIONED GRADES OF CERTAIN ENLISTED MEN

The next business on the Consent Calendar was Senate Joint Resolution 124, to provide for the posthumous appointment to commissioned grades of certain enlisted men and the posthumous appointment to commissioned grade of certain commissioned officers.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

Mr. WAINWRIGHT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the resolution for some explanation of it.

Mr. WAINWRIGHT. Mr. Speaker, this resolution has a purely sentimental object. It will require the expenditure of no public moneys. Its purpose is simply to authorize the Secretary of War to issue an appropriate commission to the dependents of these men.

Mr. HUDDLESTON. May I ask the gentleman a question? Will it affect the compensation to be paid to any of the dependents of the deceased?

Mr. WAINWRIGHT. Not at all. I call the gentleman's attention to the last paragraph of the bill, where it is provided that the enactment of this measure shall entitle no one to a bonus, gratuity, or any public moneys.

Mr. HUDDLESTON. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the President be, and he hereby is, authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, had been duly appointed to a commissioned grade or in the case of commissioned officers who had been recommended for promotion but died before actually receiving their commission, if the case of enlisted men who were not commissioned grade or for whose services was not appointed to a commissioned grade, or who after having successfully completed the course at a school for officers and had been recommended for appointment to a commissioned grade by the officer commanding or in charge of such school by reason of his death in line of duty; and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission, from the date of such appointment to the date of his death.

SEC. 2. That the President be, and he hereby is, authorized to issue, or cause to be issued, an appropriate commission in the name of any person who, while in the military service of the United States during the war between the United States and Germany and Austria-Hungary, had been duly appointed to a commissioned grade or in the case of commissioned officers who had been recommended for promotion but died before actually receiving their commission, or for whose services was not appointed to a commissioned grade, or who after having successfully completed the course at a training school for officers and had been recommended for appointment to a commissioned grade by the officer commanding or in charge of such school by reason of his death in line of duty; and any such person's name shall be carried upon the records of the War Department as of the grade and branch of the service to which he would have been promoted by such commission, from the date of such appointment to the date of his death.

The Committee amendments were agreed to.

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

APPROVED FRED-ENERGY GENERATOR

The next business on the Consent Calendar was the joint resolution (H. J. Res. 190) to amend section 3 of the joint resolution entitled "Joint resolution for the purpose of promoting efficiency, for the utilization of the resources and industries of the United States, and for other purposes," approved February 8, 1918.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection?

Mr. BLANTON, Mr. MOREHEAD, and Mr. MERRITT objected.

approach roads to national cemeteries and national military parks

The next business on the Consent Calendar was the bill (S. 2745) to authorize the Secretary of War to convey to the States in which located Government owned or controlled approach roads to national cemeteries and national military parks, and for other purposes.

The Clerk read the title of the bill.

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

Mr. BEGG. Mr. Speaker, reserving the right to object, I would like to have a little information about this. Why is this necessary?

Mr. HILL of Alabama. This simply saves the Federal Government spending money in the maintenance of these roads that are not used entirely for these parks.

Mr. BEGG. Where is this expected to be done?

Mr. HILL of Alabama. The Secretary of War did not state in his letter. You will find that last year this appropriation $30,000 for a road of this kind in Mississippi. Some of these roads are used for general purposes much more than for cemeteries from ingress or egress to these military parks and cemeteries. Lots of them are parts of State highways and National highways, and this is to save the Government this money in maintenance.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized in his discretion, subject to such conditions as may seem proper, to convey to the States, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled approach road to any national cemetery or national military park; Provided, That prior to the delivery of any conveyance under this act the State, county, or municipality to which the conveyance herein authorized is to be made,
shall notify the Secretary of War in writing of its willingness to accept and maintain the road or roads included in such conveyance:

Provided further, That upon the acceptance and delivery of any conveyance herein authorized, the jurisdiction of the United States of America over the lands comprised of the easement to the United States of America over the roads conveyed, shall thereby cease and determine and shall thereafter vest and be in the particular State in which such roads are located.

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

APPPOINTMENT OF A LEADER FOR THE ARMY BAND

The next business on the Consent Calendar was the bill (H. R. 11725) to provide for the appointment of a leader of the Army band.

The Clerk read the title of the bill.

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

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to substitute the bill (S. 3824) which is similar to the House bill.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the Senate bill as follows:

If enacted, etc., That the Secretary of War is hereby authorized to appoint a warrant officer of the Regular Army leader of the Army band, who, while holding such appointment, shall receive, in lieu of any and all pay and allowances as warrant officer, the base pay and the pay and allowances of a warrant officer of the Regular Army in the third year of service, and shall be entitled to longevity pay provided for an officer for each three years of service under such appointment plus any previous active commissioned service under a Federal appointment which the officer may have bad, but shall not be entitled to pass to a higher pay period.

The leader of the Army band may be relieved from his appointment as such and returned to his former status at the discretion of the Secretary of War. Upon retirement he shall be paid as a warrant officer and shall receive the retired pay to which he would have been entitled had he not been appointed and received the pay and allowances of leader of the Army band: Provided, That no back pay or allowances shall be allowed to the leader of the Army band by reason of the passage of this act; and further, That nothing contained in this act shall operate to increase the authorized number of commissioned officers or warrant officers of the Regular Army, nor to decrease the number of warrant officers authorized by law.

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

A similar House bill was laid on the table.

RELIEF OF PERSONS IN MILITARY SERVICE OF THE UNITED STATES DURING WAR EMERGENCY FROM CLAIMS FOR OVERPAYMENT NOT PROVING FALSE

The next business on the Consent Calendar was the bill (H. R. 11923) to relieve persons in the military service of the United States during the war emergency period from claims for overpayment at that time not involving fraud.

The Clerk read the title of the bill.

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

Mr. BLANTON, Mr. HUDDLESTON, and Mr. BRIGGS objected.

WILD LIFE AND FISH REFUGE ON THE UPPER MISSISSIPPI RIVER

The next business on the consent calendar was the joint resolution (H. J. Res. 315) to amend section 10 of the act entitled "An act to establish the upper Mississippi River wild life and fish refuge."

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SCHNEIDER, Mr. HUDDLESTON, and Mr. SCHAFER objected.

PROVIDING FOR THE EXTENSION OF PAYMENT ON HOMESTEAD ENTRIES, FORT PECK INDIAN RESERVATION

The next business on the Consent Calendar was the bill (H. R. 11762) to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, Sixth and for other purposes.

The Clerk read the title of the bill.

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

There was no objection.
Mr. HUDDLESTON. Mr. Speaker, I am constrained to object. The SPEAKER. Objection is heard. The Clerk will report the next bill.

MEMORIAL TO AVIATORS KILLED IN WORLD WAR

The next business on the Consent Calendar was the joint resolution (S. J. Res. 107) authorizing the erection of the statue to the memory of General Benjamin Franklin Butler, in the city of Washington, D. C., of a memorial to all those who gave their lives to their country in the aviation service of the Army and Navy and Marine Corps in the World War.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. BLANTON, Mr. LOZIER, and Mr. HILL of Maryland objected.

CREATION OF A LIBRARY OF CONGRESS TRUST FUND BOARD

The next business on the Consent Calendar was the bill (H. R. 12125) to create a Library of Congress trust fund board, and for other purposes.

The Clerk read the title.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill and committee amendments.

The Speaker said: I want to say a word on these committee amendments for the benefit of the other body that is to pass on this bill. Let it be understood that it is important, because there has been a donation of $100,000 made to the Library of Congress by Mr. Longfellow, no trust to be created unless this bill passes. We can take charge of that donation. It is a very important bill, and I hope both Houses will consent to pass it.

Mr. LUCE. Mr. Speaker, I ask unanimous consent that the Senate bill be substituted for the House bill.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the Senate bill be substituted for the House bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That a board is hereby created and established, to be known as the Library of Congress trust fund board (hereinafter referred to as the board), which shall consist of the Secretary of the Treasury, the chairman of the Joint Committee on the Library, the Librarian of Congress, and two persons appointed by the President for a term of five years each (the first appointments being for three and five years, respectively). Three members of the board shall constitute a quorum for the transaction of business, and the board shall have an official seal, which shall be judicially noticed. The board may adopt rules and regulations in regard to its procedure and the conduct of its business.

No compensation shall be paid to the members of the board for their services, but the expenses necessarily incurred by them out of the income from the fund or funds in connection with which such expenses are incurred. The chairman of the board shall be sufficient evidence that the expenses have been reasonably allowable. Any expenses of the board, including the cost of its seal, not properly chargeable to the income of any trust fund held by it, shall be estimated for in the annual estimates of the Librarian for the maintenance of the Library of Congress.

The board is hereby authorized to accept, receive, hold, and administer such gifts or bequests of personal property for the benefit of, or in connection with, the Library, its collections, or its service, as may be approved by the board and by the Joint Committee on the Library.

The moneys or securities composing the trust funds given or bequeathed to the board shall be invested, reinvested, or retained by the board in such manner and in accordance with such regulations as the Librarian may from time to time prescribe; Provided, however, That the board is not authorized to engage in any business or to exercise any voting privileges in its hands but shall have the power to invest any trust funds which it may make any investments directly authorized by the instrument of gift, and may make the other investments described by it.

Should any gift or bequest so provide, the board may deposit the principal sum, in cash, with the Treasurer of the United States as a permanent loan to the United States Treasury, and the Treasurer shall thereafter credit such deposit with interest at the rate of 4 per cent per annum, payable semiannually, such interest, as income, being subject to disbursement by the Librarian of Congress for the purposes specified: Provided, however, That the total of such principal sums at any time as held by the Treasurer under this authorization shall not exceed the sum of $5,000,000.

Sec. 2. The board shall have perpetual succession, with all the usual powers and obligations of a trustee, except as herein limited, in the management of all property, moneys, or securities retained by it, and shall be conveyed, transferred, assigned, bequeathed, delivered, or paid over to it for the purposes above specified. The board may be sued in the Supreme Court of the District of Columbia, which is hereby given jurisdiction of such suits, for the purpose of enforcing the provisions of any trust accepted by it.

Sec. 3. Nothing in this act shall be construed as prohibiting or restricting the Librarian of Congress from accepting in the name of the United States gifts of moneys or securities for immediate disbursement in the interest of the Library, its collections, or its service. Such gifts or bequests, after acceptance by the librarian, shall be paid by the Librarian or his representative to the Treasurer of the United States, whose receipts shall be their acquittance. The Treasurer of the United States shall enter them in a special account to the credit of the Library of Congress and subject to disbursement by the Librarian for the purposes in such cases specified.

Sec. 4. Gifts or bequests to or for the benefit of the Library of Congress, including those to the board, and the income therefrom, shall be exempt from all Federal taxes.

The employees of the Library of Congress who perform special functions for the performance of which funds have been contributed to the board or the Librarian, or in connection with cooperative undertakings, in which the Library of Congress is engaged, shall not be subject to the provisions of the act

Neither the provision of any appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, approved March 3, 1917, in Title Ninth at Large, at page 1106, nor shall any additional compensation so paid to such employees be construed as a double salary under the provisions of section 6 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1917, as amended (39 Stat. L. p. 582).

Sec. 5. The board shall submit to the Congress an annual report of the moneys or securities received and held by it and of its operations.

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

RELIEF OF PERSONS IN THE MILITARY SERVICE OF UNITED STATES DURING WAR EMERGENCY PERIOD

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent that Calendar No. 749, to relieve persons in the military service of the United States during the war emergency period from claims of overpayment of mortgage may be placed back on the calendar, one of the Members who objected having withdrawn his objection.

Mr. BRIGGS. Mr. Speaker, I withdraw my objection.

Mr. HUDDLESTON. I object to the bill being returned.

The SPEAKER. Objection is heard.

EXTENDING WAR FRAUD CASES

The next business on the Consent Calendar was the bill (R.S. 2013) to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, and an act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922.

The Clerk read the title of the bill.

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

Mr. WINGO. Mr. Speaker, reserving the right to object, the Department of Justice has agreed to accept an amendment of one year, which I understand the gentleman from Pennsylvania is going to offer.

Mr. GRAHAM. Mr. Speaker, that is correct.

Mr. WINGO. With that amendment there is no objection to the bill on this side of the House.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the last proviso of section 51 of the Judicial Code, as amended by the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, is amended to read as follows: "Provided further, That this act shall be effective for a period of six years after September 19, 1922, after the expiration of the term of three years for which it was existing in the present law shall be and remain in full force and effect.

Sec. 2. That the last paragraph of the act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922, is amended to read as follows:
EXCHANGE OF LANDS IN CUSTER NATIONAL FOREST, MONT.

The next business on the Consent Calendar was the bill (S. 3666) for the exchange of lands in the Custer National Forest, Mont. The Clerk read the title of the bill.

Mr. GRAHAM. Mr. Speaker, I offer the following amendment which I have prepared to be added to the bill.

The Clerk read as follows:

Amendment offered by Mr. GRAHAM: Page 1, line 7, strike out the word "six" and insert in lieu thereof the word "four".

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

There was no objection.

The Clerk read the bill, as follows:

The Clerk read the amendment, which the Clerk will report.

The amendment consists of a bill which has already passed the House.

The SPEAKER. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, after line 4, add the following as a new section:

That the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, as amended by the national defense act of June 4, 1920, be further amended by inserting after the words "per cent," in line 27 of section 24 thereof, the following: "Provided, That any officer so appointed, who has been or may hereafter be retired for physical disability incident to the service, under the provisions of section 1231, Revised Statutes, shall receive, from the date of such retirement, retired pay at the rate of 75 per cent of his active pay at the time of such retirement: Provided, That no officer shall be retired for any cause unless the Secretary of War shall certify in writing that such officer is unable to render effective service in any branch or division of the Military Establishment."

Mr. REECE. Mr. Speaker, I offer the following amendment, which I send to the desk, to be added as a new section to the bill. The amendment consists of a bill which has already passed the House.

The SPEAKER. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

The amendment consists of a bill which has already passed the House.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to substitute for the House bill the Senate bill No. 2865, an identical bill.

The SPEAKER. The gentleman from Georgia asks unanimous consent to substitute an identical Senate bill. Is there objection?

There was no objection.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to strike out the word "substitute" from the title of the bill, as amended.

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

There was no objection.

The Clerk read the bill, as follows:

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

STATUS OF CERTAIN RETIRED OFFICERS, UNITED STATES ARMY

The next business on the Consent Calendar was the bill (H. R. 11546) to define the status of retired officers of the Regular Army who have been or may be detailed as professors and assistant professors of military sciences and tactics at educational institutions.

The Clerk read the title of the bill.

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

There was no objection.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent to substitute for the House bill the Senate bill No. 2865, an identical bill.

The SPEAKER. The gentleman from Georgia asks unanimous consent to substitute an identical Senate bill. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

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

The bill H. R. 11546, a similar bill, was ordered to be added as a new section to the bill. The bill was ordered to be read a third time, was read the third time, and passed.
agreed to recommend and do recommend to their respective Houses as follows:

The House recede from its amendment numbered 12.

The House recede from its disagreement to the amendments of the Senate numbered 1, 4, 6, 7, 8, 9, 13, 14, and 15, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: On page 7 of the bill, strike out "$20,880" and insert in lieu thereof "$26,880" and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: On page 372 of the bill, strike out "$90,000," and insert in lieu of the matter inserted by said amendment the following: "$90,000, of which not to exceed $7,000 shall be available for printing the report of the American Historical Association and the Senate agree to the same.

The committee of conference have not agreed upon the following amendments of the Senate:

On No. 2, relating to the detail to the Civil Service Commission of one part-time employee in New York City.

On No. 5, relating to the amendment of paragraph 6 of section 1 of the interstate commerce act, making it unlawful for any carrier to charge or collect a surcharge for accommodations in parlor or sleeping cars.

On No. 11, relating to the participation of members of the Senate in any proceeding before that commission in which he or any member of his family has any special, direct, and pecuniary interest.

WILL R. WOOD, EDWARD H. WASON, JOHN N. SANDBIN, Managers on the part of the House.

Mr. WOOD. Mr. Speaker, I move the adoption of the conference report.

Mr. Oldfield. Mr. Speaker, before that is done I have a question or two I want to ask the gentleman from Indiana. I notice on page 20 of the bill amendment No. 11 is with regard to the Tariff Commission. Do the lines from 6 to 13, inclusive, represent what the conferences have agreed upon?

Mr. WOOD. That is an amendment which was brought back to the House.

Mr. Oldfield. Does the gentleman expect to move to concur in amendment No. 11?

Mr. WOOD. Yes, with an amendment.

Mr. Oldfield. I want to concur in it without an amendment.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk reads as follows:

Page 2, line 17, after the figures "$330,000," add the following: "Except for one person detailed for part-time duty in the district office at New York City, no details from any executive department or government establishment in the District of Columbia or elsewhere to the commission's central office in Washington or to any of its district offices shall be made during the fiscal year ending June 30, 1929; but this shall not affect the making of details for service as members of boards of examiners outside the immediate offices of the district secretaries. The Civil Service Commission shall have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office or field force."

Mr. WOOD. Mr. Speaker, I move to recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk reads as follows:

Page 29, amendment No. 5: After line 6 insert:

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

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

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment, No. 5.

Mr. BARKLEY. Mr. Speaker, I make a preferential motion. I move that the House proceed to the consideration of the amendment.

Mr. WOOD. Mr. Speaker, I move to divide the question.

The SPEAKER. Without objection a division is made. The gentleman from Indiana is recognized.

Mr. Oldfield. How about time?

Mr. WOOD. I would like to agree upon time. Now is the time for us to agree upon time for discussing this proposition.

Mr. Sandlin. What time would the gentleman suggest?

Mr. WOOD. I have been conversing with gentlemen both for and against the proposition, and the demand for time will come about three hours. I ask unanimous consent that the debate upon this proposition be limited to three hours.

Mr. Sandlin. How divided?
Mr. WOOD. One-half to be controlled by the gentleman from Louisiana and to be divided by him between those who are for and against, and the other half to be controlled by myself on this side, and be divided between those who are for and against equally.

Mr. SANDLIN. Equally divided?

Mr. WOOD. Yes.

Mr. SANDBERGER. I am satisfied.

The SPEAKER. The gentleman from Indiana asks unanimous consent that there be three hours of debate on this motion, that the time be divided, half to be controlled by the gentleman from Indiana and half by the gentleman from Louisiana, and half to be divided equally between those for and against. Is there objection?

Mr. WINO. Mr. Speaker, reserving the right to object, what is the necessity at this time when it is so obvious that there should be three hours debate on this proposition? It will not change a vote and every man in the House knows now how he will vote upon this proposition.

Mr. WOOD. So far as I am concerned I am willing to vote now. [Call of "Vote!"]

The SPEAKER. Is there objection? [After a pause. The Chair hears none.]

Mr. WOOD. I yield 10 minutes to the gentleman from Kansas.

Mr. BEEDY. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. BEEDY. I do not understand, and I do not think the House understood what the question is on which we are to vote.

The SPEAKER. The vote is on the question of receding from the House disagreement.

The SPEAKER. And the proposition to divide the proposition for three hours was abandoned?

The SPEAKER. No; that motion will come at the end of three hours.

Mr. HILL of Maryland. The question was divided?

The SPEAKER. Yes. The motion is simply to recede first.

Mr. CHINNADIAN. A parliamentary inquiry? Is this debate of three hours only on the question of receding?

The SPEAKER. It will be on the whole question.

Mr. WOOD. I yield 10 minutes to the gentleman from Kansas.

Mr. BEEDY. Is a motion in order at this time to proceed to vote on the conference report?

The SPEAKER. The House has just agreed to debate the question for three hours.

Mr. BEEDY. The House was in a position to agree to vote without wanting three hours.

The SPEAKER. That was suggested, but the House agreed to the three hours' debate unanimously.

Mr. BEEDY. I move to reconsider the vote.

The SPEAKER. The Chair does not think the gentleman can make that motion. The House agrees to the motion unanimously.

Mr. BEEDY. Then I ask unanimous consent—

Mr. BLANTON. I object.

The SPEAKER. The gentleman from Kansas is recognized for 10 minutes.

Mr. HOCH. Mr. Speaker and gentlemen of the House, I appreciate the mood of the House and if you will give me your attention I will endeavor in a very few words to set out what seems to me to be the primary issues involved in this case. I shall take no time to refer to the criticisms which have been spoken in reference to the committee, for all committees are criticized at times, sometimes justly, and sometimes unjustly, and I believe that any man who will take the trouble to look into the facts will conclude that the criticism in this case is unjust. I want to devote myself entirely to the merits of this proposition. I want to state, in the first place, that there seems to be a considerable misapprehension in reference to when this surcharge was imposed. I have heard it frequently referred to as a tax put on during the war. Now, it is true that there was a tax put on during the war, but this present surcharge has no relation to that tax and nothing to do with it. That tax was during the war for six months and removed during the war. This surcharge was put on by the Interstate Commerce Commission in 1920.

Mr. STEPHENS. Will the gentleman yield?

Mr. HOCH. Let me make my statement and then I will yield. In 1920 the commission had before it the whole matter of revenues, affecting the railroads, and in the proceeding, which is known as Ex parte 74, or Increased rates, 1920, the commission determined upon a number of rate increases. In proceeding this commission increased the freight on the country a 20 per cent on the whole country—from 1 to 3.5 cents—which is still the rate there, the country. In that same proceeding the commission increased by a flat horizontal increase of all of the freight charges on the country a 3 per cent in some sections of the country to 40 per cent in other sections of the country.

In that same proceeding there was an increase of certain commodity rates, and in that very same proceeding the commission imposed, as a part of this general rate increase, this so-called surcharge upon passengers riding in Pullman cars. And so we have before us not a tax question, but we have simply a rate question.

Now, my friends, it seems to me to have two primary questions presented to us here upon which we are called to act. I have not the time to go into the various technical phases of this question, but I will say in passing that it is a very technical question, and other men here will perhaps go into the various technical phases of the matter.

But I think the issues before us as a legislative body to-day are comparatively simple. They are two, namely, first, Is it wise for the Congress to enter upon a policy of direct, specific, railroad rate making? That is the fundamental question presented to us. The second question is this: If we are, as a legislative body, to enter upon a direct rate making, would we want, if we had the whole matter before us, to go into these increases made in 1920 and give from $35,000,000 or $40,000,000 relief to those people who ride in Pullman cars and give not a dollar of relief to anybody else who is burdened by freight or other rates in this country? In my opinion, there can only be one answer to both questions.

Now, it has been said that this is not a rate-making measure.

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield?

Mr. HOCH. In a moment I will yield, if I have time. It is claimed that it is not a rate-making question. There is nothing in the hearing before the Interstate Commerce Commission to justify any such conclusion. When this extra rate, which amounts to about 10 per cent of the basic passenger fare, was imposed in 1920 the commission considered it a rate question, and always considered it to be a rate question. The Interstate Commerce Commission recently decided, after more than a year's investigation into this highly technical question, against at this time removing this surcharge. It is a simple rate question.

Now, let us consider very seriously what it would mean for us to embark upon a policy of specific rate making. Here we have set up a great commission to deal with the whole technical subject. There is more complex situation before the Congress in this matter. That commission is provided with facilities and expert help to go into a question of that sort. But here it is proposed, without those facilities and without that hearing, that Congress shall make an invasion upon the power of others, and make a sole reduction for the benefit of people who travel in Pullman cars. If we embark upon that sort of policy, we can not consistently say to any other dissatisfied interest which may be dissatisfied with some other decision of the Interstate Commerce Commission or with any existing rates, we can not say to them when they come to us, "No; that is a matter for the Interstate Commerce Commission to determine." And if we establish the policy here proposed, we will have my friends, railroad rate making not based upon facts, not based upon judicial hearings, but rate making based upon propaganda and politics. Do we propose, my friends, to enter upon that course?

Mr. CONNALLY of Texas. Mr. Speaker, will the gentleman yield there?

Mr. HOCH. Not quite yet. So much for my first proposition. The second proposition is assuming that we are to enter upon a rate-making policy by direct legislation, is it the desire of this Congress that we should proceed in this manner with such a profit as the people in Pullman cars? Every man that I speak to now knows, and especially my colleagues from the section of country from which I come know, of the burden of freight rates. You say, "This can be done without interfering with the general revision of freight rates." Gentlemen, we can not deceive ourselves about that. Can anyone contend that we can take from $35,000,000 to $40,000,000 from the railroads without affecting freight problems before the commission?
We have now before the Interstate Commerce Commission, for instance, nearing its conclusion, a hearing upon the living-
stock rates. We took time to tell you about the deplorable condition of the livestock industry, where the
freight burden is unusually heavy. Its freight burden should be lessened. The need is urgent. Suppose we were to take
$40,000,000 off the revenues of the railroads to-day, now impose upon people who travel in Pullman cars.

Mr. CONNALLY of Texas. Mr. Speaker, may I interrupt the
gentleman now?

Mr. HOCH. Right-on moment.

We may very well have a situation where the Interstate Commerce Commission would say, “We might have been able to
reverse the decision, as it were, of the Interstate Commerce Commission in this case, but Congress has entered this field and taken away $35,000,000 to $40,000,000 from the railroads, and we very greatly regret the fact that we
cannot grant relief to the livestock industry.”

Mr. HOCH. I will ask the question that. If we take
$40,000,000 of revenue away from the railroads and give it all to Pullman travelers, we shall have inevitably postponed and
lessened relief to the livestock and other farm interests.

[Applause.]

The railroads can stand a reduction of $40,000,000, then let us give it to those classes who are in most urgent need of a reduction, and not give it all to the favored few who ride in Pullman cars. [Applause.]

The SPEAKER. The time of the gentleman from Kansas has expired.

Mr. SANDLIN. Mr. Speaker, I yield 45 minutes to the
gentleman from Kentucky [Mr. BARKEY].

Mr. BARKEY. Mr. Speaker, I do not want to use all of
that time myself, but I am to have control of it. I yield five
minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. The conference report on the Independent
commissioners’ bill for 1926 asks the House to reject the Senate amendment relating to the amendment of paragraph
4, section 1, interstate commerce act, making it unlawful for
any carrier to charge or collect a surcharge for accommoda-
tions in parlor or sleeping cars. The House must squarely
vote on the question whether we want the Pullman surcharge of 50 per cent on Pullman rates, which the Pullman Co.
collects and turns back to the railroads, to remain in effect or
whether we want it repealed. The words of the amendment
are as follows:

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

This matter was previously considered by the Interstate Commerce Commission (No. 14765, in the matter of charges
on passenger traveling in sleeping and parlor cars; submitted November 24, 1924; decided January 26, 1925). The commis-
sion by a peculiar vote of its 11 members sustained the surcharge. Five voted to sustain, four voted to repeal, and two
decided that the charge was unjustified to the extent of one-half the amount. It really is a verdict against the surcharge to the extent of one-half. Technically it is a majority opinion by the commission, and not disturbing the present arrangement.

The decision is most unjust to both sides. It resolves itself into a stalemate. The matter is now up to Congress, therefore, as a sort of appellate court where we shall either affirm or reverse the decision, as it were, of the Interstate Commerce Commission.

1. It is argued by the gentleman from Kansas [Mr. HOCH] and others that if Congress sustains this appeal Congress will then be going into the business of making railroad rates. I am argued that we created the Interstate Commerce Commission with administrative and judicial powers to go into all the facts and make a definite statement and a definite report. The time during which the commission was there to do this was given by Congress.

2. It is a question of fixing a policy or principle, in pursuance of which the commission shall hereafter act. The amendment states that the Interstate Commerce Commission shall no longer have the authority to superimpose upon an established rate any additional charge of a per mile for Pullman service.

Furthermore, this surcharge is really a tax and not a rate. The idea of this supercharge harks back to the time of the
war in 1918 when the Director General of Railroads (see opinion of Interstate Commerce Commissioners) had to make
the matter of the applications of carriers in official, southern, and western classification territories for authority to increase rates, 1920, vol. 58, I. C. C. Reports, p. 241) on June 10, 1918, charged a tax of one-half a cent per mile for Pullman service.

The primary purpose of the Director General in setting this tax was to discourage travel. The purpose was to make riding on Pullman cars prohibitive because of the tax. All possible car space was to be used for mobilization purposes. Because of the howl and hue and cry all over the country the tax was repealed on December 1, 1918, after less than six months' duration.

This tax was never heard of again until 1929 when the rail-
roads made their general application for increased rates on practically all the kinds of service. Hearings were thereupon held and were about terminated when the Railroad Labor Board issued its order increasing railroad labor costs over $1 billion of dollars. The railroads then talked the Interstate Commerce Commission into imposing a tax or surcharge of one per cent of the cost of Pullman service, which charge or tax was to be collected by the Pullman Co. and turned over to the railroads. There were no exhaustive hearings on this proposition. There were little or no deliberation.

The Interstate Commerce Commission had to find a source of revenue and permitted the reimstitution of this Pullman surtax. It was to be of temporary expediency. (See opinion of Interstate Commerce Commission ex parte 74, in the matter of increased rates, vol. 58, I. C. C. Reports, p. 245.) Ordinarily when the commission fixes a rate for milk or for railroad-mail pay or for express or for any other service it definitely assigns or allocates to that part of the service the expenses reasonably incident to that service. There was no such application of expense incident to the Pullman surcharge.

We are not, therefore, engaging upon an enterprise of fixing a rate; we are, more properly speaking, engaged in repealing a tax imposed temporarily, because of conditions which no longer obtain. It is interesting in this connection to note that from 1920 to 1924 the operating revenues of the carriers increased something like $151,000,000, while during the same period the gross operating expenses decreased something like $900,000,000. It is undeniable that the Pullman surtax was imposed primarily because of increase in wages granted by the labor board.

If there had been no decrease in railroad wages, or in any other ex-

dences making up the gross expenses of operating the roads, there might be some weight to the contention that the carriers need this revenue to meet the increases still in effect. But since the decision of the labor board in 1920, the same board, through its various deci-
sions, has brought about a reduction in railroad labor wages of ap-
proximately $57,000,000, or more than the increase granted in 1920 upon which this surcharge and other increased rates were based.

The SPEAKER. The time of the gentleman from New
York has expired.

Mr. BARKEY. Mr. Speaker, I yield the gentleman five
minutes more.

Mr. CELLER. I thank the gentleman.

Mr. HUDSFITH. Will the gentleman yield for a brief question?

Mr. CELLER. Yes. Mr. HUDSFITH. What per cent of this surcharge, or of the $40,000,000, do the railroads get? I want to get that clear.

Mr. CELLER. All of it; they get all of it.

The Interstate Commerce Commission in its decision, at-
tached Appendix B, wherein it is conclusively shown that of the $37,400,000 raised by surtax in 1923 more than half thereof, or $19,081,564, went to those four railroad companies earning over 5 per cent on their book values. I herewith insert this appendix:
Mr. WELLER. Is the gentleman familiar with the provision of the Interstate Commerce act which provides that the commission shall have the same latitude and freedom of adjusting any particular rate which it may find to be unjust or unreasonable and to prescribe different rates for different sections of the country?

Mr. CELLER. I am very familiar with that provision, but what of it?

In a great many instances the smaller roads in their contracts with the Pullman Co. are compelled to pay 6 per cent. The Pullman Co. before the Pullman Co. will allow the said smaller roads the use of the Pullman cars. In such cases the surcharge or a good portion of it does not go to the railroad company, but remains in the Pullman Co.

The whole purpose of the surcharge in such instances is practically defeated. It is true that a number of the railroad companies have made disadvantageous contracts with the Pullman Co., and, therefore, in order to recoup the losses sustained as a result of unprofitable contracts, agitate against the repeal of this surcharge. There are all manners and kinds of contracts and arrangements existing between the Pullman Co. and the various railroads. For example, the Baltimore & Ohio Railroad in 1922 received no revenue from the Pullman Co., whereas in 1923 it received less than $500 per car per annum. In the chief competitor, the Pennsylvania Railroad, received for each of those years $75 per car per annum. For the discrepancy is found in the fact that the Baltimore & Ohio had a much less favorable contract than its formidable competitors, the Pennsylvania Railroad.

It is earnestly felt by the Interstate Commerce Commission insist upon greater uniformity in the contracts between the Pullman Co. and the railroads. There is no good reason why, for example, the Southern Pacific should only participate in the Pullman earnings after the earnings average $7,250 per car per annum, whereas on the Santa Fe there is no participation by the railroad until the average exceeds $9,000 per car per annum.

3. Under the provisions of the Interstate Commerce Commission there is the United States each year under the "recapture clause" one-half of the net railroad operating income in excess of 6 per cent. In a publication known as the "Recapture Clause," printed by the Senate, Sixty-eighth Congress, second session, there is contained a communication by Doctor Lorenz, statistician of the Interstate Commerce Commission, addressed to the chairman of the Interstate Commerce Commission, dated December 19, 1924, which indicates the following figures as estimates of the amount of earnings subject to recapture by the Government:

<table>
<thead>
<tr>
<th>Year</th>
<th>Recapture Amount</th>
</tr>
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<tbody>
<tr>
<td>1920</td>
<td>$5,662,000</td>
</tr>
<tr>
<td>1921</td>
<td>$1,509,000</td>
</tr>
<tr>
<td>1922</td>
<td>$2,069,000</td>
</tr>
<tr>
<td>1923</td>
<td>$8,066,000</td>
</tr>
</tbody>
</table>

The figures for 1924, which are not included in this communication, are about $37,600,000.

If we would make a total of $105,068,000 for the entire period 1920 to 1924, inclusive, subject to recapture. This $105,068,000 is but half of the net railroad operating income in excess of 6 per cent for class 1 railroads. The full amount in excess would be twice that sum, or $210,136,000. During that same period the same railroads received $185,000,000 as Pullman surcharges (using $37,600,000 as average per annum). Thus, if there had been no such surcharge these same railroads would have probably earned as net railroad operating income in excess of 6 per cent the difference between $210,136,000 and $185,000,000. Surely the roads therefore would not need this surcharge since the net railroad operating income in excess of 6 per cent that was over $25,000,000 beyond the total amount of the surcharge.

It is passing strange that the proponents of this surtax are using arguments appealing to class bias. Usually the owners whoes and complain bitterly when class bias is directed against them. The railroads argue that only the wealthy use Pullman service. They can well afford to pay the extra charge. Since when did the consumer Keeler, statistician, Lorenz, and Commissioner Campbell of the Interstate Commerce Commission, that in addition the above railroads receive from the Pullman Co. approximately $12,000,000 for the services the Pullman Co. renders them. Thus as poor roads that do not need this surcharge receive not only $18,080,564 as their share out of the surcharge fund, but also $12,000,000 more per annum.

Mr. WELLER. Will the gentleman yield?

Mr. CELLER. Yes.
Farmers, merchants, and thousands of commercial travelers—all of whom are in the main far from opulent—must travel at through-travel rates in Pullman sleepers in their various callings and for a myriad of purposes.

Yesterday I received a communication from the Railroad Owners’ Association’s executive committee, stating in part, as follows:

According to our reports 75 per cent of the Pullman receipts of the Delaware & Hudson Railroad are derived from the week-end Montreal traffic, in which place thousands of wealthy Americans are accustomed to spend one or two days each week in order that they may enjoy relaxation from the restrictions of the prohibition law.

I call this spurious argument. It is also brazenly off-hand. It is the old and the avowed prohibitionists in Congress. Is it not astounding, though, to contend that because a few journey on Pullmans to the land where the Wurzburger flows that the many thousands of users of Pullman service must be taxed. I wonder how many railroad officials and owners of railroad securities make the periodic legira to Canada to get their eye and catch and other delectable refreshments. It is interesting to note that recently the private car of a railroad vice president was seized in New York because it contained a quantity of contraband liquor.

5. If the Pullman rates are insufficient in amount let a separate rate be made by the commission for their transportation. Nobody would complain at that. It is, however, a rank subterfuge to charge the passenger his regular railroad transportation and then his regular Pullman fare and then supplementary charges for an additional 40 per cent of the amount of the Pullman fare. In 1920 the regular transportation rate was increased from three cents to 3.6. The Pullman fare was increased 20 cents. Now in addition you make the passenger pay 50 per cent of his Pullman fare which had heretofore been increased 20 per cent. In other words he pays his 50 per cent surcharge not only on the normal Pullman fare but also on the Pullman increase. Furthermore it is said that Pullman riders ride ten times as far as ordinary passengers and it is also estimated that 40 per cent of the regular passenger fares are paid also by the Pullman riders. They, therefore, deserve better treatment than they receive.

In conclusion let me quote from the opinion of Commissioner Campbell in his dissent from the majority opinion in the case before the Interstate Commerce Commission.

Although it is shown that, as compared with coach traffic, there is little or no reason to justify the surcharge either from the standpoint of revenue or operating expense, there are additional reasons why in my judgment it should be discontinued. These are as follows: (1) Because it accrues principally to those roads which are receiving relatively the heaviest divisions of the Pullman charges proper; (2) because a large part of the $37,000,000 collected in 1928 accrued to lines which earned in excess of the return contemplated by the Interstate Commerce Commission; (3) because the surcharge against passengers using principally the lanes of travel of greatest traffic density, when, under the system of making passenger fares in this country, a practically uniform fare is charged for both the sparse and dense lanes of travel; and (4) because it is illegal to permit railroads to collect a separate charge for an alleged extra service, which is not shown to exist, the regular fare being collected for the transportation of the passenger and the Pullman fare for the extra conveniences afforded.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentle- man from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker, the effect of the adoption of the amendment which is now before the House for consideration would be to reduce $100,000,000 of the annual net revenue of the railroads of the country. This would affect not only the roads which are making the standard return of 6 per cent, but it would also affect the less prosperous roads which are not now making the standard return. While this is an important question which is involved in the consideration of this amendment, yet to my mind there is another question involved which is of greater importance. It is the question as to whether or not in the future to come the power of Government regulation of railroad rate making is to be exercised by the Interstate Commerce Commission, who have nothing whatever to do with it, or to Congress itself before acting, and with a knowledge gained by long experience to guide them, or is Government regulation of railroad rate making to be exercised by direct action of Congress, which is not in any way qualified for it by the difficult and intricate problem of railroad rate making.

Again, it is important in connection, to consider what will be the effect on the public if Congress passes legislation of this character. There are many different classes in the country groups in our country to-day which maintain that the railroad rates which they have to pay are too high. They would like to secure reductions. Of course, if Congress passes a law denying the passenger to the passenger rate making which I must confess Congress knows very little about.

Congress has delegated the rate-making power to the Inter- state Commerce Commission. This is clearly revealed by the fact that not only have the duties and responsibilities of that commission been specifically increased from time to time, but also the tenure of office has been lengthened and the member- ship has been increased. To-day the commission represents an expert and experienced body of men equipped with facilities for investigation, for carrying on hearings, and for a thorough analysis of facts and details with respect to the many complicated questions that are now referred to.

A brief outline of their activities will reveal clearly the importance and the complexity of the economic problems which they face. Among the chief problems which the commission has to handle are the following:

1. The questions relating to the liquidation of Government operation of railroads.
2. The problems involved in the consolidation of railroads into systems, the coordination of railroad rates, division of joint rates, control of extensions, and abandonments of line.
3. The problem of maintaining reasonable rates, adequate services, establishing property standards, and supervising the practice with respect to these questions.
4. The problems involved in contingent activities, such as the valuation of railroad property, the authorization of seasonal, special, and extraordinary issues, the standardization of receipts, accounts, and analysis of statistics, and the making of special investigations as special problems arise.
5. The promotion of safety of employees, passengers, and property.

It would appear that Congress has wisely left more and more to the discretion and judgment of this experienced and informed administrative body. This is particularly true with regard to rate adjustments. In the complicated rate system of the country it is not possible to select and isolate a single rate and deal with it without disturbing a great part, if not the entire, rate system of the country. Rate adjustments to-day demand a comprehensive survey of rates and economic conditions as they exist throughout the country. Congress has neither the facilities, the accumulated and organized information, the time to make the surveys and many other sections required for a wise and sound solution of rate problems.

Since Congress has determined the guiding principles under which the commission is to determine just and reasonable rates, it would certainly be most demoralizing to that adminis- trative body if Congress should overrule a decision of the com- mission, which had been arrived at after thorough and long-continued investigation and which had been made in accordance with the guiding principles established by Congress.

Again, it has been recognized that the determination of an individual rate by an act of legislature would practically result in a "feebleting" that rate into the rate system of the entire territory. Direct legislative action, with respect to rates, means an inflexible and frozen rate system.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentle- man from Wisconsin [Mr. UNDERWOOD],

Mr. UNDERWOOD of Wisconsin. Mr. Speaker, the effect of the amendment of which I speak is this: it would have the effect of increasing the rate of railroad transportation in this country by not more than 10 per cent and would therefore have the effect of increasing the cost of transportation.

As I have said before, I am opposed to any attempt on the part of Congress to make an attempt to legislate with respect to rates.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentle- man from Ohio [Mr. COOPER].

Mr. COOPER of Ohio. Mr. Speaker, there is another question involved which is of greater importance. It is the question as to whether or not in the future to come the power of Government regulation of railroad rate making is to be exercised by the Interstate Commerce Commission, who have nothing whatever to do with it, or to Congress itself before acting, and with a knowledge gained by long experience to guide them, or is Government regulation of railroad rate making to be exercised by direct action of Congress, which is not in any way qualified for it by the difficult and intricate problem of railroad rate making.
upon the difficult and intricate problem of railroad rate making. Therefore I can not support this amendment, which proposes to withdraw the surcharge on Pullman fares or anything else.

We are in this situation, gentlemen: The Interstate Commerce Commission has failed to function. Only 5 of the 11 members of the commission have in this decision that the surcharge on Pullman fares is proper.

Mr. BURTNESS. Will the gentleman yield now?

Mr. OLDFIELD. Four of them said it was improper and refused to function on this proposition.

Mr. BURTNESS. Will the gentleman yield now?

Mr. OLDFIELD. I can not yield. I have only five minutes.

I think the Congress made a mistake in 1920 when they wrote the transportation act. I think the railroads themselves had made a mistake in the surcharge act that went into effect at the same time and elsewhere, and that they have now a powerful lobby throughout this country trying to defeat this proposition. They are having everybody telegraphed to. They are appointing people as railroad directors here, railroad presidents and general managers, and they are telling everybody they can see to see the chambers of commerce as well as some of the leaders of the farm organizations.

The gentleman from Kansas [Mr. HOCH] says if you do this there will be no chance to get any reduction in freight rates. If you leave it to the Committee on Interstate and Foreign Commerce of this House, of which Mr. HOCH is a member, you will never get any reduction, and if you leave it to the Interstate Commerce Commission you will never get any sort of reduction, and everybody in this House knows it, so why talk about that kind of "boob."

I tell the gentleman from Kansas [Mr. TREUCHS] say the other day, "Oh, wait until they operate under the Hoch resolution. Hoch resolution! My goodness, the Hoch resolution does not do anything but authorize the Interstate Commerce Commission to do now what they already have the right and the power to do.

Thirty-seven million dollars will be lost to the railroads, $20,000,000 of which is not needed by the railroads that lose it. There is no question about that. Interstate Commerce Commissioner Campbell was sent by the Interstate Commerce Commission all over the country to make this investigation. He took his experts and went to the various railroads, and went all over the country, made a thorough investigation, and he came back and reported to the Interstate Commerce Commission they did not back him up and they have had a dog fall. They do not even have a majority against repealing the surcharge.

As to $17,000,000 out of this $37,000,000, Mr. Campbell, in his decision, here states that that amount is largely gobbled rate making find themselves in grave doubt as to what they are doing it in a scientific way, and adopted the surcharge on Pullman passengers and instructing the Pullman Co. to give it back to the railroads.

One of the errors that has been placed in the report of the Commission, as was also shown in a letter that came out from a corporation in the District of Columbia, whose sole purpose is to spread propaganda at the proper time, when railroad is under consideration, says that the passenger traffic of the railroads is Pullman passengers. The fact is that the fare paid and the miles traveled is 30 per cent if 63 to 4 per cent.

I was talking yesterday to one of the commissioners of the Interstate Commerce Commission, and he told me that in 1922, when they had up the question of the reduction of freight rates, the railroads came before the Senate with the same idea of Congress. They do not want to have the railroads lose what they could make by increase in the volume of business to make up for the revenue they lost. I told him that the record shows that the income to the railroads has been vastly more than they have before.

Mr. HAWES. Will the gentleman put the name of that commissioner in the Record?

Mr. MCLAUGHLIN of Nebraska. It was Mr. Cox. At the last session of Congress we passed a bill requiring the railroads to issue interchangeable mileage books for the convenience of busy passengers. That was a mandate of Congress. Have they done it? No. They fought it, as they fight every effort of Congress or the commission or everybody else to get a reduction in cost or an increased service.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. MCLAUGHLIN of Nebraska. Yes, Mr. Speaker.

Mr. NEWTON of Minnesota. Did not the Supreme Court of the United States sustain them in their suit?

Mr. MCLAUGHLIN of Nebraska. Oh, yes; probably as Congress may do in this case, my colleagues say that there has been such a large number of letters and telegrams coming from organizations of various kinds for the past few days that some of those who were very strongly in favor of repealing the surcharge, who were against the principle of rate making, find themselves in grave doubt as to what they are going to do. I began to get telegrams after the hasty hearing was called on this subject a few days ago from organizations, chambers of commerce, and bankers, and I wrote back to them telling them why I was in favor of a repeal of the surcharge. I stated to them that undoubtedly they had been making a study of it and that they could likely give me information; that maybe I was wrong and they could set me right. One of my friends wrote back and said that the railroad station agent of the railroad he represents hated this surcharge and that if you remove this $37,000,000, enough by increase in the volume of business to make up for the revenue they lost. He told me that the record shows that the income to the railroads has been vastly more than they have before.

Mr. WOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Nebraska [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN of Nebraska. Mr. Speaker and gentlemen of the House, as has been stated before, the chief contention of those who are opposed to the recommendation of this surcharge is, first, that it might lead Congress into the field of rate making, and secondly that the furnishing of the money $0,000 to $40,000,000 income from the carriers you will have to put it on somewhere else and that it will be impossible for you to get a reduction of freight rates on that account.

Another of the errors that has been placed in the report of the Interstate Commerce Commission is that if you make any change in the Esch-Cummins Act you will have to deal with the Pullman Co. and the railroad companies, and in the meantime you will be one or two changes and invariably when the answer came they said they knew nothing about it, that a representative of the railroad had gone through the town, and asked them as a personal favor to send the letter or telegram.
As a result of this propaganda, which is small when it comes to a comparison, I have received perhaps 100 telegrams from my constituents; 46,000 of them are against this voting. On that basis, it would be one-fourth of 1 per cent that seem to be interested in this, and that one-fourth of 1 per cent have been asked by the railroads to send in their telegrams.

Mr. HASTINGS. Mr. Speaker, will the gentleman permit me to explain what I say by saying further that if he investigated, he would find that nearly all those telegrams and letters were already prepared for the people to send, and the telegraphic charges were paid for that person to send them.

Mr. MC LAUGHLIN of Nebraska. I am aware that the gentleman has stated a fact. The gentleman has stated the truth. These gentlemen to whom I wrote, and who wrote back and told me that they had no interest in it at all and knew nothing about it, were simply telegraphing at the request of somebody else. The question in my mind is this: Can members of a body like this, who, to all intents and purposes seemed to supplement what he

I know men here who are fighting this repeal of the surcharge. We have shown, and seem to be serious when they say that if you take away the right and power of widows and orphans to make a reduction in the rates that they hold their stock, and that they can not pay these holders a satisfactory amount of interest on which to live, that the great industrial interests are against the interests of the farmer, and that what is to the interest of the industrialist is not to the interest of the farmer.

I do not agree to that, but we hear it all of the time. We hear about the influence of big business, and how it stands in opposition to the interests of the farmer, and now, when we are asking to establish the principle that the Interstate Commerce Commission should not be to "Rob Peter to pay Paul," that they should not take without reason from one class of service and tack it onto another and then give it back to the other—in other words, that they should not have hearings and established rates in a scientific manner—we find that we are getting telegrams from the big business interests of the cities, from the manufacturers and the industrialists, and at the same time getting telegrams from the farmers to vote against the repeal of this surcharge. Nobody but the railroads could have brought about a situation like this, I am quite sure.

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

Mr. MC LAUGHLIN of Nebraska. I do.

Mr. BURTNESS. And should pay a reasonable amount?

Mr. MC LAUGHLIN of Nebraska. I do, but if it is a fact that it costs the transportation company more to carry a passenger in a Pullman coach, Mr. MC LAUGHLIN of Nebraska. And that is not a fact, according to the hearings.

Mr. BURTNESS. Than it does to carry a passenger in a day coach, would the gentleman admit that the charge ought to be the same for the Pullman service?

Mr. MC LAUGHLIN of Nebraska. I admit that he ought to pay to the transportation company, to the carrier, what it costs to carry him and a reasonable profit; and I believe this, that if the Interstate Commerce Commission finds, after hearings, that the railroad should pay something to the Pullman Co., then nobody is going to object to doing that, but the objection is to tacking that on without any apparent reason or showing why it should be done.

Mr. BURTNESS. On the gentleman's amendment is that if additional charges should be made, they should be made by the Pullman Co. and then by the Pullman Co. in turn paid over to the carrier?

Mr. MC LAUGHLIN of Nebraska. No; not by any means. They are two separate companies.

Mr. BURTNESS. Assuming the present basic rate of 3.6 per mile would not pay the actual cost to the carrier in transporting the passenger in a day coach?

Mr. MC LAUGHLIN of Nebraska. Let me remind the gentleman that the cost of carrying a Pullman train or a Pullman coach by the carriers, as shown by these hearings by the experts that put the figures into the record down there at the Interstate Commerce Commission, is 3.75 less per coach-mile to haul a Pullman car than a day coach.

Mr. BURTNESS. The gentleman, of course, is mistaken in that, and he refuses to accept the opinion of the Interstate Commerce Commission upon the proposition, a board which is perhaps better fitted than any one else to determine what the facts are, and the question is whether Congress is going into the rate-making business or whether they are going to leave that with the Interstate Commerce Commission.

Mr. MC LAUGHLIN of Nebraska. Congress is not going into the rate-making business, but by repealing this surcharge we are leaving to a creature, created to regulate it, to direct you when you adopt a false principle of rate making.

But, Mr. Speaker, I am convinced that there is no amount of reasoning at this time can offset the effective fact that the railroad lobbyists have done here in the last two weeks two-thirds of the Members of this House, in my judgment, would have voted to repeal the Pullman surcharge. Probably for this reason will be in the same proportion against its repeal, verifying the statement of those who claim that Congress will not pass any legislation the railroads do not want.

As I have previously stated, at the back of the railroads a few farmers and farm organizations have been fighting the large industrial interests and sent similar protest to Members of Congress opposing the repeal. In this excited program of propaganda at the last hour it may be said that "The lion and the lamb have lain down together." But time will prove that "Righteousness and peace have not kissed each other," by the action that will be taken in the coming vote on this measure.

The Speaker. The time of the gentleman has expired.

Mr. SANDLIN. I yield five minutes to the gentleman from Oregon [Mr. WATKINS].

Mr. WATKINS. Mr. Speaker and gentlemen, the amendment to the pending appropriation bill which proposes to abolish Pullman surcharges, in my humble opinion is a response during the brief time at my disposal let me submit to you the reasons prompting me in my stand. The proposed amendment is vicious for four reasons.

First, in my opinion, it is class legislation, improperly proposed and arbitrarily executed. If enacted into law an additional burden would automatically shift the shoulders of those now staggering under high freight rates on agricultural products and similar freight. As it is, the load rests on those best able to bear it. Let it remain there where it belongs.

Second, by my vote to Congress to fix and regulate rates—a function within the purview of the Interstate Commerce Commission, whose authority is ample and the members of which are experts.

Third, and foremost, it is an attempt by Congress to fix and regulate rates—a function within the purview of the Interstate Commerce Commission, whose authority is ample and the members of which are experts.

Now, my third reason is that the experts, the commissioners of the Interstate Commerce Commission, after a somewhat thorough investigation of the matter, conclude that it can not be done; therefore, surely Congress with no experts and without any investigation would not be so foolish as to sweep aside with one swoop approximately $40,000,000 revenue of the carriers of this country.
But for fear that you are adamant and refuse to listen to us who have come with this method of legislation, let me call your attention and check you, if I can, in my mad, unreasonable rush by saying that this amendment does not accomplish the purpose you desire.

I now come to the fourth reason for opposing this amendment. The amendment in substance states that a passenger in a parlor car cannot be charged more than a day-coach passenger. In other words, the wealthy fellow who now rides from New York to Palm Beach, is now required to pay for two railroad tickets, whereas if the amendment prevails he will only be required to purchase one ticket. The same is true of the passenger who secures a compartment, for he is now required to pay double the regular rates, whereas under the proposed law only one fare could be exacted. These two illustrations entail thousands and thousands of dollars, and the loss thereof would be in addition to the $87,000,000.

Now, I venture to say that the proponents of this amendment do not want to go that far in serving the well-to-do, and yet that is the very essence of the proposal.

Let me give you another application of the proposed amendment. A few weeks ago the President and his wife and party went to Chicago. On that trip each one had to have a ticket, pay for a berth or compartment and the surcharge thereon. Under this amendment Mr. Coolidge could pay the Pullman Co. for the Pullman space, buy a ticket for himself and one for his wife, and occupy the entire car alone, and the railway company would be charged with two tickets. It is possible nobody is so foolish as to champion that kind of legislation. Let us vote it down. [Applause.]

Mr. WOOD. I yield five minutes to the gentleman from Michigan [Mr. Marvin].

Mr. MAPES. Mr. Speaker, the gentleman from Arkansas [Mr. OLEFIELD] a few moments ago said that the Interstate Commerce Commission had failed to function in this matter. That is what every lawyer thinks when he tries a lawsuit and loses; he thinks the court has failed to function. The commission functioned and it found against the proponents of this legislation. The gentleman from Nebraska [Mr. McDANIELS] says that it is unscientific rate making to have it done by the Interstate Commerce Commission. He evidently thinks it is more scientific to have the Congress of the United States do it without the necessary information and without the facilities to secure the information. The fact is, and the testimony before the Interstate and Foreign Commerce Committee so shows, that the petition to have this surcharge abolished was filed before the Interstate Commerce Commission in June, 1923; the commission held hearings in several of the large cities of the country, and the question was pending before the commission until January 25, 1924, over a year and a half, when it handed down its decision and found that the cost of carrying a Pullman car was greater than the cost of carrying a passenger in an ordinary day coach, and that the surcharge should not be abolished. It costs more in addition to the transportation the surcharges which the passenger pays the Pullman Co. for. It actually costs the railroad more to carry a Pullman passenger than it does a coach passenger.

There seems to be some dispute about that. Here is what the majority report of the commission says about it:

"The evidence before us shows clearly, as already stated, that respondents—That is the railroads—earn less per car-mile on the average upon their Pullman business than they earn from their coach business, even when the surcharges and the various financial benefits accruing upon the Pullman contracts are taken into account. This is not the case with merchandise traffic, at least there is less warrant for eliminating the surcharge than for reducing the basic passenger fare, which means traveling in mixed trains of freight and passenger cars.

Now, there is not any question about the findings of the Interstate Commerce Commission. This proposal to usurp the function of the Interstate Commerce Commission and to prohibit the Pullman surcharge by congressional enactment would not only be an act of just how I thought it if we were not for the fact that there are several other persons than the proponents of it are well organized. The fact that the clause proposed is before us in the shape it is is another illustration of the power of an active and well-organized clique.

Concerning the Interstate Commerce Commission and delegated to it the power to fix just and reasonable rates. The Commercial Travelers of America very properly, if they thought it unreasonable, petitioned the Interstate Commerce Commission to eliminate the Pullman surcharge. The commission after holding hearings in several of the large cities of the United States and considering the matter for nearly a year and a half found the surcharge under existing conditions to be just and reasonable. Congress is now asked by legislative mandate to veto the findings of the commission.

The commission had neither the information nor the facilities for securing the same to enable it to render an intelligent judgment on the question. If we override the judgment of the commission in this case, we excuse will be gave. If we fail to do it in other cases? A year or so ago the agricultural interests in the so-called Grain, Grain Products, and Hay case asked the commission to reduce the freight rates on certain agricultural products. The amount involved in that case was less than the amount involved here, and the commodities upon which the commission was asked to reduce the rates were basic, and yet the commission concluded that the reduction could not be made. No appeal was made to Congress in that case to override the commission's findings. If Congress is justified in abolishing these Pullman surcharges, which affect only 4 per cent of the traveling public, it certainly cannot escape the responsibility of investigating the merits of the findings of the Interstate Commerce Commission as to rates for the necessiites of life and the adequacy or inadequacy of passenger rates generally.

A great many people think that the freight rates for the transportation of coal are altogether too high. Why should not Congress lower those rates? Many people think that the Pullman space, is, and not so much the Pullman surcharge itself. Surely, why should not Congress fix a lower amount if it once goes into the business of adjusting fares and charges?

Mr. CLINK. The spokesman of the commercial travelers before the Committee on Interstate and Foreign Commerce, Mr. David K. Clink, rebelled at this idea.

On page 18 of the hearings Mr. RATBURN asked him this question:

"Mr. RATBURN. Now, you are here asking Congress to legislate on one part of the rate structure. Would you be willing that Congress legislate with reference to rates on all things—passengers and freight—and take that authority away from the Interstate Commerce Commission or would you as a matter of policy leave it with the Interstate Commerce Commission?"

Mr. CLINK. Mr. Speaker, I will say this, after listening to the arguments in both the Senate and House on the omnibus-rate question, that it would not be advisable for Congress to go into the rate-making business.

On page 21 of the hearings, Mr. Denison asked Mr. Clink:

"Mr. DENISON. But suppose that $35,000,000 or $37,000,000 is taken away and it turns out that these $35,000,000 or $37,000,000 are needed by the roads to get along. Would you then be in favor of having Congress provide the funds to increase both passenger and freight rates to make that up?"

Mr. CLINK. No, sir. Let the rates be made by the authority functioning in that direction.

The principle of this proposal is not only indefensible and vicious but, action by Congress in the matter, can not be defended upon its merits. The Interstate Commerce Commission in the surcharge case well said to quote again from the majority opinion:

"At a time when whatever capacity the railroads may have for rate reduction should be utilized for the benefit of other forms of traffic we ought to scrutinize with great care any proposal to collect less revenue from those who ride in sleeping cars or from those who are able to afford the luxury of parlor cars. They ought to meet the full cost and value of the service furnished and a reasonable return on property value. This record does not show that they are paying any more.

Commissioner Lewis, in a concluding opinion, says:

"To reduce the passenger fare of the traveler who gets more transportation and, as a rule, can pay for more, and not to reduce the fare of the traveler who sometimes gets very little and whose ability to pay often makes it impossible for him to patronize the superservice, would seem to be a form of rank discrimination.

Here is the principle involved in the Pullman surcharge. The Interstate Commerce Commission finds that it costs more to carry a passenger in a Pullman car than it does a passenger in the ordinary coach. If that is so, why should the person who who is not able to afford the Pullman rate be required to pay the extra cost of transportation as well as for the Pullman conveniences? It has always been the practice to require a person who desires the convenience of luxury of having a
drawing room to himself in a Pullman sleeper to buy two tickets. If he wants a private car he must buy 25 regular passengers' tickets in addition to paying for the Pullman reservations. Of course, it costs more to carry a passenger with a private car or a drawing room to himself than it does a passenger in an ordinary coach, who takes his chance of getting ever such a seat.

The Interstate Commerce Commission goes further and finds that it costs more to carry a passenger in a Pullman car with a seat or berth, as the case may be, reserved for his exclusive use to carry him in a day coach. Is there any man here who has sufficiently investigated the question to be willing to set up his judgment against that of the commission and say that this finding of the commission is unreasonable? I am not willing to do it. I cannot see to me that the commission has proposed legislation even upon its merits.

It was argued before the Committee on Interstate and Foreign Commerce and I think with some force that the language of this amendment might require the railroads to carry a passenger in a private car or a drawing-room to himself on one regular passenger ticket, that he would only be required to pay for the regular Pullman reservation in addition to his single transportation ticket. A careful reading of the amendment certainly makes one feel that the language is open to that construction. Mr. Wood has received a copy of a letter from the President of the Virginia Farm Bureau Federation addressed to Mr. Winslow, Chairman of the Interstate and Foreign Commerce Committee. I do not know the President of the Virginia Farm Bureau Federation, but the letter to Mr. Winslow states the issue here in very clear and forcible language:

'Should the surcharge be eliminated, he says, "the benefits the travelers on the Pullman would receive therefore would be just as much loss to the rest of society, for the railroads would have to pay for the extra back and forth transportation charges the amount of the less so sustained by them. It is the hope of those engaged in agriculture that the industry will receive at the hands of those in authority a consideration in freight reduction on their receipts, and freight receipts, for these are vastly more in need of such help than their part of the public who are able to use the Pullman cars. Do you not think so?"

This is a piece of legislation which brings forcibly to the front the power Congress has to take from one and to give to another, and the necessity of knowing from whom you will take. The beneficiary in this case is not the unfortunate poor.'

The SPEAKER pro tempore (Mr. Michener). The time of the gentleman from Virginia (Mr. Moore) is called for seven minutes.

Mr. SANDLIN. Mr. Speaker, I yield seven minutes to the gentleman from Virginia (Mr. Moore).

The SPEAKER pro tempore. The gentleman from Virginia (Mr. Moore) is called for seven minutes.

Mr. MOORE of Virginia. Mr. Speaker and gentlemen of the House, I speak here without any interest in this matter except that of one Member of this House. I have no personal interest at all. I am uninterested in representations of the kind designated as propaganda that have come in from either one side or the other; and so far as I am conscious of my own attitude, I have endeavored to reach and am now trying to express a conclusion based upon the best thought that I could give to this subject.

Gentlemen may talk endlessly about this so-called surcharge not being a part of the passenger fares now in effect. It is merely an element of any passenger fare, and that is a fact that is not open to denial. Years and years ago, or perhaps more recently, the carriers themselves or the Interstate Commerce Commission might have made up their fares by not calling any particular element by any particular name, but in the more ordinary manner. But however viewed, the thing spoken of as a surcharge is as much a factor in passenger fares as a deduction, a discount, a travel charge, for instance, any factors in freight rates.

Anyone who reads the hearings; in fact, anyone who reads the literature on the subject from the time that Mr. Brandes—never the Interstate Commerce Commission, but then counsel for the Interstate Commerce Commission—years ago discussed this matter until now, can have no sort of doubt that it costs the railroad company more to transport a Pullman coach than it does in a day coach. And if that be true, why does the commission propose to cut down. And yet we do not catch the question, but I repeat that if we are to credit human testimony it does cost a railroad company more to haul a passenger in a Pullman coach than in a day coach, and I say again that in view of the continual insistence upon dealing with rates that affect the mass of the people, we will place ourselves in a rather absurd attitude by beginning the work at the luxury end and ignoring the necessities of those upon whom transportation charges most heavily bear. The Hoeh resolution has become a law. It directs the Interstate Commerce Commission to consider the freight-rate structure and if possible reduce the rates on commodities in which the interests are interested.

I do not predict that the Hoeh resolution is going to accomplish any substantial results, but I do say this, that if there is a possibility of relief in the Hoeh resolution that possibility should not diminish today if you repeal the surcharge.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. Rossion].

Mr. BARKLEY. Mr. Speaker, I also yield five minutes to the gentleman.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 10 minutes.

Mr. ROBBINSON of Kentucky. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to revise and extend his remarks in the Record. Is that agreed to?

There was no objection.

Mr. ROBBINSON of Kentucky. Mr. Speaker and gentlemen of the House, the matter up for consideration is, Shall we or shall we not adopt the Senate amendment to H. R. 1169, which proposes to remove what is known as the Pullman surcharge? I believe that railroad rates ought to be fixed so that the railroads with proper management may have sufficient income to pay to workers good wages and proper pensions, give good service to the public, and pay a reasonable return on the value of its investment.

The highways, waterways, and railroads are the veins and arteries of commerce. It is as essential to have a vigorous, healthy circulation as means of transportation for the commerce of the country as it is to have a healthy circulation for the human body; and I am always willing to provide for the railroads such income as may be necessary to enable them to function properly and efficiently, take care of their employees properly, and pay a fair return on their investments. To meet these conditions it is not necessary to continue this unfair, unjust surcharge, and I therefore shall vote for this amendment.

WHAT IS THE PER CENT SURCHARGE?

Everyone who rides in a day coach must have a railroad ticket; and if he rides in a Pullman car, he must have a railroad ticket. The railroad company gets all the money for these railroad tickets both in the day coach and in the Pullman coach. The railroads furnish the day coach, with its equipment, conductors and other help; and the Pullman Company furnishes its own coach, equipment, conductor, and helpers. The Interstate Commerce Commission has fixed what they consider a fair charge for the Pullman service. Now, in addition to this, the Interstate Commerce Commission has a surcharge of some sort that has been made here frequently and with great force that the farmers are suffering from excessive freight rates that ought to be cut down. And yet we find that the first bill brought in by the majority or the minority of the House seriously affecting transportation charges is not designed to help the farmers directly, but is designed to help the people who are best able to pay. [Applause.]

Mr. SEARS of Florida. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Virginia. Yes.

Mr. SEARS of Florida. My colleague just made a statement respecting the cost to the railroad company of transporting a Pullman passenger as compared with a coach passenger. The charge for riding in a day coach is 50 cents a mile, and sometimes the day coach is not full, and therefore that goes on the Pullman charge.

Mr. MOORE of Virginia. I do not catch the question, but because of the time limit I cannot enter into a discussion with a friend, but I repeat that if we are to credit human testimony it does cost a railroad company more to haul a passenger in a Pullman coach than in a day coach, and I say again that in view of the continual insistence upon dealing with rates that affect the mass of the people, we shall place ourselves in a rather absurd attitude by beginning the work at the luxury end and ignoring the necessities of those upon whom transportation charges most heavily bear. The Hoeh resolution has become a law. It directs the Interstate Commerce Commission to consider the freight-rate structure and if possible reduce the rates on commodities in which the interests are interested.

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is forced to collect this additional 50 per cent from the Pullman passengers and turn it over to the railroads. In other words, the railroad company is allowed to collect a full railroad fare from Pullman passengers, in addition to the Pullman passenger rate, and then charge an additional 50 per cent on the Pullman ticket, although all that the railroad company does is to pull the Pullman coaches. In addition to this, every year the Pullman Co. pays the railroad companies $12,000,000 or more annually for hauling the Pullman coaches. As the railroad does not furnish the Pullman coaches, equipment, or employees, we do not expect the Pullman passenger and with prevailing this $12,000,000 or more annually for hauling the Pullman coaches. Under present conditions each person who rides in a Pullman coach must pay the railroad fare and must pay what has been held by the Interstate Commerce Commission as a fair charge for the Pullman service and on top of this pay an additional 50 per cent on his Pullman ticket to the railroads. The traveling public objects to this unjust and unfair 50 per cent surcharge.

In May, 1924, the Senate, by practically a unanimous vote, passed a bill removing this 50 per cent surcharge. This bill then came to the House and was referred to the Interstate and Foreign Commerce Committee of the House, and there it has slept peacefully because of the failure of that committee to act on the bill and make a report to the House. The Senate report to the Senate of the committee of the House had failed and likely would continue to fail to act, has tucked this amendment on this appropriation bill (H. R. 11505) to remove this 50 per cent surcharge; and because this amendment is tucked on as an amendment to the railroad appropriation bill, and by its failure in the first time have an opportunity to act on this important question. This 50 per cent surcharge is unwarranted and unjust to the traveling public and I am sure we have an opportunity to remove my vote in my voice in favor of cutting it out.

WHY WAS SURCHARGE PUT ON?

This 50 per cent surcharge was first put on in June, 1918, during the war, by the United States Railroad Administration, for the reason, they said, to discourage travel on the trains by the general public during the war so that the railroads could be exclusively for military purposes. The general public felt so outraged over this unfair and unreasonable charge that a few weeks after the close of the war, about the 1st of December, 1918, the United States Railroad Administration or the Interstate Commerce Commission handled a bill granting an increase of 20 per cent on freight rates. The new transportation act, and the Interstate Commerce Commission, in its first report to the House, states that this increase of 20 per cent was put on to take care of the increase of wages. It was claimed that this increase of 20 per cent on freight rates alone would not furnish the Pullman coaches, equipment, or employees, we do not expect the Pullman passenger and with prevailing this $12,000,000 or more annually for hauling the Pullman coaches. Under present conditions each person who rides in a Pullman coach must pay the railroad fare and must pay what has been held by the Interstate Commerce Commission as a fair charge for the Pullman service and on top of this pay an additional 50 per cent on his Pullman ticket to the railroads. The traveling public objects to this unjust and unfair 50 per cent surcharge.

Now, in 1920, the railroad workers had an increase of 20 per cent on freight rates. They have succeeded in cutting down the number of workers and reducing the wages, and the reason for granting the increase on fares no longer exists. The railroads now advance a new reason for retaining these excessive charges. They claim, and it is true, that the 50 per cent Pullman surcharge brings to the railroads about $37,000,000 per year. They say if we adopt this amendment and cut out this $37,000,000 of surcharge that it will greatly cripple the railroads of the Nation and perhaps force them into bankruptcy. Let us absolutely not go into this claim of the railroads, that is, granting an increase of wages in 1920, was $5,830,327,000. The cost of operating the railroads in 1923 was $4,943,928,000. In other words, the increase above the $6,599,000 left the railroads of America in 1923 than it did in 1920. Here is a saving of nearly $1,000,000,000 in operating expenses. This was brought about by cutting out nearly 200,000 workers and in reducing the wages of others. We find that the income of the railroads for 1920 was $6,375,417,000 and their income in 1923 was $6,395,881,000. In other words, the income of the railroads in 1925 was $175,474,000 more than it was in 1920. This increase of income and decrease of operating expenses is an amount to $1,064,875,000. There is a difference in favor of the railroads in 1923 over more than $1,000,000,000. Yet the railroads have the gall to stand up and say if we take $37,000,000 less out of the people we cannot operate, railroads or perhaps drive them into the bankruptcy courts.

OPERATING INCOME INCREASES, OPERATING EXPENSES DECREASES

The railroads are forced to admit that the increase in wages granted to the railroad workers has been wiped out by reducing the number of workers and reducing the wages. The railroads now advance a new reason for retaining these excessive charges. They claim, and it is true, that the 50 per cent Pullman surcharge brings to the railroads about $37,000,000 per year. They say if we adopt this amendment and cut out this $37,000,000 of surcharge that it will greatly cripple the railroads of the Nation and perhaps force them into bankruptcy. Let us absolutely not go into this claim of the railroads, that is, granting an increase of wages in 1920, was $5,830,327,000. The cost of operating the railroads in 1923 was $4,943,928,000. In other words, the increase above the $6,599,000 left the railroads of America in 1923 than it did in 1920. Here is a saving of nearly $1,000,000,000 in operating expenses. This was brought about by cutting out nearly 200,000 workers and in reducing the wages of others. We find that the income of the railroads for 1920 was $6,375,417,000 and their income in 1923 was $6,395,881,000. In other words, the income of the railroads in 1925 was $175,474,000 more than it was in 1920. This increase of income and decrease of operating expenses is an amount to $1,064,875,000. There is a difference in favor of the railroads in 1923 over more than $1,000,000,000. Yet the railroads have the gall to stand up and say if we take $37,000,000 less out of the people we cannot operate, railroads or perhaps drive them into the bankruptcy courts.

And if you will observe the current business reports, you will find that the day you cut the rates of the railroad companies, the railroad workers were reduced, the number of workers reduced, and the wages reduced. The railroad companies are in a condition to reduce the number of workers and reduce the wages so that the railroads work in a condition to reduce the number of workers and reduce the wages. They have succeeded in cutting down the number of workers and cutting down the wages, yet they persist in holding on to every increase.

When we passed the transportation act in 1920 it was in our wisdom to incorporate the proposition that the railroads would not be able to receive under the law a net income exceeding 6 per cent and that no amount of income under the law was guaranteed to any railroad. This is the letter and spirit of the law.
Many others of the big railroads are making sums greatly in excess of that authorized under the transportation act, according to their own admissions. We have ample evidence to show that many of the big railroads have resorted to many tricks and devices to conceal their actual net income. Millions of dollars have been put into capital construction and equipment and have been reported as operating expenses. There is what is known as the recapture clause in the transportation act, which provides that where a railroad earns more than authorized by law the excess of the amount authorized by law. It is admitted that more than $40,000,000 is being paid into the United States Treasury. It is said that this amount is $2,000,000,000 a year by the railroads from their net earnings, because their earnings were in excess of the amount authorized by law. Some claim that this amounts to nearly $100,000,000 a year. How can anyone say if he receives more than $37,000,000 for a per cent surcharge how widespread this want and one of the classes of men that move more to the commercial life of the Nation than this great army of men: they represent the first-line trenches in the great commerce and business of the Nation; they are the "go-getters" of business on every part of the globe. It is true they are interested in this problem. Some say to reduce this 70 per cent surcharge would benefit the rich. The traveling men as a rule are not rich. If they were, they would not leave their homes and families and suffer the hardships and discomforts of a traveling salesman's life. Forty per cent of the mileage travel in America is in a Pullman car. Nearly every person who makes a journey during the night travels in a Pullman or sleeping car. They cannot afford it, travels in a Pullman. Thousands of traveling men and others sleep on a Pullman in order that they may save time. On account of the present excessive surcharge, it is almost impossible for persons of ordinary means who make a business of sleeping at night on the train to save time. I want to see this surcharge take off, not only because it is unjust but so that people everywhere of ordinary means who travel at night may have an opportunity to sleep. [Applause.]

It is contended that Congress should not act on this matter. We should leave it to be determined by the Interstate Commerce Commission. It is contended here that Congress does not have sufficient knowledge to fix rates. It can not be contended that Congress has not the power to fix railroad rates. This power is given to Congress by the Constitution. I should like to see the Interstate Commerce Commission give its decision for the relief of the people. This matter was before the Interstate Commerce Commission. Commissioner Campbell with the commission's expert, Mr. Keeler, went to all parts of the country to take testimony and investigate many cases in all walks of life on this very question. They made a report to the Interstate Commerce Commission. They declared in this report that this 50 per cent surcharge should be taken off, that it is not only unnecessary but it is an unjust and undue discrimination against the traveling public. The question was then brought before the whole commission; five of them declared that all of this surcharge should be taken off, two of them declared that one-half of it should be taken off, and four of them were opposed to taking any off. We can see that a majority of the 11 members of the Interstate Commerce Commission are opposed to this 50 per cent surcharge as it now is. It seems that the commission of Congress will not give relief. I think it can be fairly contended that this 50 per cent surcharge is not a rate. A rate is a fair charge made for services rendered. While the railroads get this 50 per cent surcharge from persons riding in the Pullman cars, the railroads do not furnish the car, equipment, employees, or the service. It seems that it is in the nature of a penalty. Outside of this, the Pullman passenger pays the railroad transportation and pays railroad transportation as a fair charge by the Interstate Commerce Commission for service in the Pullman car. While this 50 per cent surcharge is collected by the Pullman Co., and, although the Pullman Co. renders no service, it is called a rate. I think we have shown clearly that the railroad company does not need this surcharge to pay their workers, operating expenses, or to make a fair return on their investments. It is not necessary that any services rendered by the railroad company are unreasonable. It is just as long as the time has come when the country needs relief from the big railroads on freight rates and on passenger rates, and I shall
It is not a war tax. It was a rate placed on that branch of the service, just as new rates were placed on other branches of the service and upon the cattle and the beef and the corn and the crops we have to our markets. That is what happened.

The organization of commercial travelers, splendid fellows, commenced their fight for the abolishment of this charge. Just as the farmer makes his fight and the cattleman makes his fight and the man makes his fight, they brought their case before the Interstate Commerce Commission, and what happened? The commission occupied 38 months in an examination of this question. The SPEAKER pro tempore. The time of the gentleman from Missouri has expired.

Mr. SANDLIN. Mr. Speaker, I yield to the gentleman five minutes.

Mr. HAWES. The Interstate Commerce Commission took nearly 3,000 pages of testimony, and during this discussion a strange thing has happened that only two or three pages of the following pages have been used in the record as tables and figures from the Interstate Commerce Commission. After holding hearings in several of the large cities, long arguments were heard by the commission as a whole. Mr. Blum, a very able lawyer, and Mr. Loeb, and other very able counsel appeared before the commission with their experts, as they appeared before our committee with their experts, to demand a removal of the surcharge, as representatives of the railway men's organization.

Finally the commission spoke. There are 11 of these commissioners. Seven of them supported the surcharge in principle, and two of the seven thought it should be reduced. Mr. McChord gave no expression of opinion. Commissioner Lewis, in a splendid argumentative opinion, asked the direct question. Why, if the $37,000,000 is to be retained, it should not be removed from all classes alike instead of this special one? Mr. McMorris, a gentleman from the Supreme Court of Georgia.

Bills had been introduced in the House and in the Senate at an earlier date, and the Senate passed one of these bills without hearing and without an ascertainment of the facts by a committee. These bills were before our committee but we suspended judgment, and we suspended hearings until the commissions had reported. Any other course would have been intemperate dishonesty.

But when the Senate again sent over to this House, attached to a great appropriation bill involving nearly half a billion dollars, a rider proposing a reduction of $37,000,000 in railroad revenues without a hearing before a Senate committee, our committee did discuss it.

Our or your committee is composed of men representing 21 States, and out of the 21 men on this committee, 19 are in agreement and only 2 dissent. This is the finest record to the position of the only committee that has heard this question discussed either on the Senate or the House side.

Gentlemen try to disguise what is done; they try to disguise the facts; they try to disguise the facts. Only three or four men and women out of every hundred travel in a Pullman car. The fact can not be disguised that if you take $37,000,000 away from these people you will have to put it on the people who travel in the coaches or somewhere else or you will have retarded to the extent of $37,000,000 any freight reduction to producers and shippers that may be had in this country. [Applause.]

Mr. BARKLEY. I have one more speech, and I shall probably conclude the argument, on my motion to concur.

Mr. WOOD. Is the gentleman to have only one more speech on his side?

Mr. SANDLIN. The gentleman from Kentucky controls the time in opposition, and I have a few minutes more.

Mr. BARKLEY. I will yield one minute to the gentleman from Georgia. [Mr. HURST moves to take the floor.]

Mr. WOOD. And I yield two minutes to the gentleman from Georgia.

The SPEAKER pro tempore. The gentleman from Georgia?

Mr. UPSHAW. Mr. Chairman and gentlemen, last night, a friend of mine went to Boston. He said to me, "It is an outrage that I have to pay $5.35 to sleep, going on the Federal Express." I looked at the ticket, and it read "Of this money the Pullman Co. gets $3.75, and the railroad gets $1.82." Now he had already paid his regular fare on the railroad, and the $1.82 over and above what he paid for reasonable rates on the Pullman told the story of this long-continued injustice.
that the people of this country are opposed to all over the land.

Not because I received this telegram—for I have been committed to this repeal ever since we got away from the war conditions that brought it about, but I read to you this message from Robert A. Boyles, chairman of the National Travelers Protective Association, who is one of my most honored constituents:

Hon. W. D. Upham,

Representative Fifth Georgia District, Washington, D. C.:

Over one hundred thousand of Travelers' Protective Association are insistent in their demands for elimination of surcharge on Pullman and parlor cars. I hope you will add in passage of measure for its discontinuance.

R. A. Boyles,
National Railroad Chairman.

For several years this large and worthy element among our progressive citizenship have been battling for this relief to which the traveling public are entitled. The gentlemen who have preceded me have seemed greatly afraid that Congress will transgress its functions by becoming a rate-making body. I do not conceive at all that any dangerous thing is being done by the proposal to repeal this surcharge. Congress certainly has the right to act as a guardian of the rights of the people when Government bureaus fail to function in their behalf. The common carriers besides them have vigorously protested against the vicious practice of continuing war-time excesses six years after the close of the war. It is a weak answer for the opponents of this proposition that we who favor repeal are legislating merely by a selfish motive—because a man or organization faces the duty of protecting the traveling public—all of the seven millions more to the comfortable and mounting railroad earnings through this outrageous surcharge. And it is certainly this repeal to which the House of Representatives and its membership is capable of going into the finer technicalities of rate making, some of the speeches that have been made this afternoon would have absolutely convinced me of that fact. [Applause and laughter.]

I have been much amused by some of the speeches made this afternoon by some of the supporters of this amendment. Along with them I was opposed to the Mellon tax plan, because it reduced the taxes of the rich more than it did the less able to pay. They seem to be going in a different direction on this proposition, as this amendment proposes to take a railroad charge off of the 3 per cent of the people who ride the Pullman cars and leave all of the charge against the people who ride in the day coach. It would be a great blunder, in my opinion, for the Congress to push aside the argument of nearly 40 years of leading the country to the hands of an expert body and embarking on the uncharted sea of congressional rate making.

Mr. AYRES. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. AYRES. At the time this so-called surcharge was put on there was also 0.6 of a cent per mile added to coaches, was there not? That is, the rate per mile was increased from 3 cents to 3.6 cents?

Mr. RAYBURN. Yes.

Mr. AYRES. Would it be just as reasonable to argue for a reduction of that as for a reduction of the surcharge on Pullman trains? Would it not affect a great many more people?

Mr. RAYBURN. If you repeal part of the charge upon the passenger fare on a railroad you will reduce the fare paid by 100 per cent of the people that use that railroad, whereas these Pullman surcharges you reduce the fare of only 3 per cent of the people who travel, because only 3 per cent of the people who ride on trains ride in Pullman cars. If Congress is going into the business of rate making, why not reduce the rate on freight and on the man who rides in the day coach? Gentlemen say that if this is left on we have no assurance the Interstate Commerce Commission will reduce the rates upon those who use the day coaches or reduce the freight rates of the country. There is one thing, however, of which we may with certainty assure ourselves and assure the country, and that is the fact that Congress will never leave the railroads of the country, then in that proportion we will reduce the opportunity and the chance for the Interstate Commerce Commission to take off any or that much from the freight payers of the United States. [Applause.]

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. Not now. The callenmen of the United States are to-day in probably the most dire circumstances of any one class of shippers that we have. They have now before the commission, an application for a decrease in rates. I am hoping that the commission will be able, after investigation, to reduce their rates; but if we take $37,000,000 the whole fare of the railroads at this time, I seriously doubt that they will be able to do it.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. Not now. If the callenmen of the country, the livestock producers of the country, had the charge of the railroads taken off them, we had 10 per cent, if not half of $37,000,000, but, let me say, even $10,000,000, that came from Texas [Mr. Hudspeth], who understands that question, would say that that $10,000,000 would put the callenmen of the country upon their feet.

Mr. HOCH. In the callenmen's case the amount of revenue involved is only $20,000,000, approximately half of which is involved in this case.

Mr. RAYBURN. But even $10,000,000 taken off the callenmen would in all probability put that industry upon its feet.

Gentlemen, this proposition is bad from a practical standpoint, and it is worse from a fundamental standpoint. Let
Mr. BARKLEY. The gentleman is against the motion that has been made. Now, the purpose of the motion certainly has the right to conclude the debate and the motion which I made was to concur.

Mr. HOCH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Illinois? Mr. HOCH. Who has the right to close debate?

The SPEAKER pro tempore. The gentleman in charge of the bill, according to the precedents.

Mr. BARKLEY. Then I have the right to conclude debate on behalf of those who are in favor of my motion.

Mr. WOOD. And I have the right to close the whole debate. The only purpose in calling attention to the fact was that I felt the gentleman thought he had the right to close debate upon the proposition.

Mr. BARKLEY. I was under that impression.

Mr. WOOD. Well, the gentleman has not.

Mr. BARKLEY. According to the ruling of the Chair I would be entitled to speak just before the man speaks who does close debate, and whenever that time comes I shall be ready.

Mr. SANDLIN. I yield three minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, the country ought to know that the Congress is not responsible for the Pullman surcharge. Congress, had no thing to do with it. Congress and the families of Members have suffered by paying this extra surcharge just like everybody else. But we have a governmental rate-making body. We have 11 members of the Interstate Commerce Commission on an annual salary of $12,000 a year. $132,000 that we pay them in salaries alone for making rates for railroads. Let me show you what you spend on this Interstate Commerce Commission in salaries annually. They have a secretary at $7,500. They have a director of jurisprudence at $7,500. They have a director of statistics at $7,500. They have an acting director of valuation at $8,000. They have a director of traffic at $10,000. They have a chief of the bureau of locomotive inspection at $6,000. They have a director of the bureau of safety at $5,000. They have a chief of the bureau of inquiry at $8,000. They have an assistant secretary at $4,000. They have assistants to the secretary at salaries ranging from $2,700 to $3,500. They have a chief clerk at $3,000. They have a disbursing clerk at $3,600. They have an appointment clerk at $3,500. They have a director of accounts at $7,500. And they have besides the above a whole army of employees. And yet, with all that machinery of rate making, we are presuming here to assume the functions of that commission. We created this commission that costs the people a lot of money, a bureau that knows its business; and then we presume to do their business for them. [Applause.]

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. DICKINSON].

The SPEAKER pro tempore. The gentleman from Iowa is recognized for five minutes.

Mr. DICKINSON of Iowa. Mr. Speaker, last fall in the campaign I remember it was declared by practically every man on the so-called progressive platform that we ought to have a legislative review of the Supreme Court decisions. Now, to-day, we are being asked to review the work of a commission that is organized expressly for the purpose of covering a certain field of work that is far more technical, more intricate, and a great deal harder to reach a scientific conclusion on. Congress is now asked to come in here and enter a field of endeavor where it has already set up a commission and equipped it with men and money to perform a particular service. We are asked to usurp class legislation, and do something that is the duty of the commission to do, because the commission is the one that has the authority to do it. We ought not to do it, especially on an appropriation bill, contrary to an amendment of this kind.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON of Iowa. No. I have only five minutes. The gentleman from Nebraska has had 15 minutes all to himself.

Now, I want to say to you that the western section of this country includes the principal rural sections of the country, and that where the people need a reduction of freight rates, if any reduction is to be given. There we have a certain number of people riding in the Pullman sleepers, but they are usually people coming from somewhere out of that territory, into that territory, through a Congressman who comes home at the close of a session. He is about the only one who has to pay a surcharge.

If we consider the average fare on all those roads, the total revenue derived, including the surcharge, amounts to
only 3.90 per cent, while 28% per cent of that return is gained from freight rates on livestock and on agricultural products. Some you are ninety nearly a third of the return of those roads involved in those commodities.

Take, for illustration, the Chicago & North Western Railroad. It had practically $1,000,000 return from the Pullman surcharge, or about one-third of its net revenues are the freight rates on agricultural products and livestock. So that if you take from that road 25 per cent of its return, what hope have we that you are going to get a reduction in the freight rates that the farming people and the livestock people of this country need so badly?

Mr. HUDSPETH. Mr. Speaker, will the gentleman yield?

Mr. DICKINSON of Iowa. Yes.

Mr. HUDSPETH. Recently I was for this proposition, but after going into the matter I have thought differently. In the gentleman’s opinion, which industry needs the reduction worse, the livestock industry and the farming industry or those who ride on the Pullman?

Mr. DICKINSON of Iowa. I think the livestock industry and the farming industry need a reduction.

Take the Michigan Central Railroad as another illustration. It runs through Battle Creek, Mich. We send our wheat and our oats to Battle Creek; to be converted into breakfast foods, and the surcharge on the traveling salesman who goes out of Battle Creek to sell his breakfast foods, or on the farmer who sends his grain into that locality to be converted into breakfast food.

Mr. HUDSPETH. Does the gentleman think the farmer has the same chance to get a reduction if this is done?

Mr. DICKINSON of Iowa. No. It will be a serious handicap to further growth and passing through.

The amount of revenue accruing to the railway companies from the Pullman surcharge was as follows, by districts in 1923 and 1924:

<table>
<thead>
<tr>
<th>District</th>
<th>1923</th>
<th>1924</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern</td>
<td>$16,029,454</td>
<td>$16,941,394</td>
</tr>
<tr>
<td>Southern (including Pueblo)</td>
<td>5,956,298</td>
<td>5,780,463</td>
</tr>
<tr>
<td>Western</td>
<td>15,841,769</td>
<td>16,698,492</td>
</tr>
<tr>
<td>United States</td>
<td>37,827,500</td>
<td>37,497,296</td>
</tr>
</tbody>
</table>

The significance of these sums in comparison with proposals for reductions in freight revenues may be shown by the following illustrations drawn from a statement of freight revenue by commodities in 1925:

I would point out the Pullman surcharge revenue amounts to more than 10 per cent reduction in the rates on corn, wheat, flour, hay, straw, and alfalfa. It is over two-thirds of the entire revenue the railroads get for hauling potatoes, equal to a 25 per cent reduction in rates on all cattle, calves, and hogs hauled in that district by railways. It is nearly equal to a 10 per cent reduction in lumber revenues. It is over one and a half times all the money the railroads receive for hawling agricultural implements in that district.

In the southern district the amount of the Pullman surcharge is as great as 25 per cent of all the revenue derived from handling fertilizer and cotton.

In the East the surcharge is more than a 20 per cent reduction in revenue from lumber. It is over 7 per cent of the revenue from anthracite coal.

The removal of the surcharge would cause as much loss in revenue as a reduction in all less-than-carload rates of over 7 per cent in the East, over 5 per cent in the South, and over 8 per cent in the West.

It is true that the removal of the surcharge would not hit each road in the same degree as the changes in freight rates above indicated, but some of the surcharge goes to weak roads. Thus, to the nearly bankrupt Chicago, Milwaukee & St. Paul, it is over a million; to the Rugby, some $761,806 in 1923 and $635,540 in 1924. In the case of the stronger roads it increases the sums to be recaptured.

Mr. SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SANDLIN. Mr. Speaker, I yield three minutes to the gentleman from Minnesota [Mr. WFALD].

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for three minutes.

Mr. WFALD. Mr. Speaker, I want to say I am approaching a vote on this question with a good deal of care. I am asking for a chance to speak simply to explain my vote. I feel that I shall have to vote to sustain the committee, although I have heard many good reasons assigned why I should have voted otherwise. I know it is my duty to go back to my farmers, although I was elected on the promise that I would come down here and do what I could to bring about the revision of the Chicago surcharge law.

I am not one of those who are very much worried over the argument that is used here that if we vote to do away with the Pullman surcharge we are putting Congress into the rate-making business. I say something must be done in order that the freight rates on farm commodities may be reduced, and if the Interstate Commerce Commission can not do it, let us admit that we may not be doing anything toward adjustment of railroad rates.

It has been said here that if we adopt the Senate amendment and the Pullman surcharge is done away with that it will mean a loss of revenue to the railroads of $57,000,000, some gentlemen think the railroads can not stand such a loss of revenue. Other gentlemen say that it will mean a saving of that much money to the people. At this time I am not so much concerned with the question of whether or not the railroads will suffer by reason of any action we may take here, it is my opinion that the railroads would be able to keep on doing business even at a far greater reduction in revenue, I am unable to see where this reduction in rail rates would pay the freight. Those who do the most traveling in Pullman cars are either the leisure class or at least those whose work is not closely connected with farm district work. It is said that between three and four persons out of a hundred travel in Pullman cars, not more than half of those can be commercial travelers, so at the best only half of the money affected would have reduction in freight rates on farm products like potatoes, livestock, grain, and such will mean
much more even to them than anything that can happen. In the Red River Valley the farmers have to pay more than 20 cents a bushel in freight on the potatoes they sell; what they pay in freight is more than half of what the crop brings them. It has been estimated by the Interstate Commerce Commission that farmers shipping cattle had to pay more in freight charges than what the whole shipment brought them. These farmers would be glad to have me vote to put the Congress or somebody besides the Interstate Commerce Commission into the rate-making business, and I shall gladly so vote; but this will not be accomplished by me voting to abolish the Pullman surcharge. The farmer has now a law that says what he can carry; he can not stand any further increase in freight charges.

Mr. BARKLEY. We have made that this would delay the needed reduction of freight charges.

Mr. SPEAKER. The second main objection is that it has been presumed the farmers lower freight rates; that promise was plain and specific. No attempt has been made to keep it in this session; let us hope that it will not be forgotten in the next Congress—perhaps a promise made in the last campaign would not be binding until the next Congress, or how?

Mr. BARKLEY. My vote was not actuated either by prejudice against those who ride in Pullman cars or for those who can not afford it, but I think of those who sweat and toil, especially farmers, who receive so little for their toll that they can never travel even in a day coach unless some sad circumstance compels them to do so. I wish to do the fair thing by them. I travel in a Pullman car occasionally, it has not come to my lot to travel very much in a Pullman car. I have traveled many nights in a day coach and I would like at this time to be quoted away the Pullman surcharge. The experience I have had of traveling in that manner, I like it, and I would be extremely glad to know that every farmer in the country, when they had to make a journey and travel at all, would be in a position to ride in a Pullman car. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Minnesota has expired.

Mr. BARKLEY. Mr. Speaker, how does the time stand at this time?

The SPEAKER pro tempore. The gentleman from Kentucky has 24 minutes remaining, the gentleman from Louisiana, the gentleman from Indiana 36 minutes.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from North Dakota (Mr. BURNTNESS).

Mr. BURNTNESS. Mr. Speaker and gentlemen of the House; personally I am prejudiced against the so-called Pullman surcharge; I would prefer not to pay it, to get rid of it, and I presume most of the Members of the House feel the same way about it, but that is not the question before us to-day.

I am forced after careful consideration to vote against the rider or Senate amendment making the collection of such surcharge illegal for a number of reasons, and I can briefly touch on but two or three of them in the few minutes I have.

My first objection ought not to be attached to the appropriation bill in the form of a rider at all but should come before Congress through the regular legislative committees of the two Houses. The second main objection is that it has been estimated that the Pullman surcharge is highly rate-making. The arguments which have been made to keep the Pullman surcharge or the Pullman companies by contract, are a net revenue to the railroad of 0.636 cent, while for every mile that a Pullman passenger is hauled, the revenue to the railroad will be only 0.685 cent. If such is the case, we ought to be willing to contribute a fair proportion to that fund which is required in order for the investment to yield a fair return. The cost of the carriage to one person is shown in the following table:

<table>
<thead>
<tr>
<th>Class of traffic</th>
<th>Revenue Expenses</th>
<th>Operating ratio</th>
<th>Net revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average revenue and expenses per car mile</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All passenger traffic</td>
<td>46.24</td>
<td>38.53</td>
<td>86.00</td>
</tr>
<tr>
<td>Sleeping and parlor car</td>
<td>48.68</td>
<td>33.04</td>
<td>45.48</td>
</tr>
<tr>
<td>Coach and communication</td>
<td>43.63</td>
<td>33.18</td>
<td>37.07</td>
</tr>
<tr>
<td>Coach excluding communications</td>
<td>44.52</td>
<td>33.52</td>
<td>36.80</td>
</tr>
</tbody>
</table>

The revenue per passenger-mile from the passengers in Pullman cars and in day coaches, utilizing the average revenue per passenger-mile as shown on Exhibit B-14 and the average cost per car-mile in Mr. Elmore's formula, Exhibit B-26, is shown in the following table:

| The revenue per passenger-mile from the passengers in Pullman cars and in day coaches, utilizing the average revenue per passenger-mile as shown on Exhibit B-14 and the average cost per car-mile in Mr. Elmore's formula, Exhibit B-26, is as follows: |
|------------------|-----------------|----------------|-------------|
| All passenger traffic | 46.24 | 38.53 | 86.00 |
| Sleeping and parlor car | 48.68 | 33.04 | 45.48 |
| Coach and communication | 43.63 | 33.18 | 37.07 |
| Coach excluding communications | 44.52 | 33.52 | 36.80 |
The SPEAKER pre tempore. The time of the gentleman from Michigan has expired.

Mr. BARKLEY. How many more speeches has the gentleman from Indiana?

Mr. WOOD. I have about 20.

Mr. BARKLEY. If the gentleman has 20 more speeches, he is not going to ring me in now.

Mr. WOOD. I would suggest to the gentleman from Kentucky that he use some of his time, because he has more time than anybody else.

Mr. BARKLEY. I am going to use all of it myself, and I am going to use it just before the man who concludes on your side.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. Newton].

Mr. NEWTON of Minnesota. Mr. Speaker, we have before us an amendment to one of the great appropriation bills in a provision repealing the Pullman surcharge, which was attached as a rider to this bill over in the Senate. No committee in that body conducted any hearings and 3 1/2 pages covers the consideration given in the Senate. If we do not in the Senate, we reverse a decision of the Interstate Commerce Commission, wherein that commission refused to do the very thing that this amendment provides. Furthermore, we would reverse an almost unanimous report of the Commerce Committee of this House, for it will be observed that of the 21 members, 19 followed a hearing covering 129 printed pages of record, 19 of those members signed an adverse report and 2 signed a favorable report.

Mr. Speaker, I would like to get rid of paying this Pullman surcharge. I must confess that I approached the consideration of the question in a very sympathetic frame of mind, but in the consideration of any question of this kind I must be governed by the evidence. From the evidence submitted there was no doubt in my mind as to what I should do.

I am briefly rehearse a bit of history connected with the institution of this charge. The transportation act became a law in February of 1920. It provided that the railways of the country should have a fair return upon the aggregate value of their property. The railways, generally speaking, were in a serious condition. They needed additional revenues. With the power given the commission over rates, and the duty to provide rates which would furnish a fair return, the commissioners decided that the freight rates were 1.11 per cent above what they were in 1913. The commission estimated that this 10 per cent reduction of 1922 would aggregate $400,000,000 annually. In 63 I. C. C. 107 the commission required a 25 per cent reduction in all railroad rates on livestock in the West. In 64 I. C. C. 85 the commission required the removal of one-half of the increases of 1920 as to ton grain, grain products, and hay. Furthermore, on course grain the commission made an additional 10 per cent reduction, resulting in rates on wheat, hay, and their products in the western group, approximately 45 per cent, and in the mountain-Pacific group in 15 to 25 per cent. Furthermore, on course grain and its products approximately 30 per cent and 25 per cent, respectively, in excess of that level. It will be observed, therefore, that since the rate increase of 1920 the commission has made very substantial increases in freight rates, and especially in agricultural products. It more than offsets the wage reductions.

Mr. Chairman, a further reading of this Exhibit, which I mentioned a few moments ago, will show that at the close of the year 1923 railway operating revenues were 75 per cent above what they were in 1916. Railway operating expenses were 110 per cent above the 1916 figure, and that is likewise true of railroad wages. The ratio of the increase in railway operating income has not quite reached the 1916 figure.

Probably as a result of the favorable action by the commission on these applications for decrease in freight rates application was filed in June of 1923 by various commercial truckers' organizations for a repeal of the Pullman surcharge. Testimony was taken by the commission in every part and portion of our country. The case was argued and submitted in November of 1924. A decision was made public and available February 9 of this year. This is decision 14756, and will be found in 95 I. C. C. It will be observed that following this extensive hearing seven commissioners decided against a repeal of the surcharge while four dissented and favored the repeal.

Mr. Chairman, when the Interstate Commerce Commission, consisting of 11 members, following an 18-month consideration of the case, render a decision, Congress certainly ought not to interfere unless it has been clearly established that the decision of the commission is wrong. Appreciating the intricacy involved in rate making, Congress created the Interstate Commerce Commission as its agent. The principal, of course, has the right to reverse the decision of the agent, but clearly Congress in determining a rate question cannot be interfered with by the law in the case of the evidence submitted. I want to submit to the Members gathered here that there has been not one bit of real honest-to-goodness evidence submitted this day which would be used in assuming jurisdiction and in passing legislation taking away this $37,000,000 of revenue.

Mr. JACOBSTEIN. Will the gentleman yield to a question?

Mr. NEWTON of Minnesota. I am sorry I cannot yield.
In the face of that, gentlemen, ought we to turn aside from the work of the Interstate Commerce Commission to which we turn down the recommendation of the committee of Congress, voting 19 to 2, and simply do this because we have been asked to do it, or as some one expressed it, because it is deemed wise to do that?

Mr. SCHAFER. Will the gentleman yield?

Mr. NEWTON of Minnesota. I am sorry I can not yield. Mr. Speaker, I am opposed to the enactment of this legislation; first, because it involves Congress in direct legislative rate making. This charge was put into operation to provide additional revenues to the railways. It was put into effect at the time that general freight and passenger revenues were made effective. To-day there is insistent demand from various sections of our country for further reductions in rates. There is no question in my mind that if Congress opens the highway to rate fixing it will then forbid Congress to legislate directly providing for freight and passenger reductions. Congress is not constituted so it can take evidence and judicially consider questions of this kind. We have the power to act. I do not say we ought never to exercise it, but certainly we ought not, except upon the clearest reason for doing so and in a judicial manner.

In considering this, we must remember this case has been submitted to the Interstate Commerce Commission. The proponents of this legislation themselves brought the proceedings before the commission. The case was decided against them. They now seek to have this Congress, as a Court of Review, review the decision. The fact is, that even while this case was pending before the commission, and while testimony was being taken by the commission, the proponents of this legislation were seeking direct legislation by Congress. It seems to me that Congress would be making a very serious mistake to constitute itself as a reviewing court of the decisions of the Interstate Commerce Commission, in reference to the rate structure of the country.

However, some of my colleagues may differ with me as to one or both of these propositions, but they ought to agree, however, to this: It is undisputed that only 3 to 4 per cent of the passengers that travel in the country use the Pullman cars. It will be recalled that before the war, passenger rates in this country were, generally speaking, 2 cents per mile. During the war they were increased to 5 cents, and in 1923 the increase was to 2.6 cents per mile. If a reduction is to be made in railroad revenues, then it would seem to me that this reduction ought to come off from the freight and passenger traffic generally, so that all of the people would receive the benefit therefore, instead of just 3 or 4 per cent. This, of course, is especially true, unless it is clearly proven that the surcharge provides more than a fair and reasonable return for the service rendered.

I would further observe that I want to make the gentleman from Kentucky [Mr. Rosson] called attention to several roads that are making a very substantial return from their investments. I refer to the roads in the prohibited areas. The great bulk of the railways of the country are not making any such returns. Furthermore, it just happens that these particular roads that he referred to are obtaining very little revenue from the Pullman surcharge. It would have been much fairer if he had taken those roads that derive substantial revenues from this source, and then tell the House what we were making. There was collected in 1923 on the Pullman surcharge from all roads, $37,000,000. From this total railroads earning 6 per cent or over, only received $8,627,280. These roads earning 5 per cent or over, but under 6 per cent, received from this source $10,622,275. The roads earning less than 5 per cent received $18,750,465. If it shall be observed, therefore, that the well-paying roads got less than 25 per cent of the revenue from the surcharge. Let me call attention to the railways of the country with the decision of the Interstate Commerce Commission of 1923 of more than $200,000 each. The statement is as follows:

Rate of return on investment in road and equipment, Class I roads, with surcharge collections of more than $200,000, calendar year 1923—Continued

<table>
<thead>
<tr>
<th>Region and road</th>
<th>Investment in road and equipment, 1923</th>
<th>Surcharge, 1923</th>
<th>Net railway operating income, 1923</th>
<th>Amount</th>
<th>Rate of return</th>
</tr>
</thead>
<tbody>
<tr>
<td>New England region:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boston &amp; Maine</td>
<td>$327,677,701</td>
<td>$31,954</td>
<td>$329,774</td>
<td>1.76</td>
<td></td>
</tr>
<tr>
<td>New York, New Haven &amp; Hartford</td>
<td>1,404,090,337</td>
<td>13,335,670</td>
<td>1,517,026,007</td>
<td>9.30</td>
<td></td>
</tr>
</tbody>
</table>

1. Percentages given as shown for the New Haven are partially based on tentative value.
It will be observed that none of these roads have reached the $5 per cent prescribed by the commission. Of course, the taking away of the Pullman surcharge would materially reduce this return, because they derive substantial revenue from the charge.

Out of the net railway operating income the railway companies must pay interest on funded and unfunded debts and take care of one or two other items of expense that can not be charged up in figuring net railway operating income. It is out of net corporate income that dividends are paid. During the years 1921 and 1922 there was a very substantial deficit in the Milwaukee road on net corporate income. In 1923 that income was but $230,196. If the surcharge had been taken away, amounting to over $700,000, there would have been a deficit in 1923. In 1925 the Soo Line had a net corporate income of $309,093. If the $240,000, which was the amount they obtained from the surcharge, had been taken away, it would have been a very substantial reduction. Following my remarks, I am submitting a table showing the income accounts of these four northern transcontinental roads. They all derive a substantial income from the surcharge, and it must be perfectly obvious that if this revenue is taken away that additional revenue must be provided by the Interstate Commerce Commission. That additional revenue can only come through the increasing of freight rates. A very substantial portion of the revenue from freight on these four roads is from the carrying of agricultural products. Clearly, then, the increase would have to come on agricultural products. The feeling has been throughout the country that on account of the condition of agriculture that, if possible, freight rates on agriculture should be still further reduced, even if it was necessary to increase the rates on certain classified rates. Congress, in January, passed the Hawes resolution, the substantial portion of which is as follows:

In view of the existing depression in agriculture, the commission is hereby directed to effect, with the least practicable delay, such lawful changes in the rate structure of the country as will promote the freedom of movement by common carriers of the products of agriculture affected by that depression, including livestock, at the lowest possible lawful rate compatible with the maintenance of adequate transportation service.

In January we directed the Interstate Commerce Commission to further reduce freight rates on agricultural products. If we pass this we would prevent any decrease and probably increase an increase.

Mr. Speaker, it seems to me that not only have the proponents of this legislation failed to substantiate their case warranting Congress in going into the rate-making business, but that these figures show that it would be futile for Congress to take action, excepting upon the idea of increasing other rates to make up the loss in revenue. For these reasons I shall oppose the amendment.

Data as shown for 1924, based on property investment as shown for preceding year.

<table>
<thead>
<tr>
<th>Income account, four selected roads, 1921 to 1924</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Item</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Chicago, Milwaukee &amp; St. Paul</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>1921</td>
</tr>
<tr>
<td>Average miles operated</td>
</tr>
<tr>
<td>10,989,43</td>
</tr>
<tr>
<td>11,029,86</td>
</tr>
<tr>
<td>11,019,78</td>
</tr>
<tr>
<td>11,096,92</td>
</tr>
<tr>
<td>8,563,44</td>
</tr>
<tr>
<td>8,396,71</td>
</tr>
<tr>
<td>8,364,21</td>
</tr>
<tr>
<td>8,395,44</td>
</tr>
<tr>
<td><strong>Great Northern</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>1921</td>
</tr>
<tr>
<td>Average miles operated</td>
</tr>
<tr>
<td>4,285,69</td>
</tr>
<tr>
<td>4,386,37</td>
</tr>
<tr>
<td>4,386,49</td>
</tr>
<tr>
<td>4,422,56</td>
</tr>
<tr>
<td>4,540,94</td>
</tr>
<tr>
<td>4,666,22</td>
</tr>
<tr>
<td>4,478,94</td>
</tr>
</tbody>
</table>

| **Northern Pacific**                          |
| **Item**                                      |
|                                              |
| 1921                                          |
| Average miles operated                       |
| 4,285,69                        |
| 4,386,37                        |
| 4,386,49                        |
| 4,422,56                        |
| 4,540,94                        |
| 4,666,22                        |
| 4,478,94                        |

| **Net income**                                |
|                                              |
| 1921                                          |
| **Chicago, Milwaukee & St. Paul**            |
|                                              |
| 1921                                          |
| Operating expenses                          |
| $19,927,107                                  |
| Net income                                   |
| $20,127,224                                  |
| 1922                                          |
| Operating expenses                          |
| $20,095,38                                  |
| Net income                                   |
| $20,037,75                                  |
| 1923                                          |
| Operating expenses                          |
| $19,995,49                                  |
| Net income                                   |
| $20,008,48                                  |
| 1924                                          |
| Operating expenses                          |
| $20,129,52                                  |
| Net income                                   |
| $20,051,54                                  |

| **Great Northern**                           |
|                                              |
| 1921                                          |
| Operating expenses                          |
| $2,001,630                                  |
| Net income                                   |
| $2,001,630                                  |
| 1922                                          |
| Operating expenses                          |
| $2,005,056                                  |
| Net income                                   |
| $2,005,056                                  |
| 1923                                          |
| Operating expenses                          |
| $2,009,486                                  |
| Net income                                   |
| $2,009,486                                  |
| 1924                                          |
| Operating expenses                          |
| $2,013,924                                  |
| Net income                                   |
| $2,013,924                                  |

| **Net corporate income**                     |
|                                              |
| 1921                                          |
| 10,802,416                                   |
| 2,999,276                                    |
| 3,601,192                                    |
| 3,595,192                                    |
| 3,606,292                                    |
| 3,606,292                                    |
| 3,606,292                                    |

| **Debit.**                                    |
|                                              |
| 1921                                          |
| Average miles operated                       |
| 4,285,69                        |
| 4,386,37                        |
| 4,386,49                        |
| 4,422,56                        |
| 4,540,94                        |
| 4,666,22                        |
| 4,478,94                        |

| **Credit.**                                   |
|                                              |
| 1921                                          |
| Average miles operated                       |
| 4,285,69                        |
| 4,386,37                        |
| 4,386,49                        |
| 4,422,56                        |
| 4,540,94                        |
| 4,666,22                        |
| 4,478,94                        |
Mr. WOOD. Mr. Chairman, I yield to the gentleman from Iowa [Mr. Cole].

Mr. COLE of Iowa. Mr. Speaker, in this hurried debate on a senatorial rider, I want simply to say a few words to make my views of record. As I read the railroad returns I see as yet no warrant for serious decreases in their incomes. That is the horrid truth of the roads that serve the agricultural regions. The Northwestern last year earned an income of only 2% per cent, and the St. Paul fed a million and a half short of its fixed charges. To cripple these roads in income by reducing Pullman charges would only defer the hopes of increased earnings; it would be tantamount to subjecting to the transport act as the amount to be used in calculating the rate of return on property valuation.

Mr. HUGGLEDON. Mr. Speaker, I also yield the gentleman five minutes.

Mr. HUGGLEDON. Mr. Speaker, I have no conscientious scruples against making rates by act of Congress. But, of course, I want first to be sure that the rate to be made by Congress is a proper rate.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. Huggledon].

Mr. SANDLIN. Mr. Speaker, I also yield the gentleman five minutes.

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Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. Huggledon].

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Mr. HUGGLEDON. Mr. Speaker, I also yield the gentleman five minutes.

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who rides in the sleeping car than from him who rides in the day coach. That was the finding after long and exhaustive hearings.

We had a railroad lawyer before our committee. He came to represent the railroads, and here is what he said: It was Mr. Coleman, of Chicago:

One of the vice-presidents of the National Council of Traveling Men's Association testified that he rides in a parlor car—that is a luxury train, the parlor car—because the people in the day coach car having to stand up all day long are not so companionable to him. Now, in that day coach which was so intolerable to him. I suppose there are a great many poor people, perhaps very good citizens, but in the unfortunate walks of life, for a time at least; and at the time of which he spoke there were a great many people who died with their faces toward the Rhine; and that man who seemed to sit in that car because of the bananas and the peanuts, and because of the presence of those people that man wants to make those poor people pay for his ride in the parlor car.

That is all there is to this case. If the man that rides in the parlor car can not have his fare paid by the man who rides in the day coach, he wants the farmer and the cattleman and the clipper freight to pay his fare. He seems to have pleased everybody that can not afford to pay it, and he wants it to be given to him and to the de luxe traveler, who of all people in the United States he is best able to pay for, for which they get. But you know, rich are not accustomed to paying things, and you know that they have always tried to make the poor bear their burdens.

The railroad lawyer said that—the Chicago lawyer representing millions of invested capital. It was not the wild utterance of an advocate, or an agitator. The lawyer sat on a dignified committee of Congress, and no one denied his statement.

I am not willing, my friends, that the poor farmer who uses the freight train to ship his products, and the cattleman, and the railroads, who ride in the day coaches, shall be taxed to afford luxury to those who ride in the Pullman cars. The issue is plain. The choice is before you. Are you on the side of the man in the Pullman in the day coach, to whom you will, or with my own crowd. [Applause.]

Mr. WOOD. Mr. Speaker, we have only one more speech on this side.

Mr. HILL of Maryland. Mr. Speaker, the Senate has added to the bill making appropriations for the executive offices for the fiscal year ending June 30, 1925, an amendment which would have been out of order if it had been offered in the House. This amendment proposes to make of the Congress of the United States a court of appeals for those who have tried their cases and submitted their claims before the Interstate Commerce Commission and gotten licked. This amendment proposes to establish Congress as a rate-making body and to substitute Congress itself for the Interstate Commerce Commission, which it created to handle the difficult, intricate, and vital problems of rate making. I am absolutely against such a proposal.

If the Interstate Commerce Commission is inefficient or unfair, let the Interstate Commerce Commission try to make the Interstate Commerce Commission try to make a very fair and impartial court; but let us not mistake the meaning of the Senate amendment. The commission heard, considered, and decided the question raised by the Senate amendment, and this is an attempt to override and overrule the judicial act by legislative act. I am glad that there has been full discussion to-day and that in the main this discussion has been on the subject, "Shall Congress supersede the Interstate Commerce Commission which it created?" That is the real question, and the merits or demerits of the Pullman surcharge are quite secondary.

The proposed amendment is as follows:

"That paragraph (4) of section 1 of the Interstate Commerce Act, as amended, is hereby amended by adding at the end thereof a new sentence to read as follows:"

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

Let us look at the law to which this radical and vitiating change is made. The act to regulate commerce, passed by the Forty-ninth Congress, was approved February 4, 1887. It has been amended many times, but its fundamental conception has never been changed. Its original purpose of the Interstate Commerce Commission, a judicial body, and put it in a position, independent of the executive departments of the Government, on the same status as a Federal court. Its creation was hailed as a great and constructive step in the interest of the public by the railroads. The Senate amendment strikes out the foundation of the Interstate Commerce Commission. It seeks to amend paragraph (4) of section 1 of the Interstate commerce act, the purpose of which is to give Congress the act that the Congress of the land. We are considering fundamentals today. Let us, therefore, look at the exact wording of the paragraph we are asked to overrule. It is as follows:

All charges for the service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just; and every unjust and unreasonable charge for such service is prohibited and declared to be unlawful.

Here the Congress of the United States stated the governing rule as to rates. It placed regulation of rates with the Interstate Commerce Commission. If you agree with the Senate amendment, you will be legislating, and properly so, by all those who lose their cases before the Interstate Commerce Commission. Recently certain maritime interests tried to destroy the so-called port differentials, but after voluminous hearings the commission adhered to the rulings and the rates of the past 50 years. Let us see what happens under a bill which makes Congress overrule the 70-year-old commission.

The bill is before us, and it is not, as an illustration of what we may expect if we adopt the pending Senate amendment, and take over the Interstate Commerce Commission's duties, look at Senate bill 3027, introduced January 5, 1925, which is as follows:

A bill to promote the flow of foreign commerce through all ports of the United States and to provide for the maintenance of port differentials and other undiscriminated rates.

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

Sec. 2. On and after June 1, 1925, it shall be the duty of common carriers by railroad to extend and continue the transportation between United States ports on the Atlantic Ocean, the Pacific Ocean, and the Gulf of Mexico, respectively, of all property exported to or imported from any nonadjacent foreign country, rates that shall be the same as those between ports on the respective coast or ports in kinds of property: Provided, That the Interstate Commerce Commission may define the territory tributary to any port or group of ports from and to which the rates and charges applicable to such export and import traffic may be lower than the corresponding rate contemporaneously maintained to or from any other port on the same seaboard, or to prefer any port by the maintenance of port differentials or other differences in rates; it is hereby made the duty of common carriers by water in foreign commerce, other than those engaged in the transportation of property imported into or exported from the United States to or from foreign countries not adjacent thereto rates that shall be the same for such traffic as for traffic between United States ports on the Atlantic seacoast, the Pacific seacoast, and the Gulf of Mexico, respectively.

On and after June 1, 1925, it shall be unlawful for any common carrier by railroad to maintain or apply to or from any port in the United States from and to the foreign territory any rate or charge for the transportation of property for export to or imported from a foreign country not adjacent to the United States which is higher than the corresponding rate contemporaneously maintained to or from any other port on the same seaboard, or to prefer any port by the maintenance of port differentials or other differences in rates; it is hereby made the duty of common carriers by water in foreign commerce, other than those engaged in the transportation of property imported into or exported from the United States to or from foreign countries not adjacent thereto any rate applicable to the transportation of property imported into or exported from the United States that shall be higher than the corresponding rate contemporaneously maintained to or from any other port on the same seaboard, or to prefer any port by the maintenance of port differentials or other differences in rates.
Mr. Speaker, under leave granted me to extend my remarks on the repeal of the Pullman surcharge, I wish to say, that we should be mindful of just what rate making by congressional action means. It means that we throw to the winds the judicial determination of the Interstate Commerce Commission; that we fix rates without a thorough consideration of the facts; that we open the door to the fixing of all rates by Congress and the fair regulation gives way to prejudice and spurred by clamor will evolute in chaos for the roads and evils of all sorts to the business and public is the consequence.

If such a bill passes reduction of wages may follow with strikes and economic loss following. The gain to the traveler by the repeal of the surcharge would be swallowed up in the business chaos that would be created, and only could have been which had considered the evidence, deemed it unsafe to take action in the interest of all concerned. I shall refuse to pass upon so weighty and important a matter in a few hours and until I feel better able to pass upon it than those whose duty it now is to do so.

A day or so ago I voted against the Haagen-Capper bill and for the Dickinson amendment. I stood on the floor of the Senate and advocated the measure for agricultural relief. Introduced and passed in haste, without time for us to know the scope of the Dickinson amendment, there was no adequate way of ascertaining its effect or by the action since the time the evidence it had been submitted to by its sponsor or its provisions. This I find, contrary to my belief, creates new offices, adds to the pay roll a lot of useless employees, and will, in my judgment, do no good for the farmer, I hear the bill as amended will not pass. I hope not. I shall vote against it when opportunity again presents itself.

Further, all this legislation hurried through in such a manner is unjustifiable. Such important measures should not be acted upon until Members have had a fair chance to study them and not be forced to take someone's word for it. The Haagen-Capper bill and the Dickinson amendment are both vicious pieces of legislation. The Pullman surcharge rates in line with them and I feel the best interest of the public, business, the railroad employees, and the Government are best served by letting the Interstate Commerce Commission and not Congress handle those railroad matters and by allowing the President the power to appoint a railroad commission.

Mr. WOOD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. Speaker, the basic fare for passenger travel in all coaches is 3.6 cents per mile. The Interstate Commerce Commission after a full hearing decided that in view of the additional expense to the railroads in the transportation of parlor and Pullman cars, and in view of the additional service furnished to those who travel in parlor and Pullman cars, a higher rate per mile should prevail and would not be unreasonable. So they fixed a rate for those who travel in the parlor cars and in Pullman cars at 3.6 cents per mile. The Interstate Commerce Commission, with all its facilities for investigating costs, and so forth, has found and declared that there was just and reasonable to the traveler and it was needed by the railroad companies to cover the costs. Congress could not make the decision. It may be a question in a few days, and neither the House nor the Senate could do so in debate on the floor.

So you can see the difficulty and fallacy of bringing these questions here to be settled on the floor of the House and the Senate. I am opposed to this bill because I do not think we ought to establish the precedent of making Congress an appellate tribunal from the Interstate Commerce Commission. If we pass this bill, if we approve it, we have established that precedent and we have made Congress an appellate tribunal in rate making. That is all there is to it. The Interstate Commerce Commission said that the surcharge was made in that form largely as a matter of convenience. How else could you expect such a question as this? But if we do not collect the additional fare for those who travel in parlor cars in the form of a surcharge and let the Pullman Co. collect it for the railroad, then we would have to take two or more separate votes on that, and we would be both inconvenient and impractical.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired; and the gentleman from Kentucky [Mr. BARKLEY] is recognized.

Mr. BARKLEY. Mr. Speaker, the gentleman from Illinois [Mr. DENISON], who has just addressed the House in opposition to the Senate amendment, at the present time is very much opposed to congressional rate making, and he is especially opposed to Congress making rates on Pullman surcharges; but I hold in my hand House bill 5226, introduced by the gentleman from Illinois [Mr. Denison], who also addressed the House a few moments ago against the Senate amendment, on the 5th day of December, 1923, in which he proposes to repeal the Pullman surcharge and prohibit its collection in the future. These distinguished gentlemen are both members of the Committee on Interstate and Foreign Commerce.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. DENISON. I understand the gentleman refers to a bill that I introduced.

Mr. BARKLEY. Yes; repealing the surcharge.

Mr. DENISON. I feared that bill on request.

Mr. BARKLEY. It does not say so.

Mr. DENISON. But I say so; and I am saying this, that at the time I filed it I did not know a thing about it, but I have since come to know something since then.

Mr. BARKLEY. The gentleman has seen the light since then?

Mr. DENISON. I have learned something, and I am hoping that the gentleman from Kentucky will learn the same.

Mr. BARKLEY. I accept the gentleman's apology. Hereafter I hope the gentleman will add a footnote to his bills, advising us whether he is for them or against them. Mr. Speaker, I shall discuss this matter not from the standpoint of the number of men or women and children who travel in Pullman cars or the percentage of those who travel in all kinds of trains or railroads, but I will try to bring up the question of the expedience of passing on legislation solely in accordance with the number of men and women it may affect. My position on this bill is dictated by sentiments of justice and equality, our people, and I will fight this bill until my face is turned against it. I believe the people have rights and not only the House and the Senate approve it, but I will yield to others.

It is true that about 4 per cent of the people who travel on the railroads of this country travel in Pullman cars. It is not for the railroads or anybody else that anybody would have to furnish many more cars than are furnished now for the passengers who desire those accommodations, but it also developed in the hearings before the Committee on Interstate and Foreign Commerce that the average passenger travels ten times as far as the average day-coach passenger, and therefore pays ten times as much railroad fare, and we say that we will not make the people pay more than the United States 40 cent is paid by those who ride in Pullman cars, either in the day time or in the night time. Therefore it is not fair to say that only four out of every passenger are entitled to those accommodations, which would allow them to be discriminated against merely because they seek to make themselves comfortable on long journeys. People have rights to those who give them the consideration to which they are entitled.
We are told that politics makes strange bedfellows. But politics never brought together stronger elements than has the proposition now before us.

My friend HUNDELESTER, from Alabama, finds himself locked in battle from the floor of the House with the gentleman from Massachusetts [Mr. WINSLOW] for the first time in his history. [Laughter.]

Mr. WINSLOW. Mr. Speaker, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. WINSLOW. Does the gentleman know any better embrace for him to get into than mine? [Laughter.]

Mr. BARKLEY. The gentleman’s embrace is no doubt alluring to some. But I do not find the gentleman’s embrace quite enough to suit my own taste for embraces.

Mr. WINSLOW. But the gentleman has been in it more than once.

Mr. BARKLEY. Once in a while; but it has never become habitual. Mr. Speaker, the gentleman from Massachusetts is against the repeal of this surcharge and the gentleman from Alabama is against the repeal of the surcharge, but not for the same reason. The gentleman from Massachusetts opposes it because he does not desire the amount of revenue involved to be taken from the railroads, while the gentleman from Alabama opposes it because, congenitally and inherently, he is against any man who has money enough to buy a Pullman ticket [laughter], and all that.

I think it was, as Director General of Railroads, put this surcharge on the traffic in the Pullman cars. It was put on as a war measure, and its chief object was for the purpose of discouraging travel on the railroads; but although it was put on in war time by the action of the Government when the people were willing to stand for almost any inconvenience, it was so obnoxious and objectionable that in December of that same year it was taken off, and was not heard of any more until 1920.

In May of 1920 the railroads filed an application with the Interstate Commerce Commission for the right to increase rates on Pullman cars, not passenger rates, not surcharges, but freight rates—not passenger rates, not surcharges, but freight rates—on Pullman cars, and they represented that it was necessary for them to have an increase of 30 per cent in freight rates in order that they might make the standard return fixed by Congress, which was 6 per cent, in the transportation act passed by Congress at that time. The hearings on the application were concluded.

Nothing was said about increasing the passenger rates from 3 cents to 3.6 cents. In the meantime the railroad labor board had been set up by the transcontinental and was in session at Chicago, on the 26th of July, I think it was, rendered a decision on an application of the railroad employees for an increase in wages, in which decision they represented to the Interstate Commerce Commission that they could not be kept in business by the transcontinental and they represented that it was necessary for them to have an increase of 30 per cent in freight rates in order that they might make the standard return fixed by Congress, which was 6 per cent, in the transportation act passed by Congress at that time. The hearings on the application were concluded.

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...
are told that the Interstate Commerce Commission has rendered a decision, but because of its division, because they were hopelessly divided, they rendered no decision, and therefore the railroads are permitted not only to retain the 20 per cent increase that passenger rates for physical cars, or cars that haul an extra charge upon Pullman passengers which they were allowed to inaugurate for a temporary emergency purpose to meet a temporary condition. They are allowed to retain this extra charge against the requirements of nature, this extra burden borne by every invalid in search of health, every parent who, after years of toil and hardship, wishes to accompany a sick relative to a distant point, a modest school of learning, and every man or woman whose business calls them to distant points in our country. [Applause.]

Mr. WATKINS. Will the gentleman yield?

Mr. BARKLEY. I can not yield; I am sorry. Now, my friends, I want you to bear in mind that these Pullman cars are not furnished by the railroad. They are built by the Pullman Car Co. All the capital investment that represents their value and cost is made by the Pullman Car Co. Not only that, but they are furnished and equipped by the Pullman Car Co. Not only that, but the conductor and the porter and all the employees on that car are furnished and paid by the Pullman Car Co. I say, therefore, that, but when they reach their destination, they are cleaned out not by the railroad that hauls them but by the agents and employees of the Pullman Car Co.

All the expense of their operation is borne by the Pullman Car Co., not by the railroad that hauls them up the tracks, and for this hauling the railroads, with few exceptions, are paid by the Pullman Car Co. The total amount paid the railroads by the Pullman Co. is more than $12,000,000 annually. Railroads, while the Pullman companies have paid nothing for the construction or equipment or maintenance of those cars, and get $12,000,000 a year for hauling them up and down the road, you are asked here to sanction a proposition which allows the Pullman system to make a profit of 25 cents a car-mile, which is being paid by the ablest people in this country. [Applause.]

I am unwilling to invoke the farmer here in the effort to do injustice to any class of people in the United States. I have a prejudice against the railroad rate making—against the railroad rate making as a cattle raiser and a farmer. I am as much a farmer as he is, and my father is a farmer to-day, and I live in an agricultural district. I have voted on every occasion for the benefit of the farmer; but my friend from Kansas is a friend of the farmer, he is allowing himself to be blinded, while the farmer is being used for the purpose of getting a special favor for the railroad system. [Laughter.]

I am unwilling to invoke the farmer here in the effort to do injustice to any class of people in the United States, and I apprehend that if an application for a reduction in freight rates on the livestock industry, in which my friend from Kansas is interested, shall result in five members of the Interstate Commerce Commission saying that it ought not to be reduced, and four of them saying it ought to be reduced, and two of them saying it ought to be cut in two, my friend from Kansas will be here with a bill instructing them to reduce freight rates on agricultural products before the next Congress. It is a weak old Congress.

My friends, I think we need not be swept off our feet here. Congress has the power to pass this law. Complaint has been made by my good and distinguished friend from Missouri [Mr. HAWS], because the Senate gave no hearings on this proposition. There were 25 bills introduced into this House in the first session of the present Congress to repeal this tax. Bills were also introduced in the Senate. But efforts were made in the Committee on Interstate and Foreign Commerce of the House to secure consideration of this legislation. But you gentlemen know how hard it is in that committee to get any consideration given as it is opposed by the railroads of the United States. In order that you may understand how widespread was the agitation for the removal of this surcharge, the House may be interested in the following list of bills introduced in the last session of this Congress on this subject. I give the number of the bill, the date of its introduction, and the author:

- Mr. Kahn.
- Mr. Clark of Florida.
- Mr. Newton of Minnesota.
- Mr. Woodruff.
- Mr. Wight.
- Mr. Graham of Illinois.
- Mr. McLaughlin of Nebraska.
- Mr. Dayta.
- Mr. DeWitt.
- Mr. Denison.
- Mr. Dalinger.
- Mr. Davenport.
- Mr. Shallenberger.
- Mr. Hoar.
- Mr. Keller.
- Mr. Upham.
- Mr. Crisp.
- Mr. J. W. B. Cox of Tennessee.
- Mr. Jacobson.
- Mr. Barkey.

Notwithstanding the efforts which were made to get the committee to consider these, there was not one introduced on that purpose and most of which were in the same language, it was impossible to secure their consideration.

The Senate passed this bill last May and sent it over here; it was referred to the Committee on Interstate and Foreign Commerce.
Commerce. Efforts have been made to create the impression that if this surcharge is removed reductions cannot be made hereafter in rates on farm products. This is an insidious device. If the same character of equal justice is meted out to all products going to and from the farm. But I venture to suggest that, if, instead of this being a controversy over Pullman surcharges, it were a controversy over the reduction of freight rates on farm products the same insidious device, the same legerdemain, the same trick, would be here played upon this, and their efforts would be centered around the claim that the farmer pays little freight anyway, and that he ought not to be the only one who benefits thereby for the receipt of official or governmental favors. I have heard that sort of claim made before when the interests of agriculture were involved.

But the adoption of this amendment, the removal of this surcharge, would not aid or interfere with the downward adjustment of freight rates on agriculture. It is claimed by those who seek this removal, that the roads, under the recapture clause of the transportation act are turning back to the Government between $90,000,000 and $100,000,000 per annum, which represents an amount equal to one-half their surplus earnings over the fair return fixed by law. The roads themselves admit that this amount being returned is more than $80,000,000. If this amount be correct, there is an additional $40,000,000 which they are receiving over and above the fair return, because they are required to return only one-half of the surplus and not all of it.

Whatever the correct amount may be, we know that many of the roads are earning largely in excess of the lawful return. We know that based on present earnings and future prospects railroad stocks have risen in the past four months beyond all expectations. We know that the fair return as fixed under the law by the commission at present is based, not on actual value but on book value, which may be the same, or be less than, or more than actual value; that forty or the eighty millions subject to recapture as a surplus may not, and in all probability does not, represent the true amount that is subject to be returned. When the actual valuation of the property is ascertained, and the rate fixed with that knowledge as a basis, I am confident that the commission will be able to reduce freight rates on the products of the farm, and the means of bringing forth these products from the earth, will be of great moment to the penalization and the penalty now involved in the payment of three separate taxes by those who must travel long distances and at night will in no respect retarid such relief to the farmer or to any other deserving or suffering interest or industry in this Nation. [Applause.]

Let us do justice to all classes as opportunities are presented. This is an opportunity to do justice to a large portion of the traveling public, and I shall grasp this opportunity to render to those whose calling and needs take them far from home the justice to which I believe they are entitled. When other opportunities of private profit to deal in their business of transportation charges, I hope I may be equally zealous in trying to see that the same character of equal justice is meted out to all who need and deserve the protection of the Congress of the United States. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. WOOD. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. Winslow]. [Applause.]

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. Winslow] to be the last speaker on his side of this question, so it has fallen to me to be the last speaker on the other side. For obvious reasons I cannot answer in kind his gymnastic presentation of his speech. [Laughter and applause.]

Based on what I have had an opportunity to learn, and believe I have learned, as to facts supported by figures in connection with this proposition, I will say to my good friend from Kentucky, we always speak in a friendly way. I have no reason or occasion to handle figures than I would a pretender to pull a bunch of rabbits out of a thimble. He has done a won­

If I had the time to answer accurately his easy statements, I think I could present the case more as it should be presented, and I think I would have not that time that I talked so fact and said so many things that I shall not be able to do in 15 minutes more than approach his assertions. I have been happy to note that the gentleman from Alabama [Mr. Humason] has been with me and is with me in principle in connection with this proposition of, "Suffer little children to come unto me." [Laughter and applause.]

You may be interested to have an idea what some of us think, at all events what I think, of the history of this proposition. I shall give you that idea to the best of my ability.

After tracing the source I have long since been convinced that it was originating in the minds of men connected with the honorable occupation of commercial travelers. It was originally presented through scores and scores of our fellow Members, who put in bills much to the same effect, through the Instrumentality of the United Commercial Travelers' Association, which for many years have been a member, and my dues are all paid to date. But a little care in looking into the problem, with reference to finding the real source, long ago convinced me, and I have never any hesitation to change my mind, that the whole body of commercial travelers is not vitally interested in this proposed legislation. It started, I believe, and with honorable intent, I think—I take no exception to it—among those commercial travelers who are known as travelers working entirely on commission. They are but a small part of the commercial traveling public which pays railroad fares and surcharges on account of Pullman travel.

The correspondence which has come to our committee and the testimony and all the rest that would tend to give knowledge have failed to demonstrate that the traveling salesmen whose expenses are paid by their employers' office care very much about it. They have stood by, like good fellows in the organization, and we do not blame them for that; but the main interest has been on the part of those who sell wholly on commission and who would get the whole product of their proposal and all the benefit of the proposed legislation. There is not one of those all-commission traveling salesmen or any other salesmen—who would take the benefit of this surcharge for himself if he could get it, as all of us who would want to see it removed. When the removal of the surcharge he would quote his goods to any customer 1 cent below the schedule prices which would be charged if the surcharge remains. There small thing, if it is in any advantageous to the consumer public by virtue of the removal of the surcharge. So the demand for the removal of the surcharge, so far as the commercial travelers are concerned, comes mainly from the all-commission travelers and, to a small degree, from the houses which hire them. Those houses are not represented by any considerable number of letters or communications of any kind. But, on the contrary, large money business houses and organizations of business houses have protested against the removal of the surcharge as being unnecessary, likely to disturb railway economics and likely more than that—and do not forget this, my friends—to disturb the condition and trend of business as it is going to-day, and it is not going up the ladder. If you will consult the business people of this country—the manufacturers, the merchants, the importers, and the retailers, I think you will find that fine paper spurt which was to come January 1 and continues on during the year has not materialized.

The writers on economics and all employers of salesmen know that there has been a bill in Congress for 15 minutes.

Mr. WINSLOW. Mr. Speaker and Members of the House, as I did to the lot of my associates from Kentucky [Mr. Barks­ley] to be the last speaker on his side of this question, so it has fallen to me to be the last speaker on the other side. For
problem is a mighty complicated proposition. How can we
make these organizations speak, personally, than the members of the In-
testate Commerce Commission, if you please, but crowded with other
work and obligations as we are—undertake each one to be
a specialist and an analyst of figures in determining the economics
entirely. It is not making 5 per cent.
Mr. BARKLEY. As I understand it, on this motion those
who favor the repeal of the surcharge would vote aye.
Mr. BARKLEY, Mr. Speaker, I ask for the yeas and
nays.
Mr. BARKLEY. The gentleman from Kentucky demands
the yeas and nays.
The yeas were ordered.
YEA'S-124  nays 255, not voting 52, as follows:

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The SPEAKER. The question now is on the motion of the gentleman from Indiana to concur with the amendment, which the Clerk has reported.

The question was taken; and on a division there were 183 ayes and 83 noes.

So the motion to concur with an amendment was agreed to.

**CONFERENCE REPORT ON DISTRICT OF COLUMBIA APPROPRIATION BILL**

Mr. DAVIS of Minnesota. Mr. Speaker, I call up the conference report on the bill (H. R. 12033) making appropriations for 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.

The Clerk read the conference report, as follows:

**CONFERENCE REPORT**

The committee of conference on the disagreeing votes of the two Houses on certain amendments to the Senate 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, having met, after full and free conference, have been unable to agree.

C. R. DAVIS, FRANK H. FUNK, W. A. ATREES, Managers on the part of the House.

L. C. PHIEPS, W. L. JONES, L. HESSLER BALL, Managers on the part of the Senate.

Mr. DAVIS of Minnesota. Mr. Speaker, there are three amendments in disagreement, and of them I might say that there is no controversy with respect to amendment numbered 28 relating to the police force and the traffic situation. On Tuesday the House further insisted upon its disagreement to the amendments of the Senate numbered 1, 28, and 46. The House at that time requested a further conference with the Senate on amendment numbered 1, and on a division the vote was 104 to 4, for further insistence. The Senate has not had more than a vive voce vote on this proposition. I move that the House further insist upon its disagreement to the three amendments which are in disagreement.

The SPEAKER. The question is on the motion of the gentleman from Minnesota that the House further insist on its disagreement to the Senate amendment.

The motion was agreed to.

Mr. DAVIS of Minnesota. Mr. Speaker, I move that the House ask for a further conference with the Senate and ask the Speaker appoint the conferences.

The motion was agreed to.

The SPEAKER appointed the following conferences: Mr. DAVIS of Minnesota, Mr. FUNK, and Mr. ATREES.

**DISTRICT OF COLUMBIA TRAFFIC ACT**

Mr. ZIHLMAN. Mr. Speaker, I call up the conference report upon 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 SPEAKER. The gentleman from Maryland calls up a conference report, which the Clerk will read.

The Clerk read the conference report.

**CONFERENCE REPORT**

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to 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, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House resolve from its amendments numbered 10, 11, 12, 13, 15, 16, 17, 28, and 30.

That the Senate resolve from its disagreement to the amendments of the House numbered 1, 2, 5, 6, 9, 14, 18, 10, 21, 22, 24, 25, 26, 27, 28, and 31, and agree to the same.

Amendment numbered 4: That the Senate resolve from its disagreement to the amendment of the House numbered 4, and concur in the same with the amendment as follows: In the second line of the matter proposed to be inserted in the House amendment strike out "Code of Law for the District of Columbia" and in lieu thereof insert "District of Columbia Code"; and on page 19, line 1, of the Senate bill, strike out "S" and in lieu thereof insert "S"; and on
page 12, line 6, of the Senate bill, strike out "6," and in lieu thereof insert "7"; and on page 20, line 10, of the Senate bill, strike out "5," and in lieu thereof insert "6"; and the House agree to the same.

Amendment numbered 7: That the Senate recede from its disagreement to the amendment of the House numbered 7, and agree to the same with an amendment as follows: On page 6, line 17, of the Senate bill, strike out "chief," and in lieu thereof insert "major and superintendents;" and the House agree to the same.

Amendment numbered 8: That the Senate recede from its disagreement to the amendment of the House numbered 8, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert "which regulations shall remain in force until revoked by the director with the approval of the commissioners;" and the House agree to the same.

Amendment numbered 20: That the Senate recede from its disagreement to the amendment of the House numbered 20, and agree to the same with an amendment as follows: On page 12, line 16, of the Senate bill, after "hour," insert "except in such outlying districts, and on such arterial highways, as the director may designate;" and the House agree to the same.

Amendment numbered 22: That the Senate recede from its disagreement to the amendment of the House numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "Sec. 14. For the purpose of expediting motor-vehicle traffic the director is authorized and directed to establish as arterial highways or boulevards such public highways as he deems advisable, and to provide the equipment of any such highway or boulevard with such traffic-control lights and other devices for the proper regulation of traffic thereon, as may be appropriated for by the Congress from time to time."

And the House agree to the same.

F. N. ZIHLMAN, E. W. GIBSON, HENRY R. RATHBONE, THOMAS L. BLANTON, Managers on the part of the House.
L. HEISLER BALL, W. L. JONES, ARTHUR CAPPER, W. H. KING, MORRIS SHEPPARD, Managers on the part of the Senate.

STATEMENT

The conferees agreed on the House amendment to provide for the changing of the code relative to jury trials and the language as inserted by the House remains in the bill. The annual issuing of vehicle operators' permits is retained in the bill. The speed limit established of 22 miles per hour is retained with the provision that the director of traffic may provide by regulation for a rate of speed in outlying districts and on arterial highways, which he is authorized and directed to establish. The change of penalty provided by the House amendments relative to fines and imprisonment for fleeing from scene of accident and driving under influence of liquor is retained. In cases where the vehicle strikes or causes damage to another vehicle this is modified to conform to the Senate language and leaves same in the discretion of the court. The conferees agreed on the elimination of the section providing for the impounding of vehicles, and on the section relating to highways or boulevards—the provisions of the House amendment designating certain streets and avenues as arterial highways is eliminated and the director is authorized and directed to establish such highways. The Senate provision for 100 additional privates for the Metropolitan police force is retained. On minor amendments to the bill relating to the change in the hours of court, and an increased personnel for the police court, the House provisions are retained. The other amendments are of a clerical nature.

F. N. ZIHLMAN, E. W. GIBSON, HENRY R. RATHBONE, THOMAS L. BLANTON, RALPH GILBERT, Managers on the part of the House.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Arkansas [Mr. BLANTON].

Mr. WINGO. Mr. Speaker, I rise simply to call attention to what I think is a very bad practice on the part of the House. That is, Mr. the House to yield every one of us who deliver an unlimited speech to it. The joint committee agreed that we ought to have 300 additional traffic policemen. Everybody who studied the situation in the District agrees that we ought to have at least 200 additional police officers. "You shall not have this traffic law, you shall not have anything, if you insist on over 100 policemen." There are two things necessary to correct the traffic evil in the District of Columbia. One law has been enacted by the courts of your law and the other is to have enough traffic policemen to apprehend the violators and bring them into the court. With 125,000 cars, with your large areas here to be policed, you are not going to have an efficient enforcement of this law with an insufficient police force. This Congress is not to blame. One Senator is to blame, and the only blame that can attach to this House is that in order to get any legislation at all permits one man to dictate to the entire Congress.

Mr. ZIHLMAN. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Speaker, usually the gentleman from Arkansas [Mr. WINGO] agrees with the gentleman from Texas [Mr. BLANTON], and I can say amen most of the time to what he says. As a general proposition concerning action taken by Senate conferees, his statement is correct, but in this particular instance he is misinformed. Your House can pass a bill at the table, and we have five distinguished Senators and we told them what kind of a bill the House wanted and we sat there until we got it. [Applause.] We have a traffic bill here that will stop bootleggers and the Senate receded on 17 amendments. Whenever the distinguished gentleman from Arkansas can get five distinguished Senators to recede on 17 amendments I shall buck him up on his conference report every time.

Mr. WINGO. Mr. Speaker, will the gentleman yield? Mr. BLANTON. Certainly.

Mr. WINGO. Does the gentleman mean to tell the House, then, that the House conferees without a fight just laid down and voted the instructions of the House?

Mr. BLANTON. If the gentleman had been at that conference and had seen his five House conferees sit at that table and fight those Senators for several hours for this bill he would find out that he is mistaken. We have brought back one of the finest traffic codes that any city in the United States has. We stood up on every material provision on which the House voted. We have a traffic bill here that you will do well with.

We have a traffic bill here that will stop the running over of little children; we have a traffic bill that will stop smoke from trains; we have a traffic bill that will provide for the protection of women working over chasewomen from the House Office Building and never being indicted for it; we have a traffic bill that will stop speeding motorists, if you please, running over a United States Senator at night and putting him in jail; we have a traffic bill that will let the motorists understand they have rights on the street but at the same time make them understand that the pedestrians and others also have rights. We have got a splendid traffic bill, and I take off my hat to the distinguished gentleman from Illinois [Mr. RATHBONE], who has spent days and weeks in the study of this measure and who has helped this committee materially with his exceedingly wise advice and his energy. I hope the House will adopt this report. [Applause.]

Mr. ZIHLMAN. Mr. Speaker, I move the previous question on the conference report. The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

HOUR OF MEETING ON SUNDAY

Mr. MORRIS. Mr. Speaker, I ask unanimous consent that the House meets on Sunday next at 2 o'clock.

Mr. WINGO. The SPEAKER. The gentleman from Kentucky asks unanimous consent that when the House meets on Sunday it meet at 2 o'clock. Is there objection? [After a pause.] The Chair hears none.

HOUR OF MEETING TO-MORROW

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight it adjourn to meet at 10 o'clock to-morrow morning.

The Speaker. Is there objection?
Mr. BLANTON. Mr. Speaker, the calendar is crowded and we ought to have a night session tonight.

The SPEAKER. Is there objection? [After a pause.]

The Chair hears none, and it is so ordered.

PARTY REGULARITY

Mr. BECK. I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection? [After a pause.]

The Chair hears none.

Mr. BECK. Mr. Speaker, a few weeks ago the majority leader of the House, the gentleman from Ohio [Mr. Longworth], and the chairman of the Republican congressional campaign committee, the gentleman from Indiana [Mr. Wooll], regarded the House with their definitions of what it means to be a Republican and instructed the membership of the House with a lecture on the principles of party loyalty.

Like others who have ventured into uncharted seas, with no legal, political, or moral precepts to guide them, these gentlemen and others who have spoken on the same theme have fallen into numerous contradictions and do not appear to agree even among themselves. They are at one, however, upon the proposition that no man can qualify as a Republican who did not vote for or give his active support in the recent campaign to return the straight Republican ticket, including every candidate for the Senate or the House who happened to land on the Republican ticket, as well as Calvin Coolidge and Charles G. Dawes through the gentleman from Indiana, to himself.

The gentlemen also appear to be in agreement that sitting Members of this body, regularly nominated by the Republican voters of the districts in Republican primaries, and duly elected in the general election on the Republican ticket, should be shorn of whatever rank to which they may have attained on committees of the House through long service as Members of this body.

I have refrained thus long in commenting upon this remarkable ukase from gentlemen who assume to pass upon the eligibility of members of the Republican party because I wished to avoid any implication of impugning the integrity and ability of the Republican Members from Wisconsin. The gentlemen also appear to be in agreement that sitting Members of this body, regularly nominated by the Republican voters of the districts in Republican primaries, and duly elected in the general election on the Republican ticket, should be shorn of whatever rank to which they may have attained on committees of the House through long service as Members of this body.

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But the chief offense in the remarks of the gentleman from Indiana does not lie in their obvious inaccuracies and exaggerations, but in the argument he has made that Wisconsin must return to the domination of corrupt railroad and lumber magnates, and that through corruption, he or her representatives will be recognized by the new leaders of the Republican party of Lincoln.

In view of the gentleman's statement, it becomes necessary in his defense to strike a blow at the heart of the argument which he has Term to discuss the changes which have taken place in Wisconsin under what the gentleman is pleased to characterize as the "false leadership" of La Follette, and to sketch the corrupt system to which we are returning.

Had La Follette's leadership appeared on the political horizon 50 years earlier the people of Wisconsin would still be in possession of their natural resources or their equivalent. The Federal Government ceded millions of acres of valuable agricultural and timbered lands to the State for the support of the common schools, the university, and the college of agriculture. The State did likewise. The schools of our sister States had heritages of equal value and they preserved these heritages until to-day the income from them yields as high as $12,000,000 a year for the support of the schools. The "business men" in politics in Wisconsin succeeded in hewing our schools of these lands and timber until our income from that source is less than one-third of a million dollars. This means that the people of Wisconsin are paying about $12,000,000 a year in taxes as a tribute to the landowners of the late 19th and early 20th centuries, and they will pay this tribute through all time and eternity.

And how did they manage it? It was done as usual by a combination. First they took the railroad stock, if he "behaved himself," the State treasurer, as his share of the boodle, was to lend the State's money and pocket the interest. Candidates for the legislature were to have their campaign expenses paid, and if the leaders "behaved themselves" and were "regular," they were to have some fat appointive office; while the railroad and other bosses proceeded to loot the people of their lands and timber, and save their resources, and were free to charge what they pleased for their services and receive every other special privilege they might desire. One of the special privileges the railroads secured was permitting them to tax themselves, under which they paid the enormous sum of $1,000,000 a year in taxes upon $1,000,000,000 worth of property and they made their boast that not a single law had been passed in Wisconsin which had not been approved by them. Wisconsin was owned, body and soul, by these political pirates. That is one reason why I regret that Senator La Follette was not born 50 years sooner than he was and that he can not live 100 years longer. The people would have saved their heritages and these perfectly "regular" political bosses would have landed in prison. As it was, most of them landed at Washington to continue their plundering on a national scale. It took La Follette six years to break up this combination sufficiently to reach the governor's office and one of the first things he did was to give the people of Wisconsin a primary election law, under which these plunderers of the public purse had no chance to receive their plunder and taxes shall be, or what the laws of the State shall be, than the humblest citizen in overalls.

A two-a-day entered the State capital by the front door, the corrupt but "regular" political bosses and the corporate masters they served made their exit by the rear. The plunder of the public ceased, though the meetings behind closed doors continued. These meetings were again seen to divide up the loot but to denounce La Follette as a most dangerous man, a Socialist, a red, a radical, a man that was ruining business, a man who "sought and is seeking the destruction of the very foundations upon which our national system of mental structure is based." I quote those latter words from the speech which the gentleman from Ohio trotted up to New York on January 16, and then went on to say that he could not find a better place to go to make a speech that kind than in the shadow of Wall Street. I invite him to make that speech in Wisconsin, where La Follette has increased his majorities from 25,000 votes to 235,000 on his record; and where not a single law which he placed upon the statute books has ever been repealed or declared unconstitutional, and where no man has dared to run for any important office in 20 years without being elected without announcing that he stands for the same principles of La Follette stands for. La Follette gave to Wisconsin a railroad rate law that insured honest service and saved the people $3,000,000 a year. What has he to say about Mr. Wood's bill to institute a railroad rate law to keep these plunderers from making a profit on the worsted they do not deliver? He gave the people a tax law that provided for the taxing of railroads and other utilities on an ad valorem basis the same as other property is taxed, and which increased the revenues of the State over $1,000,000 a year. What has he to say about the food law that has placed Wisconsin first in dairy products and canned goods, and has put an end to food adulteration, and is saving the people millions upon millions of dollars. He gave the people of the State the first workman's compensation act that went into effect in this country. This law is diverting over $5,000,000 annually into the pockets of injured workmen, which used to flow into the coffers of insurance companies. He gave us insurance laws second to none anywhere in the United States, laws that are saving millions of dollars in premiums. He gave us a banking law that put a stop to usury and placed our banking system upon a solid footing.

From the time La Follette began "undermining the very foundations of the government of Wisconsin, from the time he began driving his stiletto into the heart of this State, the State began to prosper. During the last 20 years Wisconsin has had only 13 bank failures, and in only 4 of them did the depositors lose a single dollar. During these same 20 years Wisconsin has risen from fourth place in the United States in the value of its dairy products to first place. It has risen from fifteenth place to twelfth place in the value of its farm property. It has risen from eleventh place to second place in the value of its livestock. It has held its own in its manufacturing interests, and while manufacturers of other States are complaining of hard times, Wisconsin has added 2,000 new manufacturing establishments to its list during the last ten years, and the manufacturing capacity of the State is second to none.

Seeking the destruction of the foundations of our Government! If what we have done in Wisconsin has destroyed the very foundations of the government of that State, we have not yet discovered it. What we have done for Wisconsin is what we have been trying to have Congress and the administration do for the United States. If that will destroy the foundations of this Government, what has the gentleman to say about the Homesteads, the Daughertys, the Doheneys, the army of Government sleuths traveling around over the country framing innocent people, the Denbys, the Riches, the Forbes? What has he to say about Mr. Wood's Corporation with a bounty of $5,000,000 for every corporation that he says would strike the blow of the corporation, and what has he to say of a Cabinet officer, who holds his office illegally and who is withholding $10,000,000 in taxes from the Government? What has he to say of the contractors who made $35,000,000,000 in bloody profits during the war and who are continuing to make billions upon billions in profits off the people at a time when millions of people are through no fault of their own, are not able to get the good food moving into the cities? What has he to say about the fact that farmers facing these conditions are being told "the only help for the farmers is for them to help themselves?" What has he to say of the appointments which are made by the so-called reformers and the recommendation of a man who recommended farm legislation to Congress composed of a manager of a milling company, a professor of agricultural chemistry, an economist, an attorney, a president and founder of the General Agricultural Insurance Corporation, a student of dry land farming, and a man who farmed and taught school until he was 37 years old and then quit?
And what has he to say about the farm-relief legislation that has resulted from these ponderous conferences and commissions?

Undermine the foundations of government! How silly! And what have the progressives been asked to do? He is asked to determine the result of a Republican caucus or being placed in a "key position" to determine the course of legislation, is equally ridiculous. That is not what troubles him. He knows that my vote would determine the speakership of the House, which he thoroughly disapproves. In 1924 that same House elected Mr. Coolidge to the speakership. Let me say that I have not thought he is a "key position." He was placed in the speakership of the House. He knows that I have not been influenced to vote for the Republican Party. The best answer to that question is that no State in this Union has a better claim to the Republican label than the people of Wisconsin, for it was in Wisconsin that Senator La Follette first made the pronouncement that "we need的根本, and for the rights of the common people. We have remained in the Republican Party for the simple reason that in Lincoln's principles of free representative government, and in his denunciation of the Supreme Court for its subservience to a vicious economic system, and in the original principles of the party as fashioned in Wisconsin, we have found abundant war-rant for every principle of government we have advocated.

If the Republican Party now is to become the mere servant of the monopoly system and of corporate wealth, if it is to stifle every voice which is raised in defense of the democratic principles of Lincoln, we are willing that you should hide the inequities of Daugherty and Fall and "Boss" Cox of Cincinnati, and Governor McCray, of Indiana, under the Republican label, and we shall be content to keep the faith with "Boo" La Follette and to defend the principles which made the party great.

We expect to renew acquaintance with you gentlemen in the State of Wisconsin in the last quarter of a century, exactly as La Follette himself on an independent ticket carried the State in the 1924 election. I ask you, why has it been so difficult to elicit an answer from the people of Wisconsin, as if it were in the interest of the people to elect any other candidate except La Follette, as the candidate of the people of Wisconsin, and the candidate of the people of this country.

And if he is asked why the members of his party are determined that no more impeachment proceedings shall be drawn, and that no more reduction of taxes on the rich and the placing of that burden back upon the workingman, and the passage of a ship subsidy bill, and the looting of what little is left of our public domain, the maintenance of extortionate freight rates under the Esch-Cummins law, the further reduction of taxes on the rich and the placing of that burden upon the producers of wealth, the increase in the tariff on those things which the farmer buys and a reduction on what he sells. That is the price which has always been exacted by the monopoly system and it is the price that will be paid.

Meanwhile, it is perfectly obvious to the common people of this country that Progressives of this House, who have exerted the rights of citizenship by entering the Republican primaries, who have chosen another candidate a year after year, are Republic against public plunder. That is what troubles the gentleman and I invite him to come to Wisconsin and deliver his New York speech. If he will, I assure him he will be given a courteous welcome and an equally courteous adieu, but he will not make any votes by telling the people their Government has been undermined.

The gentleman from Ohio may deceive himself, but he need not think he is deceiving anyone else. He knows that the political plunderers of this country are determined that no more of their crookedness shall be uncovered. He knows that without the publicity clause in the revenue act of 1924 that those who have been found to have fixed his plans would never have been revealed and that those tax dodgers are determined to have that clause repealed, and he knows he is going to vote for its repeal, although nothing was said about it before the election. He knows that the chief obstacle to the success of that and similar legislation is the Members of Congress from Wisconsin, and a few from other States. He knows that the decree has gone forth that these Members must be buried in political oblivion. He knows that Members of this House and the Senate and the "lame duck" representatives of these same big business interests have been holding conferences in Chicago and St. Paul with the reactionary forces of Wisconsin and betters of every Republican ticket in that State for the last 20 years and that plans are being laid for again placing that State under the control of corporate wealth.

If this be a reward for this great service to the country, these obedient politicians are to have their campaign expenses paid, if they will but remain "regular" and give their votes to the repeal of the publicity clause. In the income-tax law the Republicans of a year ago let off the hook of the little left of our public domain, the maintenance of extortionate freight rates under the Esch-Cummins law, the further reduction of taxes on the rich and the placing of that burden upon the producers of wealth, the increase in the tariff on those things which the farmer buys and a reduction on what he sells. That is the price which has always been exacted by the monopoly system and it is the price that will be paid.

Meanwhile, it is perfectly obvious to the common people of this country that Progressives of this House, who have exerted the rights of citizenship by entering the Republican primaries, who have chosen another candidate a year after year, as Republicans holding the precise views they hold now, and who have been recognized as Republicans under McKinley, Roosevelt, and even Taft and Harding, are now to be excluded from committee assignments because it is known they will not serve as accomplices in putting through the reactionary program the great monopolies and corporations of this country demand in return for their campaign contributions and for the economic pressures they brought to bear upon the people to "elect Coolidge and Dawes or stave.

There is only one other feature of this matter to which I can refer at this time. The gentleman from Ohio, supporting Senator La Follette for President, Members of this House were guilty of a species of treason to the party and that for many years such Members and Senator La Follette himself denounced the Republican label as simply for the purpose of sneaking into public office.

The fact of the matter is, and anyone familiar with Wisconsin politics knows it, that La Follette and the public men who entertain similar views on economic and political qusitions could have been elected on any ticket in Wisconsin in the last quarter of a century, exactly as La Follette himself on an independent ticket carried the State in the 1924 election. I ask you, why has it been so difficult to elicit an answer from the people of Wisconsin, as if it were in the interest of the people to elect any other candidate except La Follette, as the candidate of the people of Wisconsin, and the candidate of the people of this country.
The bill provides for the completion within five years of approved river and harbor projects throughout the United States. It authorizes the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

That works of internal improvement are hereby adopted and authorized, to be prosecuted under the direction of the Secretary of War and of the Chief of Engineers, in accordance with the plans and specifications established in the reports hereinafter designated: Genesee River, N. Y.; waterway connecting Great South Bay with Jamaica Bay, N. Y.; Hudson River, N. Y.; Flushing Bay and Creek, N. Y.; Delaware River, between Philadelphia, Pa., and Trenton, N. J.; Williamsburg, Va.; Delaware River, between Camden, N. J., and Camden Harbor, N. Y.; James River and9ang River, Va.; Norfolk Harbor, Va.; channel to Newport News, Va.; inland waterway from Norfolk, Va., to Beaufort Inlet, N. C.; Shipyard Creek, S. C.; Fernandina Harbor, Fla.; Miami Harbor, Fla.; Bayou St. John and lower Mississippi River below New Orleans, La.; inland waterway from New Orleans, La., to Corpus Christi, Tex.; Buffalo Bayou, Tex.; Mississippi River at Nauvoo, Ill.; Mississippi River at Fort Madison, Iowa; the improvement of the Mississippi River from the mouth of the Ohio River to St. Louis, Mo.; the improvement of the Mississippi River from St. Louis, Mo., to Minneapolis, Minn.; the improvement of the Missouri River from its mouth to the upper end of Quinnesecca Bend; the improvement of the Ohio River from Pittsburgh to Cairo, Tennessee River from Danville, Ill., to Florence Bridge, Ala.; Green Bay Harbor and Fox River, Wis.; Muskegan Harbor, Mich.; Frankfort Harbor, Mich.; Great Sodus Bay, N. Y.; Lake Michigan, between the Sodus Channel and Tonawanda River, N. Y.; Los Angeles and Long Beach Harbors, Calif.; San Diego Harbor, Calif.; Pataloma Creek, Calif.; Shisnaw River, Ore.; Columbia and lower Willamette Rivers below Vancouver, Wash., and Portland, Ore.; Port of Melbourne, Fla.; Fort Oglethorpe, Ga.; Port of Mobile, Ala.; Port of New Orleans, La.; Cowlitz River, Wash.; Hilo Harbor, Hawaii; Ponce Harbor, Porto Rico.

This bill is in no way a policy bill. The members of the committee are unanimously for the improvements. You will find that the improvements proposed in this bill reach from Januac Bay, N. Y., in the East, to the Shisnaw River in Oregon on the West. From Frankfort Harbor, Mich., in the North, to the Intracoastal Waterway of Louisiana and Texas, from Miami, Fla., to the Harbor of Ponce, Porto Rico, and Hilo, Bay of Hawaii. The transportation rates from the country elevator, where the grain is marketed, to the mill or factory, in the seaport, will be reduced to the lowest possible. The committee is benefited to the extent of the amount of that reduction. The transportation rates from the country elevator, where the grain is marketed, to the mill or factory, in the seaport, will be reduced to the lowest possible.

While at Memphis last November I saw two barges, one loaded with steel piping and the other with structural steel, that had made the trip from Pittsburgh to Memphis in 19 days. The barges were being unloaded at the million dollar water and rail terminal located in the railroad yard, the piping to go to the oil fields of Oklahoma and Texas, the building steel to many points in Mississippi, Louisiana, and Texas. If we are to develop our resources we must have good transportation facilities; a twin-screw tunnel-type towboat can push barges carrying 7,000 tons of merchant up and down the river. The saving in freight to these shippers under what an all-rail shipment would have cost was $3,872. On the other hand, shippers and merchants of the seventh district in Indiana, in which the city of Indianapolis is located, in the center of our state, during the same period shipped 15,225 tons of freight via the Federal Barge Line, at a saving of $8,269, or nearly 60 per cent. Of the approximately 15,000,000 tons of freight moving on the rivers of the United States, six-tenths are by steamboats; the other four-tenths by barges on the Mississippi and Ohio. The barges have the advantage of being able to move without any obstruction from the rocks or the swift and rushing currents of the river. Over one-half of the population of the United States derives benefits and savings from this Government barge line. Among the
"Waterways got fair promise and in many instances wasteful, sectional, and disconnected construction. The people's money was often wasted. Their waterways were delayed and discredited by the glibly "perch barrenness" and the flashy representatives of anti-waterway interests.

"The problem was too big and too intricate for any local public body, no matter how earnestly and honestly it tried to solve it. Waterway enemies were active in every locality." To show the vastness of the problem let me cite a few of the things recently accomplished by Congress:

Appropriations for Mississippi Valley water improvement, 1923-24, $2,500,000; 1924-25, $2,000,000; $12,500,000 secured during 1923-24 for Ohio River improvement; $2,500,000 for Missouri River improvement; $2,650,000 for upper Mississippi Improvement; $500,000 appropriation for the survey of the Tennessee River to prove its possibilities for profitable navigation and power development. These surveys are now made by airplanes.

The Rivers and Harbors Committee has unanimously approved legislation for the completion of all approved waterway projects within five years. The rivers and harbors project bill now pending provides for the inclusion of the Intracoastal canal waterway, which will extend the Mississippi River from New Orleans across Louisiana and Texas to Corpus Christi, a distance of 600 miles. By the standardization of locks and dams, the barges on the Federal, highway, and the river banks will be possible for the barges to traverse these different rivers for a distance of 6,000 miles.

REFORESTATION

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the question of reforestation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MORROW. Mr. Speaker, our Nation, once with a wilderness of timber, where abounded animal life of all descriptions; where flowed swift rivers teeming with fish; where primitive man, with his crude tools and his fire, by activity, has at last partially awakened from its wanton waste and destruction to realize that the major portions of its forests are gone; that the wild life that abounded in the woodlands is largely of history; that the swift-flowing rivers that teemed with fish and wild fowl are gradually being filled up with the soil denuded from the farm lands, on account of no longer receiving protection from the forests that so long preserved, protected, and built it for man's use.

The Nation from this dream of waste has awoke itself and now desires to reforest and rebuild that which we have permitted and encouraged to destroy. It is indeed both a worthy and a very necessary thought for the Nation to reforest and replenish our fast-wasting supply of timber not only for our future National supply but also in the protection of animal life and in the protection of the soil for agriculture.

National legislation has been enacted and an effort made upon a plan for systematic reforestation for the Nation. Cooperation with the national law, to the end that active reforestation should go on in the States, not alone on Government-controlled lands but also upon the private lands where such timbermen are. The average haul on all forest products is about 500 miles, and the American people pay the freight.

It is readily conceded by authorities who have kept tab of our timber in the United States that in 25 years' period of time, at the present use of timber, we will see all our forests practically wiped out.

This is truly largely in the eastern portion of the United States, and the remnants of timber in the southern part will not last for any great period of time; and the timber in the Rocky Mountains is but a portion of the remaining section of our natural timber belt, in less than one-half century be entirely cut away, unless this timber is replanted and protected under the most rigid forest supervision by Government. State control, or both, unless, as the great loss in the southwestern part of the United States, but timber that provides the great natural reservoir; that produces the great rainfall, will have disappeared, and the soil from the mountain tops will be washed away, and instead of snows gradually melting in the heat of the summer there will be no snow to melt during the summer months.

The mountains, which are the great source of the rivers, must be fed from the snows and the moisture protected in the mountain districts. Remove your timber and you remove this element of protection for your water supply and you change climatic conditions of the western plains of the United States.

The great problem for solution is reforestation, and the Great Forest laws and the State laws should work in unison along this line.

There is absolute necessity for Government control of our forests and for a national policy of reforestation. In connection with this, every State should have a policy of reforestation. Another generation will see the depletion of the remaining timber in the United States unless great effort is made to protect the remnant.

It should that the State of Oregon contains one-fifth of all the standing timber of the Nation and that it is second in its annual output of timber, or 3,500,000,000 feet. This represents to the State $125,000,000 per year. Yet, if this State does not reforest, how long will this great industry last? In this problem of reforestation, of cutting over timber tracts, the fire problem is the great problem to solve. The National Lumber Manufacturers' Association estimates the loss of timber by forest fires in California, Washington, Oregon, Montana, and Idaho during the past year to be $4,250,000. Think of this destruction! At least 80 per cent of same preventable under proper supervision.

I desire to insert herein an article written by Mr. G. H. Cook, of the district forest office at Albuquerque, N. Mex.:

The proposition of making all forest land grow trees is of concern to every American citizen regardless of where he lives.

Many forests are being destroyed by the industries or wasted by fire four times as fast as replacement takes place through natural growth of new timber. The recent forest fires in California, Arizona, and the mountain lands of the States are of great concern. The Standing Timber of the Nation is not for our own selfish ends but a timber reservoir in one part of the country that can not keep down prices of building materials if there is an insufficient supply elsewhere.

Lumber interests in Chicago are directly reflected in the building trades of any State.

The forests face extinction unless idle lands fit only for the production of forests are put to work growing trees. The American people are not in any position, as far as timber is concerned, to divert any of the standing timber now owned to other uses than that of timber. The timber owner has to sell this timber to the Government or the State for a profit. If the timber owner had a job that paid him a dollar a day, but it cost him $4 a day to live. It was only a question of time, and not hard to figure.

Not a few forests the end of sight. Half of the virgin timber that is left in the United States is within the three Pacific Coast States of Washington, Oregon, and California. States that once had abundance of timber are actually in timber distress. They are having the railroads to bring these timber clear across the continent or the steamships companies to haul it by way of the Panama Canal. They are paying more for fuel than the lumber costs at the mill and more than they used to pay for their lumber in the days of their wasting 40 years ago.

The people are entitled to the facts in order that economic interests may be safeguarded. Arizona and New Mexico still have extensive virgin forests which will grow ways toward warding off our lumber scarcity in the Southwest, but a timber reservoir in one part of the country can not keep down prices of building materials if there is an insufficient supply elsewhere. High lumber costs in Chicago are directly reflected in the building trades of any State.

Every pound when lumber land lies idle, regardless of where those timberlands are. The average haul on all forest-products has reached 500 miles, and the American people pay the freight. One mile is the average haul in every twelve miles on the American railroads. The average freight car in every twelve on the American railroads is engaged in hauling forest products, and amounts to approximately three hundred million hard-earned American dollars in each year.

"Preserve the forests, but use the timber," forestry officials claim, is the true spirit of conservation. "Make potential forest lands grow trees," they say, "and make them grow the trees as fast as industry and home building require the timber."

I also want to include herein a report from the district Forest Service offices of Arizona, New Mexico, and Colorado:

THE Necessity OF ReRestoration AND THE PROTECTION OF THE Forest Lands IN ARIZONA

The general types of forest cover in Arizona are the same as New Mexico. The problem of replanting in Arizona, however, is a much smaller one. This is due to the fact that practically all of the timberlands of the State are under direct control of the Federal Government or owned by the State, there being only 118,000 acres in private ownership. The State timberlands are managed by the Forest Service under a cooperative agreement in a similar manner to other national forest ranges, the cost of administration being paid by the State.

The acreage within the national forests to be replanted is also comparatively small, amounting to about 90,000 acres.

The importance of keeping the timberlands of Arizona fully forested is easily desirable.

First, because the agricultural resources of the State, to a very large extent, are absolutely dependent for development on irrigation.
The streams from which the State is dependent for irrigation water have their sources within the forest types, hence, good forest cover is very important as it serves to delay the melting of the snow and prevents excessive flow, washing away of the soil, and filling up the reservoirs with silt.

Second, the forests are important to the State as a source of timber supply and is the basis of a very important lumber industry. This, however, will become more and more apparent as other forested areas are cut out and it becomes increasingly expensive to ship timber into the State. If properly protected the mature timber of the State can be cut and utilized without endangering a continual productive forest and a perennial forest cover.

Third, the forests are being used each year by a rapidly increasing number of recreants, in which capacity they serve an exceedingly valuable function in the economic life of the State.

A few of the forested regions in Arizona and the approximate acreage of national forest lands which will need replanting:

<table>
<thead>
<tr>
<th>Status</th>
<th>Total area</th>
<th>Area saw-timber type in need of stocking</th>
</tr>
</thead>
<tbody>
<tr>
<td>National forests</td>
<td>Acres</td>
<td>Acres</td>
</tr>
<tr>
<td>Apache National Forest</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coconino National Forest</td>
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<td></td>
</tr>
<tr>
<td>Total</td>
<td>Acres</td>
<td>Acres</td>
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1 No data available for Indian lands.

The NECESSITY OF REFORESTATION AND THE PROTECTION OF THE FOREST LANDS IN NEW MEXICO

There are two general types of forest cover in New Mexico. The first is known as the woodland type, and can be readily recognized by the short, scrubby stands composed of pinyon and juniper in varying proportions. This type is of importance to many local communities as a source of supply for fence posts, fuel, and in some cases for wider use for mine props and timbers. It is of value also for watershed protection purposes. Growth, however, is very slow because of the comparatively unfavorable climatic conditions and the Forest Service has never considered it economically justifiable to attempt planting in this type. As a matter of fact, with reasonable protection, satisfactory restocking is secured naturally.

The second and most important type for consideration is the saw-timber type, which is occupying a smaller area than the woodland type, it is of far greater importance commercially and because of its peculiar importance on the headwater basins of the important streams in New Mexico, it is especially important from a watershed protection point of view. Saw timber occurs, as a rule, above elevations of 7,000 feet, occasionally coming down to around 6,500 feet.

Planting of young seedlings for the purpose of reestablishing forest conditions in New Mexico is considered practicable only within the saw timber type. Even here climatic conditions make planting a more difficult and costly proceeding than it is in more favored forest regions such as the southern yellow pine and Parilie Coast Douglas fir. However, the Forest Service, after several years of experimentation, has developed the necessary technique for planting in this type in the southwest so that success is assured. It is necessary, however, to grow seedlings for this purpose with a longer tap root and to give more care in the planting. This makes the planting expensive. On a commercial basis and figuring around 1,000 transplants per acre, the cost will run about $15 per acre.

It is a very fortunate thing that forests in this region will reestablish themselves naturally if given proper protection against fire, grazing, and if, where necessary, some of the larger trees are retained for seed. On the national forests not only are seed trees retained, but also the young, thin, rapidly growing timber, even this is a practice in the planting. This makes the planting expensive. On a commercial basis and figuring around 1,000 transplants per acre, the cost will run about $15 per acre.

There are two kinds of areas in New Mexico within the saw timber type which do not at present carry satisfactory stands of timber or young growth, one kind is the result of repeated burns mostly of low standing independent of any cutting or previous forest.
within the general woodland type. Because of the strategic location of the saw-timberland areas on the headwaters of streams and on the slopes of the upper drainage basins, this job alone, it is believed the Government will do exceedingly well if the planting upon such areas is consummated.

The comparatively high cost of planting in the Southwest has been protested against. In a general way the practice of forestry will be found expensive to the private owner of small timbered tracts. Many of the benefits of forests in this State are community benefits inherent in watershed protection and in maintaining a State supply of timber. Under the provisions the argument for public ownership of forests is quite plain.

It might further be stated that the Forest Service has been looking forward eagerly to the time when it would be possible to undertake an adequate and effective reforestation of the devastated area within the national forests, and with this in mind a report was prepared and forwarded to the Forester's office outlining the areas which need replanting.

REFORESTATION IN COLORADO.

The denuded land in Colorado lies generally in the most productive forest types in the State and is capable of producing close to $5,000,000,000 feet of timber. This contrasts quite forcibly with the estimated present total stand of commercial timber in the national forests of this State of 21,000,000,000 feet. The reason for this proportionate discrepancy in timber lies in the fact that the 14,000,000 acres of national forest land contains a considerable percentage of land above timber line and other nonproductive areas, including the old burns.

At the present time from 20 to 25 million feet of timber, having a salvage value of from $90,000 to $100,000, is cut annually in the national forests of this State. This timber is in the finished form, as building material, railroad ties, mine props, excelsior, etc., and has a value of a million dollars to the operators. Colorado is one of the few States in which less timber than is actually produced through growth in her forests. The manufacture of lumber is in its infancy, and the amount can be greatly increased without detriment to our forests, for the cutting is confined to the annual growth and is in the form of mature trees and thinning to improve the stand.

Colorado’s forests have even greater value in conserving water for the large irrigation interests and municipalities of the State. Water from the national forests irrigates 2,000,000 acres of land in this State, valued at $300,000,000.

Forests prevent the winter snows from melting during the first warm days of spring. The importance of this to Colorado is that irrigation water is hoarded throughout the entire summer instead of all the water running off in May and June.

Forests also retard the flow of water in times of floods. During the Pueblo flood in 1864 the flood waters from forested watersheds were retarded several days, and this gave the waters from the plains of time to subside before the crest of the mountain waters occurred. This is illustrated by the record of the inflow at Lake Cheeseman, which is the source of Denver’s municipal water supply. On the day the inflow from the South Platte river was 2,750 cubic feet per second, and the crest of the high water was not reached until four days later, when an inflow of 2,153 cubic feet per second was recorded.

The Forest Service realizes the need for covering all denuded mountain lands with forests of merchantable timber, but with the limited funds available for reforestation only a small area can be planted annually. During the calendar year 1924, 1,744 acres of denuded land were planted in this State. This is the largest area that has ever been planted in one year. A Forest Service nursery is maintained at Monument, which could raise sufficient trees to plant double the area if funds were available to do the work.

Most of the reforestation in Colorado is confined to planting denuded watersheds of municipalities, such as those of the cities of Colorado Springs, Denver, Trinidad, and Salida.

In addition, the importance of the irrigation interests of this State are so great that some planting should by all means be done on the watersheds and streams which furnish water for our largest irrigation projects. During ordinary dry seasons the survival of the trees planted are poor, and the work can be done quite effectively in the dry season at a cost which is not unreasonable in view of the difficulties encountered.

The average cost of planting an acre containing about 700 trees is ordinarily from $10 to $12. In view of the return which can be secured from the sale of the mature timber and the watershed-protection value of these forested slopes this cost is very reasonable.

In presenting my views, upon the vital question of reforestation, to Congress and the readers of the CONGRESSIONAL RECORD, my purpose is to emphasize the necessity of protecting the timber of the Nation and to deal more directly with the three southwestern semiarid States, where the water supply and future development of these States depend very largely upon this forest protection. It is to be desired that the legislatures of these States will enact such laws that will give complete cooperation between the State and National Government in the protection of this vital property of the people.

The importance of forest protection can be more readily grasped when we take into account that we are using our timber at a rate four times more rapidly than we are replenishing the same, and that the destruction by fire exceeds $16,000,000 annually and when we realize that we have $1,000,000 acres of denuded land that must be reforested. The protection of the timber and regeneration of same becomes a national problem of importance and equal to any problem that the Nation is confronted with at this time.

I could take the different forest States and summarize the need for reforestation in each State; the problem is a vital one and Government and State laws should work in unison to solve this great problem.

In concluding I wish to insert herein a poem which appeared in Canadian Life and Resource (Montreal):

THE BIVOUAC VINDICATION

(By F. W. Nash)

It's true I've gone on the war path
I've written your cities and homes,
I've cracked the walls of your stately halls,
I've threatened your spires and domes.

I've spilled your gardens and orchards,
I've carried your bridges away,
The loss is told in millions of gold;
The indemnity you must pay.

But had I not cause for anger?
Was it not time to rebel?
Go, ask of the springs that feed me;
Their rock-rilled heights can tell.

Go to my mountain cradle,
Go to my home and see,
Look on my ruined forests
And note what ye did to me.

These were my sirvaw bowers,
My beds of bracken and fern,
The spots where I lie and rest me
Fare to your valley homes.

These you have plundered and wasted,
You've shipped and burned and pursued,
Till my home is left of verdure bereft,
Bare and lifeless and charred.

So I have gone on the war path;
I've harbored your lands with glee,
Restore with care my woodlands fair
And I'll peacefully flow to the sea.

NATIONAL POLICY FOR RIVER AND HARBOR PROJECTS

Mr. NEWTON of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks on the policy of river improvements.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. NEWTON of Missouri. Mr. Speaker, I regret that it is necessary to strike out of the river and harbor bill the paragraph declaring it to be the policy of Congress that the mortifying river and harbor projects of the country should be completed within a period of five years. I also regret that Congress has appropriated only $40,000,000 for the maintenance and improvement of our rivers and harbors during the next fiscal year. This discussion is not intended as a post-mortem on the fate of rivers and harbors, for much has been accomplished at Washington. What I want to do is to call attention to some of the lessons to be drawn from what has happened and to suggest that my colleagues give this matter serious consideration during the approaching session and adopt a more liberal policy toward these important public works at the next session of Congress.
As I reminded you while discussing the river and harbor appropriations last year, the President in his message to Congress on December 3 said in part:

"Meantime our internal development should go on. Provision should be made for * * * the opening up of our inland waterways to commerce. Such works are productive of wealth and in the long run result in a reduction of the tax burthen."

Both the Republican and Democratic Parties, at their national conventions last year, declared themselves to be strongly in favor of developing our waterways and of fostering and building up commerce thereon.

It is only to make inquiry as to what has caused Congress to translate these platform declarations in favor of river and harbor improvements, together with the President's proclamation that such works are productive of wealth, into reduced appropriations and an indefinite and drudging program for the carrying on of these public works. If it was the result of the demand for economy prevailing throughout the country, then I beg to leave to protest that such a course is not economy but, on the contrary, is a wasteful and extravagant administration of the taxpayers' money.

We appropriated sufficient funds last year to enable the engineers to carry on improvement upon these public works at the rate of $2,752,582 per month. We appropriated sufficient funds to enable them to carry on improvement upon these works at the rate of $3,750,000 during each of the first five months of the current fiscal year and yet in the face of the President's friendly declaration and in contradiction of the platform pledges of both the great political parties, our appropriation this year will reduce these improvements to $1,729,869 per month, or about one month's hold that such course is wasteful and extravagant for the following reasons:

First. It increases to the Government, and consequently to the taxpayer, the ultimate cost of making these improvements.

Second. It delays the full realization of our waterways and thereby extends the time during which the taxpayer must pay railroad transportation rates where low water rates could be made available.

Third. It extends the time during which an enormous investment of the taxpayers' money must lie idle because the projects upon which these vast expenditures have been made are not completed and made available for use.

I beg leave to discuss the effect of our present system of providing funds for river and harbor improvement and the results of reduced appropriations.

The fluctuation from year to year under the present system of appropriations and lack of a fixed definite policy results in a greatly increased cost to the Government. It has been demonstrated during the first five months of this year that there has been constructed and made available equipment for river and harbor improvement sufficient to carry on these works at the rate of $3,750,000 per month. This equipment is very expensive. It is of such a character that it can be used for any other purpose. An appropriation such as that made by this Congress means that more than half of this equipment must remain idle next year, deteriorating and depreciating in value and yielding no return upon the vast investment.

It matters little whether this equipment belongs to the Government or to individual contractors. The fact that it must remain idle results in additional cost to the Government either through interest in depreciation on its own plant or through additional charges which contractors must collect to make good the losses from these same causes upon their private plant.

Furthermore, trained personnel must be laid off and new personnel must be trained when work is again resumed on a larger scale. Then, too, economies due to larger and more efficient equipment are rendered unlikely, since no one will feel justified in investing in the larger and more efficient equipment with the prospect that Congress may prevent its working continuously by reducing appropriations for river and harbor improvement. In other words, our present system of fluctuating appropriations from year to year, which gives no guaranty of the continuous use of plant and equipment, makes it necessary for contractors in bidding upon river and harbor works to charge the Government for the total cost of a complete season as if it were an item of expense in carrying out each and every separate contract.

If we had a fixed policy prescribing definite and adequate funds from year to year for river and harbor work, thus giving the contractors of the country an assurance that their equipment, once constructed, would be given continuous employment with their adopted projects are completed, then these contractors could figure their bids more reasonably, reducing the cost to the Government. The action of this Congress in falling to maintain the rate of construction heretofore established, by reducing from $3,750,000 to an adequate appropriation for next year, and its failure to fix a definite policy as to the rate at which this work shall be carried on, is a forcible illustration of the urgent need of establishing a definite policy for the financing of river and harbor improvements.

Another example of the wasteful and uneconomic effect of the present fluctuating and uncertain policy of appropriations is the delay which they cause in the completion and utilization of river and harbor projects. As I have said, the work in the Mississippi River Valley adopted waterway projects costing a tremendous amount of money to the Government or to individual contractors. The fact that it must be continually delayed for the lack of a fixed policy as to the rate at which this work shall be carried on, is a forcible illustration of the urgent need of establishing a definite policy for the financing of river and harbor improvements.

In the months of September, October, and November, 1922, the Mississippi Barge Line, because of sand bars totaling altogether less than 5 miles in length in this 1,140 miles of river, lost $472,880.11. In September, October, and November, 1923, with a total of obstructing sand bars less than 5 miles in length, the barge line lost $208,612.61. In October, November, and December, 1924, with a total of less than 5 miles of obstructing sand bars in this entire stretch of the river, the barge line lost $148,875.88. The larger and more extravagant the waste, I say, the greater the economy, and consequently to the taxpayers the tax burden.

That it is the intention of Congress and of the administration to complete these great undertakings as rapidly as the funds have been expended and are continuing to expend annually millions of dollars toward the construction of these works. The only question over which there is any issue is the progress at which these improvements shall be made. As President Coolidge, in his message to Congress on January 27, 1925, wrote a letter to Senator Jones, chairman of the Committee on Commerce of the Senate, transmitting a letter written by General Lord, Director of the Budget, protesting against the policy declared in the rivers and harbors bill for a com-
pletion of these works within a period of five years. It was made evident in those letters that the Bureau of the Budget opposes appropriations for river and harbor improvement in excess of $10,000,000 per annum.

The engineers of the War Department, in their testimony before committees of Congress, have estimated that $220,000,000 will complete all of our meritorious river and harbor projects included in those adopted in the recent river and harbor bill. Experience has shown that it costs approximately $15,000,000 a year to maintain the work already done, and inasmuch as this maintenance is proportionately reduced as a project nears completion, it is estimated by the engineers that $15,000,000 per annum will maintain all the river and harbor works of the country after they are finally completed. If the Bureau of the Budget adheres to its present estimate for river and harbor works, and Congress follows its recommendations by appropriating only $40,000,000 per annum, then, after deducting for maintenance, we will have available only $25,000,000 annually for improvements. At this rate we can complete the river and harbor projects already adopted within a period of approximately 10 years, but during that time we will have expended $100,000,000,000 for maintenance on projects most of which cannot be utilized because not completed, and during such period the country will have lost millions of dollars upon an enormous investment because it can not be utilized, while the commerce of the country will continue to be deprived of the blessings of cheap water transportation.

Is it not better business and better economy, inasmuch as it can not be questioned that it is the fixed policy of the country to complete these projects, to complete them within a period of 10 years and thereby save $75,000,000,000 more by making the enormous investment productive, save millions upon the investment by making it active, and bring untold commerce to the country by making cheap water transportation available?

We are given assurance that there will be a surplus of $370,000,000 in the Treasury at the end of the next fiscal year. It is not good business and in the interest of economy to take some of this surplus with which to hasten the completion of these great projects in order that the enormous investment therein may become productive and in order that the enormous loss, which the country is now suffering because it can not use these works, may be terminated.

The annual appropriations for rivers and harbors during the past five years have ranged from $37,300,000 to $36,300,000. If we were to follow the amount of financing which I have just proposed, our river and harbor projects will be completed and placed into use within a period of five years, while our appropriations for new work during the term for which the bonds are to run will average only $25,543,533 per annum. It will also make it possible for future taxpayers who will derive the full benefits from these improvements to share in the cost of providing them.

As a basis for discussion I beg leave to insert a financial summary of river and harbor improvements made up from figures taken from the Annual Report of the Chief of Engineers of the United States Army, which shows the annual cost of various classes of river and harbor improvement from the foundation of the Government down to the present time.

<table>
<thead>
<tr>
<th>Year and amount of bonds in year</th>
<th>Bonds outstanding during year</th>
<th>Interest on bonds outstanding</th>
<th>Bonds retired in year</th>
<th>Total bond charges for year</th>
<th>Maintenance during year</th>
<th>Total annual charges</th>
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</tbody>
</table>

This tabulation has been calculated upon an interest rate of 4 1/2 per cent per annum. The Treasury is actually borrowing money at a very much lower rate, and unquestionably bonds for this purpose would sell at a lower rate of interest, thereby reducing the charges below the figures which I have just given.

The annual appropriations for rivers and harbors during the past five years have ranged from $37,300,000 to $36,300,000. If we were to follow the amount of financing which I have just proposed, our river and harbor projects will be completed and placed into use within a period of five years, while our appropriations for new work during the term for which the bonds are to run will average only $25,543,533 per annum. It will also make it possible for future taxpayers who will derive the full benefits from these improvements to share in the cost of providing them.
### Financial summary of river and harbor improvements

**Class of projects**

<table>
<thead>
<tr>
<th>Principal seacoast harbors</th>
<th>Expended for improvement Jan 1, 1924</th>
<th>Expended for maintenance Jan 1, 1924</th>
<th>Total expended Jan 1, 1924</th>
<th>Unexpended amount July 1, 1924</th>
<th>Outstanding amount July 1, 1924</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$31,706,372.46</td>
<td>$69,178,734.34</td>
<td>$99,272,906.00</td>
<td>$384,298,966.60</td>
<td>$580,898,968.74</td>
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<tr>
<td>Lake harbors and channels</td>
<td>76,004,243.85</td>
<td>18,830,843.94</td>
<td>94,835,087.19</td>
<td>4,380,728.42</td>
<td>2,083,156.00</td>
</tr>
<tr>
<td>Principal rivers</td>
<td>142,567,233.94</td>
<td>6,249,483.14</td>
<td>148,816,717.08</td>
<td>2,885,036.37</td>
<td>2,746,825.10</td>
</tr>
<tr>
<td>Secondary rivers</td>
<td>365,146,038.38</td>
<td>27,398,769.76</td>
<td>392,544,808.14</td>
<td>260,452,900.14</td>
<td>82,908,238.24</td>
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<tr>
<td></td>
<td>47,286,787.96</td>
<td>16,703,708.34</td>
<td>64,007,496.26</td>
<td>67,948.87</td>
<td>135,665.29</td>
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<tr>
<td>Total</td>
<td>795,051,499.77</td>
<td>156,095,353.29</td>
<td>951,146,852.98</td>
<td>365,334,593.26</td>
<td>223,093,231.01</td>
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</tbody>
</table>

#### Improvements of the Mississippi River from Cairo, Ill., to the Head of Passes, La. (separate appropriation administered by the Mississippi River Commission)

<table>
<thead>
<tr>
<th>Class of projects</th>
<th>Available balance July 1, 1924</th>
<th>Allocated from 1924 appropriation</th>
<th>Estimated additional to complete</th>
<th>Recommended for 1924 appropriation</th>
<th>Tonnage for calendar year 1923</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal seacoast harbors</td>
<td>$7,048,610.80</td>
<td>$18,046,650.00</td>
<td>$26,511,314.00</td>
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<tr>
<td>Secondary harbors and coastwise channels</td>
<td>3,044,716.49</td>
<td>4,205,000.00</td>
<td>52,906,000.00</td>
<td>4,374,910.00</td>
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<td>Individual projects</td>
<td>782,000.00</td>
<td>1,057,000.00</td>
<td>10,473,000.00</td>
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<tr>
<td>Principal rivers</td>
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<td>2,889,686.00</td>
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<td>97,588,364.00</td>
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<tr>
<td>Secondary rivers</td>
<td>796,522.31</td>
<td>2,064,570.00</td>
<td>94,260.99</td>
<td>94,260.99</td>
<td>80,000,000.00</td>
</tr>
<tr>
<td>Total</td>
<td>13,508,723.30</td>
<td>26,830,300.00</td>
<td>348,964,208.00</td>
<td>394,913,535.00</td>
<td>424,000,000.00</td>
</tr>
</tbody>
</table>

#### NOTE—Tonnages given are approximations, after eliminating all known duplications. The total of the tonnages shown for each individual project amounts to 899,183,550 tons.

In this tabulation all of the river and harbor projects now under way and those contained in the river and harbor bill recently passed are classified into five groups. The classification of these groups is not clear-cut and rigid, as there are many projects which might be considered as belonging to either of two classes. For instance, many rivers are in nature practically seacoast harbors, being used for little else than shipping which proceeds to sea; such rivers have been classified as harbors rather than as rivers. Because of the more or less arbitrary nature of the classification of some of these projects, and the difficulty of correctly eliminating duplications in the report of commerce carried, absolute accuracy in the tonnage for the different classes is not obtainable. After considering the work of the War Department, however, the figures given are believed to be very nearly accurate, and certainly give a fair and unbiased idea of the relative magnitude of this commerce.

It will be noted that this total amount expended, as shown in the tabulation, is less than the amount given in the report of the Chief of Engineers of the United States Army for 1924 as the total appropriations to date. It is due to the unexpended balance and also to the fact that his figure includes appropriations for flood control, Mississippi River; flood control, Sacramento River; operations and care of canals; removal of sunken vessels; maintenance and operation of dams (under the water power act); California Défis Commission; prevention of deposits in New York Harbor; examinations, surveys, and contingencies, as well as for certain projects which under authorization of Congress have been abandoned and dropped from the report of the Chief of Engineers. These have all been omitted from the tabulation, giving only current improvement projects as shown in the report of the Chief of Engineers.

It will also be noted that the improvement of the Mississippi River from Cairo, Ill., to the Head of the Passes in Louisiana is provided for by separate appropriation intended chiefly for flood control and administered by the Mississippi River Commission, and is, therefore, set out separately from the other figures.

From the financial summary the total investment in new work to June 30, 1924, including money expended for flood control by the Mississippi River Commission, amounts to $808,722,921.78; adding to this the unexpended balance as of that date and the estimated additional amount required to complete all projects, gives a total probable investment in river and harbor improvements, when completed, of $1,094,090.42. Interest on this investment at 5 per cent, according to the table of interest at 5 per cent for principal and interest and at 5 per cent for maintenance, plus an estimated $2,500,000 for maintenance of Mississippi River, under the commission, gives a total annual maintenance charge upon all projects, when completed, of $73,691,940.92. Dividing this by the tonnage carried by our waterways, 442,000,000 tons, shows an overhead of only 16½ cents per ton of freight now transported.

These figures are ultra conservative all the way through. In the first place, interest is figured at 5 per cent, whereas the Government is actually borrowing money at much lower rates and the tonnage used in the total arrived at is eliminating all known duplications. In considering any individual project the total tonnage using that project would be considered, regardless of how many other projects might be used by the same river or any part of it. By analogy it would seem only fair and reasonable in considering all river and harbor projects to consider the total of tonnages reported for each project. I believe that in most cases we would be thoroughly justified in following this procedure, but as there are some cases where this would not be fair, I have preferred to take the extremely conservative stand of eliminating all duplications.

It remains to take in consideration savings from transportation, or comparison with the charges per ton of freight developed are difficult to secure in such form as to make accurate comparisons possible. It is possible, however, to show individual cases which sufficiently indicate the amount of such savings. For instance, the greater part of the traffic on the Great Lakes consists of three bulk commodities—ore, coal, and grain—totaling somewhere in the neighborhood of 50,000,000 tons per annum. The length of line on this tonnage is approximately 900 miles, usually from the head of Lake Superior or Lake Michigan to Lake Erie ports, averaging approximately the middle of Lake Erie. This means over 800,000,000,000 ton-miles per year. The average Lake rate is 1 mill per ton-mile, while the average rail rate throughout the country is 10½ mills per ton-mile. If we assume even the ridiculously small figure of 1 mill per ton, the rail saving on this tonnage due to water transportation, the annual saving amounts to $80,000,000 per year, or more than sufficient to justify the entire river and harbor program of the country.

Consider the Monongahela River, where some 23,000,000 tons of freight move annually over a distance of approximately 60 miles at a saving under the rail rates, according to the testimony of some of the large shippers, in excess of 50 cents per ton, or more than $1,200,000 per year. Total expenditure on this river to June 30, 1924, amounted to less than $80,000,000. There is practically no maintenance, and less than $5,000,000 addition is required to alter this project to accommodate modern demands of traffic. In other words, the savings on that particular river amount each year to more than the present cost of the improvement, and the present savings are almost enough to pay each year the total cost of the improvement when completed.

Let us look at the whole class of principal rivers which have at times been the subject of bitter attacks. These rivers carry a very small tonnage compared to what they should and will carry when their improvement is completed.
I, I

burgh, testified before the Rivers and Harbors

annual carrying charge of $26,494,672.22 for the

of our principal rivers, including the improvement of the

which required an empty trip in one direction, shipments. of

steel from Pittsburgh, Pa., to Memphis, Tenn., showed a savmg

empty return trip, and delays due to the lack of proper

ations, namely, incomplete project, consequently limited tonnage,

built, so that

pare this with the total charge of

greatly reduced; furthermore,

channels are completed and adequate equipment and terminal

reached, there will be abundant cargo to load these barges on

pared with the investment above shown in

l'ivers and harbors.

the appropriations made annually for the improvement of our

propriate for their improvement one-fifth as much as we

as we do our railways, even upon the basis of the freight which

error which I am anxious to correct. The

and intermediate points. There has been practically no

of being limited, as are railroads, to the corporation

made its investment in them.

again by the same means, but in spite of this there is not a State

the barge line

the practical limit of their capacity, while our waterways when

above St. Louis either on the

cost of shipment by rail.

per cent differential alone of

the rail rate which parallels the river, but the rail rate which

which carrier the river is the one-tenth the rate which the railroads can afford to make. In

one-tenth the rate which the railroads can afford to make. In

3% per

necessary to complete these

the investments were

10%

percentages and a waste from which our river and

harbor projects have ever suffered?

THE ANTILYNCHING BILL

Mr. RAKER. Mr. Speaker, I ask unanimous consent to ex-

my remarks on House bill 1—the antilynching bill.

The SPEAKER. Is there objection? [After a pause. ] The

Chair throws none.

Mr. RAKER. Mr. Speaker, I am taking this opportunity of

the permission granted me to speak on the antilynching bill.

When this legislation was before the Sixty-seventh Congress I

voted against it, partly because I did not believe that the

Congress had the power to pass such a law, and partly because

the legislative power of Congress was involved. The

Sixty-seventh Congress, 1921, was the first in which the

Legislative power of Congress was involved. The

Sixty-seventh Congress, 1921, was the first in which the

Sixty-seventh Congress and was not disposed of by the Senate.

H. R. 1 was reported by the Committee on the Judiciary,

Sixty-eighth Congress, first session, on January 19, 1924, Report

No. 71.
Section 7 of H. R. 1 reads as follows:

That any act committed in any State or Territory of the United States in violation of the rights of a citizen or subject of a foreign country secured to such citizen or subject by treaty between the United States and such foreign country, which act constitutes a crime under the laws of any State or Territory, shall constitute a like crime against the peace and dignity of the United States, punishable in like manner as in the courts of said State or Territory, and within the period limited by the laws of such State or Territory, and may be prosecuted in the courts of the United States, and upon conviction the sentence executed in like manner as sentences upon convictions for crimes under the laws of the United States.

When this legislation was up before it was my contention, and still is, that the State courts fully and amply protect aliens, as they do the citizens of the United States, and therefore such legislation was wholly unnecessary. I was asked many times when this legislation was up what would the California courts do if a Japanese were involved. My statement was that they would enforce the law against anyone who violated the rights of the Japanese the same as any other alien or citizen of the United States. That has been confirmed in the trial of the people of California against E. K. Sayer, of Sacramento, who were found guilty of murder in the first degree in the Placer County superior court on February 17, 1925, Judge Landis presiding.

Mr. W. A. Shepard, proprietor and editor of the Placer Herald, oldest paper in California, on February 21, 1925, in the issue of the paper of that date, had the following to say regarding the trial of this case:

The trial and conviction in Auburn this week of the two young men who were involved in the killing of a poor defenseless Japanese woman at Penryn will probably become known internationally. It is proof to our Japanese neighbors on the Pacific that while California is thoroughly in accord with our Nation's immigration laws, and likewise is an active sponsor of her own alien land laws, nevertheless she firmly believes in the protection of the lives and property of all her residents, whether they are eligible to become citizens or not.

Mr. Lardner, an attorney of Auburn, writes me under date of February 20, 1925, as follows:

LAW OFFICE, W. B. LARDNER, Auburn, Calif., February 20, 1925.

Dear Sir: A few years ago yourself and others members of a congressional committee came to Auburn and took testimony as to the un- desirability of the Japanese as enterprises of fruit lands and pupils in the lower grades of our public schools. Penryn was stressed as an example of Japanese in an unfavorable light.

There is an oriental village on the edge of Penryn, largely Japanese. I sent Mr. 1. B. Sayer, of Auburn Journal of the 13th instant, showing the result of a jury trial wherein two white young men are to hang for the killing of a Japanese woman in an attempted robbery.

Mullen, the third man, who killed her, afterwards confessed to his father that his three companions took his life. Sayer's father came from Denver and protested loudly about an "official frame-up," etc. The jury only took one ballot, but it was taken in about 10 minutes after being locked up.

The defendants were ably defended by three attorneys from San Francisco, Sacramento, and a local attorney. The district attorney, Lowell, was assisted by young Wallace Shepard, of Sacramento, son of your old clerk of the 19th. To all law-shedding citizens the verdict is approved of. It will add greatly to stop this after-war wave of crime sweeping our country, but to me it has also a very satisfying result. It will aid my country in convincing the Japanese Government that a white jury in Placer County will severely punish violence against Japanese people.

Very truly,

W. B. LARDNER.

This seems to me ample evidence to convince anyone, so far as California is concerned, that the provision of section 7 of H. R. 1 is wholly unnecessary. It would create an extra burden on the Federal courts, which are, as now already overburdened. It would take from the jurisdiction of the State courts many of those cases which the local courts should be tried by the local court and within the vicinage of the alleged offense. I am sure that the same reasoning would apply to the other sections of the bill.

There are many other reasons why the legislation proposed in H. R. 1 should not be passed by the American Congress.

DUEST OF RESOLUTIONS OF THE AMERICAN LEGION

Mr. JEFFERS. Mr. Speaker, I ask unanimous consent to print in the Record as a part of my remarks digest of the resolutions adopted by the American Legion at their last national convention. That has been done in other years and the same request has been made before.

The SPEAKER. How long is it?

Mr. JEFFERS. All the matter that is not pertinent has been cut out.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks by printing a digest of resolutions adopted by the American Legion at their national convention. Is there objection? [After a pause.] The Chair hears none.

Mr. JEFFERS, Mr. Speaker, under leave granted to extend my remarks I insert a digest of resolutions of the American Legion, adopted at the sixth annual convention, held at St. Paul, Minn., September 15-19, 1924.


(Prepared for Congressman LAMAR JEFFERS, of Alabama.)

ADJUSTED COMPENSATION

1. Adjusted compensation: (a) We report a resolution providing for an amendment of the adjusted compensation act whereby any veteran may assign all his right thereunder to any patriotic organization charted by Congress.

(b) A resolution providing for an amendment of the adjusted compensation act, assigning to the beneficiaries of the veteran deceased before August 1, 1924, and who failed to make application, the full benefits which would have accrued had such veteran made application.

(c) A resolution providing for an amendment of the adjusted compensation act to set aside the ruling of the Comptroller of the Treasury in so far as deductions from adjusted service credits are made on account of any sums being due the Government as a result of the veteran's war service.

2. A resolution providing for an amendment of the adjusted compensation act to include the Philippine Scouts.

3. A resolution providing for an amendment to the adjusted compensation act making heirs eligible to the full benefits without proof of dependency.

AMERICANISM--DEPORTATION

The Congress of the United States has for two years given serious study to this problem, and after that study has drafted a bill to create a bureau of civil aeronautics in the Department of Commerce for the encouragement and regulation of civilian activities. Constructive legislation of this type is vitally necessary at this time, and your committee recommends that the national legislative committees continue its efforts in support thereof.

We recommend that the Congress of the United States appropriate sufficient moneys for intelligent construction and operation of the military air services, the air mail and the National Advisory Board on Civil Aeronautics, in order that the air services or the organizations may continue the valuable services that they are rendering.

We recommend that the United States appropriate sufficient moneys for the reorganization of the American Legion in order that the American Legion may continue the valuable work that they are doing. Federal appropriation should be provided for this purpose.

It is recommended that proper Government authorities promulgate the necessary regulations to enable Government flying institutions to sell services and supplies to civilian airmen without unfair competition with civilian organizations supplying the same functions in the vicinity.

Orders should be issued authorizing reserve officers to give flying training to the enlisted personnel of the Reserve Corps under competent directions.

Regulations should be provided placing reserve and National Guard fliers on the status identical to that of any officers of the Regular Establishment in accident of line of duty.

We commend the personnel of the air forces and the air mail of the United States for their remarkable achievements during the past year, and we urge to the Congress of the American Legion in overcoming the obstacle presented by the lack of sufficient personnel and obsolete and inefficient equipment.

11. A resolution providing for the enactment of legislation to give military status to members of the Lafayette Escadrille not transferred to the American Army on account of sickness or failure to make examination.
Resolved, That in order to prevent the "barren of proof" clause from causing unnecessary hardship to those aliens legally admitted to the United States, the American Legion in sixth annual national convention assembled recommends that Congress enact legislation requiring all aliens to register annually.

Resolution 503

Resolved, That the American Legion urges the appropriation of sufficient funds to permit the officers of the Immigration Bureau to carry out the "barren of proof" clause of the immigration act of 1924.

Resolution 500

Resolved, That the Sixth Annual Convention of the American Legion continues the recommendation of preceding conventions in favor of the rigid restriction of immigration.

Resolution 501

Resolved, That this convention fully endorses the restrictive features of the immigration act of 1924, known as the Johnson Act, but urges Congress to amend the act so as to permit the admission to the United States, in excess of fixed quotas, of parents, wives, and minor children of veterans.

Resolution 502

Resolved, That the American Legion in sixth annual national convention assembled express itself as firmly opposed to any modification of the exclusion provisions of the immigration act of 1924.

Resolution 319

Resolved by the American Legion in sixth annual national convention assembled, That the numbers of exempted classes mentioned in the immigration act of 1924 be further reduced, and that the Government take all possible steps to see that those admitted as exempt from quotas maintain the status under which admitted.

Resolution 505

Resolved by the American Legion in sixth annual national convention assembled, That the naturalization laws be amended to require aliens to give evidence of ability to read the English language intelligently as an additional condition for becoming naturalized as citizens of the United States.

AMERICANISM IMMIGRATION AND NATURALIZATION

Resolution 509

Resolved, That the American Legion in sixth annual national convention assembled recommends a complete revision of the naturalization laws. The American Legion recommends a plan of annual examination necessary to suitably prepare candidates for citizenship. The perfection of this plan will do away with the necessity of two witnesses appearing in court with the candidate, which will make more impressive the final act of taking the oath of allegiance to the United States.

Resolution 507

Resolved by the American Legion in sixth annual national convention assembled, That because of misunderstanding many ex-service men failed to take advantage of the act of Congress of July 19, 1919, and secure their citizenship prior to March 3, 1924, the date that act ceased to be in force, and that Congress be urged to grant an additional one-year period within which ex-service men can secure their admission to citizenship under the provisions of said act.

Resolution 498

Resolved, That the American Legion in sixth annual national convention assembled recommends that Congress enact legislation which will require all foreign-language newspapers, books, periodicals, and pamphlets to be printed also in English, and to provide penalties for those who make false or misleading translations in such bilingual publications.

Resolution 497

Resolved, That the American Legion in sixth annual national convention urges Congress to provide a complete and unified border patrol for the protection of the United States and the maintenance of its laws with respect to immigration, prohibition, narcotics, customs, public health, animal and plant quarantine, etc.

EDUCATION

Resolution 15

Whereas the children of American parents resident in the Orient are necessarily deprived of the benefits of the educational facilities of their native land, although their parents continue to pay taxes in support of these institutions while residing outside the territorial limits of the United States; and

Whereas the running expenses of these schools are now borne entirely by the local communities, aided in part by some of the mission boards; and

Whereas these schools provide the only means of inculcating American ideals and culture and of providing that knowledge of American history and literature which is essential to their proper development in the ideals of democracy as exemplified in the United States: Now, therefore, be it

Resolved, by the American Legion in sixth annual national convention assembled, That we endorse the representations now being made to the Congress of the United States by representatives of these schools, and urge the enactment of suitable legislation providing financial assistance from the Federal Government toward the running expenses of these schools, subject to periodic concursal or other inspection and approval.

Resolved, That the American Legion in national convention assembled urges that the National Congress designate The Star-Spangled Banner as the national anthem.


8. We recommend appropriate legislation by Congress in order that a memorial statue might be given to Herman L. Chatknoff, an American citizen who served with distinction in the French military forces during the War, and who after being examined and accepted for transfer to the American forces was seriously injured in line of duty before his actual transfer was accomplished.

6. That the American Legion pledges itself to secure State and Federal legislation for the protection of all children where such legislation is not at present on the statute book.

CIVIL SERVICE

3. Civil service: A resolution providing for an amendment to the civil-service law to give preference to ex-service men and to make mandatory the appointment of ex-service men whose names appear upon the eligible lists.

6. A resolution providing that the civil-service law be made applicable to the employees of the Government in the Canal Zone.

7. A resolution providing for the enactment of legislation to prevent the discharge of men and women in Government employ except by regular civil-service procedure.

T. A resolution providing for an amendment of the 1923 civil service classification act to prevent the reduction in salary of veterans in the employ of the Government.

HOSPITALIZATION

Hospitalization: 38. That the Fifth National Convention of the American Legion adopted a resolution requesting the construction of certain much-needed hospital facilities in the various districts, which resolution was the result of a careful study of the hospital needs at that time, and this resolution did not meet with the approval of the Director of the United States Veterans' Bureau in whole, which resulted in only part of the hospital facilities requested being provided. However, in passage of the World War Veterans' Act of 1924, there was enacted into law a clause providing for the establishment of new hospitals at certain places, and the Congress has recently provided the funds necessary to construct such hospitals. Consequently your committee recommends the appropriation of such funds as may be necessary for the construction of new hospitals to meet the requirements of the various districts.

The following program of hospital construction, enlargement, and changes:

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<tr>
<th>District</th>
<th>T. B. and N. P. to replace contract institutions now in use (400 beds each)</th>
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<td>(In addition to the 260 beds already provided for by Congress)</td>
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<td>10-N.</td>
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<td>11-N.</td>
<td>(That United States Veterans Hospital at Exeter Springs, Mo., either be disposed of or immediately be satisfactorily completed and equipped so as to be available for the relief of much-needed additional hospital facilities in the ninth district.)</td>
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FEBRUARY 27

CONGRESSIONAL RECORD—HOUSE

District 10—N. P. (In addition to the new institution at St. Louis, Minn.)—200

District 10—T. B. (In addition to the present Battle Mountain Sanitarium at Leadville, Colo.)—200

District 12—Q. M. (In addition to present hospital No. 24 at Palo Alto, Calif.)—200

District 12—N. W. (In addition to present hospital No. 94, American Lake, Wash., as so to provide 140 beds for psychotics and 200 for psychoneurotics) (a) 240

District 13—G. M. (In addition to present hospital No. 77, Kansas City, Mo.) (which expires shortly)—150

District 13—N. W. (In addition to the additional hospital facilities requested to be provided by the United States Veterans' Bureau, Little Rock, Ark.)—150

That the proposed United States veterans' hospital for tuberculosis patients to be erected at San Fernando and Livermore, Calif., be increased from 250 beds each, their present authorized capacity, to not less than 500 beds each, and that in the construction of the additional facilities at the Palo Alto Hospital there shall be provided separate buildings for female patients, and additional wards for general medical and surgical purposes, and that the name of this hospital be changed to United States Veterans' Bureau General Hospital No. 24, in order that no patients attending this institution shall be embarrassed upon their release by the stigma of having been an inmate of a neuropsychiatric hospital; and

That the present Veterans' Hospital No. 44, West Roxbury, Mass., be conformed as long as the need for such an institution exists, and that the Veterans' Bureau Hospital No. 93, located at Legion, Tex., which is now under lease to the bureau, be purchased by the Government, and an additional hospital be constructed as a Veterans' Bureau hospital for tuberculosis, and that the Director of the Veterans' Bureau immediately cause to be made an inspection of all hospitals under his jurisdiction to determine the needs of medical personnel and equipment of the hospitals, and where either is found to be insufficient he immediately take measures to supply the needs, and that the Congress of the United States be petitioned to make all appropriations necessary for the furtherance of the program.

That legislation be secured providing that the $6,500,000 already authorized by Senate bill 3181, Sixty-eighth Congress, be made immediately available for previously planned hospital construction, and that the Director of the Veterans' Bureau be petitioned to advance the preliminary work on this construction so much as may be legally possible, so that the hospitals contemplated may be completed at an early moment after the funds become available.

(a) The passage of the new pending legislation, House bill 9529, as recommended by the Federal Fact Finding Commission.

(b) The passage of further legislation embracing recommendations of the Federal Fact Finding Commission as provided in the Smith bill.

(c) That no public notice calling for repayments on construction shall be issued until the Secretary of the Interior by a commission determines through investigations held on the projects the financial and physical condition of the farms on said projects, together with the physical condition of the farm units, and recommends the date on which public notice shall be issued.

Whereas legislation is now before Congress, having as its purpose the passage of proposed legislation as to limitations of amounts of improvements required of farmers on account of acquiring title to public lands under stock-raising entries, which, if passed, would result in the sale of valuable farms on said projects, together with the physical condition of the farm units, and recommends the date on which public notice shall be issued.

Resolved, That we urge our Representatives in Congress to continue their efforts in behalf of such legislation, and that the national convention indorse such legislation for the benefit of veterans in the Western States.

MARINE CORPS

4. That we favor the maintenance of the Marine Corps at its historical efficiency and its continued development as an integral part of the Naval Establishment.

MEDIA

Recommend that provision be made for a good-conduct medal to be awarded to all men in the Army who complete three years of honorable service under such conditions as may be prescribed for this award.

In the belief that sufficient time was not granted by Congress for the presentation of recommendations for award of medals and citations for the acts of heroism for the veterans of the World War. As a result injustice has occurred, and we therefore recommend that the time for consideration of recommendations be extended for an additional period of three years, and we recommend that proportional representation on the board of awards be given to all component parts of the Army of the United States.

MILITARY AFFAIRS

2. The constructive and loyal efforts of the ex-service men were mainly responsible for the enactment into law of our first permanent military policy, as contained in the national defense act of June 4, 1920, and we oppose any changes in the fundamental character of this legislation.

Our country has observed to its sorrow the unfortunate results that have occurred from lack of military preparation, and in order that this condition may not again prevail we urge upon Congress adequate appropriations to properly maintain a Regular Army ready at all times to carry out its mission in the one-army plan.

We strongly urge the necessary support by Federal and State Governments of the maintenance of an efficient National Guard and Reserve and we pledge the continued active assistance of the legion in securing the necessary support which is now needed for these organizations, which constitute the main reliance of our country in time of national emergency.

We recommend that in order to obtain and keep the best enlisted personnel for the regular establishment that the pay of the private soldier be increased to $30 per month and provision be made for his voluntary retirement after 25 years of honorable service, and further recommend that provision be made for a good-conduct medal to be awarded to all men in the Army who complete three years of honorable service under such conditions as may be prescribed for this award.

We recognize in the citizens' military camps and Reserve Officers' Training Corps useful agencies toward better training, and we recommend that the Legion continue its services toward making these camps successful.

13. A resolution requiring the enactment of legislation to relieve the country from the burden of the expense of loss or destruction of obsolete rifles loaned by the War Department.

NAVAL AFFAIRS

1. That the American Legion go on record as being unequivocally in favor of every move made by the Congress of the United States and by the Navy Department to place our Navy in its proper position as provided by the Limitation of Armament Conference, that it is our belief that the Navy is playing the only role in which it can do its duty, and that no other factors be considered in the selection and development of these bases.

That the American Legion go on record emphatically in favor of the development of a thoroughly organized, equipped, and trained Naval Reserve and urgent Congress to make adequate provision therefor.

That Congress approve and pursue a policy for the development of naval bases; this policy to have in view the value of these bases to our fleet in both peace and war and that no other factors be considered in the selection and development of these bases.

That the American Legion go on record emphatically in favor of the development of a thoroughly organized, equipped, and trained Naval Reserve and urgent Congress to make adequate provision therefor.

PERISHING

Whereas our distinguished comrades and legionnaires, Gen. John J. Pershing, has been retired from the Army in accordance with existing laws governing retirement; and

Whereas General Pershing has shown himself to be one of the great soldiers of American history and also the best friend of the National Guard and Organized Reserves, who possesses the vision to have our country profit by the lessons of the World War in the development of our present comprehensive plan of national defense:

Therefore your committee unanimously recommends that the American Legion, in convention assembled, direct the initiation of a movement to have Congress pass such necessary legislation as will restore General Pershing to the active list, in order that his valuable counsel will be available to those responsible for the defense of our Nation.

REHABILITATION

1. The care of our disabled comrades is, has been, and always shall be recognized as the first and paramount duty of the American Legion.

In order to secure the proper performance of this duty, it is necessary that there be established and continued a sound organization and plan for the care of disabled veterans, and that no funds be granted by Congress for the presentation of recommendations for award of medals and citations for the acts of heroism for the veterans of the World War.

In the belief that sufficient time was not granted by Congress for the presentation of recommendations for award of medals and citations for the acts of heroism for the veterans of the World War. As a result injustice has occurred, and we therefore recommend that the time for consideration of recommendations be extended for an additional period of three years, and we recommend that proportional representation on the board of awards be given to all component parts of the Army of the United States.

2. That the constructive and loyal efforts of the ex-service men were mainly responsible for the enactment into law of our first permanent military
The chairman and employees of these committees, being experienced in this important work, shall be as permanent as is consistent with the efficient performance of duty to the disabled.
The functions of the regional service officers shall be known as rehabilitation secretaries. No secretary of a committee on rehabilitation shall hold any salaried Legion office other than that of secretary of a committee on rehabilitation.
Every member of the national committee and of the various district committees and other necessary employees of such committees shall be appointed for experience and ability by the chairman of such committees and shall hold offices during good behavior and efficient service.
The various departments of the American Legion and of the American Legion Auxiliary are urgently immediately to reorganize their service, welfare, and rehabilitation officers or committees in such manner as may be necessary to insure complete cooperation with the national and district committees on rehabilitation to the end that there will result a unified and coordinated legion rehabilitation service, and to express its appreciation to the respective districts committees to require from their various department officers and committees such work and reports as will bring about the desired coordination.
The recommendations of the national committee on rehabilitation, which are designed to improve the service rendered, shall, when approved by the convention or by the commander, be binding upon all officers and committees of the American Legion.
There shall be established for the national and district committees a budget of ample and liberal proportions in which shall be provided for salaries of the national chairmen, secretaries, and other necessary employees, to be accompanied with the importance of the work and the skilled service required for the rehabilitation of disabled veterans.
The amount of this budget should approximate 25 cents per Legion member.
This budget shall be provided from such available funds as will be certain and sufficient for the work. The efficient and necessary work of the American Legion shall be devoted to the interest of the disabled, to be favored over rehabilitation in such manner as to prevent the proper functioning of the work or otherwise to interfere with the task of rehabilitation of disabled veterans.
3. The proposal for amendment of the adjusted compensation act and the proposal for the creation of a rehabilitation trust fund, submitted to the committee, are approved in principle as being proper methods of eventually providing funds for the necessary work for our disabled comrades.
The United States Veterans' Bureau (4 and 5): The chief concern of the American Legion being the care of these disabled comrades, and the Veterans' Bureau having been originally set up as the instance of the American Legion, the governmental agency to effect this purpose, the Legion is deeply concerned in the efficient administration of that bureau.
Z. R. Veterans' Bureau has never functioned with the efficiency which the American Legion can consider satisfactory. This evident lack of efficiency must be traceable to some cause.
The national and district rehabilitation service of the American Legion is designed to create many features of the rehabilitation of the American Legion as representatives in the various States and districts have made a study of, and are well acquainted with, the operation of the bureau.
There shall be established in each district or area office, with one or more regional offices in each State, in so far as practical administration will permit, in accordance with the recommendations of the various district or area offices, in accordance with regulations to be issued by the Director of the American Legion.
1. There shall be established and maintained the present 14 district or area offices, with one or more regional offices in each State, in so far as practical administration will permit, in accordance with the number of veterans' Bureau claimants represented, the area to be covered, and existing transportation facilities.
2. The that supervision and control of the regional and subregional offices and the consideration of appeals from the decisions of those offices vested in the district or area offices in accordance with regulations to be issued by the Director of the United States Veterans' Bureau.
3. There should be established in each district or area office the present board of appeals, with the addition of sufficient personnel to permit the hearing and preparation of cases for appeal, including a written report of the testimony by the claimant and by witnesses, same to be incorporated into the claimant's folder.
4. There shall be established in each regional or subregional office sufficient competent medical personnel to conduct examinations, authority, give and prescribe medical treatment, hospitalization, etc., and perform all of the duties necessary to permit of complete and prompt adjudication of claims.
5. That the medical examination report of the claimant shall contain the recommendation of the examining physician as to the nature, origin, and treatment of the existing disability, and the degree of vocational handicap.
6. There shall be established in each regional or subregional office one or more rating boards comprised of three members, namely, one physician and one member of the claimant's or his next of kin who have had experience in rating boards, whose duty it shall be to rate all cases for compensation; said rating boards to be under the direct supervision and control of the regional or subregional manager; such ratings to be final and subject to appeal only by the claimant, his authorized representative, or the district or regional manager.
7. There shall be established under the supervision of the claims division in each regional or subregional office sufficient claim examiners, reviewers, and necessary clerical personnel to properly make up awards as finally established by the rating boards.
8. All payments of compensation, training pay, funeral allowances, salaries, and other expenses shall be paid through the audit and disbursing section of the district office.
9. That there shall be established in each regional office a guardianship division with full authority to apply for proper conservators and administrators, and to have supervision over all such matters under the supervision of the district office.
10. That there shall be a full and complete de-centralization to the district, regional, or subregional office of all cases folders wherein a conservator or administrator has been appointed.
While many divisions of the Veterans' Bureau function below the desired standard, the planning service is the most conspicuous example of inefficiency, followed closely by the central office board of appeals. While there is a cooperative spirit in each of these departments, there is a need for a more efficient plan. The inefficiency should be identified and separated from the service. As time is of vital importance in dealing with the cases of the disabled, no note should be lost in this or any necessary similar action by the director.
The director is urged especially to be constantly on the alert throughout the entire organization of the bureau for any and all indications of inefficiency or any indication that there may appear to be a lack of humanity on the part of any bureau representative in dealing with or examining any ex-service man or women, and to take the necessary steps to speedily rid the bureau of any employee who indicates by the carelessness, lack of courtesy or by any other means of treatment or neglect that he does not have the proper sense of duty of dealing courteously and humanely with all ex-service people.
6. The World War veterans act, 1924, intending to carry the system of appeals for the disabled veterans further, is urged to be amended to read as follows: Provided, however, that the chief charact...
8. The appointment by the director of the council of medical and hospital examiners of whom the functioning of the medical service of the bureau is recognized as a great step in advance. His action is approved in principle and the hope is expressed that it will lead to the elimination of the medical service from the bureaucracy which has hitherto characterized it.

9. The council, which is composed of eminent specialists from various parts of the country, recognizing the enlarged scope of the medical problems resulting from the World War veterans' act and recognizing that medical personnel is so difficult to recruit and hold under previous systems and that classification under civil service is not conducive to the maintenance of efficiency in professional corps, it is recommended that each legislation which your committee recommends in connection in the field of medicine be submitted the word "permanent" for the word "temporarily" in subdivision 2 of section 202.

This legislation should provide for the creation of a Veterans' Bureau medical corps similar to those of the Public Health Service, the Army, and the Navy.

10 and 11. The director is requested to assign bureau physicians on part or full time in larger centers of population, who will have authority to give treatment and issue medicine and give prescriptions as is now provided in regional outpatient clinics. It is further recommended that examinations, made of veterans of the United States service living in foreign countries and made at the request of the Veterans' Bureau for compensation, be made by American doctors when available.

12. A view of the fact that the clerical work necessitated in the examination of veterans seeking compensation is considerable, it is recommended that the fee of examining physicians not employed by the Veterans' Bureau be increased from $150 to $200 in order that there may be a sufficient incentive for their taking proper care in preparing the various reports required by the Veterans' Bureau.

13, 14, and 15. It is recommended that nurses, reconstruction aides, and claim examiners be given the same classification as of the medical advisers of the committee and to endeavor to work out an adequate rating system for neuropsychiatric disorders; and it is further recommended that such a claimant be not declared permanently nonremitting for training except the decision be made upon the basis and within the limits of the examination by a board of three recognized specialists in neuropsychiatry.

16. Legislation is recommended in each State empowering courts to commit veterans suffering from insanity or psychopathic disorders or to narcotic or liquor addiction to mental institutions or to order their commitment to the United States Veterans' Bureau, and to confine them in the most available Federal hospital maintained for that purpose.

17. Legislation or regulation be sought providing that veterans hospitalized in any institution be held to be in the same status with respect to hospital pay as those hospitalized in United States veterans' hospitals. Amendment of section 200, line 17, is recommended, inserting after the word "mistaken" the words "notwithstanding the word "burial" to "funeral" in order that cremation expenses may not be barred.

18. The director is urged to require the prosecution by the Veterans' Bureau legal staff of all violations of the section, providing a penalty for charging or accepting an excessive fee.

19, 20, and 21. It is recommended that proof be obtained for the financial status of deceased ex-service men to be determined in subdistrict offices, in order to decide the question of whether the Government shall pay his burial expenses, to the end that there will not be involved the delay attendant upon determination of the question in Washington; that an increase of burial allowance from $105 to $205 be provided; and that the wording of the act allowing the Government to defray burial expenses be amended by changing the word "burial" to "funeral" in order that cremation expenses may not be barred.

RETIREMENT OF DISABLED EMERGENCY ARMY OFFICERS

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

STARS AND STRIPES FUND

10. Resolution requesting the Congress to set aside as a trust fund the $400,000 of profit from the publication of the Stars and Stripes in France, to use the income from this trust fund to decorate the graves of American soldiers in Europe and thus aid the graves endowment fund.

UNIVERSAL DRAFT

Whereas the Fourth Annual Convention of the American Legion at New Orleans unanimously adopted the following universal service act which had been presented by the military policy committee of the American Legion and which reads as follows:

"An act to provide further for the national security and defense,

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

...
1925

CONGRESSIONAL RECORD—HOUSE 4931

(1) That, in the event of a national emergency declared by Congress, which in the judgment of the President demands the immediate increase of the military establishment, the President be, and he hereby is, authorized to draft into the service of the United States such members of the unorganized militia as he may deem necessary; provided no person drafted into service between the ages of 21 and 30 or such other limit as the President may fix shall be drafted without exception on account of industrial occupation.

2. (a) That the legislation relating to the defense, I have been considering that instead of three secretaries in the Cabinet relating to executive bureaus.

3. (b) To take such steps as may be necessary to stabilize prices of services and of all commodities declared to be essential, whether such services and commodities are required by the Government or by the civilian population; and

4. Whereas this universal service act is now embossed to specific legislative introduction in Congress during the past session by Representative ROYAL C. JOHNSON in the House of Representatives and Senator ARTHUR C. CARVEN in the Senate:

5. (a) To determine and proclaim the material resources, industrial processes for which Government control is necessary to the successful termination of this emergency, and such control shall be exercised by him through agencies existing or which he may create for such purposes;

6. (b) To take such steps as may be necessary to stabilize prices of services and of all commodities declared to be essential, whether such services and commodities are required by the Government or by the civilian population;

7. (c) That the full influence and support of our organization be used to make effective as soon as possible this legislation which will help insure our country against war and will drain into the service between Congress to exist,

8. (d) That the President is not able to decide upon the broad and general aspects of national defense. Consequently, he must, therefore, turn to his other adviser, the Secretary of the Navy, who advises a contrary course.

9. (e) That the full influence and support of our organization be used to make effective as soon as possible this legislation which will help insure our country against war and will drain into the service between Congress to exist,

10. (f) That the full influence and support of our organization be used to make effective as soon as possible this legislation which will help insure our country against war and will drain into the service between Congress to exist,

11. (g) That the full influence and support of our organization be used to make effective as soon as possible this legislation which will help insure our country against war and will drain into the service between Congress to exist,
Therefore, Mr. Speaker, we have this logical and indisputable analysis of the situation: The Army can not function under modern conditions without adequate and sufficient aviators to control the air. The Navy can not function without adequate and sufficient aviators to control the air. The Navy is helpless on land, and the Army is helpless on the water. But neither the airplanes, whether above the land or above the water, can fight and must fight absolutely independent of either the Army or the Navy. The commander on the ground can not give commands to the fighters 20,000 feet in air, nor can the commander in his flagship command the aviators fighting thousands of feet above the sea. In other words, there are certain of the most critical and decisive times, when aviation will and must fight for the control of the air without any reference whatever to either the Army or the Navy. After the aviators have gotten control of the air, then either the Army or the Navy can advance upon the opposing forces and “mop up.” But this is impossible until the decisive and conflict shall have been fought out for the control of the air. Therefore, Mr. Speaker, I conclude that there are greater arguments for an independent and separate agency for the promotion and development of aviation than there is for either the Army or the Navy. Therefore we must not delay in creating within the department of national defense a bureau of aviation. Let the moment be seized, and let the Bureau of the Army and the bureau of the Navy; and this bureau of aviation must be specifically charged with the high responsibility, with all speed consistent with soundness and efficiency of construction, of training our and our pilots so that we need not be ready to win in the first and decisive conflict. Therefore let us by all means commence without further delay to bring this most important branch of national defense up to that state of efficiency commensurate with our strength and our duty.

GEORGE W. ENGLISH

Mr. BLANTON. Mr. Speaker, I find that on investigation that I was misinformed in regard to the Army Committee concerning the investigation of Judge English, and I wish now to withdraw my objection to that resolution.

The SPEAKER. Was that the first objection?

Mr. BLANTON. The first objection.

The SPEAKER. The gentleman from Texas withdraws his objection to the resolution referred to and asks that the bill be referred to the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

AMENDMENT

Mr. LONGWORTH. Mr. Speaker, in view of the fact that it is the intention to take up the Consent Calendar to-morrow morning, and the adjournment of the House this evening, and to-morrow or this afternoon, I therefore move that the House do now adjourn, and the motion was agreed to; accordingly (at 4 o’clock and 54 minutes p. m.) the House adjourned, pursuant to the order made, until to-morrow, Saturday, February 28, 1925, at 10 o’clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker’s table and referred as follows: (294. A letter from the Secretary of War, transmitting recommendation that legislation embodied in Document No. 294, Senate, eight Congress, first session, be enacted into law, providing for the relief of foreign banks and foreign branches of American banks located in Santiago, Chile (H. Doc. No. 628) to the Committee on Appropriations and Military Affairs and ordered to be printed.

815. A communication from the President of the United States of a supplement to the wheat importation of shipments for the fiscal year ending June 30, 1925, amounting to $1,000,000, for the Department of the Interior, for the relief of James J. Braddock and two others (H. Doc. No. 659) to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XII, Mr. WINSLOW; Committee on Interstate and Foreign Commerce. S. 3015. An act to provide for retirement for dis-ability in the Lighthouse Service; without amendment (Rept. No. 1618). Referred to the Committee of the Whole House on the state of the Union.

Mr. MCKENZIE: Committee on Military Affairs. S. 4234. An act authorizing the Secretary of War to convey certain lands in the State of Colorado to the city and county of San Francisco for educational, artistic, exhibition, and park purposes; without amendment (Rept. No. 1910). Referred to the Committee of the Whole House on the state of the Union.

Mr. EDMONDS: Committee on the Merchant Marine and Fisheries. H. R. 12356. A bill relating to the carriage of goods by sea; with amendments (Rept. No. 1230). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 12344. A bill to extend the time for the commencement and completion of the bridge of the Valley Transfer Railway Co., a corporation, across the Mississippi River in the State of Minnesota; without amendment (Rept. No. 1621). Referred to the House Calendar.

Mr. VESTAL: Committee on Patents. H. R. 5790. A bill to prevent fraud, deception, or improper practice in connection with business before the United States Patent Office, and for other purposes; with amendments (Rept. No. 1222). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 12374. A bill granting the consent of Congress to the highway commission of the town of Elgin, Kane County, Illinois, to construct, operate, and maintain a bridge across the Fox River; with an amendment (Rept. No. 1623). Referred to the House Calendar.

Mr. NEWTON of Minnesota: Committee on Interstate and Foreign Commerce. H. R. 12352. A bill to permit the commencement and completion of the bridge of the county of Norman and the town and village of Halstad, in said county, in the State of Minnesota, and the county of Trall and the town of Remer, in said county, in the State of Minnesota, across the Red River of the North on the boundary line between said States; with amendments (Rept. No. 1624). Referred to the House Calendar.

Mr. GRAHAM: Committee on the Judiciary. H. R. 12377. A bill to permit the United States of America to be made defendant and to be bound by decrees and final judgments entered in land title registration proceedings in the Circuit Court of Cook County, Ill., and courts of appeal thereon, under the provisions of an act concerning land titles in force in the State of Illinois May 1, 1897; with amendments (Rept. No. 1625). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH: Committee on Irrigation and Reclamation. H. R. 12361. A bill providing for the irrigation of certain lands in the State of Nebraska; with amendments (Rept. No. 1236). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILL, RESOLUTIONS, AND MEMORIALS

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SUMMERS of Washington: A bill (H. R. 12430) to permit a compact or agreement between the States of Washington, Idaho, Oregon, and Montana respecting the disposition and apportionment of the waters of the Columbia River and its tributaries, and for other purposes; to the Committee on Irrigation and Reclamation.

By Mr. TATER: A bill (H. R. 12440) to authorize an appropriation for the erection of a suitable memorial monument and the improvement of the grounds at the birthplace of Millard Fillmore, former President of the United States; to the Committee on the Library.

By the SPEAKER (by request) : Memorial of the Legislature of the State of Iowa, favoring legislation providing for the creation of an export corporation for the purpose of purchasing and marketing surplus and surplus commodities in the United States; to the Committee on Agriculture.

By Mr. DOWELL: Memorial of the Legislature of the State of Iowa, urging the present Congress to pass legislation creating an export corporation, to purchase and divert surplus farm commodities in the United States; to the Committee on Agriculture.

By Mr. NEWTON of Minnesota: Memorial of the Legislature of the State of Minnesota, asking that the United States be empowered to create an additional Federal district judgeship, and provide for filling the vacancy therein caused by the death of Federal Judge John F. McDow; to the Committee on the Judiciary.
By Mr. SMITH: Memorial of the Legislature of the State of Idaho, urging enactment of legislation licensing commission merchants and brokers to give a bond for the faithful discharge of their contracts; and to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

By Mr. JOHNSON of Washington: A bill (H. R. 12441) granting a pension to Hilaire Nallette; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

3324. By Mr. FUNK: Petition of citizens of Livingston County, Ill., protesting against the Sunday observance bill (S. 3218) and all other similar legislation; to the Committee on the District of Columbia.

3325. By Mr. MFAAD: Petition of National Retail Dry Goods Association, opposing the enactment into law of House bill 10331, the purpose of which is to grant copyright registration for designs, and favoring a reduced amount of pay of postal employees; to the Committees on Patents and the Post Office and Post Roads.

3326. By Mr. WATSON: Petition of citizens of Harrisburg, Pa., favoring the participation of the United States in the World Court on the Harding-Hughes terms; to the Committee on Foreign Affairs.

3327. By Mr. WEPFAL: Petition of 40 citizens of Vining, Minn., that Congress do not concur in the passage of the compulsory Sunday observance bill (S. 3218) nor in the passage of any other religious legislation which may be pending; to the Committee on the District of Columbia.

3328. By petition of 20 citizens of Local and Detroit, Minn., that Congress do not concur in the passage of the compulsory Sunday observance bill (S. 3218) nor in the passage of any other religious legislation which may be pending; to the Committee on the District of Columbia.

3329. By Mr. WILLIAMS of Michigan: Petition of Mrs. George W. Shields and 41 other residents of Hillsdale County, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

3330. Also, petition of Mrs. O. F. Gaylord and 10 other residents of Battle Creek, Mich., protesting against the passage of Senate bill 3218, the Sunday observance bill, so called; to the Committee on the District of Columbia.

SENATE

Saturday, February 28, 1925

(Legislative day of Thursday, February 26, 1925)

The Senate met at 11 o'clock a.m., on the expiration of the recess.

The PRESIDENT pro tempore. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Halterman, one of its clerks, announced that the House had passed the bill (S. 3218) to extend for an additional period of three years the effective period of the act entitled "An act to amend section 51 of chapter 4 of the Judicial Code," approved September 19, 1922, and an act entitled "An act to amend section 876 of the Revised Statutes," approved September 19, 1922, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bill and joint resolution of the Senate, each with amendments, in which it requested the concurrence of the Senate:

S. 1797. An act appropriating money to purchase lands for the Chilam Tribe of Indians in the State of Washington, and for other purposes; and

S. J. Res. 124. Joint resolution to provide for the posthumous appointment as commissioned grades of certain enlisted men and the posthumous promotion of certain commissioned officers.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11701. An act to amend the act entitled "An act to regulate steam engineering in the District of Columbia," approved February 28, 1887;

H. R. 11732. An act to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes; and

H. R. 11815. An act granting the consent of Congress to the construction of a bridge across the Rio Grande;

H. R. 12029. An act for the relief of sufferers from the fire at New Bern, N. C., in December, 1922;

H. R. 12030. An act for the relief of sufferers from cyclone in northwestern Mississippi in March, 1922;

H. R. 12251. An act authorizing the appropriation of $5,000 for the erection of tablets or other form of memorial in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams; and

H. J. Res. 348. Joint resolution authorizing the Secretary of Agriculture to award suitable medals to exhibitors winning first and championship prizes at the twenty-fifth anniversary show of the International Livestock Exposition of Chicago, Ill., held in December, 1924.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and a joint resolution were severally read twice by title and referred as indicated below:

H. R. 11752. An act to provide for extension of payment on homestead entries on ceded lands of the Fort Peck Indian Reservation, State of Montana, and for other purposes; to the Committee on Indian Affairs.

H. R. 11815. An act granting the consent of Congress to the construction of a bridge across the Rio Grande; to the Committee on Commerce.

H. R. 12029. An act for the relief of sufferers from the fire at New Bern, N. C., in December, 1922; and

H. R. 12030. An act for the relief of sufferers from cyclone in northwestern Mississippi in March, 1922; to the Committee on Military Affairs.

H. R. 12251. An act authorizing the appropriation of $5,000 for the erection of tablets or other form of memorial in the city of Quincy, Mass., in memory of John Adams and John Quincy Adams; to the Committee on the Library.

H. J. Res. 348. Joint resolution authorizing the Secretary of Agriculture to award suitable medals to exhibitors winning first and championship prizes at the twenty-fifth anniversary show of the International Livestock Exposition of Chicago, Ill., held in December, 1924; to the Committee on Agriculture and Forestry.

TWO HUNDREDTH ANNIVERSARY OF THE BIRTH OF GEORGE WASHINGTON (S. DOC. NO. 225)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriations for the United States Commission for the Celebration of the Two hundredth Anniversary of the Birth of George Washington, fiscal year 1926, to remain available until expended, $10,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE (S. DOC. NO. 224)

The PRESIDENT pro tempore also laid before the Senate a communication from the President of the United States, transmitting a draft of proposed legislation affecting the appropriations for the Bureau of Foreign and Domestic Commerce, Department of Commerce, fiscal year 1926, relative to the rental of offices in foreign countries by that bureau, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JOHN F. BURPHE, OWNER OF STEAMSHIP "MARGARET J. SANFORD" AGAINST THE UNITED STATES (S. DOC. NO. 222)

The PRESIDENT pro tempore also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a record of judgment rendered against the United States by the United States District Court for the Southern District of New York, under the provisions of law, and requiring an appropriation for its payment under the Department: Case No. John F. Burpee, et al., owners of the steamship Margaret J. Sanford against the United States, in amount, $2,000, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

OWNERS OF THE BADGE "HAYAN" AGAINST THE UNITED STATES (S. DOC. NO. 223)

The PRESIDENT pro tempore also laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, a record of judgment rendered against the Government by the United States District Court.