steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2559. By Mr. KETCHAM: Petition signed by a number of the citizens of Otsego, Mich., urging immediate action on a bill to increase the pensions of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2560. By Mr. LEATHERWOOD: Petition of citizens of Salt Lake City, Utah, praying that Congress pass the Civil War pension bill before it adjourns; to the Committee on Invalid Pensions.

2561. By Mr. LEAVITT: Petition of residents of Glasgow, Mont., favoring passage of Civil War pension legislation at the present session of Congress; to the Committee on Invalid Pensions.

2562. Also, petition of residents of Livingston, Mont., favoring passage of the Elliott bill providing for increases of pensions for veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2563. By Mr. McLEOD: Petition of sundry citizens of Detroit, Mich., urging the passage of the Civil War veterans' pension bill; to the Committee on Invalid Pensions.

2564. By Mr. MAJOR: Petition of a number of voters of Polk County, Mo., urging prompt action on the Civil War pension bill; to the Committee on Invalid Pensions.

2565. By Mr. O'CONNELL of New York: Petition of Friends of Irish Freedom, of New York City, protesting against the immigration law of 1924; to the Committee on Immigration and Naturalization.

2566. By Mr. OLDFIELD: Petition urging the passage of Civil War pension bill (H. R. 4023) now pending on the Union Calendar; to the Committee on Invalid Pensions.

2567. Also, petition of Randolph County, Ark., urging the passage of House bill 4023, proposing to grant increases in the present rates of pensions for Civil War veterans and their dependents now pending on the Union Calendar; to the Committee on Invalid Pensions.

2568. By Mr. RAGON: Petition of citizens of Little Rock, Ark., favoring the passage of the Elliott bill granting pensions and increases of pension for Civil War veterans and their widows; to the Committee on Invalid Pensions.

2569. By Mr. ROMJUE: Petition of Omer B. Sharp, H. L. Pierce, and others of Stahl, Mo., asking for prompt action on legislation granting more liberal pensions to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2570. By Mr. SPEAKS: Petition of 200 citizens of Westerville, Ohio, urging the passage, before adjournment of Congress, of a bill granting increase of pension to veterans of the Civil War and their widows; to the Committee on Invalid Pensions.

2571. By Mr. SPROUL of Illinois: Petition from 600 men of Auburn Park Council, No. 1678, Knights of Columbus, Illinois, protesting against the deportation from Mexico of Archbishop Caruana as a contemptuous disregard of the rights and privileges of an American citizen; to the Committee on Foreign Affairs.

2572. By Mr. STRONG of Kansas: Petition of William Garber and other voters of Republic, Kans., urging passage of the bill to increase pensions of Civil War veterans and their widows before adjournment of Congress; to the Committee on Invalid Pensions.

2573. Also, petition of Mrs. Marilda J. Cooney and other voters of Clay County, Kans., urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and their widows; to the Committee on Invalid Pensions.

2574. Also, petition of Mr. John R. Smith and other voters of Salina, Kans., requesting that favorable action be taken at once on Civil War pension bill; to the Committee on Invalid Pensions.

2575. By Mr. SWING: Petition of certain residents of Lemon Grove, Calif., urging that the Civil War pension bill be brought to a vote immediately; to the Committee on Invalid Pensions.

2576. Also, petition of certain residents of California, urging that immediate steps be taken to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2577. By Mr. TOLLEY: Petition of sundry citizens of Broome, Chenango, Delaware, and Otsego Counties of New York; to the Committee on Invalid Pensions.

2578. By Mr. VARE: Petition of citizens of Philadelphia, Milton, Cardington, Waynesburg, Manayunk, and Germantown, Pa., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2579. By Mr. WINTER: Petition of sundry citizens of Sheridan, Wyo., urging the passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2580. By Mr. YATES: Petition of Mr. Mahlon C. Tunison, 736 Center Street, Elgin, Ill., and 38 others of Elgin, Ill., urging the passage of the Civil War pension bill, a measure for the relief of the aged veterans and widows; to the Committee on Invalid Pensions.

SENATE

FRIDAY, *June 18, 1926*

(Legislative day of Wednesday, June 16, 1926)

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

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House, by Mr. Haltigan, one of its clerks, announced that the House had passed the bill (S. 481) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, amended August 23, 1912, March 3, 1913, and July 24, 1919, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The VICE PRESIDENT announced his signature to the six enrolled bills received late on yesterday from the House of Representatives, which had previously been signed by the Speaker.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Fess	Lenroot	Sheppard
Bayard	Frazier	McKellar	Shipstead
Bingham	George	McMaster	Shortridge
Blease	Gerry	McNary	Smoot
Borah	Gillett	Mayfield	Stanfield
Bratton	Glass	Means	Steck
Broussard	Goff	Metcalf	Stephens
Bruce	Gooding	Moses	Swanson
Butler	Hale	Neely	Trammell
Cameron	Harreld	Norbeck	Tyson
Capper	Harris	Norris	Wadsworth
Caraway	Harrison	Oddie	Walsh
Copeland	Heflin	Phipps	Warren
Couzens	Howell	Pine	Watson
Cummins	Jones, N. Mex.	Ransdell	Wheeler
Curtis	Jones, Wash.	Reed, Pa.	Williams
Deneen	Kendrick	Robinson, Ark.	Willis
Dill	Keyes	Robinson, Ind.	
Ernst	King	Sackett	
Fernald	La Follette	Schall	

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present.

PERSONAL EXPLANATION

Mr. WILLIS. Mr. President, I rise to make a brief statement as a matter of personal privilege. My attention has been drawn to the fact that there is a statement in the morning edition of the Washington Herald to the effect that four Senators and four Members of the House of Representatives have accepted fees from the Anti-Saloon League for making prohibition speeches. My name is given in the Herald article as one of those so receiving compensation. Also in the Washington Post of this date I find the following statement on the first page reporting the inquiry which was made in one of the investigating committees, the Senator examining the witness asking him:

> Have you not a list of Congressmen who are frequently called upon to make speeches and receive pay for it?
>
> Mr. Wheeler hesitated while the audience remained silent and puzzled, and Senator REED kept his eyes riveted on the witness. Finally Mr. Wheeler stated that among the speakers receiving pay from the Anti-Saloon League in the form of expenses and "an honorarium" are the following—

He there gave a list, and my name appears in that list with others. Then further down in the statement occurred this language:

> "WILLIS, of Ohio," continued Senator REED. Do you know where he spent his activities?

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. Wheeler replied in the negative, as he had not the detailed information, he said.

"You do not know what his prices are?" persisted Senator REED.

And further on it is said:

"Well, all told," said Senator REED, "you have a pretty heavy pay roll?"

The witness replied:

I should say we have a thousand people giving their whole time to it.
For pay?
Yes.

Mr. President, I could not permit a statement of that kind to go unchallenged. The import of the newspaper article is to the effect that I am or have been on the pay roll of the Anti-Saloon League. I am not now, and I never have been for one moment, on the pay roll of the Anti-Saloon League. At one time while I was a private citizen, holding no public office of any character, I made a few speeches outside of Ohio in wet and dry fights in various communities. Whatever remuneration I received came from the local community and not from any national organization.

It should be added in this connection that I have never received one penny by way of compensation, expenses or otherwise, for any address upon the wet and dry question anywhere inside the State of Ohio.

Mr. President, I did not propose that this statement should be permitted to stand unchallenged. I think my record here demonstrates that I am fairly well attendant upon this job and that I am not chasing about over the country making speeches on the pay roll of any organization.

PETITIONS

Mr. MEANS presented petitions of sundry citizens of Salida, Pueblo, and Colorado Springs, all in the State of Colorado, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

Mr. ERNST presented petitions numerously signed by sundry citizens of Olive Hill, Falmouth, Muncy, Wheatcroft, Grayson, Richmond, Barbourville, Woodburn, and Bellevue, and of McCracken, Christian, and Henry Counties, all in the State of Kentucky, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

Mr. WATSON presented petitions numerously signed by sundry citizens of Bartholomew and Terre Haute and vicinity, all in the State of Indiana, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which were referred to the Committee on Pensions.

Mr. WILLIS presented a petition of sundry citizens of the State of Ohio, praying for the passage of legislation granting increased pensions to Civil War veterans and the widows of such veterans, which was referred to the Committee on Pensions.

Mr. NEELY presented petitions of W. H. Carter and sundry citizens of Kanawha County and of L. Lipscomb and sundry citizens of Tucker, all in the State of West Virginia, praying for the passage of legislation granting increased pensions to Civil War Veterans and the widows of such veterans, which were referred to the Committee on Pensions.

RELIEF OF WORLD-FLIGHT OFFICERS

Mr. BINGHAM. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 11870) for the relief of certain officers of the Air Service of the United States Army on account of funds expended by them in connection with the American around-the-world flight, and I submit a report (No. 1095) thereon. I ask for the immediate consideration of the bill. I will state that it is a bill for the relief of certain officers of the world flight on account of funds expended by them which were authorized by the Secretary of War but which the Comptroller General holds were not authorized in the original act. The bill is unanimously reported by the Committee on Military Affairs. The total amount involved is only $1,732. There is no evidence of any undue or any unnecessary expense.

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

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle the claims of the following-named officers of the Air Service, United States Army, for reimbursement of amounts expended by them in connection with arrangements for the round-the-world flight, and which amounts were held by the Comptroller General as unauthorized under the act of June 7, 1924 (43 Stat. p. 491), making appropriation for all contingent expenses in connection with an aerial flight around the world, of which appropriation there is an available balance: First Lieut. M. S. Lawton, $635; First Lieut. H. A. Halverson, $630; First Lieut. Laclair D. Schulze, $497; amounting in all to $1,732.

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

Mr. BINGHAM. I ask unanimous consent that the report of the Committee on Military Affairs on the bill be printed in the RECORD, together with the bill, and in the place where the bill is printed.

The VICE PRESIDENT. Without objection, it will be so ordered.

The report is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 11870) for the relief of certain officers of the Air Service of the United States Army on account of funds expended by them in connection with the American round-the-world flight, having considered the same, report thereon with a recommendation that it do pass.

The report of the House Committee on Military Affairs, setting forth the merits of this bill, is appended hereto and made a part of this report, as follows:

"The officers named in the bill were the advance agents of the War Department who made arrangements in the various countries to be visited in the round-the-world flight for landing places, etc. In the performance of this duty certain expenses were necessarily incurred by these officers in entertaining local officials of the places visited, which expenses were defrayed by them from their personal funds.

"The act of June 1, 1924, was considered by the War Department to provide funds for expenses of this nature as well as all other expenses in connection with the round-the-world flight, and the expenditures made have the approval of the Secretary of War. The Comptroller General of the United States has ruled, however, that the act referred to contains no phraseology which would warrant reimbursing these officers from public funds.

"It is the purpose of this bill to reimburse these officers for the expenses for entertainment which they incurred necessarily and with the full sanction of the War Department.

"There is an available balance in the appropriation for the expenses of the round-the-world flight so that no appropriation is required."

Extracts from a memorandum by the Chief of the Army Air Service, Maj. Gen. Mason M. Patrick, to The Adjutant General of the Army, are inserted as follows:

"The comptroller in his adverse decision, although admitting that in the letter submitted by me to the War Department in which the estimates of cost of this flight were itemized there was an item covering 'entertainment,' goes on to state that while the project was thoroughly discussed in the committee room of Congress, not a word is reported as having been said about entertainment in foreign countries of officials of foreign governments by anyone; and further, quoting from a memorandum of November 1, 1923, which I sent to the Director of the Budget, he states, 'there appears nothing in this statement to indicate an intent to use any part of the appropriation for entertainment purposes.'

"In the first place, the discussion of this item before the Appropriations Committee of Congress was not very extensive; in fact, there were few questions asked about it. I know that it was thoroughly understood that this sum of $50,000 was intended to cover any and all expenses which may be considered as contingent. Furthermore, in the memorandum I submitted to the Director of the Budget and quoted by the Comptroller General, it is distinctly stated that this sum is intended to cover 'incidental expenses of the personnel not covered otherwise,' and these advance officers were intended to be included in 'the personnel' therein mentioned.

"Again, the appropriation as made was to be 'used for all contingent expenses in connection with an aerial flight around the world, for such purposes as may be approved or authorized by the Secretary of War.' In my original request of November 6, 1923, for authority to make this flight around the world, the item of 'entertainment' was distinctly set forth. The question as to the propriety of the inclusion of this item was then raised and as distinctly stated in my second indorsement dated November 16, 1923, to The Adjutant General, 'the Chief of Finance concurs with this office in holding that if this congressional authority is received the expenses for (2) "entertainment" * * * can properly be met from such funds.'

"After thorough consideration of the matter, the original request for authority as cited above and the facts set forth in the second indorsement, the project and all of these items were duly approved by the Secretary of War, including the items for entertainment. These advance officers then started to cover their parts of the route with the distinct understanding in advance that such 'entertainment' as they might find it necessary to do had already received the prior approval of the Secretary of War. Under such circumstances it seems to me plainly evident that they were justified in incurring expenses for such entertainment up to the limit of the total amount thus approved in advance by the Secretary of War.

"In addition to these facts, when the vouchers covering the expenses were submitted to the Secretary of War, they were also duly and properly approved by him."

REPORTS OF COMMITTEES

Mr. MOSES, from the Committee on Post Offices and Post Roads, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 12211) to amend section 4009 of the Revised Statutes (Rept. No. 1096); and

A bill (H. R. 12369) to amend the act entitled "An act authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty," approved March 17, 1882, as amended (Rept. No. 1097).

Mr. PHIPPS. From the Committee on Post Offices and Post Roads I report without amendment the bill (H. R. 4502) declaring pistols, revolvers, and other firearms capable of being concealed on the person nonmailable and providing penalty, and I submit a report (No. 1107) thereon. I ask that the House report be printed with the Senate report and that the bill go to the calendar.

The VICE PRESIDENT. Without objection, that order will be made.

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

A bill (H. R. 2676) to allow and credit the accounts of Maj. John D. Gould, Quartermaster Corps, with $1,646.86, representing various shortages and suspended vouchers in his accounts as disbursing officer during the late war (Rept. No. 1098); and

A bill (H. R. 9232) for the relief of Isaac A. Chandler (Rept. No. 1099).

Mr. ROBINSON of Indiana, from the Committee on Military Affairs, to which was referred the bill (S. 3017) for the relief of Edwin R. Samsey, submitted an adverse report (No. 1101) thereon.

Mr. STEPHENS, from the Committee on Claims, to which was referred the bill (H. R. 10807) to provide for payment of the amount of a war-risk insurance policy to the beneficiaries designated by Lieut. Lewis Wesley Kitchens, deceased, reported it without amendment and submitted a report (No. 1100) thereon.

Mr. STANFIELD, from the Committee on Claims, to which was referred the bill (H. R. 2042) for the relief of Joseph L. Keresey, reported it without amendment and submitted a report (No. 1106) thereon.

He also, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 4324) for the relief of the State of Oregon (Rept. No. 1109); and

A bill (H. R. 8048) to provide for the leasing of public lands in Alaska for fur farming, and for other purposes (Rept. No. 1102).

He also, from the Committee on Public Lands and Surveys, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 4252) setting aside certain land in Douglas County, Oreg., as a summer camp for Boy Scouts (Rept. No. 1103); and

A bill (H. R. 11488) authorizing and directing the Secretary of the Interior to sell certain public lands to the Cabazon Water Co., issue patent therefor, and for other purposes (Rept. No. 1104).

Mr. KENDRICK, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 10980) to authorize leasing, for the production of oil and gas, certain public lands in Carbon County, Wyo., reported it without amendment and submitted a report (No. 1108) thereon.

Mr. REED of Pennsylvania, from the Committee on Finance, submitted a report (No. 1105) to accompany the bill (H. R. 12175) to amend the World War veterans' act, 1924, heretofore reported by him from that committee with amendments.

SAND ISLAND IN THE COLUMBIA RIVER

Mr. DILL, from the Committee on Public Lands and Surveys, to which was referred the resolution (S. Res. 250) to investigate as to whether Sand Island in the Columbia River is located in the State of Oregon or in the State of Washington, reported it without amendment, submitted a report (No. 1110) thereon, and moved that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

BILLS INTRODUCED

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

By Mr. MOSES:

A bill (S. 4477) granting a pension to Mary E. W. Place (with accompanying papers); to the Committee on Pensions.

By Mr. BUTLER:

A bill (S. 4478) granting an increase of pension to Elizabeth J. Pinkham (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 4479) to authorize United States district judges to provide for the trial by United States commissioners of certain classes of cases; to the Committee on the Judiciary.

By Mr. WADSWORTH:

A bill (S. 4480) providing for the extension of the time limitations under which patents were issued in the case of persons who served in the armed forces of the United States during the World War; to the Committee on Patents.

By Mr. SWANSON:

A bill (S. 4481) to establish a national military park at and near Fredericksburg, Va., and to mark and preserve historical points connected with the battles of Fredericksburg, Spotsylvania Court House, Wilderness, and Chancellorsville, including Salem Church, Va.; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 4482) to increase the limit of cost of submarine tender *No. 3*, and to authorize repairs and alterations to the U. S. S. *S-48;* to the Committee on Naval Affairs.

By Mr. NORBECK:

A bill (S. 4483) granting a pension to Julius Rosch; to the Committee on Pensions.

AMENDMENTS TO COOPERATIVE MARKETING BILL

Mr. BRUCE, Mr. LENROOT, Mr. TRAMMELL, and Mr. WILLIS each submitted an amendment intended to be proposed severally by them to House bill 7893, the so-called cooperative marketing bill, which were ordered to lie on the table and to be printed.

LEAGUE OF NATIONS AND WORLD COURT

On motion of Mr. BLEASE, the resolution (S. Res. 253) requesting the President and Secretary of State to withhold action looking to the entry of the United States into the League of Nations or World Court, was taken from the table and referred to the Committee on Foreign Relations.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that on June 17, 1926, the President had approved and signed the following acts:

S. 104. An act for the relief of the American Transportation Co.;

S. 587. An act for the relief of John O'Brien;

S. 856. An act for the relief of Joseph Mayhew;

S. 1058. An act for the relief of James H. Kelly;

S. 1886. An act to carry out the findings of the Court of Claims in the case of the Fore River Shipbuilding Co.;

S. 1930. An act to authorize the Postmaster General to cancel a certain screen-wagon contract, and for other purposes;

S. 2033. An act to provide for the advancement on the retired list of the Navy of Milton F. Nicholson;

S. 2128. An act for the relief of Samuel Spaulding;

S. 2166. An act for the relief of Orin Thornton;

S. 2746. An act to correct the naval record of Charles David Guthridge;

S. 2993. An act to allow credits in the accounts of certain disbursing officers of the Department of the Interior;

S. 3571. An act for the relief of Ada Brown-Hopkins;

S. 3647. An act to appoint Mate John Joseph Bresnahan, United States Navy, a boatswain in the Navy; and

S. 3759. An act authorizing issuance of patent to Richard Murphy.

WALKER RIVER IRRIGATION DAM, NEV.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., which were, on page 2, line 4, to strike out all after the word "water" down to and including the word "dismissed," on page 2, line 13, and insert: "for irrigation purposes, the sum of $10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated. Said sum, or any part thereof that may be expended for this work, shall be reimbursable if and when the project referred to is adopted for construction by the United States or other agency and in accordance with the terms of such adoption of the project"; and to amend the

title so as to read: "An act to investigate and determine the feasibility of the construction of an irrigation dam on Walker River, Nev."

Mr. ODDIE. I move that the Senate insist on its amendments, request a conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. ODDIE, Mr. SHORTRIDGE, and Mr. PITTMAN conferees on the part of the Senate.

RETIREMENT OF CERTAIN WORLD WAR OFFICERS

Mr. TYSON. Mr. President, I ask unanimous consent that the bill (S. 3027) making eligible for retirement, under certain conditions, officers and former officers of the Army of the United States, other than officers of the Regular Army, who incurred physical disability in line of duty while in the service of the United States during the World War, be set down as a special order of business immediately following the disposition of the so-called radio bill.

The VICE PRESIDENT. Is there objection?

Mr. KING. I object.

The VICE PRESIDENT. Objection is made.

LILLY O. DYER

Mr. BORAH. From the Committee on Foreign Relations I report favorably, without amendment, the bill (H. R. 7152) for the relief of Lilly O. Dyer, and I ask unanimous consent for its immediate consideration. I will state that this bill has heretofore passed this Senate. The only necessity for repassing it now is because of the fact that the wrong bill was passed in the House of Representatives.

The VICE PRESIDENT. Is there objection to the request of the Senator from Idaho?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Lilly O. Dyer, widow of the late Francis John Dyer, late American consul at Coblenz, Germany, the sum of $4,000, being one year's salary of her deceased husband, who died of illness incurred while in the Consular Service, and authorizes the appropriation of a sufficient sum to provide for such payment.

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

COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. WILLIS] to strike from the House text on page 1, line 6, the words "and naval stores."

Mr. TRAMMELL. Mr. President, at the time of the recess of the Senate on yesterday we had up for consideration the amendment proposed by the Senator from Ohio [Mr. WILLIS] providing that the words relative to naval stores should be stricken from the cooperative feature of the pending bill. The Senator from Ohio argued, of course, that naval stores do not constitute an agricultural product; and I am frank to admit that in its general acceptation, as we refer to the industry of farming in its restricted sense, one would not include naval stores, but in dealing with the question of forestry and the products of forestry we find, even should naval stores be eliminated, that products which are the natural output of certain other kinds of forestry would still remain within the provisions of the bill.

It is also intimated that on account of the provision being included in the bill the naval-stores industry would be protected against any violations of the antitrust law. I have studied the pending bill very carefully, and yet I have failed to find how any construction of that character can be placed upon its provisions. Agriculture, in its more restricted sense, referring to farming, does not obtain exemption from the antitrust law by virtue of the provisions of the pending measure. There is no language in the pending bill which in anywise exempts any form of cooperative marketing associations or other organizations of farmers from the provisions of the antitrust law. The exemption which relieves their cooperative associations and other organizations from the antitrust law is found in a measure which was passed by Congress some time ago. Within that enactment we do not find any provision that organizations composed of producers of naval stores or those who are making turpentine and resin shall be exempt from the antitrust law. I do not believe that the bill will bear any construction of that character; and I myself would not support a measure which would place this industry in a position where those engaged in it could carry on price fixing in a monopolistic way or in a position where they would enjoy the privilege of immunity from the present antitrust law. That is not the object or purpose of the provision in the bill. The object of including naval stores in the bill is that that industry shall have the advantages given to cooperative organizations in the matter of securing information, in the matter of studying the industry, furnishing advice as to approved methods, and investigating and advising as to foreign markets. If we shall leave in the bill the provision with regard to naval stores, those are all the benefits that will be enjoyed by those engaged in the industry.

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

Mr. TRAMMELL. Yes.

Mr. CARAWAY. I am frank to say that I do not know anything about naval stores. There is not any advantage given by the bill to the producers of naval stores in the way of evading the antitrust laws, as I understand.

Mr. TRAMMELL. Absolutely not. The bill does not contain any provision at all which would give immunity to those engaged in such production.

Mr. CARAWAY. I know it does not.

Mr. TRAMMELL. They would have to obtain immunity from some other law, which, of course, Congress has never yet seen proper to enact.

Mr. CARAWAY. Those who engage in farmers' cooperative movements do enjoy a certain exemption, and I did not know whether by intendment the language in the bill would exempt naval-stores producers, inasmuch as farmers' cooperative organizations have certain privileges.

Mr. TRAMMELL. I know that; but that is under a different law, which was passed prior to this session of Congress.

Mr. CARAWAY. I am familiar with that law; but I was merely trying to find out, because I knew the Senator from Florida would know, whether or not there was anything of that kind in this bill.

Mr. TRAMMELL. I feel absolutely sure that the provisions of the bill do not go to the extent of giving immunity to the naval-stores industry or to any other industry that is mentioned in this particular measure. Any immunity they may enjoy is enjoyed under former acts of Congress and not under the particular provisions which we are now considering, and no former law exempts naval-stores operators.

Mr. President, the naval-stores industry in my State is, of course, one of our great industries. It was one of the industries which suffered very severely during the World War. A considerable part of the product is exported, and during that war the export trade was almost entirely discontinued. Following the war the industry has to quite an extent been very much hampered, and has not, in the main, been prosperous, due to different conditions by which the industry was affected during the war and during the years since the war.

As I understand, those who are engaged in this industry feel that it would be a great advantage to them if they could have the Agricultural Department study the question of methods of production, the question of marketing, and, more particularly, the question of marketing in foreign countries. That is really the object which actuated those who desired to have naval stores included within this bill. If we include the natural products of forestry in other respects, why should we eliminate naval stores? It seems to me that naval stores should be included within the provisions of the bill just the same as we would include the products of the wild walnut or of the pecan or of the hickory or of the maple tree, all of which are included within the provisions of the bill.

Mr. WILLIAMS. Mr. President, will the Senator allow me to make an inquiry?

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Missouri?

Mr. TRAMMELL. I yield for a question.

Mr. WILLIAMS. I merely desire to ask a question. The Senator from Florida does not insist, does he, that naval stores, turpentine and resin, are edible or an agricultural product?

Mr. TRAMMELL. Of course, everybody knows they are not edible. One would not want very much of them at one time, I am sure. And, so far as the question of agriculture is concerned, I stated in the outset of my remarks that in its more restricted sense, in speaking of agriculture, of course, we do

not think of likening naval stores to wheat or potatoes or corn or agricultural products of that character, although in the broader sense the products of the forest are sometimes included as being agricultural products. However, I am making no contention of that character. Of course, I know a little about the naval-stores industry. Those engaged in the industry are not to be classed as farmers, such as the farmers of cotton. I am not trying to make any contention of that character, but I am asking that the industry be given the benefit and advantages which it may derive from this bill in the matter of having the Agricultural Department make research as to the improvement and development of the industry and as to the question of marketing, more particularly, as a very considerable portion of the naval stores are exported.

Mr. WILLIAMS. Mr. President, may I make a further inquiry?

Mr. TRAMMELL. Certainly.

Mr. WILLIAMS. The marketing of naval stores, turpentine and resin, is under perfect control now, is it not, both in this country and in the export trade?

Mr. TRAMMELL. I would not say that it was under perfect control. The industry during the past several years, beginning with the war, has more generally been in a sad plight. The operators have been unable to make reasonable earnings and the industry has not, generally speaking, been profitable. That condition arose more particularly during the war, and has followed along very largely since. Of course, at times the producers of naval stores have had seasons when the industry has been prosperous, but more generally it has been to the contrary.

Mr. President, I do not care to discuss this question at length, not wishing to take more than my 15 minutes. I very much hope the Senate will see proper to allow this particular provision to remain in the bill. I am heartily in sympathy with the idea of cooperative marketing among the producers of agricultural products. The House saw proper to place in the bill this provision; the Senate committee has recommended that it be retained, and I am sure that the naval-stores industry is very sadly in need of the benefit which would accrue if this provision were permitted to remain in the bill.

I think very largely the paint manufacturers are back of the opposition to this item. I find that every time a question comes up of doing anything at all for the naval-stores industry the paint companies embraced in the Paint Trust, and other large manufacturing concerns, are found fighting the proposals.

The PRESIDING OFFICER (Mr. NEELY in the chair). The time of the Senator from Florida has expired.

Mr. TRAMMELL. I will take two or three minutes of my time on the bill.

When it comes to the question of a classification of naval stores, as a rule, the Paint Trust of the country and other manufacturing companies fight that classification because they desire to mix their paints with other ingredients than turpentine; they desire to use synthetic turpentine and other products which are cheaper, and yet the public will be compelled to pay the same price for the paint products as they would if the paint manufacturers used genuine turpentine or resin in connection with the manufacture of their products. So every time the naval-stores industry of this country asks for anything, as a rule we find that the Paint Trust of the country begins to fight it and I think that in this instance, as best I can ascertain, the opposition is coming very largely from that source. Of course, I do not mean that Senators are actuated by any such motive, but I mean the outside influence in opposition to the measure is coming pretty largely from that source, as well as from other manufacturers who buy naval-stores products.

Mr. President, I hope the naval-stores item will be retained in the bill. It is not included in the amendment incorporating the Haugen bill, but it is merely in the cooperative feature of this measure. The time limit on debate has prevented me from a more thorough discussion of this subject. The amendment offered by Senator WILLIS should be defeated.

Mr. BRUCE. Mr. President, ever since my boyhood that part of the West which I will call the Bryan or Brookhart West has been hatching out, at one time or another, economic fallacies like the one which runs through this bill.

First of all we had the greenback agitation. Its sponsors advocated the issuance of practically irredeemable legal-tender notes by the United States Treasury in place of gold and silver. In other words, they advocated the substitution of printing-press money, or, as the legal-tender notes were known at that time, rag money, for real money. So widespread was that agitation, and so insidious was its appeal, that even public men of high standing like George H. Pendleton and Allen G. Thurman, termed in his time "the noblest Roman of them all," were so weak as to countenance it.

The good sense of the American people rejected its objects. Congress made provision for the resumption of specie payments on January 1, 1879, and the result was that Robert G. Ingersoll was given an opportunity in his blasphemous manner to say that after January 1, 1879, every greenback in the land could exclaim, "I know that my redeemer liveth."

A little later came along what for convenience I will call the populist movement, which also derived its inspiration mainly from the Bryan or Brookhart West. That was the day when the long beard of Senator Peffer, of Kansas, streamed like a meteor through the troubled air, and when that other populist, Jerry Simpson, of Kansas, is supposed to have illustrated the hapless condition of the Kansas farmer by going about in sockless feet. That agitation, beginning with the Patrons of Industry, coming down through the activities of the Farmers' Alliance, and finally ending in the Populist Party, advocated the issuance of Treasury notes directly by the Government to the people without the intervention of any banking agency.

After a long discussion the good sense of the American people rejected that idea, too, and I am glad to say that to-day the State of Kansas is represented in this body by two able and distinguished Senators who do not wear lengthy, straggling beards, and do wear socks, though I am sorry to see that one of them, for whom I have the very highest degree of respect, has apparently succumbed to the seductions of this fallacious bill. It is to be hoped that William Allen White will never again have occasion to write another editorial asking, "What is the matter with Kansas?"

Then, later, came along another offspring of the Bryan or Brookhart West—the free-silver agitation. "Something must be done for silver," it was said at that time, just as it is said now that something must be done for wheat, or for cotton, or for some other agricultural commodity. My party, I am sorry to say, as well as the Populist Party, took up this cry; and again the people of the United States witnessed the spectacle of men of high public reputation, like John Sherman, of Ohio, weak enough to compromise with a shallow shibboleth. Later, a national convention of the Democratic Party actually adopted a plank looking to the free and unlimited coinage of silver at the ratio of 16 to 1 without waiting for the aid or consent of any other nation. The whole movement, of course, was nothing but an effort, in defiance of Gresham's law and every other natural laws, to create an entirely arbitrary and factitious relationship between silver and gold.

Once more the good sense of the American people was sufficiently self-assertive to reject an unsound proposal, and to-day it would be as hard to find in this country a man prepared to counsel the free and unlimited coinage of silver as it would be to find one ready to counsel the revival of the ancient superstitions of Assyria or Egypt.

A little later the Bryan or Brookhart West set up a clamor for a tariff on agricultural imports, and they got it; but what real net gain does it bring them? For all practical purposes, as the Senator from North Carolina [Mr. SIMMONS] said a few days ago, a large part of its schedules are mere "gestures." Since I have been a Member of this body, the President, acting under the flexible clause of that tariff, raised the duty on wheat from 30 cents to 42 cents; and the very next day, or a day or so afterwards, as I remember, wheat went down in our domestic market a considerable number of points. So the essential hollowness of a tariff for the benefit of the farmer has also been exposed; in other words, has been exposed just as the claim that the value of wheat rose and fell with the value of silver was exposed.

I recollect that at the very time when Mr. Bryan was contending that there was a close, sympathetic relationship between the price of wheat and the value of silver, and that wheat would never go up to a dollar a bushel until silver came into its own, he telegraphed to the manager of a railroad in the West asking him whether he might not have the use of a private car; and that manager of the railroad replied, sarcastically: "Sorry we can not let you have the car; we are too busy hauling $1 wheat." So far removed are despotic natural laws from a false theory.

All this comes to saying that ever since my boyhood one economic cheat after another, one psychic convulsion after another, one mad impulse after another to violate natural law and sound economic principles has taken possession of the Bryan or Brookhart West, making that part of the western people, which as a whole is as intelligent and sober a people as any in the United States, a menace to the general pros-

perity and welfare of our whole country, including the substantial West itself.

When I was a boy I always thought of an inhabitant of any part of the West as being as fine a specimen of personal hardihood and manly self-reliance as had ever been known to human history. The heroes of my boyhood were the lonely trapper and hunter, who went out along those western streams dogged by danger and death, the bold western frontiersman, with his heart of oak and his nerves of steel, and the early western settler, who often sowed the seeds of civilization wet with his own blood.

What has become of that proud spirit of independence and sturdy self-confidence that once constituted the glory of the West and is pictured so vividly in the Covered Wagon, which to my mind is one of the noblest epics that has ever been unfolded to the human eye. The night I saw it in New York a few years ago, so deeply were my emotions aroused by its story of stirring adventure and dauntless courage that it was at least an hour and a half after I got into bed before I could close my eyes.

Of course, there are thousands and hundreds of thousands of individuals in the West who are among our best examples of American manhood and womanhood; but I say, without the slightest desire to wound the feelings of anyone, that, so far as the political outlook of the Bryan or Brookhart West is concerned, it is no longer that of independence, of resolution, of self-reliance, and of many of those other things that can alone suffice to make a region all that it should be politically.

The one idea of that element of our western population seems to be to come to Washington whenever agriculture experiences a reverse of any kind and to get a largess or a loan of some sort from the Government. It has all the faults of a young fellow who has had too much done for him in early life, for the trouble with the Bryan or Brookhart West is not that it has not had enough done for it, but that it has had more done for it than was good for it.

In the early history of the East pretty much everything that it acquired it acquired through the individual exertions of its people. It could not rely on the Governmet to build railroads for it, or to establish great schemes of irrigation for it, or to place one prop after another under it. It put its hand to the plow and trusted to its own individual resources of energy, perseverance, and skill in building up the great fabric of prosperity which it created. But the Bryan or Brookhart West has formed a political philosophy which seems to have the same credulous faith in the ability of the Federal Government to relieve all its agrarian woes that a bland little child has in the wisdom or prowess of his father. Indeed, Congress is to it what the President is to the Indian, "the Great Father." Perhaps, however, it is not so simple as it seems and merely desires to shift off its own regional troubles from its own narrow back to the broad back of the rest of the country.

We have had quite a long respite since the last brainstorm in the Bryan or Brookhart West, but now another has broken out in the pending bill. This measure, too, in my judgment, breathes nothing but hallucination, nothing but economic deceit, and is but another Dead Sea apple—fair on the surface, rotten at the core.

First of all, I say without hesitation that it is an unconstitutional thing. That is the conclusion reached by the learned Senator from Wisconsin [Mr. LENROOT]. That is the conclusion reached by the learned Senator from Montana [Mr. WALSH]. That is the conclusion reached by the learned Senator from Idaho [Mr. BORAH]; and in my humble judgment that is the conclusion which any lawyer worth his salt and capable of distinguishing a constitution from a statute would reach on an examination of the bill.

I will not stop to ask, as the Senator from Montana did, whether it is unconstitutional because it contemplates a bounty to the farmers of this country, or because it seeks to impose a tax upon the farmer for a purpose that is not public, or because, assuming that the purpose of the tax is public, it seeks to delegate to a board, without prescribing any definite standard of administration, the power of the General Government to tax.

It is enough for me to say that it is not constitutional, because its constitutionality is rested entirely upon the power of Congress to regulate interstate commerce, and neither its primary nor its secondary object is really to regulate interstate commerce. Its true and only object is so to promote trade in and the sale of the basic agricultural and livestock products mentioned in it as to increase the prices paid for them, and that is a matter not of Federal cognizance under the commerce clause of the Federal Constitution, or any other clause of that Constitution, but of State cognizance, of State authority merely. In other words, its object is one of purely internal and domestic significance, committed by our Federal compact to the States, and to the States alone.

To establish that fact I need go no further than two recent decisions of the Supreme Court of the United States. I refer to the decision of that court in the case of Hammer *v.* Dagenhart (247 U. S.) and to its decision in the child labor cases in Two hundred and fifty-seventh United States.

What were the facts in Two hundred and forty-seventh United States Reports? There Congress undertook to pass a law excluding from the channels of interstate commerce certain commodities into which the ingredient of child labor entered.

The PRESIDING OFFICER (Mr. NEELY in the chair). The Senator's time on the bill has expired. The Senator now has 15 minutes on the pending amendment.

Mr. BRUCE. I will take my time on the amendment.

When that act of Congress went to the Supreme Court of the United States the effort was made to refer it for validity to the interstate-commerce clause of the Federal Constitution; but what did the court say? I read from page 273:

> The grant of power to Congress over the subject of interstate commerce was to enable it to regulate such commerce and not to give it authority to control the States in their exercise of the police power over local trade and manufacture.

The court said further, page 275:

> The power of the States to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has never been surrendered to the General Government. To sustain this statute would not be, in our judgment, a recognition of the lawful exertion of congressional authority over interstate commerce.

The court also said, page 276:

> In our view the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States, a purely State authority.

In other words, the court brushed aside the pretext that the act of Congress was supported by the interstate commerce clause of the Federal Constitution. Later on in the second case which I have cited it had this to say about the Hammer case. Mind you, the second case was one in which an act of Congress undertook to impose a tax on commodities into which the ingredient of child labor entered:

> The case before us can not be distinguished from that of Hammer *v.* Dagenhart (247 U. S. 251). Congress there enacted a law to prohibit transportation in interstate commerce of goods made at a factory in which there was employment of children within the same ages and for the same number of hours a day and days in a week as are penalized by the act in this case. This court held the law in that case to be void. It said:
>
> "In our view the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States, a purely State authority."
>
> In the case at the bar Congress, in the name of a tax which on the face of the act is a penalty, seeks to do the same thing, and the effort must be equally futile.

These two decisions of the Supreme Court of the United States, I submit, are directly applicable to the pending bill.

Here, too, is an effort to accomplish one thing in the guise of another. Here, too, is an effort to refer an act to the interstate commerce clause of the Federal Constitution when its real object is merely to increase the price of the commodity which the farmer sells. And, therefore, an object, it is unnecessary to say, totally foreign to the scope of that clause and of State cognizance simply. And I say more. Not only is the validity of the pending bill as a Federal measure condemned by the decisions of the Supreme Court, which I have mentioned, but the States themselves would be powerless to enact such legislation, because the fourteenth amendment to the Federal Constitution, which is a limitation upon State power, provides that no man shall be deprived of his life, liberty, or property without due process of law, and because the bill of rights of practically every State constitution makes the same declaration. The bill is an effort to compel every farmer in the land nolens volens to become a party to the plan of association contemplated by it.

It seeks to abridge the personal freedom of the farmer by saying that no miller or processer shall sell a bushel of wheat or a pound of pork without exacting an equalization fee from the farmer by whom the wheat or the hog is sold to him. In saying that it also necessarily says to the farmer, "You shall not sell a bushel of wheat, you shall not sell a pound of hog flesh, without paying an equalization fee to the miller or proc-

esser to whom you sell." What is that but a gross, atrocious, monstrous curtailment of personal liberty? What is that but an absolutely lawless, wholly indefensible interference with freedom of contract? Nothing else can possibly be made out of the bill in a legal sense, and therefore I say that I agree, and unhesitatingly and unqualifiedly agree with the distinguished lawyers in this body who have placed the seal of their professional condemnation upon the constitutionality of this measure.

Now, Mr. President, I am going to await my opportunity to say a little later on something in relation to the economic side of the bill. I suppose that when other amendments are offered I shall have the privilege then of eking out what I have said already. Am I correct?

The PRESIDING OFFICER. The Senator from Maryland has 15 minutes all told on the amendment.

Mr. BRUCE. On all amendments or each amendment?

The PRESIDING OFFICER. The Senator has only consumed seven minutes on the pending amendment. The Senator has eight minutes remaining on the pending amendment.

Mr. BRUCE. That would hardly give me time to take up the economic aspect of the matter.

Mr. JONES of Washington. Mr. President, may I suggest to the Senator that he has half an hour on the substitute amendment under the agreement.

Mr. BRUCE. I have consumed that half hour.

Mr. JONES of Washington. No; the Senator was talking to the bill.

The PRESIDING OFFICER. The Senator from Maryland has consumed his half hour on the bill and seven minutes on the pending amendment.

Mr. BRUCE. I thank you, Mr. President.

There is no one who has more respect for the farmer than I have. I am the son of a farmer to begin with, or, as some of our farmers used to be called, a planter. For nearly 50 years my father pursued as his exclusive occupation the life of a farmer. I have owned and operated a large farm myself. I know what the good points of the farmer's vocation are, and I know what the bad points are. For the general character of the farmer I entertain feelings very much like those which have been so beautifully expressed by at least two of the greatest men in American history. In one of his delightful writings Benjamin Franklin said that there were three ways for a nation to acquire wealth:

> The first is by war, as the Romans did, in plundering their conquered neighbors. That is robbery. The second by commerce, which is generally cheating. The third by agriculture, the only honest way wherein man receives a real increase of the seed thrown into the ground, in a kind of continual miracle, wrought by the hand of God in his favor as a reward for his innocent life and his virtuous industry.

In one of his letters to John Jay, Thomas Jefferson had this to say about the farmer:

> Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country and wedded to its liberty and interests by the most lasting bonds.

It is difficult to see how the human pen could possibly frame more vivid, more delightful tributes than those to the merits of any element of our population. In my judgment, all that was said by Franklin and Jefferson in relation to the farmer in those statements is substantially true. He is the very backbone of our political life, the very mainstay of our institutions. The idea, selfish policy aside, that any Member of Congress could be slow or reluctant to come to his relief when there is a real opportunity to do it is an idea not to be tolerated. But I say that the pending bill holds out no material, definite prospect of advantage to the farmer. Instead of working good to him, if it is workable at all, it would do him nothing but harm.

I confess that I have found difficulty in understanding the bill. I have read it over and over again. If it is everything that it is supposed by its supporters to be, I must be lacking in mental insight or imagination to be so utterly unable as I am to run it out clearly to its practical consequences. Why, it was only the day before yesterday, so ambiguous, so uncertain are its provisions, that the Senator from Montana [Mr. WALSH] and the Senator from Wisconsin [Mr. LENROOT] could not agree as to whether it does or does not provide for profit for the miller or the processer. In other words, one of those two learned gentlemen seemed to think that a miller or processer would be expected under this bill to assume the contract duty of buying wheat or some other commodity from the farmer, shipping it abroad, either in a crude or manufactured state, selling it, and being content with simply getting any losses that he might sustain on his transaction out of the equalization fund provided for by the bill, but with no expectation of receiving any profit of any description.

It is true that in two places in the bill there is an intimation that profits of some sort are to be paid into the equalization fund, but there is no definite disclosure made by the bill as to the nature of those profits, the sources whence they would be derived, or the persons to whom they would be paid. The bill is as loosely, as inexactly drawn as that. To my mind, it is inconceivable how any intelligent, experienced miller or processer could be willing, unless prepared to forego the idea of profit altogether, to risk any transaction under the bill.

If the bill would work, it if were entirely free from constitutional infirmity, its first effect, of course, would be to increase the cost of living for every human being in the United States, including the farmer himself. There is nothing of which the use is so universal as wheat in the form of bread. Bread, drink, and air are the primal wants of human existence. Practically every man, woman, and child in the United States eats bread. Consequently, if the price of wheat could be artificially increased by the bill, that increase would necessarily mean a corresponding increase in the cost of bread to all the inhabitants of the United States.

What would be the next result? That increased cost in the price of bread, or, for that matter, in the price of any of the other basic commodities included in the bill, would be reflected, of course, in the costs of every factory, of every foundry, of every workshop, of every mine, of every home of industry throughout the United States; indeed, in the price of every nonagricultural commodity in the United States. But I do not object to that, though Senators may be surprised to hear me say so. If the farmer can not obtain relief through a decline in the cost of what he buys, he can only obtain relief through an increase in the prices of what he sells, and, assuming that the exportable surplus of his crops has anything to do with domestic prices, that relief could not come to him except through a decline in agricultural production to a point where there would be no such exportable surplus or through artificial handling of the surplus in some form or other.

The point I make is that an increase in the general cost of living due to increased prices obtained by the farmer for his products would result just as much from increases in the prices of those products brought about by natural agencies as by artificial agencies. There is only one thing that could secure to the farmer higher prices for his products which would not bring about increased cost of living to everybody, and that would be a general decline in the prices of the commodities or services that he is compelled to purchase; and this decline, though in sight, has by no means arrived yet. But what I object to is the certain stimulation, the inevitable overproduction which would follow from the practical workings of this bill, if it should work at all.

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

Mr. BRUCE. I yield to the Senator from Utah.

Mr. KING. I assume that the Senator, by the statement which he has just made, does not mean that he concedes the power to the Federal Government to adopt measures which might be characterized as the granting of subsidies or enacting measures that would fix or tend to fix prices purposely, or that he concedes the power of the Federal Government to interfere with contractual relations between individuals?

Mr. BRUCE. Mr. President, let me say to the Senator—for my time is short—that if he had been in the Chamber he would have heard me deny flatly and unequivocably just that proposition. In my judgment this bill is a plainly unconstitutional measure.

The only reason why the gain from industrial activities at the present time is abundant and the gain from the farm meager is because after the World War the farmer had no slack to catch up, as practically all the industries in the land did, so far as domestic production was concerned. The effect of the World War, of course, was to give a tremendous push to the farming industry. There was a great increase in the number of farms; there was a great increase in tilth brought about by the World War. During that war many a man went to raising wheat who scarcely knew a wheat grain from a barley grain.

The demand abroad for our agricultural products of every kind was so great and the artificial price for wheat fixed by our Government was so tempting that not a few inexperienced or inefficient individuals were drawn to the farm.

The history of the industrialist was very different. He was so busy during the war doing war work and meeting the demands of our allies upon us for manufactured commodities that he had no time to keep pace with domestic construction or other domestic demands upon him, and so when the conclusion of the war came he had a thousand and one domestic ar-

rearages to make good. That is the reason why the rewards of nonagricultural industry in the United States ever since the close of the World War have been, and at the present time are, so greatly in excess of the rewards of the farmer.

The time for the deflation of nonagricultural industry has not yet come, but it will come pretty shortly; at least that is the idea of the most sagacious business friends that I have, and then we shall see the same distressing phenomena in the field of general industry that we have been witnessing in the farming industry for some time past. But, of course, deflation will all its painful, nay, pathetic consequences, set in for the farmer very soon after the conclusion of the World War.

The only effect of this bill would be artificially to arrest that process of deflation, to retard the liquidation which the farmer and his industry are undergoing at the present time, to intercept the operation of natural laws and economic forces, and to prevent the farmer from gradually getting on his feet again by the only means by which he ever will get on them, and that is by his own individual exertions.

The PRESIDING OFFICER. The time of the Senator from Maryland on the bill has expired, and his 30 minutes on the committee amendment have expired. The Senator now, under the previous ruling of the Chair, has 15 minutes on the Willis amendment.

Mr. BRUCE. I shall not take 15 minutes on the pending amendment. I simply say in regard to that amendment that it seems to me that it is an amendment which deserves the full support of the Senate. I do not think that by any sort of proper construction rosin and turpentine can be treated as being within the purview of this bill. They are in no real sense agricultural commodities. As I understand it, the timberlands from which those products are derived are largely in the control of great corporations. Indeed, my information is that there are few substances that are more completely trust controlled at the present time than rosin and turpentine, which are among the most valuable ingredients that enter into the manufacture of many industrial products, such as paint and the like. Therefore it seems to me that naval stores have no place in this bill, and that they must have been placed there pursuant to the promptings of some motive or design wholly foreign to the agricultural purposes of the bill.

So much for that. I want to say to my friend the Senator from Ohio that while he is offering an amendment to that clause of the bill I propose a little later to offer one myself, and that I hope he will give to my amendment the same cordial support that I propose to give to his. That clause purports to promote not only the welfare of all persons engaged in producing naval stores but the welfare of all persons interested in viticulture. The Senator from Ohio, I have no doubt, realizes, notwithstanding his strict prohibition principles, just exactly what that means. It means, of course, the culture of the vine—a word that sounds very soft and mellow to my ear, but very harsh and repellant, I suppose, to the ear of the Senator from Ohio.

If there is anything in the United States which does not need any artificial nurture, it is the vine. When national prohibition went into effect one of the great vine growers of California, supposing that his industry was absolutely doomed, took his own life; and yet I am informed by no less a person than one of the Senators from California in this body that while wine grapes at that time were selling for about $15 or $18 a ton they are selling now anywhere from $85 upward of $100 a ton; and viticulture—this poor, dependent, languid industry that is proposed to be fostered and nurtured by this bill—is one of the most profitable pursuits known to our people at the present time.

If it will not shock the sensibilities of my friend from Ohio too much, I will say to him that I am informed upon perfectly reliable authority that last year no less than 70,000 carloads of wine grapes—not to speak of wine grapes grown in other parts of the United States, or corn sugar, or any of the substances out of which spirits are made—were shipped from California to the Eastern States of the Union. So, in good time, I am going to offer the amendment that I have mentioned, and I look forward with confidence to the active support of the Senator from Ohio.

Mr. WILLIS. Mr. President——

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

Mr. BRUCE. I do.

Mr. WILLIS. When we come to that interesting period I shall certainly give the amendment to be offered by my friend most careful and friendly consideration; but I rose to ask him what his opinion is with reference to the effect of the amendment now pending on the question of the formation or continuation of a monopoly in the turpentine and rosin business. He made some observation about that.

Mr. BRUCE. The impression in Baltimore—which, of course, is a great commercial city that handles naval stores as well as pretty much everything else—is that the provision in the bill relating to naval stores will bring no good whatever to the farmer.

Mr. WILLIS. That is, the provision in the bill as it now stands?

Mr. BRUCE. Yes; as it is now.

Mr. WILLIS. But if the amendment shall be adopted?

Mr. BRUCE. Some of my constituents are earnestly desirous of the adoption of the amendment, and I have been waited upon and asked to do everything in my power to see that it is adopted. I have been informed—though I can not speak from my own personal knowledge—that naval stores at the present time are held about as firmly in the grip of the trusts as any commodity whatever in the country.

Mr. WILLIS. I think the Senator is absolutely correct; and I wonder if he would further yield to me, just in that connection, to place in the RECORD a statement from the hearings on this bill—a statement which was made by the chairman of the committee that is very illuminating and exactly bears out the contention the Senator is now making?

Mr. BRUCE. I will.

Mr. WILLIS. I ask unanimous consent that that statement be inserted in the RECORD at this point. I thank the Senator.

The PRESIDING OFFICER. Is there any objection to the unanimous-consent request of the Senator from Ohio? If not, it is so ordered.

The matter referred to is as follows:

The following is an extract from the record, pages 19 and 20, wherein a colloquy between a witness testifying on the subject of naval stores and the chairman of the Committee on Agriculture clearly sets forth the manner in which the Sherman Antitrust Act would be substantially modified in respect to the activities of a given group of manufacturers, i. e., the naval-stores manufacturers, and why, as clearly explained by the chairman, it was felt in modifying the Sherman Antitrust Act to exclude farmers' organizations that no harm could befall the public:

"Mr. MCDONALD. In so far as the Sherman Antitrust Act is concerned, as amended by the laws already recognizing farmers' cooperative associations, it does not. In so far as it applies to a manufacturing industry, such as the naval-stores industry, it does modify the Sherman law, in my opinion, because, what does the law mean if it does not give the right of cooperative marketing? If it gives the right of cooperative marketing, it does amend the Sherman law to that extent, because manufacturers to-day can not sell through a common marketing agency."

The CHAIRMAN. As I get your point there, the Sherman law is already amended as to cooperative organizations.

Mr. MCDONALD. Farmers' cooperative organizations.

The CHAIRMAN. Farmers' cooperative organizations. Now, if we pass a law that put naval stores in with farmers' cooperative organizations, we have included naval stores in those classes of organizations that the Sherman law has already been amended with respect to. Is not that plain?

Mr. MCDONALD. That is true. That is a correct statement.

The CHAIRMAN. Does not that answer the Senator's question?

Senator MCNARY. Certainly.

Mr. MCDONALD. It brings a manufacturing industry into the class of exempted industries.

Senator MCNARY. That is it.

Mr. MCDONALD. I was speaking of the curtailment of production, that being one of the ambitions. After these recommendations were made by that committee, the report goes on:

"Evidently all present felt that while this was not immediate relief it was a vital step toward relief for the last six months of the naval stores year.

"Then came another recommendation from the floor, that the producers begin a movement to hold spirits turpentine for $1 a gallon and demand $5.50 for Betsy resin, and on up to $7.50 for waterwhite, per 280 pounds."

The CHAIRMAN. That point, when this Sherman law was amended, I was on the committee that handled it. The reason given for making an exception to farmers' organizations so far as the Sherman law applied was that farmers were so situated over the country that it was an impossibility for them to organize and do any harm. At least, nobody could see how that could be done, and it was thought safe, therefore, to make an exception in their case, because for various reasons which it is unnecessary to enumerate, but which are quite apparent to any thinking man, the farmers of the country would find, if they undertook to organize and control production, that they were up against an impossibility, first, on account of the geographical division, the large number, etc., you could not get an organization

to control it. Therefore they thought there was no fear in making an exception to the Sherman law. In this case, as I understand, your contention, that reason for making that exception does not exist at all, because, as already shown here, they have at least made an attempt already to organize and curtail production, so that the reason for making an exception in favor of farmers' organization, so far, at least, as the hearings have gone, is not apparent as to naval stores, because they can curtail production, as they undertook to do there, in a very short time.

Mr. BRUCE. Mr. President, my time is so nearly up now that I will conclude.

Mr. TRAMMELL. Mr. President, will the Senator yield for one question?

Mr. BRUCE. I will.

Mr. TRAMMELL. The Senator made reference to being solicited to support this amendment by a certain interest. Will he state whether or not the interest that wants this particular provision stricken from the bill is composed of industries that purchase and buy the products of the naval-stores operators?

Mr. BRUCE. Yes; it is. They are merchants, traders.

Mr. TRAMMELL. In other words, it is a sort of fight, then, between that big interest and the naval-stores interest?

Mr. BRUCE. No; their position is that if naval stores were agricultural products they would have nothing to say about them, because there would be no reason then why exportable surpluses of naval stores should not be taken care of as well as other agricultural export surpluses; but as they feel that resin and turpentine are in no sense agricultural commodities, it is illogical that the bill should contain the provision that it does in relation to such stores.

Mr. TRAMMELL. The opposition, then, comes from people who buy the products, and not from the farmers in particular?

Mr. BRUCE. Not a single word has ever been said to me by any constituent of mine approving the inclusion of naval stores in this bill. The only constituents of mine from whom I have heard have been constituents who are opposed to the inclusion of naval stores. They are men who are interested in constructive work of one sort or another which requires the use of turpentine, resin, and varnishes, and the like.

THE COAL INDUSTRY

Mr. COPELAND. Mr. President, I sincerely hope the amendment of the Senator from Ohio will prevail. For the reasons that he has presented and those that have been presented by the Senator from Maryland [Mr. BRUCE] it must be apparent that there is no direct association between this naval-stores product and the agricultural relief bill; so I hope that that view will impress the Senate.

I want to change the subject for a few moments. The presence in the Presiding Officer's chair of the distinguished Senator from West Virginia [Mr. NEELY], who has done more to popularize West Virginia coal than all the agents and propagandists of the universe combined have done in the past, reminds me that the coal situation remains unsettled. I send forward to the desk an editorial which appeared this morning in the New York World and ask to have it read by the clerk.

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

The Chief Clerk read as follows:

[From the New York World of Friday, June 18, 1926]

CONGRESSIONAL SINS OF OMISSION

Congress is going to adjourn without doing anything about coal or about the disposition of the alien property in the hands of the Government. These two matters of major importance have received only desultory consideration during the present session, and as the next session will be the short one the prospects of action are not particularly favorable.

Through the inertia of the administration coal legislation has gone by default. The only bill to receive any consideration was introduced by a Democratic Senator. It progressed to the point of a favorable committee report, but further action has been blocked through the activities of the coal lobby. Senator COPELAND'S bill is now laid away along with the Kenyon and Frelinghuysen bills of previous sessions, and Congress is not likely to do anything until another crisis in the coal industry forces the question on its attention.

During the present session three bills providing for the disposition of alien property have likewise been shelved. The retention of this property seven and a half years after the armistice is indefensible. On the eve of our entrance into the war the State Department gave explicit assurance that the Government would in no circumstances "take possession of property to which international understandings and the recognized law of the land give it no just claim or title." In the treaty of Berlin, ending the state of war between Germany and the United States, it was plainly indicated that this property was to be held only in trust. The principle which this Government then enunciated antedates the Constitution itself and was held inviolate in the three foreign wars which this country fought in the nineteenth century. The failure of Congress to reiterate its determination to maintain this enlightened policy is regrettable. Wholly apart from its ethical aspects, any departure at this time from our traditional attitude would be peculiarly short-sighted. When American capital is flowing into foreign fields in unprecedented volume there is more need than ever for upholding a principle which will protect our overseas investments in time of war.

Mr. COPELAND. I send forward an article appearing in this morning's Washington Post, written by William P. Helm, jr., which I ask to have read.

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

The Chief Clerk read as follows:

[From the Washington Post of Friday, June 18, 1926]

REPORTS INDICATE PROSPEROUS YEAR FOR COAL BUSINESS—INDUSTRY SEEMS TO PROFIT ON STRIKE MISFORTUNE TO PUBLIC—NONUNION MINES' WORK NOT COMPETING FACTOR—ELECTRIC POWER MAKERS TURN OUT MORE OF PRODUCT DAILY

(By William P. Helm, jr.)

A prosperous year for the coal trade is indicated by the volume of business done during the first five months of 1926 and by indications for the last four months of the year. It has been so long since the coal industry has enjoyed real profits that a return to normalcy, paradoxically, would be a signal for general jubilation in the industry.

This year the industry seems about to profit on public misfortune. Capacity to mine coal is so far in excess of ordinary requirements, and coal-mining forces are so fearfully overmanned that as a rule a year of general prosperity leaves the coal industry cold. Such was the case in 1924 and, to a less degree, in 1925. Demand must be artificially stimulated, under such conditions, to swell profits in the coal trade.

Such a stimulant is in sight. The Jacksonville wage agreement which has been in effect for several years expires on March 31 next, and with its expiration is the almost certain prospect of a nation-wide coal strike in the bituminous fields. And such a strike would be little short of a national calamity, notwithstanding all the brave talk about the ability of the country's nonunion mines to supply industry with all the coal it needs.

Almost any trained observer familiar with conditions knows that the nonunion mines alone can't do any such thing; that there will be a grand scramble to stock coal in advance of the strike; that prices will rise; that once the strike is called there will be insufficient mining in the eastern nonunion fields to meet demand; and that the consequent profits of the nonunion operators immediately before, during, and after the strike will be high.

COUNTRY FACES PROSPECT

This is exactly the prospect that faces the country and the coal industry alike during the coming fall and winter. For a parallel one has to go back to 1922, when the union mines worked almost to capacity months. Prior to the strike the mines worked almost to capacity for several months filling demands of apprehensive purchasers who sought to lay in adequate stocks. During the strike the nonunion operators cleaned up, and after the strike both union and nonunion mines could not produce coal fast enough to meet the demand.

Prices soared to such a point that the Government had to step in and establish fair prices. And the coal industry in 1923 enjoyed the most profitable year since the war.

At the present time the public is between two coal strikes. The anthracite shutdown, which started September 1 last and continued into 1926, stirred the bituminous industry to new activity and resulted in high production and better prices, most of the profit going to the nonunion operators. The record, for instance, shows that the nonunion Island Creek Coal Co. earned $16.09 a share on its stock in 1925, and that the Consolidation and Pittsburgh Coal Cos., both of which were operating most of the time under the Jacksonville agreement, made nothing.

However, the anthracite strike had a decided backwash in the bituminous industry, resulting in greater production than usual during the first five months of 1926. At the end of that time the soft-coal trade settled down again to the doldrums and bids fair to stay there all summer. It is almost as stagnant at the present time as it was last summer. In September will come the invariable pick-up in production, and this year, as in 1921, it will be heightened by a demand for coal to be stored in anticipation of the walkout in the union fields March 31 next.

TWO ACTIVE PERIODS

Thus there will have been two active periods when 1926 closes—the first during the first four or five months of the year, stimulated by the anthracite strike of 1925; the second during the last four months of the year, stimulated by the prospective strike of 1926. It is seldom that the soft-coal industry is thus prodded to better profits twice dur-

ing the same year. As a result, earnings this year will hardly fail to surpass those of 1925.

In the anthracite end of the industry, 1926 will be far and away a better year than its predecessor, the year of the long strike. Hard-coal mines are now producing about 2,000,000 a week, which is close to their capacity. While consumers are not falling over themselves to stock the product, dealers generally report an active market. And prices for domestic sizes—those for household use—are higher this year than they have been heretofore, due to the fact that the operators did not grant the customary rebate in prices beginning with April.

Profits in the hard-coal industry this year may be reasonably expected to assume big proportions. Even so, the public will not pay the bill in full this year for last year's anthracite strike. The operators have much to make up in the way of losses before they can balance the red-ink entries in their ledgers. They are now making money, however, and will continue to do so, in all likelihood, during this year and next year as well.

From a careful study of the coal industry extending over nine years your correspondent is convinced that the anthracite operators will fail again next April to grant the reduction of 50 cents a ton for domestic coal bought that month. The factors tend to indicate this. The first is the prospective soft-coal strike; the second is the fact that the traffic will bear the rate without decrease and the handicap occasioned by the strike losses will hardly have been overcome.

Mr. COPELAND. Mr. President, there has been pending in the Senate for two months a bill proposing to regulate commerce in coal and to promote the general welfare dependent on the use of coal. I succeeded one morning in getting, I think, 43 votes against 25 in opposition, when two-thirds were needed, to fix a time for the consideration of this bill. That was the high-water mark. Since that time I have hardly found anybody to second the motion when I have sought to bring up the bill. The last time, on a demand for the yeas and nays, I did not see one regular on the other side of the aisle raise his hand.

Mr. SMOOT. Nor on the Senator's side, either.

Mr. COPELAND. Yes; there were several. It seems strange to me that Senators should disregard the needs of the householders, and the needs of industry, and the needs of all individuals in this country who must have protection against the possibility of freezing and of starvation, which we are facing. It seems strange that we can not get the attention of Congress long enough to pass this simple regulatory measure.

In two addresses to the Congress the President of the United States—in his first address to Congress and in his address last December—begged Congress to take action in this matter. He said that no longer should it be necessary for the President and for the country to go hat in hand to the coal operators and ask for relief.

I want to say that I think it ill becomes us to neglect this matter. The President has recommended it; the coal commission has brought a great report here, pointing out what should be done; the Secretary of Commerce has testified as to the needs of the country. Why do we hesitate?

There is a great coal lobby in Washington working day and night to defeat this project, because, forsooth, the coal operators, as Mr. Helm's article points out, are coining money. At this time of the year generally in my section of the country there is a reduction in the price of coal of from 25 to 50 cents a ton. We are not getting that reduction this year, and every householder this next winter will be paying an advance of from 50 cents to $3 or $4 a ton on coal because Congress does not turn aside long enough to pass this bill.

What about this measure? One would think from things which have been said about it and criticisms passed upon it that there is something dreadful about it. Perhaps there was something dreadful about it before the Committee on Education and Labor got through with it. The dreadful thing was that in case of a strike, or where there was necessity, the President of the United States might seize and operate during the emergency any and all mines, in order that there might be coal provided for the people. But this simple bill, which the present Presiding Officer (Mr. NEELY in the chair) has done so much to defeat, has three titles.

The first provision is one for fact finding, to provide that the Bureau of Mines in the Department of Commerce shall be enlarged somewhat in its functions, so as to collect material out of which we may find what is wrong with the industry and what can be done to protect it. Publicity as to quality, quantity, profits, earnings, living conditions of the miner, and all matter relating to the industry will enlighten the public and insure proper knowledge of what should be the public's attitude.

Mr. President, you will be surprised to learn that I think there should be some relief given to the mine owners. I agree with the suggestion in the article which has just been read into the RECORD that there are too many mines. I believe, further, that the provisions of the antitrust laws should be relaxed, permitting the formation of marketing associations, so that coal may be more readily disposed of. I believe such measures would lower the costs to the consumer.

This country would not tolerate such action until there are facts upon which action of that sort can be founded. So the first provision of this bill is that there shall be a fact-finding division in the Bureau of Mines.

The second provision relates to labor relations. In preparing this bill we took the identical language which appears in the railroad bill which we passed a short time ago, the Watson-Parker bill. We pointed out the importance of employees and employers settling their own disputes.

In the event that they fail to agree, this bill provides that the President may call upon any existing agency—the Board of Conciliation in the Labor Department, or the Secretary of Labor, or the Secretary of Commerce, any existing agency—to see if there may not be brought about an adjustment of the differences.

Then, in case there should not be found a means of adjustment, the President is permitted to appoint an emergency coal board, some outstanding men of wide reputation, men who are known to the people of the country. This emergency coal board, made up, as I have suggested, of outstanding characters, is to study the situation and advise the President whether or not the public is likely to be deprived of an adequate supply of coal or interstate commerce is to be seriously interrupted. Is there anything dangerous in that? Is there anything dangerous in the fact-finding provision?

The third and last provision of this simple bill is that if there actually is a strike and interstate commerce is interfered with and an emergency exists which threatens to impair the health and safety and welfare of the people of the United States then the President may declare as operative and in full effect the provisions of the act approved September 22, 1922, providing for a coal distributor.

Mr. President and Senators, I submit that nothing could be simpler than this measure. There is not a thing in it with which any honest mine operator need find fault. His mines are not going to be taken away from him. He is not to be disturbed in his legitimate business. On the other hand, the people of the United States are to have some means of protection against the recurring embarrassing situations caused by strikes.

If the people suffer next winter, as they will, it is our fault. If on the 1st day of April next spring a great coal strike comes on in the bituminous fields, the industry will be paralyzed. What will be our feelings then?

There is hardly a thing we do that adds to our comfort that does not depend on the supply of coal. The public utilities, the street-car lines, the water-supply lines, the electric plants of our cities, the great manufacturing plants, all depend upon an unfailing supply of coal. Food and water alone outrank coal among the necessities of life, and to a great extent their supply depends on an unfailing flow of coal.

I can not believe it possible that Congress will adjourn without taking action on a measure so simple as this, all the provisions of which have been asked for by the President of the United States on two different occasions, a bill which provides some measure of relief to the great public. I serve notice upon Senators that at every possible opportunity I shall bring this up, even though there should be combinations of all sorts to defeat it. I want the country to have this relief. The public demands it.

In the meantime, I want the country to know that the unwillingness of Senators to take an hour's time for the consideration of this measure is defeating the common welfare. It may result in national disaster. I think that when these facts are known there will be an upheaval.

My mail is filled every day with letters from coal dealers throughout my State who have been reached through the bosses of the industry—the owners of mines. There is propaganda going on every minute, there is a lobby here in Washington, but I hope there will be found a means of defeating this combination in order that the people may be given the protection to which they are entitled.

RETURN OF CATTLE FROM MEXICO TO TEXAS

Mr. MAYFIELD. Mr. President, House bill 9833, to amend the act creating the Bureau of Animal Industry, is of the very greatest importance to people in Texas who have cattle in Mexico and who want to get them back before the 30th of December of this year. This measure has been agreed upon by the Bureau of Animal Industry and all of the cattle associations of the Southern States; and if we do not pass the bill

now, the men who have cattle in Mexico will suffer losses amounting to several thousand dollars. It will occasion no debate whatever.

Mr. GLASS. What does the bill provide?

Mr. MAYFIELD. It provides for the bringing back of cattle from Mexico under the supervision of the Bureau of Animal Industry.

I ask the Senator from Oregon if he will object to my calling this measure up and having it passed. It will lead to no debate whatever.

Mr. McNARY. Mr. President, if it will not affect the status of the unfinished business and will not be debated, I shall have no objection.

Mr. SMOOT. I want to know just what the bill is.

The PRESIDING OFFICER. The clerk will report the bill.

The CHIEF CLERK. A bill (H. R. 9833) to amend section 6 of the act of May 29, 1884, creating the Bureau of Animal Industry, by striking out the proviso in section 6 of said act.

Mr. MAYFIELD. Mr. President, the first section of the bill relates to the shipment of cattle to market for immediate slaughter. The Northern States have objected to these cattle being shipped from Texas and other States without being dipped, and the bill provides that they shall not be shipped to market for slaughter, without having been dipped once, until the 1st of May, 1928, and after that under such regulations as the Bureau of Animal Industry may agree upon.

The second section provides that tick-infested cattle in Mexico may be brought back into Texas—Texas cattle that were taken over there—after having been freed from ticks; that they may be immediately brought back.

Mr. McNARY. The bill has passed the House?

Mr. MAYFIELD. Oh, yes; it has passed the House.

Mr. McNARY. Has the committee reported a substitute for the House text?

Mr. MAYFIELD. The committee has amended the House bill, and the amendment is acceptable to the author of the House bill. All that would have to be done would be to have the House agree to the Senate amendment.

Mr. McNARY. I have no objection, if it will not disturb the status of the unfinished business and will not lead to debate.

Mr. MAYFIELD. I ask unanimous consent that the unfinished business may be temporarily laid aside and that the Senate proceed to the consideration of the House bill 9833.

The PRESIDING OFFICER. That will not affect the status of the pending farm relief legislation.

Mr. SMOOT. I desire to find out just what the amendment is.

Mr. MAYFIELD. I have explained the amendment. The explanation which I made dealt with the amendment of the Senate committee.

Mr. SMOOT. I see that the Secretary of Agriculture has suggested a certain amendment.

Mr. MAYFIELD. That was adopted by the committee.

Mr. SMOOT. He states that "this will be accomplished by adding certain language after the word 'thereto,' in line 3, on page 2 of the bill which was introduced by Mr. PHIPPS, and inserting in lieu thereof a certain proviso."

Mr. MAYFIELD. That has been done. The bill was worked out in conjunction with the Secretary of Agriculture and the Bureau of Animal Industry. They indorse it absolutely.

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

Mr. MAYFIELD. Certainly.

Mr. KENDRICK. The bill ought to pass. It only authorizes the department to determine the regulations under which cattle may be returned to this country from old Mexico and sent directly to market for immediate slaughter. Inasmuch as this is a seasonal movement of stock and the season is now here in which to move them, the bill must be passed at once in order to prove effective.

Mr. SMOOT. I notice that the amendment asked for has been incorporated in the bill and that the Secretary says that there is no objection to the bill after the incorporation of the amendment. Therefore I do not object to its consideration.

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 had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

That the proviso in section 6 of the act of May 29, 1884, entitled "An act for the establishment of a Bureau of Animal Industry, etc.," be, and the same is hereby, repealed so that section 6, as amended, will read as follows:

"That no railroad company within the United States, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation or transport from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any livestock affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuropneumonia; nor shall any person, company, or corporation deliver for such transportation to any railroad company, or master or owner of any boat or vessel, any livestock, knowing them to be affected with any contagious, infectious, or communicable disease; nor shall any person, company, or corporation drive on foot, or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, or from the District into any State, any livestock, knowing them to be affected with any contagious, infectious, or communicable disease, and especially the disease known as pleuropneumonia": *Provided*, That until May 1, 1928, cattle infested with or exposed to cattle fever ticks may be shipped in interstate commerce for immediate slaughter after one dipping in accordance with such regulations as the Secretary of Agriculture may prescribe.

SEC. 2. That section 6, chapter 839, "An act providing for the inspection of meats for exportation, prohibiting the importation of adulterated articles of food and drink, and authorizing the President to make proclamation in certain cases, and for other purposes," approved August 30, 1890, be amended to hereafter read as follows:

"That the importation of meat, cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within 60 days next before their importation, is hereby prohibited: *Provided*, That the Secretary of Agriculture within his discretion and under such regulations as he may prescribe is authorized to permit the admission from Mexico into the State of Texas of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by fine not exceeding $5,000, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States."

SEC. 3. That all laws or parts of laws in conflict with this act be and they are hereby expressly repealed.

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.

MEMALOOSE ISLAND, COLUMBIA RIVER

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 4344) to provide for the permanent withdrawal of Memaloose Island in the Columbia River for the use of the Yakima Indians and Confederated Tribes as a burial ground, which were, on page 1, line 5, to strike out "he"; and on page 1, line 8, after the word "ground," to insert ": *Provided*, That the grave and monument of Victor Trevitt on said island shall remain undisturbed."

Mr. HARRELD. I move the Senate concur in the amendments of the House.

The motion was agreed to.

AMENDMENT OF PURE FOOD AND DRUG ACT

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 481) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, amended August 23, 1912, March 3, 1913, and July 24, 1919, which were to strike out all after the enacting clause and insert:

That paragraph "Fourth" of section 8 of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, is amended to read as follows:

"Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That confectionery, frozen products, products of the bakery, meat, or meat products shall not be deemed to be misbranded under the provisions of this act for failure to declare the presence of sucrose, dextrose, maltose, or levulose: *And provided further*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases."

And to amend the title so as to read: "An act to amend section 8 of the food and drugs act, approved June 30, 1906, as amended."

Mr. CUMMINS. Mr. President, I move that the Senate concur in the House amendments. I desire to make just a moment's explanation. The bill is not what it ought to be. The bill as it passed the Senate was broader in effect than the bill as it passed the House, but I am informed that it is the best we can possibly expect at this session. Therefore I have moved to concur in the House amendments.

Mr. ASHURST. Is this the so-called corn sugar bill?

Mr. CUMMINS. It is.

Mr. ASHURST. I have received a number of letters opposing the House amendments, and I am of opinion that there should be some explanation of the amendments.

Mr. CUMMINS. Delay would kill the bill. There would be no hope whatever of it, so I am informed by Members of the House who are most deeply interested in the bill.

Mr. ASHURST. Surely we should have an explanation as to the House amendments. Communications have come from my own State in opposition to the House provisions. Moreover, Senators from other honey-producing States are doubtless interested and will desire some explanation as to the effect of this bill.

Mr. CUMMINS. The bill as it passed the Senate amended the pure food and drug act by providing that the act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors and for regulating traffic therein, and for other purposes, approved June 30, 1906, amended August 23, 1912, March 3, 1913, and July 24, 1919, be amended so that section 8 thereof shall include as its last paragraph the following:

Third. In the case of food products because of having been preserved or sweetened with an article commonly known as corn sugar, also with an article known as fruit sugar or levulose.

After a long controversy in the House it was amended by striking out all after the enacting clause and substituting the following as paragraph 4:

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided,* That confectionery, frozen products, products of the bakery, meat or meat products shall not be deemed to be misbranded under the provisions of this act for failure to declare the presence of sucrose, dextrose, maltose, or levulose: *And provided further,* That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases.

Then follows the original act. Now, the difference between the House provision and the bill as passed by the Senate lies in the fact that we provided that the use of corn sugar or levulose for sweetening or preserving a food product should not render that food product misbranded or adulterated. The House amendment limits it to confectionery, frozen products, products of the bakery, meat or meat products, leaving out the sweetening and preserving of what might be called fruit products, peaches, pears, tomatoes, and everything of that sort in which a preservative and a sweetener are required.

This is the best we can do to advance the use of corn sugar and levulose. Those who have fostered the measure and who believe in it as I do have reached the conclusion that we had better take what we can get rather than lose all the benefit of the proposed legislation.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I yield.

Mr. JONES of Washington. I have received some protests from the bee people of my State with reference to the bill as it passed the Senate. The protests came in after the Senate had acted. I am wondering if the House provision has taken care of that situation.

Mr. CUMMINS. Of course, the beekeepers were proceeding under a misapprehension. The Senate bill could not have interfered with the beekeepers because honey is never sweetened or preserved by corn sugar. That would be utterly impossible. But the House takes out that entire matter and limits it to confectionery, frozen products, products of the bakery, meat or meat products.

Mr. JONES of Washington. The Senator is satisfied that under no circumstances have the bee people any just ground for objecting to the bill as now amended?

Mr. CUMMINS. I do not think the beekeepers have the least ground or could have any ground for opposing the bill. If they had any ground for opposing the Senate bill it has entirely disappeared in the House provision.

Mr. WILLIS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. WILLIS. I wonder if the Senator would consider the advisability of letting the House amendment be printed in the RECORD so we shall have a chance to examine it and let it go over for the day? I want to say to the Senator that the largest producers of beekeepers' supplies in the world are at Medina, Ohio. They have written and wired me repeatedly about the matter and I would like to have a chance to examine the amendment.

Mr. CUMMINS. I think that is a reasonable request.

Mr. WILLIS. I would appreciate it very much.

Mr. CUMMINS. Of course, if Senators want to defeat the bill they can easily do it by preventing concurrence in the House amendment, because there is absolutely no use of returning the bill to the House with a disagreement.

Mr. WILLIS. The Senator understands that I have no purpose to defeat it. I simply want to have an opportunity to examine the amendment.

Mr. CUMMINS. I am willing to give the Senator that opportunity, of course.

Mr. KENDRICK. Mr. President——

Mr. CUMMINS. I yield to the Senator from Wyoming.

Mr. KENDRICK. The beekeepers of my State have also protested against this legislation, and I want to ask the Senator if he thinks that it would be possible, under the provisions of the bill, to mix this corn product with honey and market such adulterated product as pure honey?

Mr. CUMMINS. No; and the reason for that statement is this: The bill as it passed the Senate provided that corn sugar need not be labeled when it was used to sweeten or preserve certain food products. The Senator knows that corn sugar could not be used to sweeten or preserve honey. It might be used to adulterate honey, possibly, but it could not be used to sweeten or preserve honey.

Mr. KENDRICK. My impression is that if it has the same color as honey and is mixed with honey, it might be sold as a substitute, and I believe that is the ground on which objection is based.

Mr. CUMMINS. If it is used for the purpose of adulteration, then it is not covered by the terms of the Senate bill. If it is used for sweetening or preserving, then it would come within the provisions of the Senate bill.

Mr. KENDRICK. Then I understand from the Senator that it would not be permitted under the terms of the Senate bill.

Mr. CUMMINS. The Senate bill does not deal with the adulteration.

Mr. KENDRICK. And therefore it would not come under that bill?

Mr. CUMMINS. That is the view I have taken of it. I have written, I suppose, to 100 beekeepers giving them my view with regard to the effect of the Senate bill. I have not taken up the subject with them since the House dealt with the measure, but it will be noticed that the House has limited the use of corn sugar, without branding, to confectionery, frozen products, products of the bakery, meat or meat products, so that if corn sugar were used in connection with honey it would not come within the provisions of the House amendment.

If the Senator from Ohio desires that the matter be postponed, I am entirely willing.

The PRESIDING OFFICER. The House amendments will go over until to-morrow.

TAXES AND THE FARMER—ADDRESS BY EX-SENATOR THOMAS

Mr. GOFF. Mr. President, I ask unanimous consent that a speech delivered by former Senator Charles S. Thomas, of Colorado, before the Manufacturers Association of West Virginia, at Parkersburg, W. Va., on June 10, 1926, may be printed in the RECORD.

The PRESIDING OFFICER (Mr. NEELY in the chair). Is there objection to the unanimous-consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The speech is as follows:

Mr. THOMAS. During the five years which have elapsed since the industrial debacle of 1920–21 all lines of industry save agriculture have resumed their normal functions. The latter has not fully responded to the general stimulus, although its situation during this interval has materially improved. The farmer and livestock grower are still buffeting the storm, albeit the Government has extended liberal financial aid to them and more generous rates of protection to all their products,

while they have striven with indifferent success for rehabilitation through cooperative effort for wider markets and control of surplus production. The underlying reasons for the persistent disparity between the progress of commerce and manufactures and that of agriculture are not obscure. They must be recognized before they can be removed. Thus far, however, they have received scant consideration.

Educated for years by politicians of all parties to believe that the General Government is the director and arbiter of his destinies; that his misfortunes have been due to bad laws or to good ones improperly administered; and that his prosperity depends more upon the discretion or wisdom of Presidents and Congressmen than upon factors beyond the control of legislation, the farmer has demanded and continues to demand relief from the powers at Washington, consisting principally of governmental control of the industry, of donations disguised as loans, revolving funds, and other soothing phrases. These demands are not original or unprecedented. Other interests set the example long ago.

They receive a sympathetic welcome when they are not prompted by legislators who fully realize both the value and the danger of the farmer vote and the need for its propitiation, but who, fortunately for the public, are in constant and sometimes hopeless dissension over suggested remedies. But these disagreements mean delay; delay kindles impatience to resentment, which, in time, provokes insistent clamor for immediate action, the more drastic the better, regardless of its character, effectiveness, or validity. Such is and for months has been the agricultural impasse at Washington, now seemingly approaching a climax.

The plight of the industry has been attributed to many causes. Some of these seem plausible, others speculative, most of them erroneous. But few of them will stand the test of analysis, while the remedies thus far suggested are, for the most part, empirical or palliative. Their efficacy must, of course, depend upon a reasonably correct diagnosis of the malady for which they are prescribed. Hence an intelligent comprehension of the fundamental causes of agricultural depression is indispensable to any practical consideration of proposed measures for its relief. Such an inquiry may disclose the unwelcome fact that legislation is more of a cause than a cure for the disease.

No student of economics will challenge the proposition that legislation may profoundly influence the currents of a nation's commercial and industrial life. The American protective system is perhaps the most prominent illustration of this fact. It aims to encourage the development of home industry by reducing or repressing foreign competition, thus building in one direction by restraining in another. But the good and the evil flowing from the operation of these and other statutes are of necessity distributed unevenly, and the former is enjoyed by the relatively few, while the latter is distributed among the great majority of men, whose benefit, if any, is both indirect and remote.

Generally, industrial codes are designed for or ultimately become the monopoly of privilege, and however extensive their apparent beneficence it is offset by corresponding injury. Moreover, the benefit seldom reaches beyond the classes which enjoy their favors, even where an effort is made to enlarge their horizons; as, for example, the agricultural schedule of the present tariff act, which has served admirably to demonstrate the impotence of a statute which ignores the operation of natural laws.

Prosperity founded upon statute is more apparent than real. It is essentially one sided and paid for by the many beyond the pale of its operation. Hence it is impermanent in the nature of things and subject to periods of stagnation which frequently lead to disaster. This is equally true of wage scales above the power of industry to maintain at given times, yet enforced by the rigid discipline of trade-unions. These must finally yield to the inexorable law of demand and supply, however, their beneficiaries may for a time unduly prosper. Witness, for example, the breakdown of the Jacksonville wage scale of the United Mine Workers now confronting that organization all over the country.

Revenue legislation, of which the tariff system is but a part, vitally affects all industry and reaches the pockets of every producer and consumer. Right here I venture to assert that we encounter the major cause of agricultural depression. If so, the remedy is as obvious as it is unwelcome, as imperative as it is unavoidable, if the industry shall be rehabilitated. For it is founded not upon external aids but upon individual and collective effort and self-denial.

Preliminary to a consideration of prevailing tax conditions and their effect upon agriculture, some general observations upon the subject may be pertinent. None of us pay direct taxes willingly. When paid, we shift them, if possible, to other shoulders, and nearly all of them may be so transferred. They therefore constitute an integral part of every manufacturer's and merchant's overhead expense account. Together with rent, freight, and wages, plus interest, they are included in the cost of manufacture and sale and thus passed on. From raw-material man to manufacturer, from manufacturer and importer to wholesaler, from wholesaler to retailer, and from retailer to consumer the process is uniform and the amount grows in volume as it spreads. But it becomes static with the consumer, beyond whom it can not go. He is at the bottom of the revenue structure. In addition to this tax burden are increased costs to the consumer of the output of those industries which enjoy protection from the foreigner. The weight of this vast volume of indirect but very real process of taxation, which goes to industries and not to the Public Treasury, is of itself enormous. The consumer must pay all of it, in addition to the direct taxes levied upon his individual property. In a comparatively recent address upon the subject Mr. Justice Holmes says:

"Taxes, when thought out in things and results, mean an abstraction of a part of the annual product for Government purposes and can not mean anything else. Whatever form they take in their imposition, they must be borne by the consumer—that is, mainly by the workingmen and fighting men of the community. It is well that they should have this fact brought home to them and not too much disguised by the form in which the taxes are imposed."

While it is true that all of us are consumers and therefore share the accumulated burden of indirect taxes, it is equally true that agriculture is the fundamental pursuit of mankind everywhere, and therefore bears an undue part of it. Land is its principal capital, foodstuffs its product, wrung from the soil by arduous cultivation. This product is seasonable. It is also perishable. Speedy sale and distribution are essential to its disposal. The farmer must generally sell as he harvests, and at the prevailing market rate. He manufactures virtually nothing. Except his food he must buy everything he needs. His capital is inert. His wares are produced and distributed over a continent, and he is therefore in competition with other farmers everywhere. He can not shift any of his taxes, whether direct or indirect, to other industries or classes, but must pay them in cash from the proceeds of his crops, either to the Government or to those supplying his needs, who, having paid them to the tax gatherer, collects them in turn from him. His market, both for selling and buying, except under transient and extraordinary circumstances, is not made by him. It is made for him, or more strictly speaking, by conditions which he did not create and can not control. Hence, in general, he sells in a cheap market and buys in what for him is a dear one; its dearness being due chiefly to the accumulated tax burdens, reflected in overhead expenses included in the cost of production of everything he needs and must purchase. Its rates, of course, are the same for all consumers; but he is the outstanding sufferer, since he alone must sell his wares below the level enjoyed by others.

For him the market equilibrium is destroyed. He can not restore it by advancing prices or restricting production. But its restoration is the economic problem of the day, and upon its solution not only depends the future of American agriculture but of national prosperity and happiness. It therefore appeals to all men and to all vocations, and should command the best thought and the highest capacity of statesmanship. Despite occasional periods of better times, the farmer's plight will grow from bad to worse so long as he remains the victim of high taxes and the consequent plaything of politics and demagoguery.

A glance at the revenue statistics of Nation, States, and municipalities will give a fairly comprehensive view of the character and extent of our tax burdens, from which Congress has recently given some relief, but which the President has warned us will be of little benefit unless similar reductions are made by the States and their local subdivisions. These, however, have thus far given no heed to the warning, and almost without exception are going strongly in the other direction, due in large part to the hectic demand for tax-exempt securities and the swing of all governmental activities toward bureaucracy.

The National Industrial Conference Board tells us in one of its extremely valuable publications, entitled "Cost of Government in the United States," that the upward trend of the taxation curve did not begin with the World War. That event gave it an immense stimulus, but its genesis reaches well back into the nineteenth century. Beginning with statistics for 1890, the total volume of taxation for all purposes steadily increased from $875,000,000 for that year to $1,382,000,000 in 1913, or 64 per cent; advancing from $13.88 to $17.07 per capita. The percentage of this increase was greater in State and local than in Federal taxation. While this condition was reversed temporarily with our entry into the war, the growth of other forms of levy has been constant.

The national tax bill was $5.93 per capita in 1890, $6.43 in 1903, and $6.92 in 1913. It rose to $48.27 in 1919, but decreased to $27.77 in 1924. Meanwhile, the State and municipal tax bill advanced from $7.94 per capita in 1890 to $10.63 in 1903, $15.81 in 1913, $28.26 in 1919, $36.47 in 1921, and $43.12 in 1924. The increase in amounts for State purposes is from $570,000,000 in 1913 to $783,000,000 in 1921, and to $1,064,000,000 in 1924; and for municipal purposes from $1,219,000,000 in 1913 to $2,319,000,000 in 1919, to $3,748,000,000 in 1924. The sum of State and local taxation for 1924 was $4,812,000,000, 45 per cent, or $1,717,000,000 in excess of Federal taxes for that year, a fact not so generally known as its importance demands. Federal taxes for 1924 were $3,095,000,000, making a total of $7,907,000,000 as the tax bill for that year, or a per capita of $182.94 for all persons gainfully employed. This is 12.5 per cent of the national income.

State and municipal indebtedness show a similar progressive increase. In 1912 the aggregate was $3,104,426,000. In 1922 it had risen to

$8,689,740,000, and in 1925 to $11,650,000,000. In 13 years this type of indebtedness has increased more than 275 per cent. Its added annual interest charge since 1913 is $322,000,000, exclusive of amortization, or $3 per capita, and requires an increased tax levy to meet it. Obviously every increase of this debt adds to the annual tax budget, and in its ultimate analysis every dollar of it constitutes a mortgage upon the tangible property of the taxpayer.

The percentage of the national income absorbed by the tax demand is, of course, unequally distributed at the outset, and except in war times falls more heavily upon property than upon profits, against which direct taxes are assessed upon predetermined valuations. A striking example of this fact is supplied by the railroads, whose tax bill of $139,592,000 in 1914 was increased to $339,577,000 in 1923, or 143 per cent. The effect of this vast expanse of the tax rate upon transportation was graphically illustrated recently by the President of the New York Central Co., who said that it required the earnings of a fourth of the company's mileage, or over 3,000 miles of the system, to meet its tax requirements. The fact both explains and justifies the efforts now being made by the railways for an increase of rate schedules by the Interstate Commerce Commission, through whose operation, if granted, much of the burden would be passed onto the consumer. Taxes levied upon other forms of real property would doubtless absorb a greater proportion of the annual returns.

Just how much of the tax budget is shifted to the consumer can not be accurately determined. This is equally true of the proportion passed from other consumers to the farmer. Hence this must of necessity be estimated. It may be safely assumed that Federal taxes, except those derived from estates, and State and local taxes, exclusive of inheritance, improvement, and unproductive-property taxes, are charged to overhead and passed on.

Taxes paid by the professional classes are more static, although much of them are reflected in higher charges for service. But it is within the bounds of extreme conservatism to estimate that 50 per cent of the tax budget is recovered by those paying it originally. This would represent $3,962,500,000 for 1924, of which the greater part is finally settled upon agriculture. But let us put it at one-half of the last sum, or $1,976,250,000. Add to this his direct tax bill, which increased 236 per cent between 1914 and 1924, and which is at least a fourth of the State and local budget, or $937,000,000; and the aggregate is $2,913,250,000.

The national wealth was estimated in 1922 to be $320,804,000,000. Values of farm property, including stock, were estimated in 1920 to be $77,924,100,000. It shrank to $62,740,000,000 from 1920 to 1922, which is less than 20 per cent of the whole. Yet if the figures heretofore given are at all trustworthy, this 20 per cent of property values is burdened with 36.83 per cent of the annual tax charge, or nearly 12 per cent more than that laid upon the residue. This takes no account of the tax which agriculture pays to protected industries in excess of duties actually collected, nor to interest added to the taxes which are shifted upon him, sums huge in the aggregate, although not suceptible of satisfactory estimates.

But agriculture must also take care of its private indebtedness, especially of its annual interest accumulations. Farm-mortgage debts have risen from $1,726,172,851 in 1910 to $4,003,767,162 in 1920. Calculated at 4½ per cent, which is too low, this interest charge is over $180,000,000. To the farmers' fixed overhead tax charge hitherto calculated must be added his interest charge and his actual cost of production. While these can not be directly charged to the tax collector, they must be satisfied from the farmers' annual income, which the tax charges are making more and more difficult.

Moreover, the tax budget of $7,907,000,000 previously mentioned does not represent the total public expenditures for 1924. That was very much larger. "The total amount expended by Federal, State, and local governments in that year, including capital outlays, reached $10,252,000,000. * * * While there was a decrease of $385,000,000, or 10.60 per cent, in the cost of running the Federal Government in 1924, there was an increase of $492,000,000, or 7.6 per cent, in the disbursement of all State and local governments, making a net increase of $107,000,000. To the increase of $492,000,000 State governments contributed $225,000,000 and local governments $267,000,000."

The increase of expenditures over taxes for 1924 was $2,345,000,000, represented chiefly by capital loans reflected in State and municipal securities. Since they represent investments for the most part, this sum has been excluded from all computations relating to the shifting of the tax burden. But borrowing on public securities is in reality "only postponed taxation. If interest and amortization charges are regularly met, the debt is paid out of taxation levied upon the entire community; if a default occurs, the burden falls upon the bondholders, and the debt assumes the form of an unexpected tax exclusively." A people who are heavily taxed, and who are also raising added revenues by loans, may invest them in public buildings, roads, etc., but pay day comes every year for the annual interest, and finally for the principal. To meet it, added taxes are inevitable, and the added burden is distributed in the same way. Except where these improvements are actually needed, this is just now an unwarranted public extravagance.

Let us now examine briefly the other side of the farmer's ledger. The value of annual farm products, including livestock, rose from $8,165,000,000 in 1914 to $12,414,000,000 in 1924, an increase of 52 per cent. Twenty-four per cent of this sum is absorbed by tax requirements. Any profit remaining to the industry after this deduction must be negligible.

The suggestion of the tax burden as the basis of the farmer's woes is neither new nor original. As long ago as 1910 David Starr Jordan laid his finger on the identical evil when he declared that "the primary factor in the rise of the cost of living the world over is the fall in the value of gold due to excessive and growing financial transactions. In other words, it is produced by the steadily growing encroachment of Government on the individual through the indirect tax and the deferred payment. * * * To state the problem in another form: The common man has too many mouths to feed besides his own and those of his family. The long roll of those fed by tax increment is steadily growing, as grow the taxes which support them." The deferred payment, however, is but one factor of the farmer's problem. A greater one is evolving from the constantly expanding activities of Government, which calls for more and more revenue, whose shifting from merchant and manufacturer to consumer inexorably raises the cost of living. Whatever remedies empiricism may evolve and apply to this evil, the burden must in time reach a dimension which the existing economic structure can not support. Agriculture will be the first prop to give way, and with its collapse the social fabric will inevitably disappear. Indications of exhaustion are even now abundant. Farm abandonments and delinquent-tax sales have reached serious proportions in all the grain-producing States of the Mississippi Valley and those upon the Pacific slope. Coincident with these conditions, and largely as a result of them, tenant farming is steadily increasing.

Better prices for farm products will not stay the progress of this decrease unless the burden of expenditures is correspondingly lessened. But we can perceive no movement in that direction beyond a reduction of the national Budget, and that is attended by the enactment of administrative legislation which adds permanently and progressively to the aggregate of fixed expenditures.

These widening influences of governmental action are both social and economic. They express themselves in regulatory and preventive statutes administered by bureaus and commissions, whose growth during the past 25 years has been prodigious in both Nation and State. They have accomplished little more than the breeding of a huge army of employees and dependents, now thoroughly organized for the defense of their jobs, for increase of their pay, and for pensions. Their numbers decreased after the armistice, since which time they have steadily grown. "Taking all available facts into consideration, it may be estimated that the total number of persons on the public pay roll now approximates 2,800,000, or about 60 per cent in excess of the figure estimated for 1913. In addition, there are about 900,000 persons who receive pensions, annuities, and allowances granted by governmental authorities, and about 500,000 persons on the average in almshouses, penal, charitable, and other public institutions who are charges upon the public purse."

The salaries of the employees are always increasing. The annual pay roll is now about $4,300,000,000, more than half the tax revenue of 1924, and an increase of 23 per cent over 1923. If to this, says the National Industrial Conference Board, there is added the cost of military and civil pensions, World War allowances and annuities and maintenance, cost of public charges in governmental institutions, $840,000,000 must be added to the sum, totalling $5,140,000,000, a sum equal to two-thirds of the tax revenues, and 50 per cent of the total public expenditures. This is 8.1 per cent of the national income, 46.8 per cent of the wage roll, and 37.3 per cent of the wage and salary roll combined of all the manufacturing plants of the country. "Approximately every 10 persons gainfully employed in occupations other than Government pursuits contribute to the support of one person on the public pay roll (including public charges) and the annual cost thereof is about $126 per person gainfully occupied other than in governmental occupations, or about $46 for every man, woman, and child in the country." This is tax eating as developed and propagated by bureaucracy. Herbert Spencer long ago sounded a warning against the growth of this most inefficient and expensive feature of government. He reminded us of the inevitable tendency of democracies to legislate upon every feature of human activity, to regulate the conduct of men and the methods of conducting their affairs, to substitute the condition of status for that of contract, to make men subject to municipal regulations, to deprive them of liberty of action and therefore of self-reliance, and ultimately to destroy freedom by shackling it with the multitudinous fetters of legislative restraints and regulations administered by an Army of public functionaries more concerned with perquisites than with the public welfare. The counsel of that illustrious philosopher seems to have fallen upon unheeding ears. But the same forecast, under a somewhat different environment, has just been sounded by a more illustrious statesman. At Williamsburg, Va., on May 15 last, Calvin Coolidge, President of the United States, warned his countrymen that—

"No method of procedure has ever been devised by which liberty could be divorced from local self-government. No plan of centralization has ever been adopted which did not result in bureaucracy, tyranny, inflexibility, reaction, and decline. Of all forms of government, those administered by bureaus are about the least satisfactory to an enlightened and progressive people. Being irresponsible, they become autocratic, and being autocratic, they resist all development. Unless bureaucracy is constantly resisted, it breaks down representative government and overwhelms democracy. It is the one element in our institutions that sets up the pretense of having authority over everybody and being responsible to nobody."

Will his words of wisdom also fall upon unlistening ears while the sordid army of bureaucracy continues its ordered march to despotism under the canopy of the Republic?

If the foregoing premises are sound, the sources of agricultural depression are obvious. The business is burdened with a constantly growing overhead which it can not avoid and which it can not much longer carry. It does not differ, save as to its enormous dimensions, from a private enterprise similarly water-logged. As the latter must increase its sales and decrease its fixed charges if it shall survive, so must the former. These efforts will prove effectual only through the slow and painful and persistent exertions of those directly concerned. External aid through farm loans is helpful only in tiding over emergencies. Government subsidies, however disguised under more pleasing names, mean more bureaus and more bureaucrats to administer funds raised through more taxation. The farmer has hitherto been self-reliant and therefore in the main successful. He must continue to be so, remembering that God helps only those who help themselves, a truism largely overlooked in recent years by all classes and conditions of men.

Associations for collective bargaining and marketing, which are somewhat akin to the modern business corporation, may be helpful if actively supported and capably managed. But agriculture is too broadly disseminated and its votaries too numerous and widely scattered to justify the expectation of satisfactory or permanent results through organized effort. The crux of the whole problem is tax reduction, which involves economy of expenditure and avoidance of debt, a policy which we have seen to be of more vital concern to the farmer than to all other classes of the people, who can shift none of his tax burdens, but must stagger along under them or fall beneath them. His annual overhead, already beyond his income, is steadily mounting and the value of his capital as steadily decreasing, while the adverse balance reacts upon the market values of his products.

The reduction of the annual tax bill to the lowest minimum consistent with efficient administration is the sole effective remedy for farm depressions. It is also the only way whereby the transportation system can secure an adequate return upon its invested capital without increasing traffic rates. This can be accomplished by a return to the old pathway of thrift and economy which the people and their rulers long ago abandoned. We must take stock of the national assets and liabilities, then set the house in order. If we shall decimate the civil service; abolish all boards, bureaus, and commissions not absolutely essential to efficient administration—and the majority of them are unnecessary—restrict the public liabilities to their present dimensions and reduce them as rapidly as possible; confine expenditures within limitations dictated by the soundest business principles; and enforce their observance upon public officials everywhere, relief will come not only to agriculture but to all classes and conditions of men. It can come from no other source.

The process is a slow and painful one, surrounded by difficulties and beset with constant and bitter opposition. The growth of bureaucracy is cancerous, and will yield only to the knife, which must be applied ruthlessly if it shall prove effective. There is no royal road to prosperity. Government may assist in its realization, but it can not create nor insure it. There is no public reservoir of wealth from which the people may replenish their waning fortunes. Legislation is no substitute for thrift, energy, self reliance, and prevision. This truism will not be seriously disputed even by those who disregard it in practice.

Montesquieu tells us that the maintenance of liberty requires an increase of taxation. He should have added that as taxes increase, expenditures will do likewise, and extravagance always waits upon this combination. When nothing but excessive taxation can get a people along, that fact, says Jefferson, will carry reason and reflection to every man's door, particularly in the hour of election. The observance of frugality as an antidote for agricultural evils should not be confined to those engaged in that pursuit. It must become a national virtue, common to the people, the Nation, and the State, if the equilibrium of prices shall be restored and the farmer reap due profit from his toil.

The people will either approve and enforce a policy of retrenchment in expenditures and a reduction of taxes, or the evils now so apparent will multiply. There is no other alternative. The power to tax is the power to destroy. History affords many illustrations of its destructive exercise. Others menace the near future on both sides of the Atlantic. These lessons of the past and present should be given due heed. The task of retrenchment and of tax reduction confronts us. If the farmer calls a halt to extravagance and leads the way to its restriction, the rest of the country will follow.

CONCLUSION

One of the keenest economists of the time has recently said that American history for the last 50 years reveals a long record of discredited remedies for actual or imagined public diseases. He might have added that most of the evils they were aimed at have waxed as the remedies have waned. We have nothing for our experience but the expense incurred and the multiplication of bureaus which persist in occupying a field whose barrenness they have demonstrated, together with an abiding conviction that the more our Government costs the less it is worth.

Farm legislation by Congress and by the States has thus far seemed only to aggravate the farm situation. From Washington to North Dakota the story is the same. War finance, tariff poultices, public warehouses and elevators, marketing bureaus, State banking, freight reductions, Government purchase and control of surplus crops, and similar nostrums concocted by demagogues and sciolists have passed or are passing into the limbo of the preposterous or the impracticable, but costly and irritating as they made the journey from experiment to failure. Apart from other objections, the most of them are fundamentally wrong in theory. They would increase prices for farm products as a final and permanent objective instead of a transient means to a more substantial end. For agriculture must rally through a decrease of values in the things it consumes, rather than in an increase of values in the things it sells. This, in conjunction with all consumers, the farmer can accomplish not through his Government but through himself. Only when he calls a halt to the extravagance of public administration, abolishes most of the public boards and bureaus, dismisses their officials, quits borrowing money on bonds and other public securities, confines the activities of government to its proper and normal limitations, and revives the old spirit of thrift and economy will his calling again become profitable and attractive. Now, as heretofore, the destiny of the people is in its own hands. As it plows so also shall it reap.

The duty enjoined upon the farmer and stock grower by the exigencies of their condition is equally that of the manufacturer, the merchant, and of all taxpayers, without distinction either of calling or of class. The evil to be exercised affects the entire body politic, differing only in the degree of its affliction. The malady will not yield to group treatment alone. Tax reduction is essential to any policy of material improvement, as it is the child of any applied policy of civic retrenchment. The cooperation of all in this indispensable task of industrial regeneration should be easy, for it is inspired by the stimulus of a common interest and the certainty of a common benefit. If we would help agriculture—and surely every thoughtful citizen must see its need of substantial assistance—we can do it practically, effectually, and certainly by combining in the purpose to close the floodgates of public extravagance, reduce the budget of expenditures, destroy the parasites of bureaucracy and officialdom, and contribute to the public purse only so much of our substance as the continued maintenance of governmental efficiency and the public security may require. This can be accomplished through resolute purpose and applied determination, qualities our people have more than once exhibited, which I am sure they yet possess, and without which we must endure as best we can that which we are powerless to overcome.

COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

Mr. WILLIS. Mr. President, I desire to offer the following amendment to the pending cooperative marketing bill. I ask that it be printed for the information of Senators and lie on the table.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. LENROOT. Mr. President, on last Friday I sent to the desk and there was ordered printed a proposed amendment as a substitute for the pending McNary amendment to the bill. I said at that time that I would not offer it until after the pending amendment had been disposed of. I now send to the desk a modified form of that amendment and ask that it be printed and lie on the table, and I make the same statement with reference to the modified amendment.

The PRESIDING OFFICER. The modified amendment will be received, printed, and lie on the table.

Mr. TYSON obtained the floor.

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

The PRESIDING OFFICER. The Secretary will call the roll.

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

Ashurst	Dill	Keyes	Schall
Bayard	Edwards	La Follette	Sheppard
Bingham	Fernald	Lenroot	Shipstead
Blease	Fess	McKellar	Stanfield
Borah	Frazier	McMaster	Steck
Bratton	George	McNary	Stephens
Broussard	Gillett	Mayfield	Swanson
Bruce	Glass	Means	Trammell
Butler	Goff	Moses	Tyson
Cameron	Gooding	Neely	Wadsworth
Capper	Hale	Norris	Walsh
Caraway	Harreld	Oddie	Warren
Copeland	Harris	Phipps	Wheeler
Couzens	Heflin	Pine	Williams
Cummins	Howell	Ransdell	Willis
Curtis	Jones, Wash.	Robinson, Ark.	
Deneen	Kendrick	Sackett	

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

Mr. TYSON. Mr. President, so much has already been said upon House bill 7893 that I can not hope to add anything especially enlightening, but the question involved is of such profound importance to the American people, and every Senator who is charged with the duty of voting upon this bill is laboring under such a great responsibility and duty that I feel each of us should give some expression of his reasons for voting in favor of or against this most unusual and extraordinary legislation which is now proposed.

I believe that everyone who has spoken upon this subject admits that there is a great and outstanding farm problem and that the farmer needs relief and needs it without delay; in fact, I believe it is generally admitted by everyone who wants to be honest and fair about this question that it is the most outstanding problem, and the most difficult problem of the day. It is not a new problem, for the farmers of this country have been crying for relief at different times for the last 50 years.

The distinguished Senator from Ohio, Mr. FESS, a few days ago gave a résumé of the various "crazes," as he called them, that had appeared in this country during the last half century, and each one of them was caused by the farmers in their demands and need for farm relief. The problem of the farmer has not yet been solved. We are to-day facing the same problem that has been crying for solution during all those years.

The farmers claim there is a great national farm emergency and that their problem must be solved now. If there is a farm problem, there must be a cause for it. When a physician finds that a patient is sick he immediately undertakes to diagnose the case. He sees the effect and begins looking for the cause. If he finds the cause he will have a chance of securing a remedy. But finding the cause is often difficult, and the cause must be ascertained in order to find a remedy. The farmers of this country are sick; they claim that they are sick almost unto death. They expect us to diagnose the case and find the remedy, and it is our duty to do it if we can.

The story of the farmer and his condition and earnings are told more forcefully in the latest report of the National Industrial Conference Board on the Agricultural Problems of the United States, than it has ever been told before. Let us see what this report says that the farmer gets for his labor in comparison with the others who labor in this country.

The Conference Board finds that the return on the total capital invested in agriculture, including the value of the food, fuel, and shelter supplied by the farmer during the five years prior to the war averaged 5½ per cent, but during the five years since 1920 averaged only 4 per cent, and the net returns on the individual farm operator's investment was only 2 per cent. The annual earnings of the farmer in 1924 in return for his labor are computed by the board at $730 on the average, as against the earnings of $1,250 per wage earner in the manufacturing industry in the same year; an average of $1,572 for transportation workers; $2,141 earned by clerical workers; an average of $1,678 by ministers; $1,295 for teachers; an average of $1,650 by Government employees; and an average of $1,415 per worker in all groups other than farmers.

The National Bureau further reports:

That the farmers, comprising 29.9 per cent of the total population of the United States, received in 1919, 17.7 per cent of the total current income; in 1920, 13¼ per cent, and in 1921, 9.9 per cent. It is believed that the farmers' share has not risen above 15 per cent in the following years.

The total value of all farm property in 1913 was $45,227,000,000; in 1920, $79,607,000,000; and in 1925, $59,154,000,000. However, if we consider the purchasing power of 1913, the total value of all farm property in 1925 was only equal to $58,188,000,000 of the 1913 purchasing power. In other words, all farm property in the United States in 1925 had only 84.4 per cent of its purchasing power in 1913.

As a result of high costs and impaired income of the farmer, the total farm indebtedness in the United States, which was estimated at $4,320,000,000 in 1910, had grown to $12,250,000,000 in 1920 and stands at approximately that figure to-day.

When approximately one-third of our earning population receive such a small percentage of our total income, to be exact, 13.1 per cent in 1920 and only 9.9 per cent in 1921, only one conclusion can be drawn as to the inequitable distribution of income among the earners of America.

The farmer has high prices for those things he must purchase foisted upon him by the tariff, for he buys in a protected market, but when the time comes to sell his products he sells in such a market as he can find, under conditions, terms, and prices imposed by others and over which he has no control, and for the regulation of those prices or the encouragement of the farmer his Government offers no aid, and this administration smugly advises him to "work out his own solution."

The main ills of the farmer as I see them are caused by—

First. The tariff.

Second. The high cost of labor in this country.

Third. Restricted immigration.

Fourth. High freight rates.

Fifth. Faulty and difficult marketing.

Sixth. Overproduction and impossibility of disposing of the surplus in an orderly way.

THE TARIFF

I place the tariff as the prime and first cause of the ills of the farmer, and when I say this I am not saying it in any partisan sense, because the tariff is not the creature of the Republican Party alone.

The Democratic Party has always stood for a tariff for revenue only and the Republican Party for a highly protective tariff.

If there had never been a tariff in this country the farmer would have been selling his commodities in an unprotected market and buying in the same sort of a market, and he would not have deserved any more consideration than any other person engaged in industry or any other occupation. But in the early undeveloped periods of our country it was felt that a protective tariff was necessary to promote our "infant industries," as they were called, and for a great many years our industries have been protected more and more. The tariff wall has been raised higher and higher, for everything except agricultural products, until to-day nearly every industry in this country is enjoying a very high state of protection; and even agricultural products, with the exception of cotton, have a tariff on them now, but as we still have a surplus the tariff is of little or no value to them.

Now, why was this protection given? It was given primarily to preserve the home market for our home commodities. Later on we adopted the slogan that it was done not only to protect the home market for our own people but in order that we might give a living wage to the laborers engaged in industry, a wage sufficient to permit them to maintain an American standard of living. The claim of the protectionist is that we must have a tariff sufficiently high so as to meet the difference in the cost of manufacturing abroad and manufacturing at home. Thus the tariff is largely the cause of high wages.

In the meantime the commodities of the farmer were absolutely unprotected. He has been selling in the home market all that the home market would absorb, and all of his surplus he has been selling abroad and the price of his whole product has been controlled and fixed by the price he could get abroad in competition with the commodities produced by the cheap labor of every country in the world.

During all these years and until 1922 agriculture had no advantages whatever from the tariff excepting the opportunity of being able to sell more commodities, perhaps, by virtue of the increased pay which was given to laborers and others engaged in industry, and any increased population which may have been caused by these stimulated industries.

Mr. President, I am not undertaking to show for the purpose of this argument whether or not the tariff has benefited the country as a whole, but only to show its effect upon the farmer.

LABOR

In the second place, the farmer is greatly handicapped by the high price of labor. I wish it understood that I am not in any sense criticizing or condemning labor for securing high wages, which I consider one of the greatest blessings of our country, but am only trying to show its effect upon the farmer.

Mr. President, everyone knows that we have the highest-priced labor in the world; and, as I have shown from the report of the conference board, the farmer gets for his labor only $730 a year, while the average laborer in industry gets $1,250 a year, or nearly double, while the transportation worker gets much more than double the income of the farmer.

Under these conditions it can be seen how difficult it must be for the farmer to employ anyone at all, and when he does employ any help he must pay a very high price in proportion to what he is able to get for himself, and this necessarily greatly reduces his profits.

FREIGHT RATES

High freight rates are a source of constant complaint from the farmer and work a great hardship upon him in many instances. Everybody knows that these high freight rates are caused by the high prices of railroad labor and the high prices of supplies bought by the railroads, which are bought in a highly protected market, and by the high capitalization of the railroads.

The Interstate Commerce Commission of the United States is charged with the duty of taking all these conditions into consideration in making freight rates and to make these rates high enough to bring a reasonable return on the investment. The necessary result is that freight rates have to be made high in order to pay the expenses incident to transportation.

IMMIGRATION

Immigration was a great help to the farmer, as he could get help from new immigrants, who were glad to get a good home at reasonable wages. No one is stronger for our present immigration laws than I am. But now that source of help is cut off, and, as the farm population is leaving the farms at an alarming rate, soon the population of the farms will be composed only of middle-aged and old people, and the efficiency of the farmer will necessarily grow less and less each year unless the young blood of America can be induced to remain on the farm.

Mr. President, why should any American citizen remain on the farm unless he can get a fair and living wage and enjoy the same remuneration and advantages that those enjoy who live in the cities?

Why should the farmer remain on the farm and work and toil for the city population unless he can get a square deal? He will not do so. He is coming to the towns every day at an alarming rate. City people seem to feel that anyone can be a farmer; but, Mr. President, farming is in a sense a skilled occupation, just as any other, and it takes a city man a long time to become inured to farming, while some never can become inured to its hardships and privations.

Now, Mr. President, I have enumerated four of the things that, I think, materially affect the farmer and aid in keeping him from getting a fair return for his labor and his investment, but I do not see much remedy for these ills.

I see no chance to reduce the tariff. The Republican Party, now entrenched in power by a large majority in both Houses of Congress, only four years ago revised the tariff, and put it to the highest point ever known. While some of them, I believe, have admitted that the ills of the farmer are largely due to the tariff, and while there are rumblings of discontent in the West now against the present high tariff, I have heard of no suggestion that the tariff is to be reduced either at present or in the near future by the party now in power.

The farmers of the West—the very farmers who are in revolution now—have returned the Republican Party to power year after year for the last 50 years and have joyously borne the burden of a high protective tariff and poverty and distress in order that they might enjoy the alleged blessings of having the Republican Party in power. Therefore we must dismiss that means of redress for the farmer until such time as he awakens to the realization that the present tariff laws were not designed for his benefit.

Furthermore, there is no prospect that there will be any reduction in the wages of the workers in the near future. Union labor controls the prices of wages in all industries, and of course there will have to be a great industrial depression in this country before union labor would ever consent to any reduction in wages. Therefore the farmer will get no redress from a reduction in wages.

Furthermore, while there are some railroads which are making much more than the 5½ per cent provided for in the Esch-Cummins law as a fair and reasonable return on railroad property, most of the roads are not making nearly that return, and many roads are now asking for an increase in freight rates. It is not to be assumed that there will be any reduction in freight rates in the near future, so the farmer can expect no redress from a reduction in freight rates.

Marketing has always been the greatest difficulty of the farmer. He is generally isolated from transportation facilities and in most instances produces only a comparatively small quantity of the product to be marketed and as a rule has only little competition in buyers and is compelled to sell to the highest bidder. He is generally unable to hold his crop and, owing to his financial condition, is compelled to sell as soon as the crop is gathered. Again, in the case of perishable products or such products as cattle and swine, when they have reached their maturity or maximum weight it is absolutely necessary to sell without delay, as each day of delay becomes a source of positive loss instead of a benefit.

Furthermore, the farmer is unable at all times to keep up with the markets and the condition of supply and demand and may send his products to market at an inopportune or unfavorable time and especially at times when there is a glut on the market.

Cooperative marketing has greatly helped the farmer in this respect. Only the most progressive farmers, however, have been induced to join these cooperative associations; and, notwithstanding the great efforts that have been made by the more progressive farmers, not more than 10 to 15 per cent of them in the case of the five staple products mentioned in the bill now before the Senate have yet been induced to join these associations. It will be admitted by all who are at all familiar with the subject that even this small number has had a marked effect upon the prices and production of these five staple products of the country.

If every farmer in the United States could be induced to join a cooperative association and abide by the rules of the association, or if even 80 per cent of them would do so, there would be no need for the bill which is now before the Senate. The farmers, however, will not join in sufficient numbers under present conditions; and those who do join have to carry the load and take all the chances for those who will not join the association, but are willing to get the benefits of the association's labors. It is necessary to do something that will get all farmers into a great cooperative association in order to get the greatest benefit, and that is what this bill is intended to do.

This bill provides for a great national cooperative marketing association, in which every farmer in the United States raising the crops mentioned in this bill is a member.

It is unnecessary to go into any detail to show that whenever there is a greater supply than there is a demand, unless the surplus is held off the market until needed, the market will go down. In the past there has been no means of withdrawing and holding the surplus until there was a demand for it at a fair price. As our surplus farm products have to be sold abroad, they are sold in competition with the products of the cheap labor of the world, and the result is that the market in the United States is no higher than in Liverpool or Hamburg with freight added, and the whole crop of which there is a surplus is sold in the United States at a price measured by the cheap crop labor of India, Africa, and South America, while our farmers have produced their crops in a country of high prices and high labor.

Mr. President, in this condition of affairs, what are we going to do about it?

We know the effect, and I believe I have stated the cause. These conditions are not of the farmer's making. He has done his part. While he has suffered and complained and has protested against the conditions again and again and has asked repeatedly for relief, he has continued his labors and carried on year after year under conditions that would not have been tolerated or endured by any other class of men in this country.

When the Great War was on the farmer did not demand higher wages, nor threaten to strike if they were not given him; but, with that patriotism and love of country and the flag that has ever characterized him, he stood to his post and produced under the most trying conditions the greatest amount of farm products ever known in this country, and thereby enabled the Allies to win the war. He now finds himself in distress, his farm mortgaged, and his industry in a bad way.

I ask, is he to become a peasant, as he is in the other countries of the world?

I ask, is he to become the "forgotten man" of our country?

I ask, are we going to abandon him to his fate, or are we going to carry out our promises and do our part to ameliorate and better his condition, and try to put his industry on an equality with the industry of other American citizens?

For my part, I want to see something done. I am confident that something can be done. I believe that where there is a wrong there is always a remedy. I believe that where there is a will there is a way. Something can be and must be done to save the greatest and most vital industry of the American

people. We may talk here until the judgment day, but what the farmers want is action. They know their condition. They want a remedy.

House bill 7893, with amendments, is offered as a remedy for the farmer's ills.

It is unnecessary to go into details about this bill. It is in reality a great cooperative marketing bill, in which the United States proposes to help finance the farmer, and in effect creates an association in which every farmer in the United States is to become a member. It applies only to five great farm products—cotton, wheat, corn, cattle, and swine—with the condition that if the Farm Board provided to be established therein shall find, after trial on these five products, that it is desirable to include other farm products, the board will so recommend to Congress.

The bill provides for an equalization fee on wheat, corn, cattle, and swine, the amount of such fee to be determined by the board after investigation of the probable surplus of the particular commodity to be operated in, and the expenses of operation. The fee on cotton is deferred for two years.

The bill does not make the payment of the equalization fee compulsory; but it provides that the Farm Board provided for can not begin operations and can not levy any fee upon any farm product until a substantial number of cooperative associations or other organizations representing the producers of the particular basic agricultural commodity are in favor of the commencement by the board of operations in such commodity.

The actual language of the bill respecting this matter is as follows:

SEC. 15. (c) For the purposes of this act cotton, wheat, corn, cattle, and swine shall be known and are hereinafter referred to as "basic agricultural commodities," and the term "food products" means the respective food products of each such basic agricultural commodity except cotton, but does not include milk or its products. Whenever the board finds, first, that there is or may be during the ensuing year (1) a surplus above the domestic requirements for wheat, corn, cattle, or swine and/or their food products, or (2) a surplus above the requirements for the orderly marketing of cotton; and, second, that a substantial number of cooperative associations or other organizations representing the producers of the basic agricultural commodity are in favor of the commencement by the board of operations in such commodity and/or its food products, then the board shall declare its findings and commence such operations. Such operations shall continue until terminated by the board.

The bill provides for a revolving fund, which the farm board controls, of $250,000,000. Of this amount, $100,000,000 is to be used for cotton. All the products except cotton are to pay an equalization fee from the beginning.

The excuse for deferring the fee on cotton is because of the fact that there is no tariff on cotton, and, owing to the great surplus of cotton exported, none could be levied, and cotton could not possibly get any advantage from the tariff. Furthermore, no great commodity of this country has had to struggle against such disadvantages as has cotton during the last 100 years. It has been grown under a highly protected system of industries, and the farmer producing it has had to pay heavy duties on all the supplies he bought, and that, too, in a land of high-priced labor, while he had to sell his cotton in the markets of the world and in competition with the cheapest labor of the world, including India, the Sudan, and Abyssinia.

The cotton farmer can never be repaid for the disadvantages under which he has labored by virtue of discrimatory laws under which he has lived for a century, and if he is permitted to waive the equalization fee for two years it will be but a poor return for all the years that he has been discriminated against.

Furthermore, if the tariff is a benefit to the wheat and corn farmer, the supplies of the cotton farmer will cost him more by reason of the increased benefit which the wheat and corn farmer believe they will receive, while the cotton farmer can hardly expect to get a greatly increased price, as he must continue to have his price fixed by the market price of the world, and can only get a small increase by orderly marketing.

So, Mr. President, there is no just ground for complaint because cotton does not for the present pay an equalization fee. There will be but little if any loss on cotton, and there well may be a profit. One of the Senators of this body, in his address a few days ago, in proposing that the Government should, if necessary, use and loan, or give, if necessary, the great sum of $150,000,000 in promoting cooperative marketing, voiced a proposition which I think is well worth adopting.

Cotton is in many ways the most important agricultural product of the country, and especially as it always retains for us our balance of trade.

Mr. President, this bill has been said to be unsound, unconstitutional, unworkable, a subsidy, and so forth. There are some who see no good in the bill, but who have none better to offer. There are some who see no good in legislating at all for the farmer. They go on the principle that things have always righted themselves, and that they always will. They say it will be putting the United States into business.

Mr. President, the United States is already in many kinds of business, much more than this bill would put it into business.

We operate the Postal Department with hundreds of millions of dollars of business and with thousands of post offices.

We are in the shipping business with hundreds of millions invested in ships going to all parts of the world.

We are in the construction business, constructing improvements of rivers and harbors all over the United States and spending every year from $40,000,000 to $50,000,000.

We are in the canal business, operating the greatest canal in the world, with enormous receipts and expenditures.

In fact, we are in every sort and kind of business to carry on the multitudinous activities of the Government.

The activities of the farm board under this bill would be but little, if any, greater than the activities under many of the departments that the Government is now operating.

The opponents of this bill throw up their hands in holy horror and say it gives a subsidy to farmers. We have subsidized the railroads of this country for 50 years. We have given them 160,000,000 acres of Government land as a subsidy in the building of the railroads. We have loaned them vast sums of money at various times at low rates of interest. We have subsidized labor, in that we have permitted the most liberal laws, so that labor might combine in unions and could indulge in collective bargaining, something we have done for no other class except farm organizations.

We have permitted the railroads especially to pay greatly increased wages to those working on the railroads and have authorized by law the making of freight rates that would enable the roads to pay them good wages.

We have established a labor board, known as the United States Labor Board, for the purpose, among other things, of investigating and aiding in fixing the wages of railroad employees.

We have also established an Interstate Commerce Commission for the purpose of fixing the rates for railroads to charge throughout the United States, and we passed a law which authorized and directed them in fixing these rates to put the rates at such a figure as would permit a reasonable return on the investment to the railroads.

We have a United States Shipping Board, which operates a vast number of ships upon the ocean, carrying passengers and freight to different ports of the world, and ever since the Shipping Board has been in operation there has been a large deficit annually, which has had to be paid by the United States Government.

We have improved and constructed harbors and improved the rivers all over the country, and we have expended in the last 50 years more than a billion dollars in these improvements.

We have permitted the industries of this country to levy a tariff upon the people of the country for nearly a hundred years, and only within the last few years has agriculture, with the exception of the sugar industry, had any semblance of protection whatever, and, as I have stated, no real benefits have accrued to agriculture from the tariff.

These have all been either direct or indirect subsidies.

With this statement of facts it can not be controverted, it seems to me, that there will be no just ground for denying that agriculture, if it is in the bad way that it is generally believed to be, is entitled to the same consideration at the hands of the Congress of the United States as other great industries.

Agriculture is admitted to be the most vital industry we have, and without it the Nation can not live. We maintain an Army and Navy for the protection of the American people from foreign invasion and we spend a tremendous amount of money, something like $600,000,000 a year, on these two great departments. We have spent something like $2,000,000,000 on our Agricultural Department for the purpose of teaching the people throughout the United States how to produce and improve their products.

It is claimed by the farmers of the country that there is a great emergency in agriculture and that the industry is in a very uncertain and precarious state; that the farmers are losing money; that the industry is not thriving; that there is great unrest and dissatisfaction and even distress among the farmers of the country; that in the most important farming sections banks are failing; that farmers are being thrown into bankruptcy; that their farms are being sold; and that mortgages have increased in the last 20 years from $4,000,000,000 to some-

thing like $12,000,000,000. The farm population is decreasing and the people are leaving the farms and going to the cities. Fifty years ago more than 60 per cent of the population of this country was upon the farms, and now there is only 29⅞ per cent upon the farms.

Therefore I say that under these conditions, and realizing that the farm industry is the basic and vital industry of the country, and that it is absolutely necessary that it be preserved at all costs, and the country having done all the things that it has done for all other forms of industry in the country, for all other kinds of activities in this country, it now behooves us to do our part and to see that the farming industry is taken care of. If legislation can aid the farmer, then it is our duty to legislate in their interest.

It has been said that you can not legislate prosperity into a nation, but if you will ask the Republican Party whether or not a tariff is necessary for the prosperity of this country, whether this country could have prosperity without a tariff, not one of them would admit that the country could be prosperous without a tariff; and yet a tariff is the child and result of legislation. They will tell you that they have passed tariff bill after tariff bill, and that every time the tariff has been raised it has produced a greater prosperity, and that every bill that has been passed that has lowered the tariff has brought distress upon the country.

Now, if this be true, they must admit that legislation can and does materially affect the prosperity of the country, and I believe that it will be admitted that the condition of the farmer to-day is largely the result of the tariff and its various ramifications. We certainly can aid the farmer by some sort of proper and appropriate remedial legislation. If the farmer's condition can be helped by remedial legislation, I ask Senators if it is not our bounded duty to do it without delay?

The Congress of the United States has been considering various bills with a view to remedying the condition of the farmer. His condition of distress has been presented to the Senate, as I have said before, from time to time for the last 50 years, and much remedial legislation has been had in his interest; farm banks have been established, and he has been given advantages in the matter of borrowing money on long time and at low rates of interest. But the remedies have not been of a deep seated and fundamental nature. No remedial act has been passed which goes to the root of the evil with which he is beset, the greatest evil by which he is beset being his inability to market his products in a satisfactory manner, by virtue of the great number of farmers in the country, there being 6,500,000 farmers scattered over this vast country of several millions of square miles; so it has been impossible for them to get together. They raise practically the same products every year, and this is one of their great handicaps.

Wherever he can diversify his crops and have a considerable number of things to sell, the farmer is not in such a distressed condition. It is largely where he is dependent upon the great staple products that his condition is so bad. The farmers engaged in the raising of cotton, wheat, corn, hogs, and cattle are perhaps in the worst condition of any farmers in the country, by virtue of the fact that they meet greater competition than any other class of farmers. All of these products have to be sold in the markets of the world, and the surplus produced, which is sold in the markets of the world, fixes the price of the whole production.

The purpose of the bill now before the Senate is to provide a means of taking care of this surplus in such a manner that the price of the surplus shall not fix the price of the whole of the crop.

The two great political parties of this country have been promising the farmers for years that they would give them relief; that they would pass such legislation as would enable them to get relief; but perhaps at no time in the history of the Nation have the conventions of the Democratic and Republican Parties been so specific in their statements as to what they were going to do for the farmer as they were in the planks of their platforms of both parties in 1924.

The Democratic Party in that year said:

> During the four years of Republican government the economic condition of the American farmer has changed from comfort to bankruptcy, with all of its attendant miseries.

The platform further denounced the Republican prohibitive tariff and unnecessarily high freight rates as the cause of the bankrupt condition of the farmer, and then the Democrats proposed that they—

> would restore the farmer again to economic equality with other industries and would stimulate by every possible governmental activity the progress of the cooperative marketing movement, the establishment of an export marketing corporation or commission, in order that the exportable surplus may not establish the price of the whole crop.

The Republicans in their platform said:

> We promise every assistance in the reorganization of the marketing system to put it on sounder and more economic lines, and wherever diversification is needed, governmental assistance during the period of transition.
>
> We favor, without putting the Government into business, the establishment of a Federal system of organization for cooperative marketing of farm products.
>
> We also shall make vigorous efforts during the administration toward broadening our export market.

Now, here are specific and direct promises on the part of the two great national parties in convention assembled to do something for the farmer toward taking care of his surplus commodities. Is it possible that our people can not afford to believe anything that a Republican or a Democratic platform says?

Mr. President, when I went before the people of my State in my primary campaign and in my campaign for election, I promised the farmers that I would do all that I could to bring them relief by sound legislation. I told them I stood upon the Democratic platform of 1924, which promised them relief, and that I would do what I could to carry out that platform.

I have a great many telegrams and letters from all parts of my State—from individuals and organizations—all urging me to vote for this bill. Not one single protest have I had against it from my State, as I now recall. The commissioner of agriculture of my State is strongly for it. I feel bound to carry out my promises if possible.

Mr. President, some of the main objections raised against the bill and especially by the distinguished Secretary of the Treasury are—

> First. That the equalization fee can not be collected or will be difficult to collect.

I do not think this is a sound objection. We raise tobacco in many States of the Union, in hundreds of counties, and on tens of thousands of farms. As I understand the law, every pound of this tobacco is required to pay a tax as soon as processed in the leaf. I have heard of no particular difficulty in the collection of this tax which the people are often unwilling to pay because it is a tax.

The equalization fee provided for in the bill is put on for the benefit of the farmer, and he will know this and will expect to have a chance to have at least a part of it returned to him.

If he knows that all other farmers are paying this fee for the mutual benefit of the farmers only and under Government supervision and booking, I do not think he will object. It will be the same as the collection of the tobacco tax except it will be on a much greater scale. Furthermore, Mr. President, the equalization fee will not be levied until it is voted upon by the farmers' associations, and it is not reasonable to believe that the farmers will vote for an equalization fee which they are not willing to pay.

The opponents of the bill object to it because, they say:

> Second. It will lower the price of food so much abroad that it would put our people to a great disadvantage in industry because of the greatly increased price of food and of living at home.

Let us see how much it would lower the cost of wheat abroad. We have on the average, say, 200,000,000 of bushels to sell abroad. Suppose the bill enables the farmer to get the full benefit of the tariff on wheat, less expenses and costs, say, 40 cents per bushel, and no one estimates that he could possibly get more than that. If the equalization fee was 40 cents on 200,000,000 bushels, that would be $80,000,000. Now, the farmer would not necessarily lose this amount. He would not necessarily lose more than the costs of processing and operating the machinery set up by the farm board.

But suppose he does lose the $80,000,000 in expenses and losses, it does not follow that the foreigner would get it all. It would be no great amount distributed over a population of 400,000,000 of people in Europe, being only about 20 cents for each person. That would not decrease the cost of living in Europe very much. But the farmer would get from his 500,000,000 bushels of wheat sold at home 40 cents per bushel more than he would get if the bill does not pass, and that would give him $200,000,000 which he does not now get, or a net increase of $120,000,000.

Further, Mr. President, we export to Europe each year about 7,000,000 to 8,000,000 of bales of cotton. If by orderly marketing we can raise the price of cotton $15 a bale, and this is perfectly reasonable to expect, and perhaps we could raise it even more, the cotton farmers of the United States would get from

the Europeans alone at least $105,000,000 more than they would get without the bill, and even if the wheat farmers lost $80,000,000 to Europe, the country through the cotton farmers would be ahead the difference between $105,000,000 and $80,000,000, or $25,000,000. So, Mr. President, there is nothing serious in that argument against the bill.

In the third place, some of our own Democrats and Representatives from the cotton States are opposing the bill because they say it gives somebody the benefit of the tariff. Why, Mr. President, the tariff in some degree is a condition and not a theory. It is a part of the system of the country almost as firmly established as the Constitution itself. No party, whether Democratic or Republican, thinks of doing away with the tariff in its entirety.

The distinguished senior Senator from North Carolina [Mr. SIMMONS], now the ranking member of the minority on the Finance Committee, who knows as much about tariff and finance as any man in the Senate, a man who has helped in the passage of every Democratic tariff bill that has passed this body in 25 years, as I understand it, is in favor of the bill. He was the coauthor of the Simmons-Underwood bill, and he knows that we must have a tariff. Whether it is a protective tariff or a tariff for revenue, it is a tariff, and it seems to me most unreasonable to say, because I do not believe in the high tariff we have now, that I am unwilling to allow the cotton farmer to get the benefit of the bill because the wheat farmer is helped by the tariff.

Mr. President, the slogan of the Democratic Party is "Equal rights to all, special privileges to none." In my judgment, if we permit the wheat farmer to get the benefit of the tariff and do not give the cotton farmer the opportunity to place himself on an equality with the wheat farmer, we are not only not giving him equality of rights but we are positively denying him the opportunity to get justice. This bill, without the equalization fee for cotton, evens up and equalizes conditions for him.

Some southern Senators fear that food products will be increased so much that it will cost the cotton farmer more than he will get by reason of the passage of the bill. Mr. President, I do not think so. I think all Senators interested in the farmer should cooperate and try out some plan and improve it, if necessary, after a trial.

I know not what course others may take, but I feel I am here to represent my State and to meet conditions as I find them and to try and see that the farmers as well as other citizens of my State get justice under the laws under which we live.

Mr. President, no one ever gets anywhere by standing still. The man who is so afraid that he will make a mistake that he does not dare to do anything never accomplishes anything. If the bill is not perfect we can remedy it after we put it into effect. Until that time we can never say whether it will work.

The bill is said to be unconstitutional by some able constitutional lawyers; it is said to be unsound and uneconomic by some sound economists. On the other hand, the bill has been said to be sound economically by some of the greatest economists we have, not only in this country but also abroad, and it has been said to be constitutional by able constitutional lawyers.

Economists differ; lawyers differ. No economist knows what is sound until it is tried out. No lawyer knows whether a law is constitutional until the Supreme Court of the United States has spoken. I am in favor of resolving all doubts about the bill in favor of the farmer.

Mr. President, in the midst of a great emergency a great people do not sit supinely down and let things take their course. A great and forceful nation takes action. We have talked for 50 years and done but little for the farmer. The emergency is here! It is greater than ever before. It is time for action. The bill before us is the only one that has any prospect of relief, and while it may not be perfect I believe it is the best that can be had. We should pass the bill or get something better and do it without further delay.

[At this point in the daily RECORD Mr. SHIPSTEAD inserted an Associated Press dispatch which, he stated, misrepresented his position on the McNary bill. Subsequently, on July 2, Mr. SHIPSTEAD stated that the Associated Press had made a reasonable effort to correct the error, and the Senate, on request of Mr. SHIPSTEAD, voted to strike the article from the permanent RECORD. See Senate proceedings of July 2.]

Mr. McNARY. Mr. President, the article in question offered by the Senator from Minnesota and read at the desk does him a great injustice. I am not criticizing the author of the article, who simply labored under a misunderstanding. There is no one in the Senate who has been more aggressive in his efforts to help agriculture than has the Senator from Minnesota [Mr. SHIPSTEAD]. As one who has the bill in charge, I want to say in justice to him that he has aided the committee and aided agriculture in every way he could whenever the problem of the farmer was before the Senate or before the committee for consideration.

Mr. President, I send to the desk a unanimous-consent agreement, which I desire to have read by the clerk.

The PRESIDING OFFICER. The clerk will read as requested.

The Chief Clerk read as follows:

Ordered, by unanimous consent, That on the calendar day of Monday, June 21, 1926, at not later than 3 o'clock p. m., the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (House bill 7893) to create a division of cooperative marketing in the Department of Agriculture, etc., through the regular parliamentary stages to its final disposition.

Mr. BRUCE. I object.

Mr. McNARY. Mr. President, may I inquire of the Senator from Maryland whether it is the particular form the proposal takes to which the Senator objects?

Mr. BRUCE. Mr. President, I will be perfectly frank with the Senator. There are very few bills that I should feel justified under any circumstances in trying to delay, but I want to have something more to say about the bill which is now before the Senate, and under the unanimous-consent agreement with reference to the limitation of debate I feel that I can complete what I have to say by taking my time on the various amendments. Therefore——

Mr. McNARY. I want to make this one observation to the Senator from Maryland. The agreement would give us all of Saturday and all of Monday up to 3 o'clock. The 15-minute rule prevailing would apply to every amendment save the one which is called the committee amendment. Therefore the Senator would have 15 minutes to discuss the various amendments as they come up.

Mr. BRUCE. Perhaps I do not understand the agreement. I spoke 30 minutes on the bill this morning and 15 minutes on an amendment.

The PRESIDING OFFICER. The Senator spoke 30 minutes on the bill, 30 minutes on the committee amendment, and 12 minutes on the Willis amendment.

Mr. BRUCE. I spoke about an hour and 12 minutes all together. As I understand it, I will have an opportunity to speak 15 minutes on each amendment that may be offered hereafter to the bill.

The PRESIDING OFFICER. That is correct; on each amendment as it is offered and becomes the pending amendment.

Mr. BRUCE. In that way I can step from one amendment to another and complete what I have to say in regard to the bill.

Mr. McNARY. Mr. President, let us not have a misunderstanding. That would give the Senator the opportunity, whenever he could get the floor between now and 3 o'clock Monday, to speak 15 minutes on each amendment. If amendments were proposed after 3 o'clock, or considered for the purpose of voting, the Senator would have no voice at that time.

Mr. LENROOT and Mr. BLEASE addressed the Chair.

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

Mr. McNARY. I do not want the Senator from Maryland to consent to a proposition which he does not understand.

Mr. BRUCE. I am not in the habit of doing that.

Mr. McNARY. I thought the Senator was about to retire without a full knowledge of the proposal.

Mr. BRUCE. I am much obliged to the Senator.

Mr. McNARY. After 3 o'clock on Monday, if an amendment were proposed to which a Senator wanted to object, he would have no opportunity to express himself. I want that to be clear to him.

I now yield to the Senator from Wisconsin.

Mr. LENROOT. Mr. President, may I suggest also that the Senator would not have any opportunity of speaking further upon the bill or any amendment, he having exhausted his original time, unless there happened to be an amendment offered to the committee amendment.

Mr. McNARY. I so stated. Mr. President, would the Senator from Maryland, in view of that situation, be content to vote at 4 o'clock on Monday?

Mr. BRUCE. I withdraw my objection.

The PRESIDING OFFICER. The unanimous-consent request made by the Senator from Oregon under the rule can not be submitted until after a roll call of the Senate has been ordered for the purpose of disclosing the presence of a quorum.

Mr. LENROOT. Mr. President, for the present I object, but I wish to make a suggestion to the Senator from Oregon.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Wisconsin?

Mr. McNARY. I yield.

Mr. LENROOT. I have no objection whatever to fixing a time, an earlier time if the Senator chooses, for a vote upon the pending amendment, nor have I any objection to fixing a very limited time for debate, say, five minutes, if the Senator chooses, upon amendments that may be offered, but it is not fair, Mr. President, absolutely to cut off debate and allow debate really only upon the pending amendment. There ought to be given a chance to explain an amendment that may afterwards be offered. If the Senator from Oregon should modify his suggestion so that there might be a vote upon the pending amendment, either at the time he has stated or earlier, I should have no objection to that.

Mr. McNARY. Does the Senator from Wisconsin mean by "the pending amendment" the amendment relative to striking out the words "and naval stores"?

Mr. LENROOT. No; I refer to the so-called McNary amendment. I should favor a vote on that, and then a limitation of debate, if the Senator chooses, to five minutes on amendments thereafter.

The PRESIDING OFFICER. The Chair reminds Senators who have the floor that the pending amendment is the so-called Willis amendment.

Mr. McNARY. I am conscious of that.

Mr. HEFLIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Alabama?

Mr. McNARY. I yield.

Mr. HEFLIN. Some Senators seem to think that they will not have an opportunity to say what they should like to say if the proposition of the Senator from Oregon shall be agreed to. If those Senators are not willing to agree to vote at 3 o'clock on Monday, why shall we not agree to vote at 3 o'clock on Tuesday?

Mr. McNARY. But that would not cover the point made by the Senator from Wisconsin [Mr. LENROOT].

Mr. LENROOT. I am willing to agree to vote to-morrow on the pending amendment, then have a five-minute limitation on debate thereafter, and get through before 3 o'clock on Monday.

Mr. BRUCE. Mr. President, of course, the Senator from Wisconsin is willing to agree to that, because he has had an opportunity to speak to his heart's content.

Mr. LENROOT. I have not spoken as long as the Senator from Maryland spoke.

Mr. BRUCE. The Senator from Wisconsin is mistaken as to that, I think, because he spoke at considerable length on yesterday.

Mr. ROBINSON of Arkansas and others addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon [Mr. McNARY] has the floor. Does he yield; and if so, to whom?

Mr. McNARY. Before yielding I desire to suggest a modification of my request. I suggest that we vote on the committee amendment at 3 o'clock on Monday, and that on all other amendments to the bill debate be limited to five minutes.

Mr. BLEASE. Mr. President——

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

Mr. McNARY. I yield first to the Senator from Arkansas [Mr. ROBINSON], who, I thought, desired the floor.

Mr. ROBINSON of Arkansas. I did want to interrupt the Senator from Oregon some minutes ago, but I think, perhaps, the debate has passed the point where my intervention can be of material value.

However, I wish to see an arrangement made for a vote on the pending bill, and I feel that nearly all Senators who desire to speak have exhausted their right to speak on the principal committee amendment. The Senator from Maryland [Mr. BRUCE] has done that, and, as I understand, he has also exhausted his right to speak on the pending amendment.

Mr. BRUCE. Except for five minutes.

Mr. ROBINSON of Arkansas. So, under the unanimous-consent agreement already in operation, so far as the Senator from Maryland and others similarly situated are concerned, they can only address themselves to such amendments as may hereafter be offered to the committee amendment. In all probability the unanimous-consent agreement asked by the Senator from Oregon would result in affording ample opportunity to the Senator from Maryland to discuss the matter as fully as he could do it under the present agreement.

I merely want to add that I myself should like to see a vote, if possible, earlier than is contemplated by the proposal of the Senator from Oregon. I do not know any reason why the Senate should not proceed to vote now on the proposition. I do not know of any Senator who desires to speak on the amendment, though there may be some who have not exhausted their right under the unanimous-consent agreement now in force.

Mr. McNARY. Mr. President, I will say to the Senator from Arkansas that there are yet two or three Senators who wish to speak.

Mr. ROBINSON of Arkansas. There is force in the suggestion made by the Senator from Wisconsin [Mr. LENROOT] that debate should not be foreclosed on amendments that may hereafter be proposed. If amendments are to be submitted, it would be unfortunate for the Senate to bind itself to vote on them without any discussion whatever of the amendments. But I believe that the Senator from Oregon can accomplish his purpose by asking unanimous consent to vote to-morrow on the principal committee amendment. I think the Senator from Maryland would not object to that because he, and perhaps I, and nearly all other Senators who desire to speak at all have exhausted their right to debate that amendment.

Mr. BRUCE. I will say that the Senate is perfectly aware of the fact that the opposition to this bill has been a little slow in expressing itself. The time of the Senate during the early stages of the discussion was taken up by the friends of the bill, and repeatedly, by unanimous consent, the time of speakers favoring the bill has been extended.

For instance, the time of the Senator from South Dakota [Mr. NORBECK] I think, was extended for as much as an hour, and he spoke on for a full hour, or an hour and a half, perhaps, after his time had become exhausted. Then, on yesterday, the Senator from Wisconsin [Mr. LENROOT] and other Senators who have spoken frequently in the course of the debate carried on quite a lengthy colloquy. I have no criticism whatever to make; but although I was on my feet and had obtained the floor, it made it quite impossible for me to speak at all. I feel that under the circumstances I have not had the opportunity to address myself to this bill that I might have been given.

Mr. ROBINSON of Arkansas. The Senator realizes that, except by special unanimous consent such as was accorded the Senator from South Dakota, which I would be perfectly willing to grant to the Senator from Maryland if he would like to have that consideration shown him——

Mr. BRUCE. I would.

Mr. ROBINSON of Arkansas. He can not debate the pending amendment any further. I should be glad to submit a request, supplemental to that proposed by the Senator from Oregon, that a vote be taken to-morrow or on Monday, if the Senator from Oregon insists upon making his proposal for Monday, the Senator from Maryland to be granted such reasonable time as he may desire.

Mr. BRUCE. I would not care for more than half an hour.

Mr. ROBINSON of Arkansas. Then that the Senator from Maryland be allowed half an hour.

Mr. BRUCE. I will be content with that.

Mr. NORRIS. Mr. President, will the Senator from Oregon yield?

Mr. McNARY. I yield.

Mr. NORRIS. I have always felt that it was a very unwise proceeding to agree to a definite time to close all debate. I myself have not used any time on this amendment. I think I should like to have half an hour, but I am not particular as to that and would not object on that account. However, I wish the Senator from Maryland to have such time as others have had.

Mr. BRUCE. That is very kind of the Senator.

Mr. NORRIS. I do not want to cut him off. My own idea is that debate is about exhausted; that most of the Senators who have talked on this amendment have used their time. I am one of the few who have not used any time on the amendment, and I should like to say something in reply to some of the arguments which have been made against the committee amendment.

I wish the Senator from Oregon would submit a request which would have the effect, instead of fixing a time to close debate, of shortening the time. We all realize, I think, that when the pending amendment shall be voted on the debate on this bill will be practically over.

The principal subject of contention here is the pending amendment. I suppose it will hardly take an hour to complete the consideration of this bill when we dispose of the pending amendment.

Mr. McNARY. I would remind the Senator from Nebraska that the pending amendment is the naval stores amendment.

Mr. NORRIS. I was referring to the committee amendment.

Mr. ROBINSON of Arkansas. The Senator from Nebraska means the principal amendment reported by the committee.

Mr. NORRIS. That is correct. I am perfectly willing, so far as I am concerned, as to those Senators who want to use a half hour on the committee amendment, to permit them to use it, and then to limit debate to five minutes, if that is desired, particularly on all amendments to the amendment and all other amendments to the bill. For instance, in the case of the naval stores amendment which is pending now, we had perhaps three or four days' hearings before the committee on those two words; the hearings on that subject were exhaustive; I have read them all, and, so far as I am personally concerned, I would be ready to vote at any time on that amendment. But other Senators, I understand, do not feel that way.

Mr. ROBINSON of Arkansas. Why can we not vote on that amendment now?

Mr. NORRIS. Let us vote on it now.

Mr. ROBINSON of Arkansas. In that way we will clear the atmosphere and then can make an arrangement as to voting on the principal committee amendments.

Mr. McNARY. Of course, that could be done, but it would postpone the time when we would settle the larger questions. We are not ready to vote on the naval stores amendment, as there are two or three Members of the Senate who have signified a desire to debate the subject. I was impelled principally to submit the request for unanimous consent because a number of Members of the Senate want to be out of the city now and then, but they desire to be present when the Senate shall vote, and they are anxious that a definite time more or less shall be set for voting on the committee amendment.

Mr. ROBINSON of Arkansas. I wonder if the Senator from Maryland and the Senator from South Carolina, who indicated that he would prefer an earlier vote, would be willing to agree to the arrangement suggested by the Senator from Oregon, and also by the Senator from Nebraska, modified so as to call for a vote on the principal amendment reported by the committee at not later than 3 o'clock on Monday, and extending to the Senator from Maryland the privilege of a half hour during the period intervening.

Mr. NORRIS. Mr. President, I should like to have the agreement provide, instead of fixing a definite time to vote, that, after the Senator from Maryland shall have had half an hour all the debate on it shall cease.

Mr. LENROOT. I remind the Senator from Nebraska that the Senator from Iowa [Mr. CUMMINS] wishes to speak.

Mr. NORRIS. I am reminded that the Senator from Iowa wishes to speak, and I also understand that the Senator from North Carolina [Mr. SIMMONS] desires to address the Senate, and I think I myself after they shall have spoken should like to make a few remarks. Why not do this: Let us limit all debate on the amendment, say to 10 minutes? That would shorten the time.

Mr. McNARY. The limit is 15 minutes now. It would not shorten the debate very much.

Mr. ROBINSON of Arkansas. Mr. President, I do not think it worth while merely to reduce by five minutes the limitation already in force. I think it would be wasting energy to do that.

Mr. NORRIS. Mr. President, I should dislike to get into the dilemma of having amendments offered to the committee amendment after the time for debate has been exhausted so that the Senate would be compelled to vote on such amendments without any debate or explanation.

Mr. ROBINSON of Arkansas. May I suggest to the Senator from Oregon, in view of the remark made by the Senator from Nebraska, which is forceful, that he modify his request so as to provide that not later than Monday at 3 o'clock the Senate shall vote on the principal amendment reported by the committee and all amendments thereto which may be pending, and that, if further amendments shall be offered to the bill, a limitation of, say, 10 minutes on each address shall be prescribed. That would bring the vote on Monday before adjournment, and enable Senators to know that the principal vote would be taken on Monday at about 3 o'clock.

Mr. McNARY. That would be agreeable to the Senator from Oregon.

Mr. ROBINSON of Arkansas. I will say to the Senator from Nebraska that there is some advantage in fixing a definite time for voting on a question that has been strongly opposed here, because Senators who are anxious to be present when the vote is taken and who might otherwise be absent can arrange to be present at the time if they know when the vote is to be taken.

Mr. NORRIS. I myself should like to vote just as soon as possible, but I should dislike to have the Senator's suggestion carried out to fix a definite time, in view of the fact that numerous amendments might be offered which have not been printed or considered in any way, and which under such an arrangement could be taken up and voted on, as I understand the suggestion, without debate.

Mr. CURTIS. No time would be allowed between now and Monday at 3 o'clock to offer any amendment which it was desired to offer, and then one offered at 3 o'clock may be debated for 10 minutes.

Mr. NORRIS. I simply want to call attention to this phase of the matter: The amendment that was suggested yesterday by the Senator from Idaho [Mr. BORAH] appealed to a great many Senators. A great many of them saw me and said: "Let us accept that amendment. That will make a voluntary affair of the whole thing, and there can not be any objection to it." Speaking only from my viewpoint—and of course I can not speak from that of anybody else—the heart would have been taken out of the proposition if that amendment had been agreed to. I think it would have been absolutely fatal to the bill. I would rather not have any bill at all than to have one with that amendment in it. It would ruin the bill. Speaking only from my viewpoint, I should hate to be in a position where we would have had to vote on that amendment without any explanation whatever of it, or any opportunity to do what I believe amounts to exposing the evil of it. I do not want to put an important measure of this kind in such a position that that might happen; that is all. I am willing to limit the debate to five minutes, if that is desired.

Mr. GOODING. Mr. President, I am going to ask the Senator from Oregon [Mr. McNARY], who is in charge of this bill, to make the hour 4 o'clock. I have taken some interest in this bill, as I think all Senators know; and I know of a number of Senators who have not yet discussed the bill for the full length of time who desire to do so. The Senator from North Carolina [Mr. SIMMONS], the Senator from Iowa [Mr. CUMMINS], and the Senator from Indiana [Mr. WATSON], who has not discussed it since the limitation was put on debate, will want to discuss it again; and there are others. If we can have until 4 o'clock Monday, I am quite willing to accept the agreement on those terms. It will make only one hour difference, but it will give us more time on Monday.

Mr. McNARY. Mr. President, may I ask what was the proposal of the Senator from Nebraska?

Mr. NORRIS. Why does not the Senator from Oregon suggest that after a certain time all debate be limited to 10 minutes on the bill and 10 minutes on any amendment? That will shorten it.

Mr. McNARY. That would be, perhaps, preferable to the present situation.

Mr. NORRIS. Put that time in advance, so that those like the Senator from Maryland [Mr. BRUCE] will have all the time they want.

Mr. McNARY. The only trouble is, I want to say to the Senator from Nebraska, that that does not apprise those who want to be here of the probable date on which the vote will be taken.

Mr. NORRIS. After the limitation of five minutes is fixed——

Mr. McNARY. Ten minutes, the Senator said.

Mr. NORRIS. Or 10 minutes; it will not be long until the measure will be voted on, and everybody will be here to hear the debate.

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

Mr. McNARY. I yield to the Senator from Tennessee.

Mr. McKELLAR. Why would it not be better to limit the unanimous-consent request to voting on the principal amendment on Monday and leave the rest just as it is? Then, when that amendment is voted on, it will not be long before the rest of the bill is disposed of.

Mr. McNARY. That is one of the suggestions made a few moments ago and which found opposition.

Mr. ROBINSON of Arkansas. Mr. President, so far as I am concerned I am perfectly willing to agree to the suggestion made by the Senator from Nebraska——

Mr. McNARY. I am willing to do that.

Mr. ROBINSON of Arkansas. Beginning on Monday, to impose a limitation that no Senator shall speak more than once or longer than 10 minutes on the bill or any amendment that is pending or that may be proposed.

Mr. GOODING. Mr. President, I shall have to object to that.

Mr. McNARY. To be effective at the hour of 4 o'clock.

Mr. ROBINSON of Arkansas. Very well, Mr. President; if the Senator from Idaho feels that he can not agree to something like that, I think we had better go on with the debate. I think probably we could have approached a conclusion of it.

Mr. GOODING. I am ready to limit debate after 4 o'clock Monday. I am sure there are Senators who are anxious to discuss the bill who will take up all of that time. There is nothing unreasonable about that. I surely do not intend to be at all unreasonable in the matter.

Mr. BRUCE. Mr. President, all I ask is that I be allowed the privilege of extending my remarks for half an hour.

Mr. ROBINSON of Arkansas. Mr. President, I ask unanimous consent that the Senator from Maryland may have extended to him the courtesy of being permitted to consume half an hour in addition to the time he has already consumed.

The VICE PRESIDENT. Without objection, consent is granted.

Mr. WILLIAMS. Mr. President, I desire to say a few words with respect to the pending amendment. I understand the pending amendment is one which seeks to strike out the two words "naval stores" on line 6, page 1, of the pending bill.

I have three objections to the inclusion of the words "naval stores."

My first objection to those words is that the term itself, "naval stores," means turpentine and rosin, and that neither turpentine nor rosin is a farm product.

My second objection to the inclusion of the words in the bill is that naval stores are a by-product of the timberlands of the South and that naval stores are closely controlled by the interests spoken of by the senior Senator from Ohio [Mr. WILLIS] in his speech yesterday.

My third objection to the inclusion of these words is to be found in the provision of section 5 of the bill, on page 4. That section reads as follows:

> Persons engaged, as original producers of agricultural products, such as farmers, planters, ranchmen, dairymen, nut or fruit growers, acting together in associations, corporate or otherwise, in collectively processing, preparing for market, handling, and marketing in interstate and/or foreign commerce such products of persons so engaged—

And here come the moving words—

> may acquire, exchange, interpret, and disseminate past, present, and prospective crop, market, statistical, economic, and other similar information by direct exchange between such persons, and/or such associations or federations thereof, and/or by and through a common agent created or selected by them.

Mr. President, I doubt if there is an open-price association in the United States that would not regard the liberty to use prospective market information in exchange among themselves, and have that prospective information disseminated among themselves as members of such an association, as a privilege for which they would be willing to pay very dearly. It means that the manufacturers of naval stores and their products—naval stores being a by-product of timber—could, through these associations, use these prospective market reports, this prospective information as to what they were going to charge for naval stores, so as to control absolutely the price of naval stores, which is not a farm product.

This is a much broader provision than the privilege which is extended under the Capper-Volstead Act. Under that act it is permissible for those engaged in the production of farm products to enter into associations, and those associations are subject to the examination of the Secretary of Agriculture; and if the Secretary of Agriculture shall condemn or denounce such an association, then it becomes subject to be considered by the Department of Justice.

I respectfully submit, Mr. President, that these two words are not responsive to the broad provisions of this bill as including what are usually known as agricultural products grown on the farm.

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

Mr. WILLIAMS. Certainly.

Mr. TRAMMELL. On page 2 of the bill, where it refers to farm products and manufactured products thereof, does the Senator think that manufactured products of farm products should be included within the provisions of the bill?

Mr. WILLIAMS. That comes within the merits of the bill itself.

Mr. TRAMMELL. Would not that include the canned-meat products, for instance, that are made in the Senator's State?

Mr. WILLIAMS. It might.

Mr. TRAMMELL. Would not that broad language include the products of corn and wheat and other cereals, in the nature of rolled oats, and different products of that character?

Mr. WILLIAMS. Let us assume that it would. That, however, goes to the merits of the bill itself and does not affect the particular merits of the pending amendment, which is directed only at this one product, naval stores, which is not a farm product as that term is known and understood in the bill.

Mr. TRAMMELL. It does not go, of course, to the merits of the particular amendment, except that it has a bearing upon it as showing the extent to which this bill operates.

Mr. WILLIAMS. Yes; I admit that the bill goes to a great extent in those particulars.

Mr. TRAMMELL. It reaches out and includes manufactured products that are manufactured from farm products.

Mr. WILLIAMS. We shall have to vote on the bill later.

Mr. McKELLAR. Mr. President, there is no Member of this body for whom I have a greater admiration than I have for the distinguished Senator from Montana [Mr. WALSH]. There is no lawyer of my acquaintance for whose legal abilities I have greater respect than I have for the legal abilities of the Senator from Montana, who is known by us all to be a really and truly great lawyer; and it is with some diffidence that I find myself compelled to differ upon a legal opinion offered by my very greatly esteemed friend from Montana.

Day before yesterday, however, the Senator from Montana made a statement about the constitutionality of this bill in which I find myself utterly unable to concur. The Senator from Montana thinks this bill is unconstitutional. I do not agree with him. The Senator from Montana cites certain cases as holding, in his judgment, that it is unconstitutional. I do not think that those cases sustain the position of my distinguished friend; and, very briefly, I want to discuss those cases.

The Senator from Montana had this to say on Wednesday:

> If the general revenues of the Government were increased by additional taxes to the extent of the amount by which the income of the producers of wheat would be enhanced by the operation of the proposed law, and such increased revenue were paid out ratably to them as a bounty, the result would be identical with that anticipated under such a law. It is immaterial, however, whether this is or is not the proper view to take of the proposal. It is sufficient for the solution of the question before us that the public funds are to be utilized to accomplish the end proposed.
>
> That a law for the payment of a bounty direct to producers is violative of constitutional principles is settled past all reasonable doubt.

The first case the Senator cited to uphold his view that this bill is unconstitutional was the case of the Loan Association *v.* Topeka (20 Wallace, 655). I do not think an examination of that case supports that view. Let us see for a moment what that case was.

The Legislature of Kansas authorized the cities of Kansas to issue bonds under certain circumstances. Those circumstances were "for the purpose of building bridges, aiding railroads, water power, or other work of internal improvements."

Acting under that authority, the city of Topeka issued bonds for the purpose of bringing a bridge company to Topeka. The Supreme Court of the United States held, in a divided opinion, that that was not a public purpose.

Mr. President, what similarity has that to the case we are now considering? Here is a measure that is offered for the stabilization of prices in a great industry, the greatest industry we have in the United States of America, the farming industry. It applies directly to almost one-third of our entire population. It applies directly to every single member of our population, because every citizen of the United States is interested in what happens to the farming industry of this country.

Yet it is said by my distinguished friend that it is a case similar to that where a city council issues bonds to induce some company away from the city to come to that city and establish its plant; that if that is not a public purpose, then it is not a public purpose for the Congress to aid in the stabilization of the entire farming industry of the United States. I am utterly unable to see the similarity between the two cases. I do not believe they have the remotest connection. I do not believe that is an authority at all in the present case.

I refer to the next case cited by my distinguished friend. It is the case of Parkersburg *v.* Brown (106 U. S. 487). In that case the Legislature of West Virginia authorized the city of Parkersburg to issue its bonds for the purpose of lending the proceeds of the bonds to persons engaged in manufacturing. The Supreme Court of the United States, in an opinion by Mr. Justice Blatchford, held that that was not a public purpose.

Think of the case for a moment, Senators; and I am especially addressing myself to those who are lawyers. The legislature authorized the city of Parkersburg to issue its bonds to get certain people who were engaged in manufacturing to come to the city of Parkersburg, and it was held that that was not a public purpose, and upon the authority of that case it is now argued that a bill for the purpose of better establishing

cooperative marketing in the United States, and for the purpose of stabilizing prices of six of the great fundamental agricultural products, if I may so speak of them, has not a public purpose, and is therefore not constitutional.

Mr. President, with the greatest respect for my learned friend, I can not believe that case is an authority upon which our Supreme Court would hold that this bill, the purpose of which is to aid in the stabilizing of prices of farm products for a hundred million and more American people, is unconstitutional.

Can it be said that an appropriation having for its purpose the regulation of a great national industry is on a parity with authority to issue bonds to induce manufacturers to locate in a town? Is it possible that because our Supreme Court held that it was not a public purpose when a town like Parkersburg, W. Va., or Topeka, Kans., wanted to induce people to come to those towns, holding that it was unconstitutional for them to issue their bonds, even though they were authorized by their legislatures to do so, that it would hold that this bill is unconstitutional? Can that possibly be an authority under which the Supreme Court of the United States would hold that this measure, applying to all the farmers of this country, nearly one-third of our population, and indirectly to all of our people, did not have a public purpose? I can not believe that our courts would go to any such extent as that.

If the learned Senator's argument is correct, based upon these cases, then surely Congress would have little right to appropriate money at all. Certainly its appropriations would be tremendously circumscribed if that doctrine were correct. If it is unconstitutional for the Congress to appropriate money to aid in establishing a system of marketing of these great crops, how can it be held constitutional to appropriate money to furnish better seed for crops; or to eradicate the boll weevil, so that the destruction of crops may be prevented? Heretofore we have appropriated money to make exhibits at State fairs, to provide for national dairy shows, for establishing agricultural stations in Alaska, Hawaii, and Porto Rico; for the requisitioning of sugar; for information about marketing, about distributing, and supply; for studies to prevent deterioration in storage; for investigating transporting and marketing; for cooperative soil classification, and for hundreds of such purposes, as we all know.

If the rule announced by my distinguished friend is correct, every one of those measures is clearly unconstitutional, and the Congress is appropriating money daily by unconstitutional measures.

If it is not a public service to appropriate for stabilizing prices of farm products, and for encouraging farm marketing, how can appropriations for the things I have enumerated be held to be constitutional? There is now a bill before the House—I am not sure whether it has been reported to the Senate or not—the purpose of which is to appropriate $200,000,000 to build the great Boulder Dam, in Colorado, and of course we know that is to be turned over to a private corporation after it is built. How can that be called a public purpose, if this is not a public purpose?

A few days ago the Secretary of the Treasury had something to say about the unconstitutionality of this measure, I suppose taking the position that it was not a public purpose. It has not been three months since the Secretary of the Treasury sent a bill to the House, with his approval, authorizing the appropriation of $190,000,000 to pay the debts of Germany. Was it for a public service? It was for the purpose of paying the debts which Germany owed to private American citizens. Is it possible that a bill to appropriate $190,000,000 for the purpose of paying debts due by a foreign government to private citizens in America is constitutional, and yet a bill to provide for better farm marketing and for the stabilization of prices of our own 30,000,000 farmers in this country is unconstitutional?

Oh, Senators, when we put our minds on it, we must realize that we will almost have to quit legislating if the doctrine that has been announced is correct—that this bill is unconstitutional.

But, Mr. President, we do not have to leave it in this shape. We have the opinions of the highest court in the land, and its latest opinion is that such a measure as this bill is constitutional. I want to call the Senate's attention to a case which I think has been mentioned here before, a very recent case, known as Massachusetts against Mellon, reported in 262 United States, 457. I quote first from the argument of the counsel of the Government in the case, an argument that was in a very substantial effect upheld by the Supreme Court. This is what counsel had to say:

The overwhelming weight of authority shows that such is the extent of the power of Congress to appropriate money for the general welfare.

From the earliest days of our country's existence statesmen have recognized in their public utterances this broad scope of the power to appropriate for the public welfare; Congress has recognized it in innumerable appropriations of money and property aggregating in value billions of dollars; and those appropriations have never been successfully challenged in this court.

Hamilton: Opinion to Washington, Hamilton's Works, Lodge's ed., III, pp. 179, 217; Report on Manufactures, ibid., pp. 294, 371, 372. Washington: Story Const., 5th ed., note to Sec. 978; First Annual Message, Richardson, Messages and Papers of the Presidents, I, 66; Eighth Annual Message, ibid., 202. Madison: Federalist, No. 41; Richardson, op. cit., II, 485, 568; ibid., I, 410. Calhoun: IV Elliot's Debates, 2d ed., p. 431, note; Benton, Abridgment, V, 706, 707. Tucker: Am. State Papers, Misc., II, 443, 446, 447. Monroe: Richardson, II, 142, 144, 162–164, 166, 173. John Quincy Adams: Inaugural Address, Richardson, II, 298; First Annual Message, ib., pp. 306, 307, 311–314; Letter to Stevenson, July 11, 1832. Story: Const., 5th ed., sec. 991, 923, 924. Pomeroy, Intro. Const. Law, secs. 274, 275; Hare, Am. Const. Law, 245, 246; Willoughby, Const., Sec. 269; Burdick Am. Const., Sec. 77; Corwin, Harv. Law. Rev., March, 1923, pp. 569, 575, 577, 584.

XI. This court has never rendered a decision adverse to such an interpretation of the general welfare clause. Field *v.* Clark, 143 U. S. 649; United States *v.* Realty Co., 163 U. S. 427; Allen *v.* Smith, 173 U. S. 389.

XII. From the earliest years of the country's history Congress has repeatedly made appropriations relating to subject matters which it is not entitled to regulate.

The Constitution was so interpreted by the First Congress, and it has been so interpreted in innumerable instances since then.

Such precedents are so numerous and extend to such an early date as to be entitled to binding force in this court. Stuart *v.* Laird, 1 Cr. 299; Note by Cooley to Story on the Constitution, sec. 311. See also United States *v.* Midwest Oil Co., 236 U. S. 459, 472, 473; Martin *v.* Hunter's Lessee, 1 Wheat. 352; McCulloch *v.* Maryland, 4 Wheat. 401; Field *v.* Clark, 143 U. S. 691; Downes *v.* Bidwell, 182 U. S. 286; Ogden *v.* Saunders, 12 Wheat. 290.

These contentions were all substantially upheld by the opinion of the court delivered by Mr. Justice Sutherland on page 478 and following. The court held, in effect, that the maternity act of November 23, 1921, was constitutional and at all events that the appropriations made thereunder were constitutional.

Mr. CARAWAY. Mr. President——

Mr. LENROOT. O, Mr. President, is not the Senator entirely mistaken in his statement about the maternity act? I wish the Senator were correct, but the court only held in that case that the court would not take jurisdiction.

Mr. McKELLAR. It upheld it, and the maternity act is the law.

Mr. WALSH. Oh, let us get the matter straight. The court declined to pass on the question as to whether the act was or was not constitutional. It said the question could not be raised either by the State of Massachusetts in its own right or as representing its people, nor by a private citizen of Massachusetts.

Mr. McKELLAR. The act is still in existence, and it has gone to the Supreme Court, and it is the law of the land, and we need not bother about the words used by the court in deciding it. It is sufficient for all practical purposes that when the lawsuit was finally ended in the Supreme Court it was the law of the land. The act was appealed; and if appropriations made for the maternity act are constitutional, which I remember were denounced on the floor of the Senate as unconstitutional by many great constitutional lawyers, it is still the law, and it has gone to the Supreme Court; and whatever may be the technical view about the opinion, in the actual decision the Government was upheld in its contention.

Mr. CARAWAY. And they are still spending money under it.

Mr. McKELLAR. Yes; they are still spending money under it, and the Congress is still appropriating money to carry out its provisions. I beg the Senator's pardon, I should have yielded to him before.

Mr. CARAWAY. I merely wanted to inquire, if the bill is unconstitutional, under what provision of the Constitution did we appropriate money to buy wheat to give to farmers in the Senator's own State and others to sow two or three years ago?

Mr. McKELLAR. The question answers itself. It is not a public purpose to help the farming industry, in which every man, woman, and child in America is interested, but it is a public purpose to appropriate $20,000,000 for the people in Russia, as we have done, or $100,000,000 for the people in Czechoslovakia and Poland and in other near East countries. It is a doctrine which, I regret to say, is getting exceedingly

popular in this country. It is all right to give to foreign countries the money raised by taxation upon the American people. We have given them some $4,500,000,000 recently. But when it comes to legislating for the American farmer the shout goes up, "Oh, it is unconstitutional; it is unconstitutional! I can never bring myself to vote for it, because it is unconstitutional."

Mr. President, there is rarely brought up in the Congress a bill of real merit that some one does not assert its unconstitutionality, yet few are declared unconstitutional. And yet not a decision has been suggested from any court upholding the claim made that this bill is unconstitutional.

But it is said that even though it may be constitutional under the general welfare clause to appropriate money which the Government appropriates direct, that the equalization fee which is provided, the charge which is provided in the bill to be raised by the farmers hereafter is unconstitutional, that we are not making the tax uniform, that for some vague and uncertain reason it is contrary to the Constitution. Fortunately, Mr. President, we have a decision on that proposition which is not hard to find. Our Supreme Court has passed on that question. I want to read from what was known as the Head-money case, in 112 United States, page 580. That case arose out of an act which was passed regulating immigration. I can perhaps state its purpose better by reading just a short excerpt from it:

The act of Congress of August 3, 1882, "To regulate immigration," which imposes upon the owners of steam or sailing vessels who shall bring passengers from a foreign port into a port of the United States a duty of 50 cents for every such passenger not a citizen of this country, is a valid exercise of the power to regulate commerce with foreign nations.

Further, in the syllabus of the case, the court said:

A tax is uniform, within the meaning of the constitutional provision on that subject, when it operates with the same effect in all places where the subject of it is found, and is not wanting in such uniformity because the thing taxed is not equally distributed in all parts of the United States.

As I understand the position of my friend from Montana, it is that not only are the appropriations proposed to be made by this bill out of the Treasury of the United States unconstitutional, but the equalization fees provided are unconstitutional and void. These cases grew out of a statute passed in 1882 providing:

That there shall be levied, collected, and paid a duty of 50 cents for each and every passenger, not a citizen of the United States, who shall come by steam or sail vessel from a foreign port to any port within the United States.

The act further provided:

The money thus collected shall be paid into the United States Treasury, and shall constitute a fund to be called the immigrant fund, and shall be used, under the direction of the Secretary of the Treasury, to defray the expense of regulating immigration under this act, and for the care of immigrants arriving in the United States, for the relief of such as are in distress, and for the general purposes and expenses of carrying this act into effect.

I stop here long enough, Mr. President, to say: Is it possible that our courts will hold an act to care for immigrants arriving in the United States, and for the relief of such as are in distress, is a public purpose, and that the stabilization of farm prices and the aiding of cooperative marketing of farm products, is not a public purpose? Why, it seems to me, Mr. President, that when this immigration act was upheld as constitutional and as being for a public purpose, there could be no question about the appropriation for stabilization of farm prices being a public purpose.

It was claimed in that case that the tax was not levied to provide for the common defense and general welfare of the United States, and that it was not uniform throughout the United States, as required by the Constitution. After disposing of the main questions in favor of the act, the court said:

Other objections are made to this statute. Some of these relate, not to the power of Congress to pass the act, but to the expediency or justice of the measure, of which Congress, and not the courts, are the sole judges—such as its unequal operation on persons not paupers or criminals, and its effect in compelling the ultimate payment of the sum demanded for each passenger by that passenger himself. Also, that the money is to be drawn from the Treasury without an appropriation by Congress. The act itself makes the appropriation, and even if this be not warranted by the Constitution, it does not make void the demand for contribution, which may yet be appropriated by Congress, if that be necessary, by another statute.

And the act was upheld.

Oh, yes; it is perfectly constitutional, Mr. President, to put on an equalization fee for the benefit of persons of foreign birth coming into the United States unlawfully, and looking after them and caring for them while they are here. Oh, yes; that is a perfectly proper and constitutional exercise of power. But when somebody proposes an equalization fee for the benefit of our greatest industry, the farming industry, it is said to be unconstitutional and void. It is all right to raise taxes to look after the foreigner who comes within our borders, even though we are going to send him back, to care for him in his sickness and pay his way back; but if he happens to be an American farmer, the Congress is powerless to help him. It is said that the Constitution forbids Congress to help the American farmer, but it is mighty kind to the indigent citizens of other countries who come over here unlawfully.

I am constrained to believe that the equalization fee provided for in the bill is perfectly constitutional. There are other decisions in this country from other courts and from our own Supreme Court. There is one from North Carolina upholding an equalization fee of this kind or a license fee. Our own Supreme Court has upheld it. Why is it? The steamship companies raised the question of the unconstitutionality of the head money cases. They raised the question, and I expect some of the great interests in the country will raise the question of the constitutionality of the pending bill if it is passed. But if we are to take the decisions of the greatest court in our land, and in my judgment the greatest court that sits under the sun, we can be assured that the Congress has the constitutional right to legislate in this matter. I am convinced that this bill is constitutional and I shall support it with all the vigor of which I am capable.

The VICE PRESIDENT. The time of the Senator from Tennessee on the bill has expired.

Mr. ASHURST. Mr. President, I have received a wireless to the effect that an adjournment is being planned. The Senate should not adjourn until we shall have disposed of the following: The pending bill, the radio bill, the river and harbor bill, the bill (H. R. 12175) to amend the World War veterans' act of 1924, the bill making eligible for retirement former officers of the Army, being S. 3027, introduced by the Senator from Tennessee [Mr. TYSON].

The deficiency bill must be passed; the pension bills and, indeed, other important matters must be disposed of. Referring to House bill 12175, to amend the World War veterans' act of 1924, I ask at this juncture to print in the RECORD as a part of my remarks a letter from Mr. John J. Cochran, secretary to the Hon. HARRY B. HAWES, a Member of the House of Representatives.

The VICE PRESIDENT. Without objection, it is so ordered.

The letter is as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., June 17, 1926.

Hon. HENRY F. ASHURST,
United States Senate.

MY DEAR SENATOR: Dying of a cancer of the throat, and with three months at the longest to live, a deserving veteran of the World War made me promise him to-day that I would bring his case to your attention. His name is August Dabrowski, and his case comes to the Senate almost from his deathbed. He would appeal to you in person, but for several years has been unable to speak, due to his affliction.

Dabrowski is at the Walter Reed Hospital, and he is deprived of compensation, although the Veterans' Bureau admits his disability is service connected, due to section 206 of the veterans' law, which provides evidence of a service-connected disability must be presented by June 7, 1925.

There has just been reported to the Senate a House bill providing for various amendments to the veterans' law. The House unanimously agreed to repeal section 206, but the Senate committee struck out this provision.

Dabrowski, born in St. Louis, a volunteer, served 14 months, over a year in France. He suffered from a throat affliction while in the service. A shoe worker by trade, he resumed his occupation after discharge and continued to work until he lost his voice in 1924.

The doctors did not know the nature of his trouble, some insisting he had tuberculosis. About a year ago a specialist, after months of treatment, pronounced his disability as carcinoma of the larynx, and this has since been verified.

When he filed his claim for compensation, which was within the time limit, he stated he had been treated while in the service. The Veterans' Bureau did not advise him the records of the War Department failed to show this treatment.

He came to Walter Reed Hospital several months ago for treatment and was sent to me. I appeared before the rating board in his behalf,

and they denied him compensation because the report from The Adjutant General failed to show the treatment.

The medical officer who treated him was Maj. Frank Richard Nothnagle, of Chester, Pa. I secured his name from Dabrowski, his address from the War Department, and wrote him. He replied immediately with a lengthy affidavit showing treatment for five months for chronic laryngitis. When I filed this affidavit the Veterans' Bureau admitted service connection but added they could not consider it as it was filed after June 7, 1925.

Therefore the man is deprived of compensation with an established service disability because the record of treatment was lost and because of section 206 of the present law.

The Senate committee in its report amends section 209 of the act, extending the time for accepting an application by the director to five years; but when it retains section 206 in the law it says to the veteran or his dependent, you may file an application and present evidence of a service-connected disability, but while your application can be accepted your evidence can not be considered, because it was filed after June 7, 1925.

Dabrowski has been forced to raffle his personal effects in order to secure money for his needs other than those supplied by the hospital. He recently raffled off his watch.

The doctors told me he could not possibly live longer than 14 months from the time cancer was noted. Cancer was noted about 11 months ago.

He has a tube in his throat. He is rated total and permanent for insurance purposes only, but having neither father nor mother he let his insurance lapse.

Under the rating he will receive about $1,000 back compensation if section 206 is repealed. If this section remains in the law, he will never receive compensation, although the bureau admits his disability is service connected.

I am sure you will agree the loss of official records should not deprive this boy of his compensation, but it does, coupled with section 206 of the present law. I have prosecuted the case from every angle, but section 206 always stood in the way of a favorable decision.

On behalf of this young man, as well as other veterans directly affected by section 206, I will greatly appreciate it if you will give this matter your attention, and hope in the end the Senate will repeal this section.

Sincerely yours,

JOHN J. COCHRAN,
Secretary Hon. Harry B. Hawes.

Mr. ASHURST. Mr. President, before I venture further upon the sea of discussion let me say that the Democratic Party has been most fortunate in having for our leader the able Senator from Arkansas [Mr. ROBINSON] and I hope that as long as I am in the Senate he will be the Democratic leader unless he be transferred to a higher position; and he would fill any position in American public life with the greatest honor to himself and to the country.

Mr. President, I have listened respectfully to the arguments that have been made for and against the pending bill. I would cut a poor figure if I placed my judgment on a question of constitutional law against that of the able Senators who have argued that this bill is unconstitutional. Mr. President, I am convinced that the bill is constitutional. There is, however, another great question we must consider. We have not finished when we have determined the bill to be constitutional. We must ascertain whether or not it is institutional. It is indeed institutional.

The Senators who discussed the constitutionality of this bill rendered their country a service, no matter what side they took, because this is a forum where such questions ought to be examined. I believe that a Senator who would sit here and permit a bill to pass which he thought was unconstitutional without lifting his voice in debate would be guilty of some remissness. So I am not vexed because some Senators—and among them some of the most able Members of this body—have reached the conclusion that the bill is unconstitutional. For their opinions I have much respect, but I have equally as much respect for my own opinion. No man more than myself respects the Supreme Court of the United States. It deals with the ever-present and complex problems of 48 sovereign States. But, Mr. President, a certain Mr. Dooley once said the Supreme Court follows the election returns; in other words, the Supreme Court of the United States properly believes that the Constitution is a living, breathing, vital human document marching forward in step with the material advance of the people. At this point I ask the Secretary to read a telegram from the Arizona Pima Cotton Growers' Association in respect to the pending bill, the McNary-Haugen bill.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The legislative clerk read as follows:

PHOENIX, ARIZ., *June 15, 1926.*

HENRY F. ASHURST,
United States Senate, Washington, D. C.:

We favor the McNary bill as carrying revolving fund, equalization fee, and Federal farm board as originally provided in Haugen bill as amended by American Cotton Growers' Exchange committee. Do not favor restrictions and amendments and provisos, which would hamper prompt and free action by farm board when action is needed. We are not asking subsidies or bounties or price fixing, but are demanding that agriculture be given a chance to have tried out a practical economically sound plan of handling temporary price-devastating surpluses so as to equalize supply and demand over a reasonable period of years. This we believe the farm board bill as approved by the executive committee of twenty-two will accomplish.

ARIZONA PIMA COTTON GROWERS.

Mr. ASHURST. Now, Mr. President, let us explore for a moment and see what this Congress has been doing. We have appropriated millions of dollars for various projects which are worthy, no doubt—at least I have thought many of them worthy of my vote.

Within the past few weeks in the Southwest where we have begun to produce cotton the Thurberia weevil has made itself manifest. It is a weevil which heretofore has attacked only wild cotton. It has been now discovered that this Thurberia weevil may remain dormant for a year, and that its host heretofore has been wild cotton, but it is feared that it may attack the domestic or cultivated cotton. The States of New Mexico and Arizona and Texas have asked for an appropriation of about $70,000 to eradicate this Thurberia weevil, but we are told by certain responsible men—not in this branch of Congress but in another branch of Congress to which I am not under parliamentary rules permitted to refer—that we shall not have $70,000 for the "purpose of digging up the sagebrush in western Texas, New Mexico, and Arizona." That is the cavalier manner in which we are about to be turned aside.

We are not asking funds with which "to dig up the sagebrush" in western Texas, in New Mexico, and Arizona. We are asking a relatively small appropriation in order to save an important industry. I must, however, advert now to the pending bill, the McNary-Haugen bill.

Mr. President, we can not allow the farming industry to go into bankruptcy, because its bankruptcy would mean national disaster. The proposition is too fundamental to require much argument and the peril is too widespread to be disputed. Speaking generally, agriculture has reached a point where farming does not represent a living but a loss, and the farmer's work benefits everybody but himself.

The farmer is the only absolutely essential man in the world. The human race could exist without the apparatus of opulence and without any of the appliances of what we call civilization—without banks, without railroads or steamboats, without trade or commerce. Of course, it would be an almost intolerable existence, but, nevertheless, the human race could exist. But without food, great cities and towns and the complexities and refinements of life which they represent would be blotted off the earth within a month. The farmer can do without the rest of us if it comes to the worst, but the rest of us can not do without the farmer.

In the very nature of his occupation the farmer is steady and is never a bolshevik, never an anarchist, never an I. W. W. The farmer is fixed to the soil; is permanent rather than temporary; planetary rather than meteoric; solid rather than showy. The farmer must be patient and long-suffering, for nature's processes can not be hurried.

I am flattered to observe that the senior Senator from Iowa [Mr. CUMMINS] favors me with his attention. I heard his speech, and I am glad that he spoke in support of this bill. Let us not forget that the farmer's occupation is constructive. He strengthens, feeds, and vitalizes society. The farmer is the first to suffer from and the last to recover from a deflated currency. He is the first to suffer from and the last to recover from experimental laws, confiscatory taxes, and the visionary schemes which the disordered fancies of shallow-pated officials too often force upon him. The farmer's environment naturally aligns him with the forces of order and permanence, and I tell you here that the condition of the American farmer may not safely be ignored much longer.

In the political and social swirl of the city; in seeking wealth, amusement, and creature comforts cities are often lured away from and lose contact with mother earth. They lose their communion with the spirit of the soil, which is the spirit of purity, justice, strength, and honesty. Cities are beautiful, symmetrical, and often cynical. Cities fail at times to remember that howsoever lofty and elaborate their structures may be

and howsoever beautiful their lines of elegance, they have no power beyond that which comes from the soil.

What is our duty in the present posture of affairs?

While it is true that no government—not even our own great Government—can make men wise, rich, virtuous, or happy by statute law, and while no government can make a banker out of a man who will lend money without security, and no government can make a singer out of a person born without the organs of speech, no government can give decision to the irresolute or thrift to the spendthrift, it is, fortunately, true that this Government may properly, constitutionally and institutionally, see to it that the farmer shall, by lawful group selling and by the application of methods approved by sound principles, at least receive a reasonable price for the products of his farm, field, and ranch.

This is not a "price fixing" bill as we employ the term "price fixing."

It may be true that there should be no attempt to fix prices of farm products and that such relief should be an attempt to control the flow of the surplus farm products into the markets in such a way as to prevent a breaking of the price of farm products, which is frequently caused by "dumping" a whole year's crop on the market at one time. Why should farm products that have a steady consumption throughout the year be required to be sold by the farmer within a month? This Government could guarantee to the farmer a steady flow and a steady release of produce for market. The present system and policy requires the farmer and ranchman to dump all of their products on the market within a month. Why should not the products of the farm, field, and ranch which have a steady consumption throughout the year be sold throughout the year, instead of being dumped on the market and disposed of in one month? Only Government strength can set up such a reform.

Mr. President, you have attained success in business; and let me ask you what would happen in a steel company or any other great company were, within a period of 30 days, required to "dump" and to sell its entire annual output? Were such an operation to take place, the price thereof would be reduced, beaten down, indeed, destroyed. This bill is intended and expected to substitute cooperative-association and group selling for the unintelligent, unfair method of "dumping," and thus bring about a scientific system of marketing the particular commodity in such quantities as the demand may absorb, and thus hold the market steady. The market for wheat, oats, tobacco, corn, rye, cotton, beef, pork, mutton, eggs, poultry, melons, fruits and vegetables, and many other products could be made sure and steady. Senators will recall that in the year 1920 the price of commodities other than farm commodities declined somewhat gradually, but farm products declined almost overnight. I am encouraged to see that the junior Senator from Alabama [Mr. HEFLIN] favors me with his attention. We remember that he ably in season, and some thought out of season, discussed the disastrous deflation of 1920. He pointed out in many speeches and in felicitous phrase that the prices of farm products crashed within a few days, whereas the prices of other commodities affected in that great deflation took a gradual declension, thus affording the factory an opportunity to brace and to adjust itself to the process of deflation. The farmer had no warning, no chance to retreat, no opportunity to "hedge," but took the shock without notice and without remedy.

Mr. HEFLIN. Mr. President, will the Senator pardon an interruption?

Mr. ASHURST. I yield to the Senator.

Mr. HEFLIN. I want to thank the Senator for his kindly reference to me. The Senator will recall that during that deflation period the progressive interest rate invoked by the Federal reserve banking system was not applied at all to the manufacturers of the East. It was applied only to the agricultural South and West.

Mr. ASHURST. I recall.

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

Mr. ASHURST. I yield.

Mr. MAYFIELD. All during the period of deflation of which the Senator speaks, when the prices of farm products were at the very lowest ebb the freight rates in this country, which had been placed, at the very highest point in the history of this country, were held steadfast and unchanged.

Mr. ASHURST. I thank the Senator for reinforcing my speech and argument by his interruption, and his contribution now induces me to say that when I was studying this bill I sent for one of the most profound men in our country to confer with him. He is a modest man, and I shall not mention his name.

Mr. NEELY. It was not Colonel House?

Mr. ASHURST. It was not Colonel House. I do not confer with Colonel House. I confer with no man who would pretend for a period of years to be a friend, as he pretended to be a friend of Woodrow Wilson, and then after his friend was dead publish scandalous and infamous articles concerning his former friend. An itching palm and a swelled head characterize Colonel House.

Mr. NEELY. I felt sure that the Senator had not conferred with him, but I also felt sure that if this bill should pass and if any good should result from it Colonel House would sooner or later claim credit for it. Therefore I thought I had better get an expression from the Senator while he is discussing it.

[At this point the Vice President laid before the Senate the House amendment to Senate bill 4152, and discussion ensued, which appears elsewhere.]

Mr. ASHURST. Mr. President, when interrupted I was discussing the result of deflations regarding the farmer and had just reached the point of adverting to a well-known law of political economy, to wit, that whenever a deflation takes place agriculture is the first to feel it and the last to recover from it.

The same conditions seem to apply in the wages of men. Among the first to be affected in a deflation is workmen, and among the last to recover are the workmen's wages.

I will leave to bookworms and antiquarians the task of discovering why that is true, and I assert dogmatically that it is true.

We heard the junior Senator from Arkansas [Mr. CARAWAY] state yesterday that a good cotton crop grown in 1914 was practically turned to ashes overnight, so quickly did that crash come.

When these deflations come and the great currents of trade surge backward and forward the average American farmer usually finds himself ruined between two suns. Therefore, in my judgment, the able Senator from Oregon [Mr. MCNARY], the Senator having the pending bill in charge, has proceeded upon a correct hypothesis in attempting to deal with the surplus and making as one of the chief principles of his bill the idea of substituting sound business methods for the disastrous methods of dumping. The chairman of the committee [Mr. MCNARY] has driven forward on this bill with a persistency and an ability which has marked him as one of the leaders in his party.

The VICE PRESIDENT. The time of the Senator on the bill has expired. He has time on the amendment.

Mr. ASHURST. I will occupy a few minutes on the amendment.

Cooperative marketing is possible. I am not able to say whether or not group production is possible; it is possible in some small countries, but I believe it is within the bounds of possibility for the American Government constitutionally to bring about cooperative marketing and group selling. The farmers of the United States have never been and, probably, because of the inherent nature of their occupation, which scatters them over the land in millions of complete productive units, may never be able to organize closely for group production. Therefore, Mr. President, cooperative marketing is an available remedy which makes possible organization for group selling, and unless we find the remedy in group selling, unless we find the remedy in taking care of the surplus, which in my judgment largely but not wholly determines the price, the farmer will suffer still further.

I therefore support this bill and hope it may pass. The weather is pleasant here now. This is not one of the hot summers. It is not enervating nor debilitating in Washington just now. What, forsooth, calls us away when we have pending here so much important business?

Senators who have elections at hand naturally want to go home to meet the people. That is a commendable and laudable thing to do, but I say to them, as a politician of some experience, I have found that it pays politically to stay with duty, for here is our duty. In 1914, which was an "off" year, when elections were coming on Senators and Representatives quite naturally were anxious to get home and engage in politics, but they stood by their duties, and that election was the only election in the history of the Government, as far as I know, where every Senator who was renominated was reelected. These guideposts of history are worth consulting.

Mr. DILL. Mr. President—

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Washington?

Mr. ASHURST. I yield.

Mr. DILL. The Senator will not forget that more recent developments do not support his contention. Several Senators who stayed here have been defeated.

Mr. ASHURST. I was not talking about the primaries. I know that the keen and analytical mind of the Senator from

Washington, when he reflects, will see that I was talking about elections and not primaries.

Mr. DILL. Of course, a man must be nominated in the primary before he is elected.

Mr. ASHURST. I was talking about elections, and not primaries. History will bear me out that every Senator who was renominated in 1914 was reelected because he remained here and did his duty.

Mr. WHEELER. Mr. President, did not the Senator overlook the bill relating to the fish canal up in Massachusetts, which some Senators desire to have acted on at this session?

Mr. ASHURST. Mr. President, I do not know to what canal my able friend from Montana refers.

Mr. WHEELER. I had reference to the Cape Cod Canal bill, which is pending, and which I understand has for its purpose the opening up of that canal so that the cod may pass from Boston Bay into Long Island Sound.

Mr. ASHURST. The able junior Senator from Montana was born in Massachusetts not far from the waters of the cod, and I would not discuss with him the wisdom or unwisdom of the Cape Cod Canal. He knows more about it than I do. I simply say that I have voted against it once or twice.

Before, during, and subsequent to the delivery of Mr. ASHURST'S speech,

OIL AND GAS MINING LEASES UPON UNALLOTTED LANDS

Mr. WARREN. I ask that the Chair lay before the Senate the amendment of the House of Representatives to Senate bill 4152, the Cameron bill.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4152) to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, and for other purposes, which was to strike out all after the enacting clause and to insert in lieu thereof the following:

That unallotted lands within the limits of any reservation or withdrawal created by Executive order for Indian purposes or for the use or occupancy of any Indians or tribe may be leased for oil and gas mining purposes in accordance with the provisions contained in the act of May 29, 1924 (43 Stat. p. 244).

SEC. 2. That the proceeds from rentals, royalties, or bonuses of oil and gas leases upon lands within Executive-order Indian reservations or withdrawals shall be deposited in the Treasury of the United States to the credit of the tribe of Indians for whose benefit the reservation or withdrawal was created or who are using and occupying the land, and shall draw interest at the rate of 4 per cent per annum and be available for appropriation by Congress for expenses in connection with the supervision of the development and operation of the oil and gas industry and for the use and benefit of such Indians: *Provided*, That said Indians, or their tribal council, shall be consulted in regard to the expenditure of such money, but no per capita payment shall be made except by act of Congress.

SEC. 3. That taxes may be levied and collected by the State or local authority upon improvements, output of mines or oil and gas wells or other rights, property, or assets of any lessee upon lands within Executive-order Indian reservations in the same manner as such taxes are otherwise levied and collected, and such taxes may be levied against the share obtained for the Indians as bonuses, rentals, and royalties, and the Secretary of the Interior is hereby authorized and directed to cause such taxes to be paid out of the tribal funds in the Treasury: *Provided*, That such taxes shall not become a lien or charge of any kind against the land or other property of such Indians.

SEC. 4. That hereafter changes in the boundaries of reservations created by Executive order, proclamation, or otherwise for the use and occupation of Indians shall not be made except by act of Congress: *Provided*, That this shall not apply to temporary withdrawals by the Secretary of the Interior.

SEC. 5. That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to allow any applicant to whom a permit to prospect for oil and gas upon lands within an Indian reservation or withdrawal created by Executive order has heretofore been issued in accordance with the provisions of the act of February 25, 1920 (41 Stat. p. 437), or the holder thereof, who shall show to the satisfaction of the Secretary of the Interior that he, or the party with whom he has contracted, has done any or all of the following things, to wit, expended money or labor in geologically surveying the lands covered by such permit, has built a road for the benefit of such lands, or has drilled or contributed toward the drilling of the geologic structure upon which such lands are located, to prospect for a period of two years from the date this act takes effect, or for such further time as the Secretary of the Interior may deem reasonable or necessary for the full exploration of the land described in his permit, under the terms and conditions therein set out, and a substantial contribution toward the drilling of the geologic structure by the holder of a permit thereon may be considered as prospecting under the provisions hereof; and upon establishing to the satisfaction of the Secretary of the Interior that valuable deposits of oil and gas have been discovered within the limits of the land embraced in any permit, the permittee shall be entitled to a lease for one-fourth of the land embraced in the prospecting permit: *Provided*, That the permittee shall be granted a lease for as much as 160 acres of said lands if there be that number of acres within the permit. The area to be selected by the permittee shall be in compact form and, if surveyed, to be described by the legal subdivisions of the public-land surveys; if unsurveyed, to be surveyed by the Government at the expense of the applicant for lease in accordance with rules and regulations to be prescribed by the Secretary of the Interior, and the lands leased shall be conformed to and taken in accordance with the legal subdivisions of such surveys; deposits made to cover expense of surveys shall be deemed appropriated for that purpose, and any excess deposits may be repaid to the person or persons making such deposit or their legal representatives. Such leases shall be for a term of 20 years upon a royalty of 5 per cent in amount or value of the production and the annual payment in advance of a rental of $1 per acre, the rental paid for any one year to be credited against the royalties as they may accrue for that year, with the preferential right in the lessee to renew the same for successive periods of 10 years upon such reasonable terms and conditions as may be prescribed by the Secretary of the Interior. The permittee shall also be entitled to a preference right to a lease for the remainder of the land in his prospecting permit at a royalty of not less than 12½ per cent in amount or value of the production, the royalty to be determined by competitive bidding or fixed by such other method as the Secretary of the Interior may by regulations prescribe: *Provided further*, That the Secretary of the Interior shall have the right to reject any or all bids: *And provided further*, That any applicant for permit filed prior to May 27, 1924, under the provisions of said act of February 25, 1920, which permit was not issued, for any lands covered by the provisions of this act, who shall show to the satisfaction of the Secretary of the Interior that he, or the party with whom he has contracted, has done all of the following things, to wit, expended money in geologically surveying the lands covered by such application, has built a road for the benefit of such lands, and has drilled or contributed toward the drilling of the geologic structure upon which said lands are located, may have the right of prospecting and leasing as provided in this section.

Mr. WARREN. I move that the Senate concur in the amendment of the House of Representatives.

Mr. BRATTON. Mr. President, let me inquire of the Senator from Wyoming if he has conferred with the junior Senator from Arizona [Mr. CAMERON] recently about this matter?

Mr. WARREN. I have not talked with that Senator for half an hour or an hour about the bill, but during my last conference with him he asked me if I would call it up and take whatever action was necessary to have it disposed of. He afterwards, however, suggested that he wished to talk further with the Senator from New Mexico, who is now questioning me about the matter. I saw the Senator from Arizona in consultation with the Senator from New Mexico, and I presumed that the action I have suggested would be agreeable.

Mr. BRATTON. The Senator from Arizona and I talked the matter over this morning. At that time we were agreed that the bill should go to conference, and inasmuch as that agreement exists between us, in view of the absence of the Senator from Arizona, I should like to have the matter deferred until he shall be present in the Chamber.

Mr. WARREN. Very well. Then the situation shall remain as it is, so far as I am concerned, and the matter may be taken up when the junior Senator from Arizona returns.

The VICE PRESIDENT. The amendment of the House will be temporarily laid aside.

Mr. WARREN subsequently said: Mr. President, I ask that the Senate resume the consideration of the amendment of the House to Senate bill 4152, to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, and for other purposes. I move that the Senate concur in the amendment of the House.

Mr. BRATTON. Mr. President, I desire to make a brief statement before the Senate acts upon this motion. I shall be very brief.

I consumed about an hour and a half of time the other night in discussing this bill with the Senate, and without much avail. I want to point out to the Senate before this motion is adopted what is being done here.

As I said the other night, there are some 20 permittees who have secured permits upon these lands. As to them, the bill provides that if they have done any or all of the following things they shall be entitled to a permit; and three things are then stated:

Expended money or labor in geologically surveying the lands covered by such application, * * * built a road for the benefit of such lands, or * * * drilled or contributed toward the drilling of the geologic structure upon which such lands are located.

I want to say that those permittees are practically all affiliated with the big oil companies of the country. I want the Senate to understand with whom we are dealing now. As to the big oil companies or their representatives, the Congress is saying: "If you have done any one or all of these three things, you are entitled to a permit, and the Secretary of the Interior shall issue it to you." As to the applicants who are individuals, and who have no connection and no relation with the big oil companies, the same rule is not applied. As to them, you require that they do all of the same three things—that is, expend money or labor in geologically surveying the lands covered by the application, build a road for the benefit of the land, and drill or contribute toward the drilling.

I simply want the Congress to know that we are dealing here with about 23,000,000 acres of land supposed to be rich in oil. As to the twenty-odd representatives of the big oil companies, you say that if they have done any one of these three things they shall secure a permit. As to the individuals, they must do all three of them.

Mr. WALSH. Mr. President, will the Senator read for us the provision of the bill which in his judgment makes that distinction between the two classes of applicants?

Mr. BRATTON. Yes; I will do that. The provision of section 3 is—

That the Secretary of the Interior is hereby authorized, under such rules and regulations as he may prescribe, to allow any applicant to whom a permit to prospect for oil and gas upon lands within an Indian reservation or withdrawal created by Executive order has heretofore been issued in accordance with the provisions of the act of February 25, 1920 (41 Stat. p. 437), or the holder thereof, who shall show to the satisfaction of the Secretary of the Interior that he, or the party with whom he has contracted, has done any or all of the following things, to wit, expended money or labor in geologically surveying the lands covered by such application, has built a road for the benefit of such lands, or has drilled or contributed toward the drilling of the geologic structure upon which such lands are located—

I will say for the benefit of the Senator from Montana that it is my understanding that practically all, if not every one, of these permittees are associated or connected with one or more of the big oil companies. They are the ones dealt with in that provision where we say that if "they have done any one or all of these things."

As to the applicants, some four hundred and odd in number, who live throughout the West, and who filed applications under the circumstances I detailed the other night, and which I will not take time to review, we say this—

Provided further, That any applicant for permit under the provisions of said act of February 25, 1920, which permit was not issued, for any lands covered by the provisions of this act, who shall show to the satisfaction of the Secretary of the Interior that he, or the party with whom he has contracted, has done all the following things, to wit—

Then the same three requirements are repeated. As to the representatives of the big companies, they may do any one. As to the individuals, they must do all three of them.

Mr. WARREN. Mr. President, the matter the Senator speaks of is not in any way connected with this motion, unless, indeed, we want to do away with the legislation. It has passed both bodies with the same wording and can not be changed

Mr. BRATTON. I understand. It is a question of whether one will permit this bill to become a law without raising his voice in protest against it, or whether he is going to hold the matter up until a bill is passed which will measure the two classes by the same yardstick and deal justice to the two classes according to the same rule.

I say to the Senator from Wyoming that under this bill if an applicant has spent $10,000 in drilling upon his lands and has spent $10,000 in building a road to his well, but has not spent any money in having his land geologically surveyed, his $20,000 are gone, and he is excluded from a permit.

If he has spent $20,000 in having his land surveyed and has spent another $20,000 building a road to the location at which he expects to sink his well, he loses his $20,000, because he has not actually drilled.

Mr. WARREN. Mr. President, the Senator and I have some differences of opinion, but here is a measure which was introduced last year, or possibly two years ago, and failed to pass, and at this session has again been considered back and forth all these many months. It seems to me it is our duty now, if we wish to open up these reservations and give these poor Indians who are out of money a chance to get something, to agree to this amendment and then enact further legislation to cure the ills the Senator speaks of. That, in my judgment, would not be a hard matter to accomplish.

Furthermore, in reference to what the Senator has said about oil companies, I do not know of a single oil company that is a permittee. On the contrary, United States citizens have filed their claims the usual way, making arrangements as they can for capital to sink the necessary wells.

Mr. BRATTON. Mr. President, I have reviewed the situation and have told the Senate what I think we are doing. I attempted the other night to amend the original bill to take care of these parties. I failed in that. I did my utmost at that time. But I am unwilling to have this bill passed in this way without letting the Senate understand what we are doing, and I have done that. I do not propose to oppose the motion further, except to vote against it.

Mr. WALSH. Mr. President, in view of the statement made by the Senator from New Mexico, I shall object to the consideration of this report at this time. The matter is too serious to be passed this way, inasmuch as it concerns the disposition of lands in the State of the Senator who has thus made his protest.

Mr. HARRELD. Mr. President, before this amendment is finally agreed to, or before the Senator objects, I would like to say that this matter was handled by a subcommittee, and I have not been very active in looking after it. It seems to me that the position the Senator from New Mexico has taken is well taken. We do not want to set up a different standard for one set of permittees as against another. But the situation here is this: This bill has passed both Houses in this form. It is not possible for the conference committee to make any corrections if it is sent back to conference. Why could not this be done? Why could not this bill be passed and then another bill be introduced to cure the defects in so far as these other permittees the Senator mentions are concerned, to put them on the same basis, and thus save the day for this particular bill? I think the Senator is right in his position, and I am sorry to see that the bill does not treat all these permittees alike. This is the first time my attention has been called to that matter.

Mr. BRATTON. The suggestion made by the Senator from Oklahoma can not function for this reason: If this bill passes and the Interior Department leases these lands under this bill, and they pass into the control of the lessees, we could not afterwards legislate to take care of the applicants who are excluded by this bill and whose rights would be lost when they conflicted with new lessees under this bill. Between now and the next session of Congress every acre of this land may be leased under this bill and the lessees would acquire those lands under new leases.

Mr. HARRELD. On the other hand, it is a pity that 22 applicants can not be permitted to go ahead and carry forward from where they have gone, because it means that those tests which are to be put down will determine whether there is to be any result of the expenditure of the money at all.

Mr. DILL. The Senator from Montana objected, and I think we ought to go forward.

Mr. ASHURST. I was going to say that in view of the objection I think I have gone to the limit of courtesy.

Mr. WARREN. I hope the Senator will not object. The motion is already before the Senate.

Mr. HEFLIN. Mr. President, I was about to make this suggestion. We have a lot of time and there is no use taking the Senator from Arizona off the floor by discussing something else in the middle of his speech. We will probably be here four weeks and we have a lot of time.

Mr. CAMERON. Mr. President——

Mr. ASHURST. I yield to my colleague at this juncture.

Mr. CAMERON. I will be very brief. Mr. President, as the author of this measure I would like to have time to discuss the subject, inasmuch as the Senator from New Mexico has gone so far into it.

In my opinion this bill was given as much or more attention by a subcommittee of the Senate Committee on Indian Affairs as any bill that was ever before a subcommittee. We got the best bill we could get, and everybody seemed to be satisfied except as to a few clauses in the bill to which the Senator from New Mexico has referred.

The bill was approved by the subcommittee, of which I had pleasure in being a member, was reported to the full committee, and the full committee reported the bill to the Senate by a vote of six to one, the one vote being that of the junior Senator from New Mexico.

The Senate passed the bill almost unanimously, and it went over to the House, the House amended the bill slightly, and it comes back for the action of the Senate with a minor amendment. I can not agree with the Senator that I ever was a party

to shutting anyone out of a permit. I have always tried to protect the little fellow, the prospector, the pioneer——

Mr. BRATTON. I do not accuse the Senator.

Mr. CAMERON. I inferred that. The Senator and I have been discussing this all day.

Mr. BRATTON. Exactly.

Mr. CAMERON. And the Senator said he wanted to make a brief statement.

Mr. BRATTON. As to what we were doing.

Mr. CAMERON. And that he would not object to this bill being passed. Is not that true?

Mr. BRATTON. I told the Senator just exactly what I was going to say.

Mr. CAMERON. But the Senator said he would not object to this bill being passed.

Mr. BRATTON. I do not object if the Senate wants to pass it.

Mr. CAMERON. I appreciate the Senator's attitude, although he does not agree to all of the features of the bill he feels it should be enacted and I hope it will pass without further delay.

Mr. WALSH. I want to inquire whether unanimous consent has been given for the consideration of the amendment. The Senator from Wyoming asked leave, or asked the Senator from Arizona to yield.

The VICE PRESIDENT. The amendment will go over under objection, if any objection is made.

Mr. WARREN. It is always in order to submit a conference report or to lay an amendment of the House before the Senate.

Mr. WARREN subsequently said: Mr. President, I ask for a vote upon my motion that the Senate concur in the amendment of the House to Senate bill 4152, the Cameron bill. It is the same motion that I made at a former time, and it was then objected to.

Mr. JONES of New Mexico. Mr. President, may I inquire what the bill is?

The VICE PRESIDENT. The Secretary will state the title of the bill.

The CHIEF CLERK. A bill (S. 4152) to authorize oil and gas mining leases upon unallotted lands within Executive-order Indian reservations, and for other purposes.

Mr. JONES of New Mexico. That is sufficient. I understand what the bill is. Will the Senator from Wyoming now state what he desires to do about it?

Mr. WARREN. Mr. President, the bill is in very much the same form as it passed the Senate on the occasion of an evening session not long ago.

Mr. JONES of New Mexico. I understand that, and I simply inquire of the Senator what he wants to do about it?

Mr. WARREN. I desire to have the Senate concur in the amendment of the House.

Mr. JONES of New Mexico. Mr. President, I do not know that I object to that course. My colleague [Mr. BRATTON] has been taking quite an interest in this bill. He is not here now. I think he is quite agreeable to the action of the Senator from Wyoming proposes to take.

Mr. WARREN. He has said that he expected the bill to pass after he had an opportunity to make a speech on it. I do not wish to do anything in the Senator's absence; but almost the last thing he said upon leaving here was that he expected the bill to pass, although he himself would not vote for it.

Mr. WHEELER. Mr. President, my colleague [Mr. WALSH] objected to the consideration of this matter a few minutes ago. He is not present at this time.

Mr. WARREN. I had a talk with the senior Senator from Montana, and I understood him to say he had no further objection. If the junior Senator from Montana knows to the contrary, I do not wish to proceed, of course.

Mr. WHEELER. I do not care to proceed with the matter at this time, in my colleague's absence, in view of the statement which he made; and if an attempt is made to proceed I shall suggest the absence of a quorum, so as to have him here. I do not know of any particular reason why the bill can not go over until to-morrow.

Mr. WARREN. The bill can lie on the table if there is any objection; but I hope that at some time all those who are interested in the bill may make some disposition of it. I think it is due to the bill and those interested in it that they stay here at some time when we can take it up and dispose of it.

Mr. WHEELER. I appreciate that, and I have been in favor of the bill; but my colleague [Mr. WALSH] objected to its consideration, and if an attempt is made to take it up I want to have him present, so that he can express his views upon it, if he has any objection to it at the present time.

Mr. HARRELD. Mr. President, the Senator from Montana did not understand, no doubt, that the Senator from Wyoming stated that he had had a talk with the senior Senator from Montana and that he left saying that he had no further objection. I do not think the Senator understood that.

Mr. WHEELER. I did not understand him to say that my colleague did not have any further objection.

Mr. HARRELD. Was not that the statement of the Senator from Wyoming?

Mr. WARREN. The senior Senator from Montana said that he had no objection so far as it came before him, except that the language of the Senator from New Mexico had put him in mind of the fact that if the same condition existed in his State he would not approve it. I explained the difference in the condition between the States, and he said he would try and see as to that. If I have misquoted him I have not done so intentionally. If the Senator has the slightest idea that I am taking advantage of his absence, I will not press the matter.

Mr. WHEELER. Oh, no; I have not the slightest idea of that kind.

Mr. SMOOT. Would it not do to agree to the amendment now, with the understanding that if the Senator from Montana objects to it at all we will reconsider it to-morrow?

The VICE PRESIDENT. The Senate has a right to reconsider a bill within the time limited by the rule. The question is on the motion of the Senator from Wyoming that the Senate concur in the amendment of the House.

The motion was agreed to.

G. C. ALLEN

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2188) for the relief of G. C. Allen, which were: On page 1, line 5, after the word "appropriated," to insert: "and in full settlement against the Government"; and on page 1, line 6, to strike out "$3,000" and to insert: "$1,000."

Mr. MEANS. I move that the Senate disagree to the amendments of the House of Representatives, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and Mr. MEANS, Mr. CAPPER, and Mr. CARAWAY were appointed conferees on the part of the Senate.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were thereupon signed by the Vice President:

S. 1459. An act for the relief of Waller V. Gibson;

S. 1613. An act setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota;

S. 3122. An act for completion of the road from Tucson to Ajo via Indian Oasis, Ariz.;

S. 3613. An act authorizing an appropriation for a monument for Quannah Parker, late chief of the Comanche Indians;

S. 3749. An act to provide for the erection at Burns, Oreg., of a school for the use of the Piute Indian children;

S. 4223. An act to amend the act of June 3, 1920 (41 Stat. L. p. 738), so as to permit the Cheyenne and Arapahoe Tribes to file suit in the Court of Claims;

H. R. 7669. An act to provide home care for dependent children in the District of Columbia;

H. R. 9019. An act for the relief of Ailing R. Maish;

H. R. 9690. An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps and to adjust and define the status of the operating personnel in connection therewith; and

H. R. 11355. An act to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy.

COOPERATIVE MARKETING

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7893) to create a division of cooperative marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes.

Mr. MCNARY. Mr. President, so far as I know, the speech of the Senator from Arizona [Mr. ASHURST] concludes the

arguments on the pending amendment. In order that we may proceed, therefore, to a vote, I suggest the absence of a quorum.

The VICE PRESIDENT. The Clerk will call the roll.

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

Ashurst	George	Lenroot	Sackett
Bingham	Gerry	McKellar	Schall
Borah	Glass	McNary	Sheppard
Broussard	Goff	Mayfield	Shipstead
Butler	Gooding	Means	Shortridge
Cameron	Hale	Metcalf	Smoot
Capper	Harreld	Moses	Stanfield
Caraway	Harris	Neely	Steck
Couzens	Harrison	Norbeck	Stephens
Cummins	Heflin	Norris	Swanson
Curtis	Howell	Oddie	Warren
Deneen	Jones, N. Mex.	Phipps	Wheeler
Dill	Keyes	Pine	Williams
Edwards	King	Reed, Pa.	Willis
Fess	La Follette	Robinson, Ind.	

Mr. WILLIS. I have been requested to announce that the Senator from Washington [Mr. JONES], the Senator from Maine [Mr. FERNALD], the Senator from Louisiana [Mr. RANSDELL], and the Senator from New York [Mr. COPELAND] are absent attending an important session of the Committee on Commerce.

Mr. LA FOLLETTE. I desire to announce that the Senator from Missouri [Mr. REED] is absent because engaged in the business of the Senate.

The VICE PRESIDENT. Fifty-nine Senators having answered to their names, a quorum is present. The question is on the amendment of the Senator from Ohio [Mr. WILLIS].

Mr. McNARY. Mr. President, I suggested the absence of a quorum with the hope that if one should develop we could take a vote upon the pending amendment. I have been advised, however, that some Senators have left the Chamber to-day in the belief that a vote would not be taken until to-morrow. Of course, I do not want to take any advantage of them. Under those circumstances, I ask unanimous consent that the Senate proceed to vote on this amendment to-morrow at 1 o'clock.

Mr. HARRISON. I suggest to the Senator that he make it not later than 1 o'clock.

Mr. McNARY. Then, I ask that the vote be taken not later than 1 o'clock.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. HALE. Mr President, the inclusion of the words "naval stores" in the Haugen bill has, I think, brought about confusion in the minds of some Senators. Some Senators seem to think that it is a matter that directly affects the United States Navy The term "naval stores" is an old trade term that was used in the days of sailing ships, and was applied to turpentine and resin. I suppose the word "naval" crept in because the United States Navy used a great quantity of such stores. Some Senators seem to think that by including naval stores in the bill we are going to help the Navy. The Navy had nothing to do with the insertion of those words in the bill when it was in the House; the Navy took no part in the legislation in any way; and, instead of being helpful to the Navy, if, by any chance, as may quite likely happen, the price of naval stores should go up, the effect would be detrimental rather than beneficial to the Navy.

I wish to say a word or so about another phase of this matter.

Mr. GLASS. Mr. President, is the Senator from Maine greatly astonished that there is some confusion on this floor when some Senators, when they were voting away a gift of $5,000,000 to the silver miners of the country out of the Treasury the other day thought that the coinage of free silver at 16 to 1 was involved? [Laughter.]

Mr. HALE. Mr. President, the paper manufacturing business in the country uses about 100,000,000 pounds of resin a year. Resin is one of the naval stores, so-called. The quantity used in the paper manufacturing business is about 12½ per cent of the total quantity of resin produced. I wish to read here a letter from the president of one of the great paper companies in my State. The letter is as follows:

[Oxford Paper Co. General offices, Fifth Avenue Building, corner Fifth Avenue and Twenty-third Street. Hugh J. Chisholm, president]

NEW YORK, *March 18, 1926.*

Hon. FREDERICK HALE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: There is a matter up in Congress which is of great importance to the paper industry, namely, the subject of rosin, which is grouped under naval stores in the Haugen cooperative marketing bill (H. R. 7893), exempting agricultural products from the operation of the antitrust law.

Rosin would seem to have no more place in the bill than any of the other forest products, such as pulp, paper, lumber, etc., yet that distinction and discrimination is made.

Rosin is absolutely indispensable in the manufacture of paper, serving to give a proper finished surface to many grades, and an enormous quantity, estimated at 100,000,000 pounds per year, is used in the paper trade, which is the sixth in point of value of production of the great industries of the country. There is no satisfactory substitute for rosin.

Even without restrictive production and uncontrolled price regulation, which would be permissible under the Haugen bill, the paper industry of the country has been and is gravely concerned over the price trend of rosin. While the trend of the price of "G" rosin, the grade used in the paper trade, and characteristic of the market as a whole, was fairly constant during the fiscal years 1921, 1922, 1923, 1924, and 1925, both as to price and production, there has been a price increase of 300 per cent during the past nine months, as compared with the former years, notwithstanding there was no curtailment in production, no depletion of available stocks, no difficulty in obtaining prompt shipment of purchases, and no economic or business disturbances to warrant the tremendous price increase. The inclosed comparison is explanatory. Therefore, the paper industry is very greatly disturbed that rosin, practically alone of all of the products of the forest, should be immune from the reasonable control of the antitrust laws by permitting the control of production and agreement as to prices that the Haugen bill provides.

The paper industry of the United States can not afford to pay monopolistic prices for necessary raw materials. The margin between the cost of manufacturing and the selling price of paper is so low, destructive foreign competition, resulting from cheap labor and low-cost material is so imminent, and the opportunity so apparent for exacting still more exorbitant prices on rosin, that its inclusion in the Haugen bill is contrary to the public interest served by the paper manufacturers.

Opposition to inclusion of rosin in the Haugen bill was expressed recently before the Senate Committee on Agriculture by Dr. Hugh P. Baker, executive secretary of the American Paper & Pulp Association. Other industries, such as paint, varnish, and soap, were also represented at the hearings and opposed the inclusion of naval stores in the bill.

We would greatly appreciate any help that you can give to the mills of our State in connection with this matter.

Sincerely,

HUGH J. CHISHOLM, *President.*

Mr. President, I ask to have included in my remarks a statement of the prices of rosin, beginning with 1921 and running down to date showing the increases in price during that time.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Price of "G" rosin, Savannah, Ga., fiscal year April 1 to March 31

	High	Low	Production
1921-22	$5.05	$3.45	1,665,000 barrels of 500 pounds.
1922-23	6.07	3.95	1,731,000 barrels of 500 pounds.
1923-24	5.10	4.22	1,881,000 barrels of 500 pounds.
1924-25	7.15	4.50	1,765,000 barrels of 500 pounds.

1925-26 (by weeks)

1925:		1925:	
Apr. 1	$7.00	Sept. 17	$13.60
Apr. 8	7.00	Sept. 24	13.42
Apr. 15	7.00	Oct. 1	14.67
Apr. 22	7.40–7.50	Oct. 8	14.35
Apr. 29	8.00	Oct. 15	14.15–14.20
May 6	8.40	Oct. 22	14.05
May 13	9.10	Oct. 29	14.05
May 20	9.80	Nov. 5	14.30
May 27	9.20–9.25	Nov. 12	14.20
June 4	8.20–8.50	Nov. 19	13.85
June 11	8.15–8.25	Nov. 26	14.00
June 18	8.40	Dec. 3	13.00
June 25	8.40	Dec. 10	13.00
July 2	8.30	Dec. 17	12.40
July 9	8.40	Dec. 24	12.20–12.35
July 16	8.85–8.95	Dec. 31	12.55
July 23	9.10	1926:	
July 30	9.05	Jan. 7	13.65
Aug. 6	9.15–9.20	Jan. 14	14.25
Aug. 13	10.00	Jan. 21	13.80
Aug. 20	10.15	Jan. 28	13.30
Aug. 27	10.80	Feb. 4	13.25
Sept. 3	11.95	Feb. 11	13.12
Sept. 10	12.10	Feb. 17	13.10

Mr. HALE. Mr. President, the producers of naval stores who are asking to be put on the same basis as the suffering farmers do not appear to me to be in very distressing circumstances.

Mr. HARRISON. Mr. President, may I ask the Senator a question before he takes his seat?

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. HALE. I yield.

Mr. HARRISON. Did the correspondent of the Senator who wrote the letter which he has read state that during the war and following the war until quite recently resin was selling at such a low price that those who were making it were going out of business, while the paper manufacturers during the war and until this date have been getting enormous prices for their paper?

Mr. HALE. The Senator from Mississippi heard the letter, no doubt, as I read it.

Mr. HARRISON. I did not hear any reference to the point I have suggested.

Mr. HEFLIN. Mr. President, the Senator from Maine has read a letter from some one saying that naval stores are not farm products; that the turpentine taken from the tree that grows on the farmer's land and the resin taken from the tree that grows on the farmer's land are not farm products; but that maple sirup and maple sugar taken from a tree growing on a farmer's land are farm products. The product of the maple tree, sugar and sirup, are covered in this bill, and nuts of various kinds, because they are edible, are also in the bill; but the Senator now is about to take the position, or has already taken it, on the side of the Varnish Trust, the Paint Trust, the Soap Trust, and the Paper Trust, against the poor fellow who cuts his trees, draws the turpentine, and obtains the resin. The Senator from Maine is not willing for the men engaged in that industry to come in under the provisions of this bill. That is in keeping with the policy of many Republicans to destroy other producers, as they have almost destroyed the grain producers and the cotton producers and the producers of farm products of every kind.

The by-products of corn are very important. A bushel of corn has starch in it; it has sirup in it; it has oil in it; it has sugar in it; it has meal in it, and alcohol in it, and a great many other things; and when the manufacturers get it out of the hands of the producer and extract all those by-products they sell them to the public at enormous prices, just as a little saucer of corn flakes that can be held in one's hand is sold for 15 cents or more on the restaurant tables at Washington, although the farmer is not paid three times 15 cents for a bushel of corn. If Senators on the other side want to go on record in favor of destroying the producers, and making the trust magnates richer than they have already made them, we will see how long we can stay here in the effort to keep maple sugar and maple sirup and other things out of this bill. Canned goods in Maine are now included under this bill.

Mr. HALE. Mr. President, I can not recall having asked that maple sirup or anything else be included in this bill.

Mr. HEFLIN. But the Senator has not singled out anything for destruction except naval stores. He felt called upon to enlighten the Senate and tell the Senate that naval stores will not run the Navy.

The VICE PRESIDENT. The Chair would like to be informed whether the Senator from Alabama is asking the Senator from Maine a question?

Mr. HEFLIN. I am starting to ask the Senator from Maine a question, and I will complete it in the morning. [Laughter.]

RECESS

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until to-morrow, Saturday, June 19, 1926, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

FRIDAY, *June 18, 1926*

The House met at 12 o'clock noon.

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

O God, Thy blessed Spirit never forsakes us and Thy love is the home of our souls. Thus with Thee we stand in the gateway of the eternities. We praise Thee that it is gloriously worth while, not only to be a traveler of earth but a pilgrim with the infinite God. We thank Thee that we are not the victims of mere time, whirled hither and thither by the merciless winds of fate and chance. Glory be to Thy holy name, O Lord, Most High. Spare us from the tragedy of divided hearts and minds. May we be anxious about life, its solemn duties, its serious obligations, and that which dwells above raging currents and above human storms. The Lord be with us this day, and finally may our tired feet range in the green valleys of infinite truth. Through Christ, our Savior. Amen.

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

RECEPTION OF COMMANDER BYRD

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent to speak for two minutes. Is there objection?

There was no objection.

Mr. WOODRUM. Mr. Speaker, I rise to make an announcement that I think will be of interest to the House. On June 23, 1926, Commander Byrd and the staff that accompanied him on the polar expedition will land in New York City. They will be met by a committee headed by Mayor Walker, of New York City; Governor Smith, of New York; Governor Moore, of New Jersey; and Governor Byrd, of Virginia. A congressional committee has been appointed to meet, welcome, and congratulate the expedition on behalf of the Congress, and the proceedings in New York will be at 12 o'clock noon, daylight-saving time, which is 11 o'clock eastern standard time. All of the proceedings will be broadcast through the courtesy of the firm of L. Bamberger & Co., of Newark, N. J., station WOR.

I ask unanimous consent to include herewith as a part of my remarks a letter giving the details of the reception to be tendered to Commander Byrd and his staff.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The letter referred to is as follows:

RADIO BROADCAST STATION WOR,
Newark, N. J., June 16, 1926.

Hon. CLIFTON A. WOODRUM,
Member of Congress,
House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: The mayor's committee of the city of New York has advised me of its intention to communicate with you immediately with reference to the reception of Commander Byrd by the committee representing Congress.

The date of Commander Byrd's arrival in New York has been changed again, this time to Wednesday, June 23, which, I am constrained to think, is quite definite.

At a session of the mayor's committee last Monday I interpreted as the sense of the meeting that the congressional committee would be invited to join a larger gathering who are to sail to quarantine on the official boat of New York City, the *Macon*, take Commander Byrd and his staff from his own ship, the *Chantier*, aboard the *Macon*, and thus provide a fitting escort back to the city. Further, that the larger committee, upon its return to New York City, will be augmented by Army troops, bluejackets, military and civic bands, etc., the official party to proceed to the aldermanic chambers of the City Hall in New York City, where speeches will be offered by the chairman of the mayor's committee, Mayor Walker, Commander Byrd, and some one for the congressional delegation.

The Advertising Club of New York is giving Commander Byrd a luncheon after the initial reception at the City Hall, and there Gov. A. Harry Moore, of New Jersey, and other distinguished speakers will constitute a continuation of the reception ceremony. My understanding is that the entire committee will be guests of the advertising club, although you may expect further word on this subject.

On behalf of the Governor of New Jersey, the mayor's committee of the city of New York, and L. Bamberger & Co., of Newark, N. J., owners of the station WOR, which will broadcast the proceedings, I have the honor to thank you for your untiring efforts, contributing, as they have, so much toward the success of the arrangements at hand.

Sincerely yours,

C. FELAND GANNON,
Assistant Director WOR, Committee of Arrangements.

FIVE CIVILIZED TRIBES

Mr. SWANK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an article on Indian affairs, particularly the Five Civilized Tribes, by my colleague, Mr. CARTER, of Oklahoma, which appeared in the Daily Oklahoman of Sunday, June 13, 1926.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is here printed, as follows:

CARTER GIVES SOME FACTS AND FIGURES ABOUT THE FIVE TRIBES—MEMBER OF CONGRESS FROM THIRD DISTRICT OF STATE DISCUSSES TRIBAL AFFAIRS

By CHARLES D. CARTER, Member of Congress, third Oklahoma district

The Five Civilized Tribes are composed of the Choctaws, Chickasaws, Cherokees, Creeks, and Seminoles. The affairs of the Five Civilized Tribes are twofold, to wit: "Tribal" affairs and "individual" affairs. The tribal affairs constitute the administration and disposition of the tribal estate owned by the tribes and distribution of the proceeds thereof, while the individual affairs consist of the restricted allotments of land and other property of the individual Indian as supervised by the Federal Government.

When first encountered by the white man these tribes occupied the major portion of our country now known as the Southern States east of the Mississippi River. According to their traditions, they had resided on and owned these lands for centuries. The encroachment of the white man gradually pushed them south and west until in the beginning of the nineteenth century the residence and holdings of these tribes began to be limited to only portions of North Carolina, Georgia, Florida, Tennessee, Alabama, and Mississippi.

The restless pressure of the white settler brought on still further invasions of this red man's domain, until the early thirties of that century saw three of these tribes, the Choctaws, Creeks, and Cherokees, pushing far west of the Mississippi River to a new habitat, thenceforth to be known as Indian Territory.

The original domain of these tribes in the new western home may be of some historical interest. Each of the three reservations extended parallel east and west across what is now the State of Oklahoma. The Cherokees occupied the northern portion, adjoining the present Kansas State line, and running from Arkansas to the Panhandle of Texas. The Choctaws chose the southern portion of Indian Territory bordering on Red River, stretching from southeastern Arkansas again to the Texas Panhandle country, while the Creeks occupied the middle subdivision, beginning just a little west of the western boundary of the State of Arkansas and proceeding to the present western limits of our State.

The new lands were not a gratuity or gift, but were purchased from the Government for an adequate consideration, the tribes being granted a fee patent to same.

Later on the Chickasaws purchased an interest in the Choctaw Nation and the Seminoles a portion of the Creek Nation. By the treaties made with these tribes after the conclusion of the Civil War the western portion of each reservation was ceded back to the Federal Government, and that is what largely composed old Oklahoma Territory prior to statehood.

The move from east of the Mississippi seemed auspicious, and these primitive people progressed peacefully and tranquilly until the latter part of the nineteenth century, when the earlier scenes of the old Southern States began to be reenacted. The paleface had again moved upon them. Towns, villages, mines, lumber mills, and other improvements had been established, and there began an insistent demand for a change in the tenure of lands and for some substantial form of white man's government for Indian Territory.

Congress responded to these demands by placing in the Indian appropriation act of March 3, 1893, certain provisions creating a commission thereafter to be known as the Commission to the Five Civilized Tribes, more commonly called the "Dawes commission." This commission was directed by the terms of the law to negotiate with the Five Civilized Tribes for "the extinguishment of the national or tribal title to any lands within that territory—the division of same in severalty among the Indians of such nations—to enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory."

In due course of time agreements were negotiated and consummated with each of these Five Civilized Tribes providing for allotment of lands in severalty, sales of unallotted lands, sales of town sites, sales of mineral land and all other tribal property, and per capita distribution of the net proceeds thereof.

By these agreements each individual member of these tribes was to receive an allotment of land of two different characters of estate, one to be a homestead and the other to be known as a surplus allotment.

The homestead was to remain inalienable for not less than 21 years, and the surplus allotment was to become gradually alienable in shorter periods of time. With the Choctaws and Chickasaws, for instance, the homestead allotments were to remain inalienable for 21 years from the date of patent, while the surplus allotment became subject to sale, one-fourth in one year, one-fourth in three years, and the remaining one-half in five years, all after the date of allotment. All of such allotted lands were to be exempt from taxation for different periods of time, while the title remained in the original allottee. Other unallotted lands, reservations, and tribal property were also exempt from taxation on the basis of being Federal agencies.

THE CHEROKEES

The tribal affairs of the Cherokee Nation came to an end on July 1, 1914.

THE CREEKS

The tribal affairs of the Creek Nation are disposed of, with the exception of some remnants. The annual report of the superintendent for the Five Civilized Tribes for the last fiscal year makes the following statement concerning the undisposed tribal estate of the Creek Nation, estimated value thereof, and unfinished business relating thereto:

Unsold tribal property and estimated value

64 town lots (Muskogee and Tulsa)	$64,000.00
Two boarding schools (Eufaula and Sapulpa)	63,000.00
Unsold unallotted lands	1,134.48
Total	128,134.48

UNFINISHED BUSINESS

Disposition of 387 acres of unallotted lands, 75 acres of land reserved for two boarding schools and improvements located thereon, determination of suits to recover valuable oil and gas lands, and delivery of 470 deeds to allottees.

THE SEMINOLES

The Seminole tribal affairs have likewise been about brought to a final determination. The superintendent's report above referred to gives the following data concerning that tribe:

UNSOLD TRIBAL PROPERTY AN ESTIMATED VALUE

Mekusukey Academy, 320 acres, $30,000.

The affairs of this nation have been completed, with the exception of the disposition of 320 acres of land reserved for the Mekusukey Academy and delivery of 310 deeds.

These tribes have several important suits pending against the Government, but these do not come within the purview of their several agreements.

THE CHOCTAWS AND CHICKASAWS

The Choctaw and Chickasaw tribal affairs presented a much more complex problem for several reasons. First, a division of the tribal estates was based on the tribal rolls. That is to say, each Indian was required to be recognized by enrollment before permitted to participate in the division of the estate.

The making of the tribal rolls was taken over by the Federal Government and the determination of these complicated matters involving the right to share in the tribal estate committed to the hands of persons wholly unfamiliar with the task. The tribal estates were valuable, the value of each member's share being variously estimated at from $1,500 to $20,000 (some are now estimated to be worth one hundred times the latter amount) and a division of this large estate naturally attracted many adventurers, so that numerous persons, some of whom had theretofore been accustomed to look down upon the Indian as an inferior being, suddenly began to assert themselves as Indians entitled to a per capita division in some one of these tribal estates and to demand enrollment.

It developed that the Choctaws and Chickasaws had more valuable lands than any of the other tribes; therefore the assault made on the Choctaw-Chickasaw rolls by these claimants was naturally much more persistent and vigorous than against the other tribes, so that the enrollment question very seriously delayed the settlement of the Choctaw-Chickasaw tribal estate for many years after the other tribes had gained their peace.

Second. It was found necessary for the Choctaws and Chickasaws, as with several other of these tribes, to make two agreements, the first known as the Atoka agreement, approved by Congress June 28, 1898, and the second as the supplemental agreement, approved July 1, 1902.

The Atoka agreement as enacted embraced provisions reserving all coal and asphalt mineral deposits and provided for leasing of same for mining purposes on a royalty basis. Later on the supplemental agreement authorized the segregation and sale of this property, both mineral and surface, and it thereafter became known as the "segregated mineral land." In the meantime, however, under the stipulations of the original agreement, leases had been made with mining operators on much of the land extending for 30 years after execution, and this seriously complicated the sale. Still further confusion was added to the equation when, on April 26, 1906, the President approved an act of Congress arbitrarily withdrawing the segregated mineral lands from sale, this being done without the consent of the tribes.

Third. Another embarrassing element of delay was injected when President Roosevelt without any apparent authority of law by two Executive orders withdrew from allotment and sale some 1,900,000 acres of land in the Choctaw Nation as a timber reserve.

Fourth. Certain provisions of this same act divested the Choctaw and Chickasaw authorities of any control whatever over their tribal funds, vesting such jurisdiction in the Secretary of the Interior and the Secretary of the Treasury of the United States, which provision was construed to give the Secretary of the Interior plenary power to collect, expend, disburse, and otherwise manage and handle the tribal funds of the Choctaw and Chickasaws without any supervision whatever, not even requiring the necessity of annual appropriation by Congress.

Furthermore, this act completely changed the status of restrictions and tax exemption on allotted lands, extending the time on inalienability and tax exemption on both homesteads and surplus for 25 years after the passage of the act, or until April 2, 1931. Thus it will be seen that while the Atoka and supplemental agreements construed jointly had provided adequate provisions and agencies for a final settlement of tribal affairs of the Choctaws and Chickasaws, subsequent acts of Congress, passed before statehood and without the consent of these tribes, had so emasculated these agreements as to annul and make inoperative certain important stipulations necessary to this settlement.

To sum the situation up, when the first Oklahoma delegation came to Congress in December, 1907, they were confronted by a situation about as follows with reference to Choctaw and Chickasaw tribal affairs:

The agreements with the two tribes had been violated by the repeal of certain vital provisions thereof, completely undoing valuable work already in progress and setting back a final adjudication of these matters for many years, as follows:

Four hundred and fifty thousand acres of segregated mineral land, both surface and mineral, had been withdrawn from sale and allotment.

One million nine hundred thousand acres of timber reserve had been withdrawn from sale and allotment.

Allotments had not been completed.

No equalization of allotments had been provided.

Not even the contest period on allotments had been brought to a close, so that no allottee felt any security in the title to the home he had selected.

Not one foot of the allotted lands had been sold and the department would not agree to the advisability of offering these lands for sale until some positive disposition could be made of the demand for reopening the Choctaw and Chickasaw rolls.

Withdrawal from sale of the lands mentioned above not only prevented the sales of agricultural and grazing portions but had halted sales of town lots located thereon.

The act of April 26, 1906, had been construed as a repeal of the provisions of the agreements providing for per capita distribution of tribal funds.

The status of restrictions and tax exemption had been extended far beyond the time provided by the treaties, and titles to lands already transferred were so clouded and befogged by these previous acts passed by a Congress unfamiliar with conditions as to make stability of titles and legitimate land dealing a joke in the domain of the Five Civilized Tribes. Furthermore, not one foot of the 19,500,000 acres of land on the Indian Territory side of the State was subject to taxation.

To make the situation more embarrassing, much unfavorable publicity had about that time been given to our State by the public press, causing the authorities in Washington to look upon our people with suspicion and to view with antagonism any methods of relief urged by the Oklahoma delegation in Congress.

The situation was quite discouraging. It seemed sufficiently appalling to dishearten the strongest of souls. Our delegation caucused, recaucused, and then caucused again. We assailed departments and committees having jurisdiction, we pleaded, we bluffed, we cajoled, we begged, we continued to make speeches laying bare our deplorable condition before the membership of the House and Senate until finally our efforts began to bring results.

Our first relief came in the removal of restrictions act, enacted as of date May 27, 1908. We really accomplished more by this act than we had at first hoped for. We secured removal of restrictions on both homestead and surplus allotments of all Indians of less than one-half blood, on the surplus allotments of all Indians of from one-half to three-fourths Indian blood, while restrictions were continued on both the homestead and surplus allotments of all Indians of three-fourths and more Indian blood, including full bloods.

In accordance with what had been the policy of the Government in dealing with other Indian tribes, this act provided that all lands from which restrictions were removed should be made subject to taxation. This latter part of the act, however, was declared invalid by the United States Supreme Court on the grounds that the tax-exemption feature constituted a vested right which could not be interfered with by Congress.

We secured a revocation of the Roosevelt order setting aside the timber reserve to the end that that portion of the Choctaw Nation might be subject to allotment and sale.

We provided for the completion of allotments and for equalization of same.

The allotment contest period was brought to a close.

We eventually settled the enrollment question, preserving the integrity of the tribal rolls, which guaranteed a sale of the unallotted lands and timber reserve.

We secured a regulation providing that these lands be sold in small tracts to the end that actual settlers might have the opportunity to purchase same.

The jurisdiction of our courts was kept in constant peril. No other State courts had been given such latitude in the settlement of Indian land matters, so we found the departments continually attempting and constantly threatening to divest our courts of this jurisdiction and lodge it elsewhere.

Another serious impediment to the development and progress of our State was the arbitrary action of the departments as well as the numerous court decisions which made necessary the passage of many curative and other acts in order to give stability to land titles and security to purchasers of land. It will be impractical to recite all these numerous acts, but lawyers, land dealers, and purchasers of land will remember the following as some of the more important:

Notwithstanding the specific provisions of the removal of restrictions act (approved May 27, 1908), to the contrary, the Secretary of the Interior continued to claim jurisdiction in the settlement of all inherited estates of the Five Civilized Tribes, thereby unnecessarily clouding the title to many thousand acres of land which had been justly transferred. We had to pass a curative bill over the protest of the administration then in power declaring this jurisdiction vested in the probate courts of Oklahoma.

Another contention was that concerning the determination of heirs and partition of inherited estates. The court held themselves without jurisdiction to make a final determination of heirs of inherited estates with no power of partition in such cases, necessitating the enactment of H. R. 10590 in the Sixty-fifth Congress, which provides the courts with jurisdiction to determine both these matters.

We have just succeeded during the present session of Congress in getting enacted another measure very necessary to the validation of titles on the east side of our State (act of April 12, 1926). This measure amends the act of May 27, 1908, so as to remove the cloud which has been existing on titles to inherited lands. It also applied the statute of limitations to restricted Indian lands of the Five Civilized Tribes and prevents any person from disputing the jurisdiction of the court after such jurisdiction has once been invoked by him.

We passed a resolution demanding an accounting of the administration by the Government of the funds of the Five Civilized Tribes. This report showed that considerable of these tribal funds had been used for the payment of salaries and expenses of officials of the Indian Bureau and for other purposes not consented to by the tribes under their different agreements. Consequently, the Treasury did not possess nearly as much of these tribal funds as we had thought. We immediately began a program to try to prevent the use of these tribal funds for these unjust purposes, and every year my amendment offered to the Indian appropriation bill prohibiting the use of these tribal funds by the department would be defeated by a point of order made by the Member in charge of the bill. It was not until a Democratic House adopted the Holman rule in 1912, making this character of amendment in order, that we were finally able to pass this amendment and stop this continuous drain on the tribal funds.

When this unjust expenditure of tribal moneys was checked, these funds began to accumulate in the Treasury sufficient to justify per capita distribution, but we found difficulty in getting per capita payments made on account of the clamor by the so-called Mississippi Choctaw claimants for a share in the estate.

The assault on the rolls of the Choctaws and Chickasaws continued long after the other tribes had gained their peace on the enrollment question. The files of Congress were cluttered up by many bills demanding a reopening of neutrality on the question. While they would not give sanction to the enrollment advocates, they refused to dispose of tribal property or pay out tribal funds until some adjudication of the enrollment matter was brought about. So the settlment of the affairs of the Choctaws and Chickasaws was held completely at a standstill on account of the agitation of the question.

To bring the matter to a conclusion we secured the appointment of a special committee of the House consisting of five members, with instructions to consider, investigate, and report on the many enrollment bills introduced. I had the honor of being appointed chairman of that committee. We found that these claimants were not confined to the State of Mississippi, nor even to the Southern States and Oklahoma. Their residence ranged from Nova Scotia to the Republic of Mexico, and from Saskatchewan to Cuba. They claimed residence in almost every State of the Union and were demanding their rights at the hands of their Congressmen, composing about two-thirds of the entire membership of the House.

Our committee further found that numerous organizations of lawyers and agents had been established for taking contracts and inducing people to believe that they were entitled to a division in the Choctaw and Chickasaw estate to such an extent that some 50,000 applicants were vigorously asserting claims. Further, that a promotion corporation had been organized with a paid-in capital of $50,000 for the promotion of the reopening of the Choctaw-Chickasaw rolls. After more than three months of grueling, daily sessions during the hot summer of 1914 the committee finally reported that due notice of the closing of the rolls had been amply given; that all applicants had been given opportunity to have their day in court; that the rolls had been duly and legally closed in accordance with treaty stipulations; that the Choctaw people and the State of Oklahoma were entitled to their peace on this subject; and that the integrity of the Choctaw-Chickasaw rolls should not be disturbed by further litigation.

The report was unanimously adopted by the Committee on Indian Affairs and by the House of Representatives. This formally and decisively settled the enrollment matter and permitted the settlement of Choctaw and Chickasaw tribal affairs to proceed, after which most of the tribal property was sold, and between the years 1915 and 1921 various per capita payments were made to the Choctaws and Chickasaws, amounting in all to about $1,000 each and aggregating some $26,000,000, distributed during that period.

After a continuous fight through two or three sessions of Congress we were finally able to pass an act for the sale of the surface of the segregated mineral land. (Act of February 19, 1912.) We had incorporated in this act a requirement that these surplus lands be sold in tracts not exceeding 160 acres, in order that actual settlers might purchase the land, first hand, for home-building purposes, thus avoiding the necessity of dealing with middlemen. On account of the strong conservation sentiment in Congress we were unable at that time to accomplish the sale of the mineral to individuals and corporations. The conservationists finally gave way, and we were at last able to provide for the sale of the mineral in the segregated mineral land by the act of February 8, 1918.

This was the last legislative step necessary for a final settlement of tribal affairs of the Choctaws and Chickasaws. All the annulled provisions of the two agreements had been finally restored, and all legislation necessary to a settlement of these tribes' affairs, provide by the agreement, had at last been again definitely placed on the statute books. It then remained only for the administrative officers of the Government to carry out the express will of Congress by the sale of this property and per capita distribution of the proceeds.

We have found the department somewhat dilatory in carrying out the law with reference to the disposition of this tribal property, but they now report that the entire tribal estate of the Choctaws and Chickasaws has been disposed of, with the exception of a portion of the segregated mineral land and a few remnants. This the department claims to have been unable to sell on account of the financial stringency and depression in the coal industry. We have the promise of department officials that just as soon as normal conditions are restored to a point where an adequate price can be received these minerals and remnants will be promptly disposed of.

I am giving hereinbelow from the most recent departmental reports the estimated value of the Choctaw and Chickasaw property still unsold, also uncollected deferred payments and Choctaw and Chickesaw tribal funds on hand.

Estimated value of Choctaw and Chickasaw property unsold

Coal and asphalt minerals unsold (estimated)	$9,444,528.00
Unsold land, including forfeited land and reservations of surface of segregated mineral land for mining purposes which, under provisions of leasing, can not be sold until minerals are disposed of (estimated)	500,000.00
Forfeited town lots	950.00
Tribal schools and improvements (estimated)	107,000.00
Total	16,052,478.00

Uncollected deferred payments

Amount uncollected on unallotted tribal lands sold	$452,043.21
Amount uncollected on coal and asphalt mineral sold	517,797.59
Amount uncollected on town lots sold	7,457.65
Amount uncollected on sale of surface coal and asphalt lands	113,264.52
Total	1,090,562.97

These reports show there was in the Treasury and in Oklahoma banks at the beginning of this year to the credit of the Choctaws $473,134. The following amounts set aside for the purposes named would not be available for distribution during the current fiscal year:

Unpaid shares former per capita payments	$54,912
Necessary for tribal officials, fiscal year 1927	8,000
Necessary for tribal schools, fiscal year 1927	75,000
Total	137,912

There is reported in the Treasury and in Oklahoma banks at the beginning of this year to the credit of the Chickasaws $145,320. There must be deducted from this amount the following reservations:

Unpaid shares former per capita payments	$4,833
Necessary for tribal officials, fiscal year 1927	7,500
Necessary for tribal schools, fiscal year 1927	65,000
Total	77,333

While these figures do not present a very encouraging outlook for a per capita payment at an early date, we must remember that collections are coming in in various amounts right along, and if sufficient funds are collected to warrant same, that they will be promptly distributed.

This article completes the statement of the condition of the affairs of the Choctaws and Chickasaws and gives evidence of the settlement of all their tribal affairs for which the agreements provided, with the exception of a residue of the segregated mineral land. We have, however, undertaken the settlement of several other Choctaw and Chickasaw matters cited hereinbelow, none of which were provided by the agreements.

We have passed through Congress an important bill known as the Choctaw-Chickasaw claims act. (Public No. 222, 68th Cong., approved June 7, 1924.) This act authorizes the Choctaws and Chickasaws to bring suit against the Federal Government for any claims these tribes may have. While absolutely necessary for a final settlement of tribal affairs, in some manner these claims seem to have been overlooked by the two agreements. The claims will embrace many items of dereliction by the Government and injustice done to the Choctaws and Chickasaws. Among other important matters will be:

The eastern boundary claim embracing the land included in Arkansas which belongs to the Choctaws and Chickasaws.

The minor Choctaw freedman claim.

The railroad right-of-way claim.

The freedman preferential-purchase right claim.

To which must be added a general auditing of all Choctaw and Chickasaw tribal moneys handled by the Federal Government since April 26, 1906, as well as several other important propositions.

Another important matter is the leased-district claim. This claim could not be sent to the courts for the reason that the United States Supreme Court has already rendered a decision to the effect that the court can not take jurisdiction of this matter. The Supreme Court did not undertake to in any manner pass upon the merits of the claim. The effect of the court decision was dismissal of the case for want of jurisdiction.

The United States Supreme Court made it clear that lack of jurisdiction was placed on constitutional grounds, and since Congress can not change the Constitution it would not, of course, be competent for Congress to again undertake to confer further jurisdiction upon the courts for a trial of the case. While the decision of the court makes the leased-district case somewhat difficult of solution, there are several methods by which the claim might be adjudicated. It could be settled by trial either by a commission, a committee of Congress, or by a bill directly authorizing the appropriation. We have introduced bills for the latter purposes. When these bills, taking the regular course, were referred to the department for report and recommendation, the Budget Bureau, while again not disputing the justice of the claim, refused to favorably recommend the bill at this session for the reason, as stated by them, that the considerable amount involved had not been included in the President's financial program for the present fiscal year. This is the first time we had ever heard of any institution's financial program being pleaded as a bar against the payment of a righteous obligation. This, of course, pigeon-holed the bill for the present year, but we hope that we may be able to get the President to include a settlement of the case by one of the methods suggested above in his next year's financial program.

RETIREMENT OF CERTAIN OFFICERS OF THE WORLD WAR

Mr. POU. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. POU. Mr. Speaker, there is on the calendar H. R. 4548, a bill known as the Fitzgerald bill, making eligible for retirement under certain conditions officers and former officers of the World War other than officers of the Regular Army who incurred physical disability in line of duty while in the service of the United States during the World War, and so forth. It has been stated before the Committee on Rules that in one way or another a clear majority of the membership of the House of Representatives have declared their intention of supporting this bill if opportunity is afforded. If I remember correctly, some one hundred and seventy-odd Members have indicated their support of this measure in writing, and an additional number sufficient to make a clear majority of the House has indicated their support of the bill. It seems to me that under the circumstances the House should at least have an opportunity to vote upon the measure.

I shall not now discuss the merits of the bill, but I say that with the statement undisputed, that a majority of the Members of this body have declared in favor of the bill, the House of Representatives ought certainly to have an opportunity to vote the measure either up or down. There are days when the House does almost nothing.

We adjourn for two days at a time. My guess is that when the House adjourns to-day it will adjourn to meet either on Tuesday or Monday next, and it seems to me that it is only fair that a measure which has such powerful support behind it ought to be submitted to the House for consideration. Now, Mr. Speaker, it is a matter of common knowledge that the business of this House is controlled by the Republican steering committee. I do not criticize this committee, but I can not approve the system. It can not be denied that the steering committee is all powerful. It can and does forbid the consideration of any measure to which a majority of the steering committee is opposed. This may be a surprising statement to

some, but the steering committee is more powerful than any of the regular constituted committees of this House. It is more powerful than the Committee on Rules, because the majority of the Committee on Rules will not report any special rule in defiance of the mandate of the steering committee, which is the great supercommittee of this House, with power to kill or make alive. But even this all-powerful supercommittee ought not to disregard the manifest sentiment of the membership of the House. Mr. FITZGERALD, the author of H. R. 4548, appeared before the Committee on Rules recently and plead for a special rule which will give preferential status to the disabled emergency officers' retirement bill. Mr. FITZGERALD stated that in one way or another a majority of the House had declared in favor of the measure. Yet no action has been taken. No rule has been granted, and I fear no rule will be reported providing for consideration of this legislation.

Now, Mr. Speaker, if I have opportunity before the adjournment of this Congress I shall move a special rule in the Committee on Rules. When I will have that opportunity I do not know, but to those who are in favor of this legislation I say you may as well take warning now that unless the supporters of the measure make known their wishes in a most energetic and positive manner this Congress will adjourn without even the opportunity of a vote on a bill which has the support of an overwhelming majority of this House.

LEAVE OF ABSENCE

Mr. KVALE. Mr. Speaker, I ask unanimous consent that I be granted indefinite leave of absence on account of illness in my family.

The SPEAKER. Is there objection?

There was no objection.

CIVIL WAR PENSION BILL

Mr. KIRK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Civil War pension bill.

The SPEAKER. Is there objection?

Mr. KIRK. And in addition I would ask leave to file a petition from some of my constituents asking for the passage of that bill.

Mr. GREEN of Iowa. That can be done by dropping it in the basket.

Mr. KIRK. All right.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD and to include a petition. Is there objection? [After a pause.] The Chair hears none.

Mr. KIRK. Mr. Speaker, I have presented a petition signed by a number of my constituents, urging the passage of the Civil War pension bill (H. R. 4023), which has been favorably reported by the Invalid Pensions Committee, of which I am a member. I appeal to this House to not adjourn until this bill has been passed. The death rate of these old veterans and their widows is so great that within the next four years the old veterans will only be a memory in the minds of the living, and if this Government, which they loved and defended expects to give to them and their widows any relief, it must be done at once. This session of Congress has been one of great importance. It has passed a great many measures affecting the welfare of the Nation.

Among them, it reduced the taxes $388,000,000; increased the exemptions of the heads of families from $2,500 to $3,500, and that of single persons from $1,000 to $1,500, and 2,000,000 persons have been relieved from the payment of income tax. War-debt settlements have been agreed upon and accepted, and put in force with all the debtor nations of the world except France; the agreement with her is yet to be approved by the Senate and by France, the same having been approved by the House of Representatives. France borrowed $3,300,000,000 from the United States, and under the agreement is to pay back $6,800,000,000. The railway labor bill has been passed, providing a means for the settlement of disputes between capital and labor. The national banking and bankruptcy laws have been amended and simplified. The bill relieving the infant soldiers who misrepresented their age to get into the service of their country, has been passed giving them a soldier's status. The Federal aid road bill, appropriating $375,000,000 to aid in constructing highways throughout the States of the Union has been passed, and is now a law. The World War soldiers' bill, extending the time one year to convert their insurance has been passed. A bill increasing pay for jurors and witnesses attending Federal courts has been passed. Large sums have been appropriated for the Army and Navy; large sums have been appropriated for the Air Service and radio; millions have been appropriated for the general expenditure of the Government; large sums have been appropriated for public buildings; a sufficient sum has been appropriated as a just recognition of the Spanish-American War veterans, their widows and orphans, which I favor. This legislation is splendid; it is a great record made by a great party, but I call your attention to the fact that the Civil War veterans, and their widows have been overlooked. Not one cent additional has been appropriated for them.

I beg you, as a son of an old veteran, to do something for the old Civil War veterans and their widows, as a last recognition of a loyal service in defense of this Nation we love and the flag of our country. The increase or allowance made by this bill will be taken care of and no extra burden imposed by reason of the rapid death rate of the old veterans and their widows.

We are sometimes misunderstood and our acts are misconstrued; our purposes sometimes extorted, misapplied, and mispresented. The Savior of the world was misunderstood, misrepresented, and mistreated; false witnesses rose up against Him and testified—so it is with the world to-day. I live among a loyal, pure citizenship of the mountains of Kentucky. I have cast my vote in their behalf on every occasion when a bill came up for passage, which I believed was against their interest. I belong to the people. I am for the people, I stand for their interests and next to my God do I serve them. My life has been a life of service to them. I oppose all oppression or abuse of power, which affects them. I want to make clear my position. I stand for all laws and measures which will aid my constituents. I oppose all measures which tend to oppress them. I stand for the farmers of this land. I hope to be able to vote for some measure for their benefit before Congress adjourns, but I want it to be one which will not inflict a burden on the consumers and working men of my country who are already hard pressed to live and support themselves and their families. I expect to see a million dollars or more appropriated for their use before Congress adjourns. I oppose excessive freight rates by all common carriers.

I favor a reduction of freight rates on all commodities in every case to the lowest margin possible, so that the producer and the public may be benefited by reason of such reduction, and any statement as to my position made to the contrary is unjust and unfair to me. I favor a fair price and reasonable profit for the farmer, and a fair and living wage for the working man, so that he can live in decency, and his offsprings given an equal chance in life with others, whether he labors on the farm, in the factory, shop, or mine. I am pledged, with all my energy and skill, to stand by the soldiers of the Republic of all the wars, their widows and orphans, and will stand so long as a Member of Congress, and on these declarations and principles I am not ashamed or afraid to go to the people of my district and the Nation and ask their support and approval.

The veterans of the Civil War and their widows are dying at the rate of 5,000 a month, and those who are living are appealing to Congress; it is the last appeal 100,000 of them can make before the next session. Fully that many aged veterans and their widows will have passed over the river of death before that time. We can not afford to neglect them or be ungrateful to them. Shakespeare says, "How sharper than a serpent's tooth is ingratitude." I appeal to this body to do its duty toward the Civil War veterans and their widows and orphans by passing this bill.

We must protect our protectors and care for our defenders, and so long as we do this our Government can not perish from the earth.

EAST VERSUS WEST

Mr. SEARS of Nebraska. Mr. Speaker, I ask unanimous consent to be allowed to have inserted in the RECORD as an extension of remarks an editorial from the Kansas City Journal-Post dated June 12, 1926.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska? [After a pause.] The Chair hears none.

Mr. SEARS of Nebraska. Mr. Speaker, under permission to extend my remarks in the RECORD, I insert the following article from the Kansas City Journal-Post:

[From the Kansas City Journal-Post, June 12, 1926]

EAST VERSUS WEST

The resort to blocs as legislative instruments is to be discouraged as a general proposition. But when the party organizations fail to function, when they stagnate and do not provide relief, and when this condition lasts over an unreasonably long period of time, members of a legislative body who want action have no other choice than to join in the formation of a bipartisan group to work for the legislation desired.

This is the situation in which representatives from States along the Missouri and Mississippi Rivers, who desire waterways legislation, have found themselves. They are, therefore, engaged in the formation of a Middle West group, which will have, they believe, 150 votes in the House of Representatives.

Their action, together with the nomination of Smith W. Brookhart in Iowa, should constitute a dual warning to the East and to the controlling elements in both the Republican and Democratic Parties. Ordinarily no man is more conservative than the Corn Belt farmer. But the Corn Belt farmer is on a rampage because of the existing maladjustment between agriculture, manufacturing, and banking.

The Congressmen engaged in this Middle West coterie would, for the most part, prefer to work through regular party channels. But the East says thumbs down, and the eastern Members of Congress, both Republicans and Democrats, stand in their way.

Sectionalism is not a thing to be proud of, but the East has stepped on the Middle West's feet, and it seems to be up to the Middle West to finish what the East started. This, at least, is the way a great many middle western Congressmen look at it. Let the East take heed!

PERMISSION TO ADDRESS THE HOUSE

Mr. GARRETT of Tennessee. Mr. Speaker, I ask unanimous consent that on Tuesday next, after the reading of the Journal and general disposition of business on the Speaker's table, the gentleman from Alabama [Mr. ALMON] may be allowed to address the House for 10 minutes.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that on Tuesday next, following the orders established by the House, that the gentleman from Alabama——

Mr. SNELL. Could not the gentleman make that for Monday? We have a very heavy calendar for Tuesday, the bank conference report, and so forth.

Mr. GARRETT of Tennessee. I was trying to accommodate myself to a suggestion privately made. I will make it on Monday.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that on Monday, after the reading of the Journal and disposition of routine business, that the gentleman from Alabama [Mr. ALMON] may be permitted to address the House for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, one of its clerks, announced that the Senate had passed bills and concurrent resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 3999. An act to provide a parole commission for the District of Columbia, and for other purposes;

S. 4054. An act to extend the oil leasing act to the Zuni district of the Mavzano National Forest;

S. 4419. An act authorizing the Shipping Board to give a preference rate to alien veterans and their families; and

S. Con. Res. 23. Concurrent resolution canceling signatures of Presiding Officers and providing for indefinite postponement of the bill (S. 3989) to extend the time for the construction of a bridge by the city of Minneapolis, Minn., across the Mississippi River in said city.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 1459. An act for the relief of Waller V. Gibson;

S. 3122. An act for completion of the road from Tucson to Ajo, via Indian Oasis, Ariz.;

The message also 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. 9690. An act to authorize the construction and procurement of aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith; and

H. R. 11355. An act to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7152. An act for the relief of Lilly O. Dyer; and

H. R. 11870. An act for the relief of certain officers of the Air Service of the United States Army on account of funds expended by them in connection with the American round-the-world flight.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 2826) for the construction of an irrigation dam on Walker River, Nev., had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had ordered that Mr. ODDIE, Mr. SHORTRIDGE, and Mr. PITTMAN as the conferees on the part of the Senate.

SENATE BILLS REFERRED

Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3999. An act to provide a parole commission for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

S. 4054. An act to extend the oil leasing act to the Zuni district of the Manzano National Forest; to the Committee on the Public Lands.

PRINTING OF OFFICIAL PLANS, ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE ADOPTION OF THE DECLARATION OF INDEPENDENCE AND THE THOMAS JEFFERSON CENTENNIAL

Mr. KIESS. Mr. Speaker, I present a privileged report from the Committee on Printing.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 299

Resolved, That the official plan for the nation-wide celebration of the one hundred and fiftieth anniversary of the adoption of the Declaration of American Independence as promulgated by the President of the United States, on behalf of the Sesquicentennial of American Independence Commission and the Thomas Jefferson Centennial Commission of the United States, be printed as a House document and that 50,000 additional copies be printed for the use of the commission.

The SPEAKER. The question is on agreeing to the resolution.

Mr. KINCHELOE. Mr. Speaker, a parliamentary inquiry. If this resolution is passed, how will the copies be distributed, through the folding room or the document room?

Mr. KIESS. These copies go to the commission, which sends them out. There was no authority for printing them.

Mr. KINCHELOE. How many copies?

Mr. KIESS. Fifty thousand for the commission.

The question was taken, and the resolution was agreed to.

EXTENDING REMARKS IN THE RECORD

Mr. McLAUGHLIN of Michigan. Mr. Speaker, during the last few minutes of yesterday's session the gentleman from Georgia [Mr. UPSHAW] made a speech, at the conclusion of which he asked unanimous consent to extend his remarks in the RECORD. Reserving the right to object, I asked if they were his own remarks; he said no, and I objected. That objection was not withdrawn. The RECORD as it appears this morning makes no record of it, but in the RECORD there is an extension of remarks of the gentleman from Georgia, and he includes telegrams and other papers not his own remarks. I would call the attention of the House to the alteration of the RECORD and the failure correctly to show its proceedings. I am not particular about the speech of the gentleman from Georgia appearing in the RECORD, even with the extension that he made, but I thought unanimous consent of extending remarks by printing official documents, messages, and all that was being abused and ought to be stopped. So I make the objection. Now, the objection I am making is that the RECORD of yesterday makes no mention of the proceeding at all, and that the extended speech of the gentleman from Georgia appears in the RECORD.

Mr. HUDSON. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes; I yield.

Mr. HUDSON. I understand the extension in to-day's RECORD is not the extension the gentleman from Georgia asked for yesterday, but permission was given some time ago, and it has no relation to the speech of yesterday.

Mr. McLAUGHLIN of Michigan. I may be misinformed about that.

Mr. HUDSON. That is the record of it.

Mr. UPSHAW. Mr. Speaker, may I make an explanation?

The SPEAKER. The gentleman from Georgia is recognized.

Mr. UPSHAW. Is it necessary for me to ask unanimous consent for two or three minutes to explain that? When my action is called in question I ask the privilege of making an explanation.

The SPEAKER. The gentleman from Georgia is recognized for five minutes.

Mr. UPSHAW. May I say this to the gentleman from Michigan [Mr. McLAUGHLIN] that the speech which now appears in the RECORD of this morning is following a request which I made on the 3d of May, as the RECORD shows, concerning letters and telegrams which had been sent me defending prohibition and the good name of Atlanta. It has nothing to do with the question yesterday. I am sure the gentleman from Michigan will understand when I make the statement. As to

yesterday, I am sure also the gentleman misunderstood it, or he would not have objected. I made a speech here on a bill which I introduced at the request of the Spanish-American veterans of my city concerning a soldiers' home in Atlanta, and I asked that I be permitted to include a few letters dealing with this piece of legislation. There was nothing controversial in it. There have been many things appearing in the RECORD every day of that kind, and I can not understand why any colleague should thus object. I have been a Member of the House for seven years and I have never objected to any similar request made by any of my colleagues, for these letters which I asked leave to print deal vitally with this proposed legislation.

Mr. LAGUARDIA. Mr. Speaker, will the gentleman yield?

Mr. UPSHAW. Yes.

Mr. LAGUARDIA. The date shows May 3, in the gentleman's remarks, which the gentleman from Michigan probably overlooked.

Mr. UPSHAW. I can not realize how the gentleman from Michigan feels himself called upon to call in question my actions on this floor, when the date itself would have shown it. The only objection I have ever made to any colleague printing matter not his own on anything dealing with his own home district was when the gentleman from New York [Mr. BLACK] asked for the privilege of incorporating in his remarks in the RECORD a long piece of doggerel, a poem dedicated to Gov. Albert E. Smith and hailing him as "the next President of the United States," and I was unwilling for the RECORD to carry such a prophecy concerning the future of this country, which will never materialize, as I honestly believe. [Laughter and applause.]

Mr. O'CONNELL of New York. Mr. Speaker, will the gentleman yield?

Mr. UPSHAW. I yield.

Mr. O'CONNELL of New York. I am surprised that the gentleman from Georgia should make a reference of that kind to any Member of the New York delegation without his being present.

Mr. UPSHAW. The gentleman is present. [Laughter.]

Mr. BLACK of New York. The gentleman from New York offered "eight points concerning prohibition," which was written in the approved Anti-Saloon League style, and the gentleman from Georgia did not like the plagiarism involved, and consequently objected to it. [Laughter.]

Mr. UPSHAW. Yes; and I became convinced before I objected that the gentleman from New York was not very anxious to get that poem in. [Laughter.] I can prove that the gentleman [Mr. BLACK] came to me afterwards and said, "I think you saved me from a lot of trouble by preventing that poem from coming out." [Laughter.] Now, Mr. Speaker——

Mr. BLACK of New York. I want to say that that is the only thing that I have to thank the "dry" gentleman from Georgia for. [Laughter.]

Mr. UPSHAW. May I say in all good humor to the gentleman from Michigan [Mr. MCLAUGHLIN] that I wondered why, when I asked for the privilege of putting these telegrams in, when the good name of my city had been attacked, I wondered why the gentleman from Michigan objected. I would not have objected if he had wanted to make a statement defending from attack any city in Michigan. I have never lifted my hand against the gentleman from Michigan. I have never said an unkind word about him, and, God help me, I never expect to do one little thing of that kind against any colleague on the floor of this House. [Applause.]

Mr. MCLAUGHLIN of Michigan. I may be wrong concerning the insertion of the speech by the gentleman from Georgia in the RECORD, but I see no reason for eliminating from the RECORD all the proceedings of yesterday, the gentleman's speech, his request to extend his remarks, and my objection. Now, as far as reasonable objecting goes, it must be observed by Members of the House that the RECORD is being loaded up unreasonably and improperly by the insertion of a lot of extraneous matter—perhaps the word "extraneous" is not the proper word—but matters not delivered, not original with the speaker himself. The privilege is being abused. That is the main purpose for which I rose. I believed, at the time, that the speech delivered yesterday was inserted in the RECORD contrary to the directions of the House in the matter.

If an apology is necessary, I make it to the gentleman for the mistake in regard to the date of his speech; but outside of that I see no reason for eliminating all the rest of it.

Mr. UPSHAW. Mr. Speaker, will the gentleman yield?

Mr. MCLAUGHLIN of Michigan. Yes.

Mr. UPSHAW. I want to make clear the fact that I only used the privilege here that others do, proposing to insert certain relevant letters and resolutions dealing with my home city. The letters which I had proposed to print in connection with my speech of national good fellowship deal especially with the proposed soldiers' home, while those appearing in the RECORD this morning give different angles of protest against the charge that prohibition in Georgia has failed. It was my purpose to prove the falsity of this charge from a positive cloud of witnesses, and I asked permission on May 3 to do that very thing.

The remarks I made yesterday are not published for the reason that I asked the privilege of withholding, because I was very busy and did not have time to correct and complete the speech. When it was brought to me by the official stenographer I simply withheld it and that which would introduce it. That is generally done, and when the speech is printed all that took place will appear. There was no purpose to conceal anything, and it seems to me the gentleman is making a mountain out of a molehill.

Mr. MCLAUGHLIN of Michigan. I call attention to the fact that in connection with the speech inserted in to-day's RECORD there are three pages of telegrams, all to the same effect. One would have been enough with a statement that there were a number of others to the same effect. The RECORD is being loaded down with such matters and the right to extend is abused.

Mr. SNELL. Mr. Speaker, I demand the regular order.

Mr. UPSHAW. I remind the House that I asked for the privilege of publishing those telegrams and I got it. [Applause.]

Mr. BLACK of Texas. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. BLACK of Texas. Mr. Speaker, on June 16 the gentleman from Maryland [Mr. HILL] secured unanimous consent to extend his remarks by printing a speech he delivered at Baltimore, and with that speech is printed 14 different letters. Now, I think that is an abuse of the privilege, and while I do not intend to make any motion to exclude them from the RECORD, I do not think it ought to be repeated. The gentleman from Maryland in securing permission to extend his remarks said nothing about intending to print 14 letters in the RECORD.

Mr. SNELL. Will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. SNELL. I am in entire accord with the gentleman's statements, and I have tried the best I could during all of this session to keep a lot of that stuff out of the RECORD, but it has been done time and time again.

Mr. BLACK of Texas. I think it would be well to make an example of some of these cases and exclude them from the RECORD.

Mr. WINGO. Will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. WINGO. I do not know, but it may be that the speech of the gentleman from Maryland is like some of mine, that the things he read quoting others is the best part of the speech.

Mr. BLACK of Texas. Well, the gentleman from Maryland under his permission to extend remarks printed in the RECORD 14 different letters. I object to this practice, and it should stop. If Members of the House intend to print letters and telegrams as a part of their remarks, they should secure permission to do so.

Mr. SNELL. Mr. Speaker, I demand the regular order.

The SPEAKER. Under the order of the House the Chair recognizes the gentleman from Massachusetts [Mr. UNDERHILL] for 30 minutes.

THE SACCO-VANZETTI CASE

Mr. UNDERHILL. Mr. Speaker, I shall not take the 30 minutes accorded to me. This is not a local matter but a matter which has an interest for every Member of the House, and is so serious in its character that I ask the indulgence of the Members in order that I may present it.

I wish at this time to call the attention of the House and of those Federal authorities having jurisdiction to a most vicious, subversive propaganda which is being carried on in this and other countries by red organizations and individuals interested in that movement which has for its object the overthrow of the Government of the United States and the substitution therefor of the communism of Soviet Russia. I refer to the agitation being made over the Sacco-Vanzetti case, so called.

Briefly, Nicola Sacco and Bartolomeo Vanzetti were arrested about six years ago. It was alleged they were responsible for a brutal murder resulting from a pay roll holdup a few miles

outside Boston. There had been similar outrages, and the police were on the alert. They had reason to believe a certain abandoned car was used by the robbers. They caused a watch to be set in case it should be claimed. These two men called for it and were arrested on suspicion after they had fled the scene, becoming apprehensive at questions asked them. Vanzetti was identified as the bandit in an earlier attempted holdup, tried, and convicted. He and Sacco were identified by witnesses as responsible for the later murder, indicted, tried, and convicted. The trial judge, a jurist justly known for his learning, ability, and scrupulous fairness, and our supreme court, whose courage and sagacity have well-earned reputation far outside our borders, refused these men a new trial. These men were not friendless. Thousands of dollars were raised for their defense; they had the benefit of eminent counsel; they still have the advantage of strong financial backing, earnest friends, and able lawyers. I am confident they have had and will continue to have every protection the law throws around the accused.

Our courts have proceeded with wise deliberation, giving careful consideration to every point raised in their behalf.

I am not here, however, to discuss their case by itself, nor to differ with those who honestly believe them innocent. I seek instead to give such warning as I can to the use to which this case is being put. These men, I am informed, happened to be concerned in a minor way in the radical movement, so called. I believe they were considered agitators, not important by themselves, but the leaders of the radical movement in this country, the real reds, who live on the money raised by the high-browed, weak-chinned pinks, seized on this case for purposes of their own propaganda.

Ah—

They said—

wicked capital intends to deal labor a body blow by sending two workers to the chair in Massachusetts. They are about to do judicial murder there. Workers, unite to save these martyrs and join us!

The invitation is the real meat in the coconut—the joker for the workers. I say there is no question that Sacco and Vanzetti are being used by their false friends to advance the revolutionary radical movement in this country. They are being used to preach discontent to the workers of the country in the hope that recruits for the red radicals can be obtained. It is my conviction that the issue as far as being harmed by this campaign which causes many who might be sympathetically inclined toward them to look with loathing at the political aims of their professed champions.

It is the philosophy of the communists that anything goes if it will achieve their object; that what is wrong for the other fellow is all right for them. Who can deny, for example, that Soviet Russia, with its red army and dreams of conquest, is the most militaristic nation in the world to-day? Let me tell you very briefly something of the radical movement in this country whose institutions and people so far, thank God, have been red proof. After the World War Soviet Russia set out to accomplish the world revolution. Agents and money were sent to this as to other countries. At first they were very bold. Armed rebellion was openly advocated on the one hand and destruction of every institution dear to us planned on the other. Fortunately there were Federal and State laws to meet such a situation. There were raids, arrests, trials, convictions, and deportation for some of the more dangerous aliens. These had a salutary effect and forced the red leaders out of the open and into their rat holes, where they have nevertheless been active with their propaganda against our national defense of religion.

Now they have begun to emerge again. We saw something of them at the strike in Passaic, N. J., where they have been attempting to revive the one big union labor movement under a new name, the United Front. We see them again addressing the Sacco-Vanzetti protest meetings. I want particularly to call your attention to one such meeting held here in Washington the night of June 4. It was held under the auspices of the International Labor Defense, of Chicago, whose principal function is to raise money for bail and lawyers for radicals who run afoul of our laws. This organization plans many meetings similar to that held here.

During the meeting flyers were distributed. These charged Sacco and Vanzetti with being framed up by "the shoe manufacturers and the Department of Justice." This is utterly false. The shoe manufacturers have had no interest as such in the case. Neither has the Department of Justice. No one can produce an atom of evidence to back up this absurd statement.

The flyers further described Massachusetts as a "vicious open-shop State." It is perfectly true that some employers there refuse to hire workers on the understanding that he must or must not belong to some labor organization. It is perfectly true that Massachusetts is known as a State having many organized workers, and to insinuate that Sacco and Vanzetti have any relation to the question of open shop as against the closed shop is a deliberate attempt to deceive. It is a bait to union workers.

It is in their behalf that I take the floor to-day to present these facts to the House.

Here is another excerpt from these flyers:

Letters and telegrams must flood the office of the Governor of Massachusetts urging the unconditional release of these two innocent workers. Thousands of workers must gather at the mass meetings that are being arranged to protest against the planned execution.

Fortunately we have a Governor of Massachusetts who can not be intimidated, but I should have no objection to such meetings if they consisted of a fair review of the evidence, a recital of alleged errors, and a request for funds to assist the defense in seeking further to prove the innocence of the convicted men. Their friends have every right to go this far.

But I do most vigorously object when these meetings, as was the case at the one held here, are used by speakers to charge the case against these men was a frame-up from the beginning, designed solely to injure the laborer by executing two workers, when the integrity of our courts are assailed falsely and viciously for the purpose of exciting distrust among workers concerning all of our institutions, and when the Sacco-Vanzetti case is used as a means of spreading communistic doctrine aimed at our form of government.

I come now to a more ugly side of the whole business. During the two years six or seven bombs have been exploded in American consulates, legations, or embassies abroad. Two recent cases in South America will come readily to your minds. The worst example was that in the American Embassy at Paris about two years ago. A bomb sent to our ambassador was opened by a servant. It exploded and mutilated him. In every case the authorities of the country where the outrage took place have attributed it to radical sympathizers with Sacco and Vanzetti. It has been found necessary in a number of cases recently to provide special police guards for our foreign representatives.

But now the terror stalks at home. The night of June 1 dynamite blew up the home of Samuel C. Johnson, of West Bridgewater, Mass. He is a brother-in-law of Mrs. Simon Johnson, one of the most important witnesses against Sacco and Vanzetti. Three adults and four children were sleeping in the house when the explosion took place, and, though the building was demolished, they escaped with no serious injury. A fund is now being collected to relieve their distress.

At this Washington meeting to which I have referred speakers had the audacity to suggest that these outrages have been plans engineered to prejudice the public against the convicted men. The authorities of Massachusetts have found it necessary, however, to provide police protection for the homes of important witnesses, for the trial judge, for the justices of the supreme court, for our courthouse in Boston, for our governor, and for other officials concerned with this case. There exists great public apprehension.

I now, Mr. Speaker, invite the attention of the Department of Justice to this situation. The department has the law and machinery to act. I request it to investigate the organizations and persons responsible for the sort of meetings I have described and the exact relation between their activities and those of the committee in Boston responsible for the conduct of the defense. I ask for such action by the department as will end this revolutionary campaign of terrorism, even if it is necessary to close down every meeting and headquarters to ascertain those to blame and to apply the penalties of the law. [Applause.]

I am a believer in free speech, but I think we are making a grave mistake in allowing such free speech, so called, as has been carried on in Washington, Boston, and other large cities. It is a real menace and not free speech. It is a condemnation and misrepresentation of our form of government, of our officials, of our courts, and of everything that we hold sacred and dear, and I think the free-speech idea or the free-speech claim no longer holds with reference to this group of revolutionists.

I call upon the Department of Labor to take notice of what is going on. This department has the authority to rid us by deportation proceedings of those aliens who are here not to become citizens but to overthrow our institutions by force. Let us hope the officials of this department will likewise have courage to take summary action, as was done once before. Official inaction now may cause us the loss a little later of valuable and loyal citizens. [Applause.]

My friends, this is a serious situation. Up to now it has been confined largely to Massachusetts and our consulates abroad, but to-morrow it may come home to you and some dear or near relative or some friend or neighbor may be blown to bits by these bombing outrages which are being advocated almost openly. This propaganda has been of such a subtle nature that it has not been particularly harmful up to now, but the reds are getting bolder and coming out into the open. They are inciting the weak minded, the feeble minded, and the insane to acts of violence, which is worse by far than though they had the courage to commit the act themselves.

I have taken the floor to-day not to explain to you what has happened in Massachusetts and not to ask you for protection of the people of Massachusetts, but to insist that you as Members of Congress may join with me in demanding from the Department of Justice, the Department of Labor, and the Department of State some immediate action to curb and do away entirely with these outrages which exist not only in Massachusetts but which have spread far beyond its borders throughout the length and breadth of this Nation. [Applause.]

The SPEAKER pro tempore (Mr. LEATHERWOOD). Under the unanimous consent heretofore granted, the gentleman from Virginia [Mr. MOORE] is recognized for 15 minutes.

THE VIRGINIA CONVENTION OF 1776 AND GEORGE MASON

Mr. MOORE of Virginia. Mr. Speaker, I wish to take some slight reference to an anniversary celebration held a few days ago, in which a joint committee of Congress participated. The Virginia Convention of 1776 was of very brief duration. It met on the 6th day of May and adjourned on the 5th day of July. Nevertheless, it was in many respects the most notable political gathering of the Revolutionary period.

On May 15 it instructed the Virginia delegates in the Continental Congress to press for the action which led to the Declaration of Independence, and on June 12 it adopted the Virginia Bill of Rights, and on June 29 it adopted the Virginia constitution, which was the first written constitution ever promulgated establishing a complete system of government. Among other things, that instrument clearly separated and defined the powers of the Executive, legislative, and judicial departments. Last Saturday the second event, the adoption of the Virginia Bill of Rights, was commemorated at Williamsburg, the old capital of Virginia, where the convention sat, and not only was the bill of rights then acclaimed by men of eminence and distinction as a wonderful statement of the fundamental principles of free government, but the fame of its author, George Mason, as a statesman of profound learning and wisdom was glorified. Thus in the year following the two hundredth anniversary of Mason's birth was celebrated the one hundred and fiftieth anniversary of his unforgettable contributions in that convention, in the Philadelphia convention of 1787, and elsewhere to the cause of civil and religious liberty. Nearly 50 years after the convention Mr. Jefferson wrote of the bill of rights and of the constitution of Virginia and their author as follows:

> The fact is unquestionable that the bill of rights and the constitution of Virginia were drawn originally by George Mason, one of our really great men, and of the first order of greatness. The history of the preamble to the latter is this: I was then at Philadelphia with Congress, and knowing that the convention of Virginia was engaged in forming a plan of government I turned my mind to the same subject and drew a sketch or outline of a constitution with a preamble, which I sent to Mr. Pendleton, president of the convention, on the mere possibility that it might suggest something worth incorporation into that before the convention. He informed me afterward by letter that he received it on the day on which the committee of the whole had reported to the house the plan they had agreed to; that that had been so long in hand, so disputed inch by inch, and the subject of so much altercation and debate, that they were worried with the contentions it had produced and could not from mere lassitude have been induced to open the instrument again; but that being pleased with the preamble to mine, they adopted it in the house by way of amendment to the report of the committee, and thus my preamble became tacked to the work of George Mason.

I have risen mainly for the purpose of asking leave to extend my remarks by printing the addresses delivered at Williamsburg on June 12 by the Governor of Virginia and Dr. Roscoe Pound, dean of the law school of Harvard University, and an address theretofore delivered in Richmond on the life and career of George Mason by Hon. Lewis H. Machen, assistant attorney general of Virginia.

The matter referred to is as follows:

ADDRESS OF GOV. H. F. BYRD, OF VIRGINIA

Governor BYRD. Nearly 150 years ago a wealthy, aristocratic Virginia planter came to this town from his stately home in Fairfax County on the Potomac to declare the rights of all men to be free from oppression by any government.

When George Mason arrived in Williamsburg on May 18, 1776, the Virginia convention had been sitting for 12 days. He had been detained by an attack of gout, and only a sense of high public duty drew him from his home, Gunston Hall, where he preferred to remain in seclusion.

He had never quite recaptured his happiness after the death of his beautiful and beloved wife.

EQUIPPED FOR SERVICE

He was 51 years of age—large, powerful, and handsome, with a mind equipped by broad reading and deep reflection to assert the rights of his countrymen. Older than Washington, who also lived in Fairfax County, he was 18 years senior to Thomas Jefferson, who sat with him here in that convention of notable men and looked up to Mason as a wise friend with sentiments similar to his own.

These two men—Mason and Jefferson—as they took their places in the assembly hall of the old capitol at this very spot were scarcely conscious that they were destined to be the outstanding champions not only of the right of their country to be free but also of the right of the individual to life, liberty, and the pursuit of happiness.

ARISTOCRAT BY BIRTH

George Mason was an aristocrat by birth who had inherited wealth and acquired more.

Jefferson was an example of the genius that comes some time from the union of a plain, sturdy father with a mother of gentle birth.

But both men alike were ready to sacrifice all the personal privileges of their station that all legal privilege might be abolished. It is indeed one of the wonders of that Virginia group of superior men that so many aristocrats periled their very lives and fortunes to fight for equal rights for all their countrymen. Their conduct strengthens our faith in the good in mankind.

When Mason sat down at a table in the Raleigh Tavern to write the Virginia Bill of Rights he did not have the formal preparation for the task that Jefferson enjoyed.

Jefferson had been a student here in this town; Jefferson had practiced law here, while Mason was neither a lawyer nor a college graduate.

But it will be remembered that during the convention, or almost continuously while it was in session, although Jefferson was a member, he was serving as a Virginia Representative in the Continental Congress at Philadelphia, and therefore not at Williamsburg.

KNEW ENGLISH HISTORY

But George Mason knew English history, and he was familiar, in the opinion of Hugh Blair Grigsby, with "every concession in favor of liberty from the Magna Charta to the revolution which placed William and Mary on the British throne. No person who had not studied English history in the spirit of a philosopher and statesman could have written the declaration."

"The Declaration of Rights made by the good people of Virginia in full and free convention" was reported by the select committee to the house on the 27th of May, and on the 12th of June, 1776, was adopted unanimously with few changes from the text written by George Mason.

And so to-day 150 years ago in this town a Virginia planter became the father of a charter of liberty that is now a part of every constitution in the land and a part whereof is preserved in the first 10 amendments to the Constitution of the United States itself.

While Mason himself was not a lawyer, his great declaration has always been the subject of admiring study by lawyers, and it is rather presumptuous perhaps for me, a layman, to attempt an analysis or appreciation of this document or of its author.

Fortunately, there are here men learned and eminent in the law who will speak as those having authority.

But it does seem fitting that the Governor of Virginia should express his praise of this great man and voice the appreciation of Virginians this day that they are now happier and more secure in person and property, in mental freedom, and religious liberty because George Mason left his library at Gunston Hall when duty called and came to Williamsburg to write an immortal statement of the inalienable rights of man.

In this spirit of appreciation the General Assembly of Virginia approved this celebration, and we owe a debt of gratitude to the following committee who arranged this program and attracted here this eminent assemblage:

Senator Henry T. Wickham, of Hanover; Senator Julian T. Gunn, of Henrico; Ashton Dovell, of Williamsburg; George A. Bowler, of Goochland; J. W. Topping, of Northampton; Robert D. Ford, of Richmond; John Stewart Bryan, of Richmond; Col. W. S. Copeland, of Newport News; Louis X. Jaffo, of Norfolk; S. L. Slover, of Norfolk.

As the final word of this preface to the speeches, I would read the advice of George Mason to his sons contained in the will he had already written three years before he came here to compose the Virginia Bill of Rights:

"I recommend it to my sons from my own experience in life to prefer the happiness of independence and a private station to the troubles and vexation of public business, but if either their own inclinations or the necessity of the times should engage them in public affairs, I charge them on a father's blessing never to let the motives

of private interests or ambition induce them to betray nor the terrors of poverty and disgrace or the fear of danger or of death deter them from asserting the liberty of their country and endeavoring to transmit to their posterity those sacred rights to which themselves were born."

Eulogy can add nothing to those high, solemn words revealing the righteous character and noble spirit of this great man.

ADDRESS OF ROSCOE POUND—THE SESQUICENTENNIAL OF THE BILL OF RIGHTS

Doctor POUND. It would be idle to pretend that the Bill of Rights adopted here at Williamsburg 150 years ago was something in all respects wholly new. Except as an act of omnipotence, creation is never a making of something out of nothing. There were abundant historical and philosophical materials, both political and legal. There was a long course of philosophical speculation, culminating in the politico-juristic theories as to the natural rights of man. There was a series of declaratory instruments going back to the Middle Ages, and the oldest of these had been made a legal instrument by the authoritative commentary of Sir Edward Coke. There had been the pronouncement in Magna Charta as to what the King would do and would not do in his relations with his tenants in chief. Under Charles I Parliament had claimed by the petition of right, and the King had admitted, certain of the political rights of Englishmen as they had been recognized in the past. At the revolution of 1688 these and other rights were again declared, and received the sanction of an act of Parliament under the name of the Bill of Rights. In 1774 the Continental Congress had put forth a declaration of rights. But the Virginia Bill of Rights of 1776 is the first and, indeed, is the model of a long line of politico-legal documents that have become the staple of American constitutional law. Although left out of the original draft of the Constitution of the United States, a bill of rights was at once incorporated by amendment, and in effect the amendments that gave us one for our Federal Government were a condition of ratification. All the States have put bill of rights in their fundamental law, and to-day no one would think of an American Constitution without one. Moreover, in actual application in the courts the bills of rights, both in the Federal and in the State constitutions, are the most frequently invoked and constantly applied provisions of those instruments.

Nor has the Virginia Bill of Rights been conspicuous only as a model. With all allowance for the historical documents that went before it, it must be pronounced a great creative achievement. It is preeminently a legal document. More than any other part of the Federal Constitution, the Bill of Rights has compelled recognition that the Constitution is the law of the land. It is not too much to say that the Bill of Rights and its derivatives have stood for and now stand for the Constitution in almost all legal, as distinguished from political, connections. It is a creative instrument, because it uses and reshapes traditional legal materials by a philosophical method. Thus it is able to put concrete legal propositions universally and make it possible to employ them in a wholly different society, and under wholly different social and economic surroundings, 150 years after they were formulated.

But the Bill of Rights is more than a legal document. It marks the culmination of a period in social and political history. In general, we may say that men are first kin organized. Social organization is in kin groups. Social control is exercised through the internal discipline of groups of kindred. Later, men are religiously organized. Social organization is in groups held together by a bond of religious and social control takes place through sanctions of organized religion. Still later, and as things are to-day men are politically organized. Social organization is in groups held together by a tie of political allegiance. Social control takes place chiefly and ultimately through the force of politically organized society. Nor has the development stopped there. When we pass from kin organization to religious organization of society, we may in general observe three substages. First, there is a kin religious organization. Next, there is a political religious organization, or, as we now put it, looking back at the past through the spectacles of modern institutions, a union of church and state. Finally, there is the régime of voluntary religious organzation with which we are familiar to-day. And when we pass from religiously organized society to politically organized society a like threefold development may be observed. We begin with a kin religious-political organization, real or fictitious. Indeed, in classical Greece when a new city state was established by colonists from more than one city, it seemed necessary to assume a common heroic ancestor, to be worshiped as the ancestor of the whole citizen population, even if this were so palpable a fiction that the citizens chose for this hypothetical ancestor a living Spartan general. Next comes an authoritative political organization. Finally, at the end of the eighteenth century both in political theory and in practical politics we were seeking an ideal of a voluntary political organization—a government deriving its just powers from the consent of the governed. Historically, the Bill of Rights comes in the transition in political theory from the ideal of authoritative political organization to the ideal of voluntary political organization. It seeks to impose upon authoritative political organization the safeguards of individual free self-assertion, without which voluntary political organization could not exist.

Two ideas are behind an American Bill of Rights. On the one hand, there is an idea of self-limitation of a sovereign people. The people authoritatively recognize and declare certain rights and pronounce that they shall remain inviolate. On the other hand, there is an idea of limitation of the political organs of a sovereign people by the direct authority of the people whose organs they are.

A long history lies behind the first of these ideas. In one way it goes back to Thomas Aquinas, who conceived of the reason of divine Providence governing the universe as its eternal law, and hence conceived of the eternal conformity of divine action to that reason because of divine perfection. Thus reason expresses an integration of perfection and omnipotence. Coming down through theological-political into political-philosophical thinking, the idea becomes one of a balance between the legal omnipotence of a sovereign people, its uncontrolled lawmaking and law-changing power on the one hand, and the perfection of free popular government on the other hand. Greek philosophers would have said of a bill of rights that it was a statement of the "nature" of popular government; a formulation of the "life according to nature" which a popular government ought to lead in its relations to its citizens. For when these philosophers spoke of the nature of a thing they meant its ideal perfection. Their conception of nature was metaphysical, not biological. It was uncolored by the reaction from the formal overrefinement of the eighteenth century which gave us an idea of nature as primitive simplicity. It was uncolored by nineteenth-century ideas of evolution. In a perfect society in which men were in a condition of ideal perfection the social order would respect and maintain certain rights. The sovereign people declare these rights and announce that they will uphold them.

Applied to the transition from a period of authoritative political organization to an ideal of voluntary political organization, applied to the transition from the absolute governments of the seventeenth and eighteenth centuries, the same idea of declaring and maintaining the rights that would obtain in a perfect society of perfect men leads to limitation by the people themselves of the political organs of the people. On this side the Bill of Rights is a formulation of the rational limitations imposed on authority by the nature of a free government.

But the Bill of Rights must be looked at from two sides in another and more significant respect. For its theory is philosophical, while its content is historical. The philosophical doctrines of natural law and natural rights give its form and its theory. The historical materials of the common law of England give its content.

On its philosophical side the Bill of Rights has behind it centuries of discussion of the philosophy of political and legal authority. When men had made the transition from kin organized and religiously organized to politically organized society, they began to ask what was the basis of social control. Why should men subject themselves to regulation by other men? What was the ground of obedience and subjection to that highly specialized form of social control, through the forcible ordering of society, that we call "law"? As the Greeks put it, did law exist by nature or only by convention or enactment? That is, did an ideal social control express human nature, express human perfection, or was any apparatus of social control through politically organized society something arbitrary resting only on the habits of those who obeyed it or the will of those who imposed it? If it expressed human perfection, could it be given a philosophical formulation?

Thus it will be seen that the idea behind the Bill of Rights has its origin in Greek politico-philosophical speculation. Next it derives from Roman juristic speculation. For where Greek philosophers inquired as to whether there was such a thing as the right and just by nature, and what was right and just by nature, the Romans considered that there was an ideal law—a perfect law—expressing legally the nature of the things with which it had to do. In this way they gave us the idea of natural law, which has been a force in legal science and in the development of law ever since. Along with this classical idea of natural law, however, another set of ideas have come in from the medieval law and from modern law. One of these is the medieval idea of finding and making law as a quest for the justice and truth of God. When in the Middle Ages men set out to reduce their customs to writing, they might well search for the ideal of those customs; and for the criterion in determining what that ideal was, they might well refer even to some supposed intervention of Providence to guide the process of ascertainment.

One of the greatest of these medieval formulations was Magna Charta. It began as a pronouncement of an ideal statement of the customs as to what was called for by the relation of lord and man. It became a formulation of the rights and duties involved in the relation of ruler and ruled. For we must bear in mind the medieval confusing of imperium and dominium; of sovereignty or jurisdiction with ownership. In the hands of lawyers after Coke, formulation of the reciprocal rights and duties involved in the relation of the King to his tenants in chief, becomes a formulation of the immemorial legal rights of Englishmen in their relations with the King. Here it comes in contact with and is affected by another idea from modern philosophical science of law, namely, the idea of natural rights.

A right is a modern conception. We can not say that the Romans had such an idea. In medieval English law a plaintiff sought to have what was right generally applied specifically to his particular case, where to-day he would assert simply his legal right. But when rights came to be recognized this conception came in contact with the doctrine of natural law. If there was law by nature and law by convention and enactment, so there must be rights by nature and rights by convention and enactment. The former would clearly be qualities of the ideally perfect man. They would be qualities of a man who would demand nothing which an ideal man would not claim, and would not withhold or detain anything nor make any aggression upon another except as an ideal man might at times be driven to do something uncomfortably like these things. They were those qualities of a perfect man whereby it was right and just that he have certain things and do certain other things. Such ideas called for expositions of natural law. They led to demand for formulation of natural rights as the qualities of man in a state of nature, or for formulation of the implications of the social compact as to the relation of ruler and ruled. What makes the Bill of Rights unique is that it gives to such a formulation of natural rights a concrete content. The contents are not derived from the jurist's brain by a sheer effort of reason. They are the immemorial common-law rights of Englishmen turned into the natural rights of man. Thus philosophically there is a declaration of the rights of man in the relation of ruler and ruled. Historically there is a declaration of the common-law rights of Englishmen in their relations to the Crown. But this historical content is thought of universally in terms of natural rights.

Nor may we overlook another factor, namely, the political conditions of Colonial and Revolutionary America. The Colonies had been governed from Westminster and had claimed, as the common-law rights of Englishmen, and in another month were to claim in the Declaration of Independence, as the rights of man, certain limitations on royal and on parliamentary authority. Sir Edward Coke had asserted that there were such legal limitations upon Parliament as a matter of common law, and it was conceded that there were undoubted common-law limitations on royal authority. After 1688 it had become settled in England that there were no such legal limitations upon Parliament. But by that time colonial governments had become established and American public law was beginning an independent development. Thus the common-law limitations upon royal action and the controverted legal limitations upon parliamentary action became legal limitations upon all governmental action. For the contests between the courts and the Crown in Tudor and Stuart England had led to an idea of the common law as standing between the individual and the Crown or the Crown's ministers and protecting the individual Englishman from oppression. This became an idea of the law as standing between the individual and politically organized society, and protecting the citizen from encroachments upon his natural rights. The political and juristic problem was to reach a legal balance between politically organized society and the individual. The solution was in a bill of rights.

That we have bills of rights while other English-speaking countries have not is largely due to the circumstance that our polity, as compared with the British polity of to-day, is the polity of Tudor and Stuart England. In England since 1688 Parliament has been supreme. Nowhere is there any legal power to control or question parliamentary action in any particular. It is only the Crown—i. e., the ministers of the Crown—whose acts may be scrutinized by the courts both with respect to legal authority to do them at all and with respect to the conformity or want of conformity to law in their details. In Stuart England Parliament had not attained this complete and unquestioned primacy. King, courts, and Parliament each claimed large powers in the domain of the other. The King claimed to dispense with acts of Parliament. The courts claimed to hold acts of Parliament void in case they were contrary to common right and reason. Both in their claims and in practice King, courts, and Parliament were coordinate and coequal.

They worked together when they could and pulled apart for the rest. In like manner with us, executive, legislative, and judiciary are coordinate and coequal. Now they work together and now they work at cross-purposes. A President governs with Congress if he can, and, so far as he dares, in spite of Congress if he must. Congress acts with the President or with the courts if it can consistently with the practical ends it seeks, but in spite of them or either of them, so far as it dares, if it must. All this is exactly as things were done in seventeenth-century England. That it works with us, is due partly to that practical sense for administration and government that enables the British to go on well in spite of so many undefined and theoretically overlapping jurisdictions, that enabled the Romans to carry on with so many collegiate magistracies and officials with concurrent powers or powers of veto. We have something of that same genius for government, and it enables us to get on with three coordinate departments and in spite of numerous checks and balances. But chiefly we get on well because of our Bill of Rights, which put certain fundamental claims and paramount interests beyond controversy and commit to the courts the ultimate question whether they have been infringed.

Some of the provisions of the Bill of Rights have special application to executive action, some to legislative action, and some to judicial action. Others are universal in their scope, and not only bind the several departments of government but remind the sovereign people themselves of things that are not done. The oldest provisions, those which have given character to the instrument as a whole and color to all the other provisions, are the limitations upon Executive action. These are applications to our polity of historical common-law limitations upon the Crown. They are to be seen first in the promises of the King in Magna Charta. In theory these promises were but declaratory of custom and we need not doubt that they declared an ideal of customs as to the things due reciprocally between the king and the great landlords who held of him. The King was, in medieval theory, both ruler and owner. The two capacities were fused or blended. Indeed, they were held to be inseparable. The one went with the other. The Middle Ages had not learned from the Roman law books that the sovereign made the law. Englishmen had not received the doctrine that the will of the sovereign had the force of law. In the words attributed to Bracton, they held that the King ruled under God and the law.

In time the King's judges were called upon to give life to this idea in judging between the King's servants, or even the King's private acts, and the King's subjects. In the reign of Edward III a collector of the King's taxes distrained the cattle of a subject for nonpayment of the tax. The subject brought an action of replevin. Thereupon the collector avowed the taking and pleaded the facts. But it appeared that he was a deputy collector and had no warrant; and so judgment went against him in favor of the subject. Men were not to go about the Kingdom interfering with the liberty and property of the subject otherwise than by virtue of a regular warrant under the King's seal. Two years later (1340) there was an even more significant case. One Reginald de Nerford—note the Norman name—and his companions had been convicted of a disseizin. Relying on the King's favor, they seem to have paid no attention to the judicial proceedings. In consequence a writ was issued to outlaw them. Presently the sheriff returned this writ unexecuted and appended a private letter to the sheriff from the King, under the King's private seal, in which he told the sheriff that he did not wish Reginald and his companions to be molested. Thereupon the court fined the sheriff for not executing the writ. Edward III was a great and powerful monarch. As Edward, King of England, he could pardon offenders by a pardon under the great seal of the realm. But as Edward Plantagenet he could not write private letters to the sheriff which interfered with the due course of justice according to law. Thus, from the fourteenth century the courts steadily enforced legal limitations upon royal action. They set aside the monopolies set up by Tudor kinds without the sanction of Parliament. They subjected the King's ministers and servants and administrative officers to ordinary actions and the ordinary liabilities of wrongdoers whenever they exceeded their legal powers or exercised those powers unlawfully. This course of development culminated in the assertion of the common-law rights of the colonists, as against royal governors, in 1774; and its results stand in permanent form in our Bill of Rights. No one has ever doubted, however much there may be here and there of administrative lawlessness, or oriental executive justice at the hands of boards and commissions, or high-handed lawless enforcement of particular statutes by police officers or enforcing agents in times of strenuous conflict with habitual offenders—no one has ever doubted seriously that in America the Executive rules under God and the law.

Limitations on legislative action have a shorter history, for legislation as we know it to-day is a modern phenomenon. It was long before men learned that law could be made consciously and deliberately by the exercise of the sovereign will through a legislative assembly. For a long time in every system of law legislation is no more than an authoritative ascertainment and declaration of ancient custom. But as men learn that laws can be made and learn how to make them the power comes to be abused. One of the persistent problems of politics is how to make lawmaking power effective for social progress and yet not deprive individual liberty of much of its meaning; how also, on the other hand, to give the utmost scope to free spontaneous individual initiative and self-assertion and yet maintain the general security through universal precepts laid down by legislation. Prior to our Bill of Rights the attempts to limit legislative action by law had proved futile. The Athenians had tried in more than one way to curb the capricious action of their legislative assemblies while still leavng them full power to make laws for the puble welfare. The Romans put a provision against special legislation in the XII Tables. But prior to American constitutional law such provisions had achieved little or nothing. Indeed, the limitations on legislation in continental and Latin countries are notoriously ineffectual. Fortunately for us, the apparatus by which we are able to limit legislative action, by which the lawmaker is held to rule under God and the law, grew up along with limitations on executive action at a time when legislation was still undifferentiated from administration and adjudication. When all lawmaking was taken to be declaratory there was little need of limitations. The council of the great men of the realm advised the King what the customs were, advised him how to administer, and adjudged

cases with or for him. Thus what was to be limited seemed to be administrative action. When, in the time of the Tudors, Byzantine ideas of lawmaking by exercise of the sovereign will had come into legal and political thought, the ideas of natural-law limitations on the conduct of rulers had developed also. In the thinking of that time what ought to be law was deemed law from that very fact. Thus the way was prepared for checks upon legislative lawlessness.

Indeed, common-law limitations upon legislation had been growing up in England when the English polity was turned in a new direction by the revolution of 1688. In the rest of Europe the seventeenth and eighteenth centuries became a period of absolute royal governments. In England since 1688 there has been absolute parliamentary government. In the wake of the French Revolution there were absolute popular governments. We, almost alone in the world, continue the medieval idea of relation between governor and governed, involving rights and duties on both sides and consequent limitations on the exercise of sovereignty. For with us these limitations are not merely moral, are not merely expedient, are not merely addressed to the good sense of the lawmaker, but are part of the law of the land so that nothing in conflict with them will be given effect in the courts.

To the Middle Ages the fundamental line was between the spiritual and the temporal. Invasion of the domain of the church by Parliament was sheer impertinence. A statute that sought to do such a thing seemed as futile as one that sought to govern the phases of the moon. After the Reformation, Coke sought to extend the principle of the old cases, in which parliamentary interference with things of spiritual jurisdiction had been held nugatory, and essayed to make of this principle a general doctrine of the power of courts with respect to statutes against common right and reason. Even after 1688 Coke's language was repeated for a time. Moreover, it fitted well with our experience of the limitations on colonial legislation, contained in colonial charters, and of the judicial enforcement of those limitations by the judicial committee of the privy council. Thus we were ready to accept the doctrine. Given a solid basis in the provisions of the Bill of Rights, it has become the corner stone of the American constitutional law. Judicially enforced supremacy of the law, even when executive or legislature act lawlessly, has given a solidity and stability to popular government in this country that we may only appreciate at its true value when we note how other lands are driven to dictatorships and coups d'état in the vain endeavor to meet great social and economic changes with the machinery of absolute parliamentary government.

Although the Bill of Rights was drawn under the influence of the eighteenth century rationalist, natural law philosophy, and least among the source of its strength is the happy circumstance that it was so drawn as not to be tied forever to one philosophical theory or one politico-philosophical method. Nothing is of more moment for political and legal philosophy than a method which may be used creatively by those who set out from diverse philosophical starting points. Obviously we can not wait until all are agreed metaphysically as to the highest good before we set out to scrutinize and criticize our legal materials and legal institutions and seek to adapt them better to the needs of time and place. The universality of the provisions of the Bill of Rights is shown by the ease with which they could be expressed in terms of the metaphysical jurisprudence of the latter part of the nineteenth century and the ease with which we may now express them in terms of the social philosophies of to-day. To the eighteenth century they were formulations of ideal precepts expressing the nature of man. To the nineteenth century they were logical deductions from a fundamental metphysically given datum of individual freedom; they were formulations of the concrete implications of the conception that justice was a maximum of free abstract individual self-assertion. To-day one might argue for them with no less assurance as formulations of purposes of law in terms of social utility, as statements of the social ideals of the epoch, or as declarations of the jural postulates of our civilization.

Above all else it is the concreteness of the provisions of the Bill of Rights that gives them this power of accommodation to changes in political and legal philosophy. Compared with the abstract universals of Latin declarations of the rights of man, they seem at first sight but local and temporary. Yet they have been far more effective and are likely to be for more enduring. They rest on experience of concrete evils. They formulate in general terms experience in meeting those evils. Thus they do more than announce universal propositions. They suggest concrete wrongs which violate universal propositions and concrete ways of dealing with those wrongs. The principles behind the solutions are no less valid and are of much more practical utility than the obvious principles infringed by the wrongs.

Another feature of the Bill of Rights, which is hardly of less importance, goes along with this concreteness. Its provisions are not all of one sort. It contains precepts—that is, definite prohibitions addressed to the courts—requiring them to do or not to do things, and requiring them to refuse effect to executive or legislative action in violation of the guaranteed rights. It contains principles—that is, authoritative generalizations—as starting points for judicial reasoning. It contains standards, such as due process of law (called in the original Bill of Rights by its older name of "the law of the land"). These standards enable governmental action to be judged with reference to the circumstances of time and place, and allow of a necessary individualizing in their application. Hence it is adaptable to the conditions of a different social order. It is equal to the legal and political needs of 48 States of the most adverse economic, geographical, and even radical constitution.

It was most fortunate that the Bill of Rights speaks from a liberalizing stage of legal development. It is conceived in the spirit of the era of equity and natural law. It breathes the spirit of a time when men conceived of positive law and legislation as having behind them an ideal body of reasoned principles of which they could be no more than imperfect reflections in terms of time and place. Happily it was not drawn in terms of the Byzantine idea of law as authoritatively expressed sovereign will, so that the words "Be it enacted" justify everything that follows. Thus it has been a most effective antidote for the effects of that Byzantine idea, when put in action in American State legislation.

Of the three elements that make up a body of law—legal precepts, the traditional technique of developing and applying authoritative legal materials, and the received ideals as to the end or purpose of the social and legal order, and as to what law should be and should do in view thereof—of these three elements the Bill of Rights has to do chiefly in the end with the third. It formulates this element for us. It gives us an authoritative statement of these received ideals. It puts these received ideals in the form of concrete precepts; it illustrates them by concrete examples so as to make them a force not merely in constitutional law but in every corner of our administration of justice.

But what of the Bill of Rights in its relation to the legal and juristic problems of to-day? It was drawn and copied and spread over the whole land in a time of legislative hegemony. At that time, and perhaps down to the time of our Civil War, of the three departments of our polity, the legislature was the one most representative of public opinion. Then there was little legislative regulation of private enterprise. There were relatively few points of contact between individual interests. Little lawmaking was needed and there could be a minimum of government over and above what was demanded to keep the peace. The call of the time was for a polity that would enable Americans to develop the natural resources of a new country, for lawmaking that would give definiteness to commercial law, to the law of property, and to the law of inheritance, and for a juristic science that would enable us to make of the received English law a common law for our several States. It was not to be expected that with such tasks before it the law nor the lawmaking of the time would raise many questions under the Bill of Rights. Also at that time the hegemony of the executive, so palpable to-day, was still far in the future. Hence it was not until the rise of social legislation about the last decade of the nineteenth century, that the Bill of Rights began to play the leading part in our constitutional law.

Now that the Bill of Rights has been playing that leading rôle for a generation, students of the social sciences have begun to ask whether it is worth while; whether, perhaps, it may not involve more friction and waste than is compensated for by the good that it achieves. Undoubtedly the movement for the recall of judges and the Rooseveltian project for recall of decisions grew out of dissatisfaction with judicial interpretations of provisions of or taken from the Bill of Rights, when those provisions came to be applied to new types or legislation called for by the shift from the rural agricultural society of the past to the urban, industrial society of the present.

We must recognize that the Bill of Rights was drawn up in a pioneer, rural, agricultural society. In a sense it was drawn up for such a society. Often it is conceived in terms of such a society. Yet to-day it must operate in an urban, industrial society. What may we expect of it under such circumstances? Very likely if its provisions were to be applied as a body of hard and fast rules, made once for all as exactly formulated legal precepts in the eighteenth century by men who are assumed to have had the one key to reason and to have used it once for all time, the application of the Bill of Rights to the legislation of the present and of the immediate future might arouse controversies between the courts and the people, resulting in much injury to our common-law doctrine of the supremacy of law. But for three reasons I have little fear that this will happen.

In the first place, such an application of the Bill of Rights presupposes a judicial attitude which is not that of the common law. When our judges, themselves brought up in and filled with the ideas of the pioneer, rural, agricultural society of the past, first came upon the type of law that is more and more demanded by the urban, industrial society of to-day, of necessity there was misunderstanding and groping and a laying out of temporary legal paths by the method of trial and error. But our common-law technique calls for an ascertainment of the meaning of the text of the various provisions, not abstractly and once for all, but concretely for particular questions by study of the experience of judicial application of them to other questions. There has been no such decisive experience since 1890 as to tie down judicial interpretation and application as to things which we can not yet foresee.

Again, there is much in the historical content of the Bill of Rights that speaks from the relationally organized society of the Middle Ages. There is much that speaks not from the rationalist abstract individualism of the seventeenth and eighteenth centuries, nor from

the metaphysical individualism of the nineteenth century, but from a society that thought of men as in relations. The regard for the concrete individual and stress on the social interest in the individual human life, which characterize recent thinking, suggest that it may have been fortunate that the historical materials that were given shape in the Bill of Rights came from the Middle Ages, or from English law books that worked over the ideas of the Middle Ages, rather than exclusively from the speculations of the rationalist legal and political philosophy of the eighteenth century.

It is not a bad thing that legislation will be held down and constrained to go cautiously in the era of growth and change that is upon us. It used to be common for writers on the social sciences to lament the slowness with which new ideas make their way in politics, in law, and in the social sciences. But this is not necessarily bad in itself. Even a certain hostility to the best of new ideas has value as a guaranty of social stability. It is well that mankind at large should go slow in receiving them, and that we should be constrained to go slow in putting them into effect in social control through law.

In the best of popular governments there is always danger of occasional legislation in the spirit of the mob mind. There is always danger of institutional waste. There is danger of offhand readjustments of political and social and economic institutions on the basis of uncriticized ideas and without the requisite preparation in inquiry and thought. A judicially applied bill of rights may always be a real force for maintaining civilization, although it does no more than compel consideration and even reconsideration of all striking departures from the past.

No one need flatter himself that a bill of rights or any other instrument may permanently stand in the way of a whole people bent on injustice. But it may give pause to a people whose general and ultimate aim is justice, when for some reason it is for the moment bent on a sporadic injustice. And that very giving of pause may suffice to bring to light the real, as distinguished from the apparent truth and right, so that in the final event justice shall prevail.

Hence I should not join with those, more numerous two decades ago than to-day, who decry what they call our eighteenth century bills of rights and look on them as hindrances to progress that should be swept away. At worst, they can but delay legislation that expresses the needs of time and place, as in the experience of New York with the workmen's compensation law. At best they can require rational weighing of all the interests involved in legislation for new situations. They can constrain lawmakers to show a clear case for new departures that carry with them possibilities of injustice or of social or institutional waste. By this very fact of constraining lawmakers to show a clear case, bills of rights may constrain them to think critically as to what they do. Thus they may bring about an orderly and assured, even if at times a slow and halting, progress in the adjustment of our laws and institutions to the needs of urban, industrial America.

Of this much one may feel reasonably assured. Perhaps it is idle to look further into the future. Yet without asserting that the Bill of Rights and the copies and imitations that obtain so universally in this country shall for all time compel sovereign American commonwealths or a sovereign people to rule under God and the law, I have a strong faith that it is a permanent feature of American institutions. I have an abiding confidence that it will work to make reason and the will of God prevail within our domain, so long as we live under a régime of constitutional democracy.

AN ADDRESS DELIVERED BY LEWIS H. MACHEN AT RICHMOND, VA., JANUARY 18, 1926

GEORGE MASON OF VIRGINIA

Mr. MACHEN. It is a strange and melancholy fact that of George Mason, that giant figure of Colonial and Revolutionary Virginia, that great American, who became a national character as soon as this country became a Nation, there is not much known. The first biography of him was issued from the press just 100 years after his death. While the public libraries groan beneath the lives and writings of a host of his contemporaries, this single work, by one of his devoted relatives, Miss Kate Mason Rowland, is all that a whole century has given us of him. His grandson, George Mason, contemplated a biography and wrote for data to President Madison, who replied that "it was to be regretted that, highly distinguished as he was, the memorials of his services on record or perhaps otherwise attainable were more scanty than those of his contemporaries far inferior to him in intellectual powers and public services." Many subsequent attempts to write his life proved abortive and were much hindered by several destructive fires, in which valuable papers were lost.

George Mason wrote no autobiography, such as Franklin and Jefferson wrote; he kept no journal, such as Washington and Adams kept; he never published essays on government and kindred topics, such as Hamilton and Madison published; he declined to sit in either the Senate or the House of Representatives, where his speeches would have been fully reported; he was never in the Presidency, where his utterances would have been carefully prepared and permanently prescrved; he was never the avowed leader of a party, whose members would have had a personal interest in idealizing his character and propagating his teachings.

Many of his great efforts, not being recorded, were forgotten with the occasion that called them forth. His speeches were made chiefly in the Virginia Assembly, where no record of them was kept, and in the constitutional conventions of Virginia and the United States at Philadelphia, of which the record is very imperfect. Aside from these, the memorials of his work are a small pamphlet on Virginia Charters, the Fairfax County Resolves, the Virginia Bill of Rights, the first draft of the first constitution of Virginia, his summary of his objections to the Constitution of the United States, his will, which is recorded in the clerk's office at Fairfax, and his correspondence, a large part of which has been collected by Miss Rowland. But these are enough to secure for him a high place in the pantheon of our immortals. He was careless of his own fame. His friends and immediate descendants, who should have taken pains to preserve it, did not, and more recent histories, written and published at the North, by people who did not relish some of his teachings, and who had other heroes nearer home to celebrate, have not assigned him to his proper place.

To know and understand a man's life, to estimate the character of his work, and to measure its worth, one must know the source from which he sprung and the surroundings amid which he lived. The twin forces of heredity and environment must first be taken into account.

The George Mason of whom I am speaking was the fourth of that name since the family was transplanted from England to America. Tradition says that the first George fled from England in 1651, after the Battle of Worcester, in company with many other cavaliers, the faithful but dispirited adherents of Charles II. He landed at Norfolk, came up the Potomac, and settled at Accohick, near Pasbytanzy, where he spent the rest of his days. It must have been a rude transition from the high civilization to which he was accustomed to what was then a magnificent wilderness filled with savage beasts and scarcely less savage men. But the family appeared to prosper. After the Restoration they received large land grants, were active in business, prominent in negotiations with the Indians, held offices of importance, grew in wealth and influence, and, though aristocrats, showed democratic tendencies in their modes of thought and life.

Our Fairfax statesman was born at what is now Masons Neck, in that county, but was then a part of Stafford, in 1725. When he was 10 years old he lost his father by drowning, and being the oldest son, as the law was then, he inherited the entire estate, which was very considerable. His mother, though a young and beautiful woman when left a widow, never married again, but devoted herself to the care of her children and her property, which she did most successfully. From her our statesman must have inherited much of his sound business sense and other characteristics.

Whether young George had a tutor at home or attended a school in the neighborhood is not known. Certain it is that he never went to college. Probably his uncle by marriage, John Mercer, who was a distinguished lawyer of that day and one of his guardians, directed the boy's studies. At any rate, none can read Mason's writings without perceiving the depth and breadth of his scholarship. Upon attaining his majority he appears to have left his mother's house and established a home for himself in Masons Neck, to which, four years later, he took his 16-year-old bride, the beautiful and charming Miss Anne Eilbeck, the only daughter of a wealthy neighbor. About this time he erected the historic mansion, Gunston Hall, named for the old home of his ancestors in Staffordshire. Young, handsome, wealthy, happily married, surrounded by congenial friends among the Colonial gentry, devoted to the cultivation of his large estate, surely he had all that could make life serene and joyous. His studies and business cares were relieved by hunting, fishing, and sailing, and we are told that he was the best shot and keenest sportsman of his neighborhood.

He was one of the presiding justices of the county; was vestryman of Pohick Church; was a member of the board of trustees of Alexandria; represented Fairfax County in the Virginia Assembly. In 1762 he lost his mother and 11 years later his devoted wife, to whose memory he has left a tribute which deserves a permanent place in marital literature. She must have been a woman of firmness as well as gentleness. One of her children recording his recollections of her said that she was fond of horseback riding and kept a small green riding whip, which she sometimes used for other purposes and which the children respectfully called the "green doctor."

In 1780 George Mason married Miss Sarah Brent, a lady of 50, who survived him. The children of his first marriage were five sons and four daughters, all of whom lived to maturity. He seems to have been greatly beloved by his family. His letters to his sons and daughters breathe a paternal devotion which is truly beautiful.

Among his descendants have been numbered one United States Senator, James Murray Mason, of the Mason and Slidell *Trent* affair, and many others prominent as educators, lawyers, ministers, and business men. It has already been seen that George Mason's ancestors, though supporting the cause of royalty and loyally attached to the ancient Government of Great Britain, were also devoted to the principles of liberty. This fact inclined the second George Mason to the popular side in Bacon's rebellion. Our Virginia statesman

inherited this instinctive love of justice and hatred of oppression, and doubtless received instruction in political philosophy from those who had received it from his father and grandfather, and certainly his own reading and reflection had embedded it deep in his mind.

The fundamental principles of human freedom, of which he became one of the first, if not also the greatest, expounders upon this continent, early engaged his attention. He was seven years older than George Washington, with whom he became acquainted when Washington was 18 years of age, and with whom he was intimately associated before either began to play his great part upon the theater of the Revolution. We have seen that both represented Fairfax County in the Virginia Assembly; both witnessed the encroachments of Great Britain upon the liberties of the Colonies, and together they earnestly discussed the best means of preserving these threatened liberties. In 1769 Mason drew up the famous nonimportation resolutions, which were presented in the Virginia convention by Washington and unanimously adopted. One of these resolutions pledged the colonists to purchase no slaves that should be brought into the country after November 1 of that year.

But on July 18, 1774, one of the greatest events that ever transpired in America occurred at the county seat of Fairfax County, which was then Alexandria. This was the adoption of the celebrated Fairfax County Resolves. George Washington was chairman of the meeting and Robert Harrison secretary. George Mason wrote the resolutions throughout, which were 24 in number, and which were unanimously adopted. This was the first clear and emphatic statement of the rights of the Colonies, and I can give no idea of their tremendous significance except by quoting in full several of these resolutions. The first was:

"*Resolved*, That this Colony and Dominion of Virginia can not be considered as conquered territory; and if it was, that the present inhabitants are the descendants not of the conquered but of the conquerers. That the same was not settled at the national expense of England, but at the private expense of the adventurers, our ancestors, by solemn compact with and under the auspices and protection of the British Crown, upon which we are in every respect dependent as the people of Great Britain, and in the same manner subject to all His Majesty's just, legal, and constitutional prerogatives. That our ancestors, when they left their native land and settled in America, brought with them—even if the same had not been confirmed by charters—the civil constitution and form of government of the country they came from, and were by the laws of nature and nations entitled to all its privileges, immunities, and advantages which have descended to us their posterity and ought of right to be as fully enjoyed as if we had still continued within the realm of England.

"Second. *Resolved*, That the most important and valuable part of the British Constitution, upon which its very existence depends, is the fundamental principle of the people's being governed by no laws to which they have not given their consent; by representatives freely chosen by themselves, who are affected by the laws they enact equally with their constituents, to whom they are accountable and whose burdens they share, in which consists the safety and happiness of the community, for if this part of the constitution was taken away or materially altered the government must degenerate either into an absolute and despotic monarchy or a tyrannical aristocracy, and the freedom of the people be annihilated."

"Fifth. *Resolved*, That the claim lately assumed and exercised by the British Parliament of making all such laws as they think fit to govern the people of these colonies and to extort from us our money, without our consent, is not only diametrically contrary to the first principles of the constitution, and the original compacts by which we are dependent upon the British Crown and Government, but is totally incompatible with the privileges of a free people and the natural rights of mankind, will render our own legislatures merely nominal and nugatory, and is calculated to reduce us from a state of freedom and happiness to slavery and misery.

"Sixth. *Resolved*, That taxation and representation are in their nature inseparable; that the right of withholding or of giving and granting their own money is the only effectual security to a free people against the encroachments of despotism and tyranny; and that whenever they yield the one they must quickly fall a prey to the other."

The seventeenth resolution which follows expresses the thought and feeling of Virginia statesmanship on the subject of the slave trade:

"*Resolved*, That it is the opinion of this meeting that during our present difficulties and distress no slaves ought to be imported into any of the British colonies on this continent; and we take this opportunity of declaring our most earnest wishes to see an entire stop forever put to such a wicked, cruel, and unnatural trade."

Soon after this similar resolutions, written by Thomas Jefferson, were adopted by the county of Albemarle.

In the last Colonial Assembly in Virginia prior to the Revolution, George Mason represented Fairfax County. Bancroft says of him that he held most sway over the minds of the convention. Here it was that he drew up the immortal Bill of Rights which, with few changes, was adopted by the convention and which is in effect a part of every constitution in the land to-day, and part of which is embraced in the first 10 amendments to the Constitution of the United States.

In a general way most of us are familiar with the Bill of Rights, but it is so complete and symmetrical a statement of fundamental principles and is so obviously a forerunner of the Declaration of Independence that I can not forebear quoting it at length just as it came from the head and hand of George Mason:

"A declaration of rights made by the representative of the good people of Virginia, assembled in full and free convention, which rights do pertain to them and their posterity as the basis and foundation of government.

"1. That all men are created equally free and independent and have certain inherent natural rights, of which they can not by any compact deprive or divest their posterity, among which are the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

"2. That all power is by God and nature vested in and consequently derived from the people; that magistrates are their trustees and servants, and at all times amenable to them.

"3. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, Nation, or community. Of all the various modes and forms of government that is best which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of maladministration; and that whenever any government shall be found inadequate or contrary to these purposes the majority of the community hath an indubitable, unalienable, and indefeasible right to reform, alter, or abolish it in such manner as shall be judged most conducive to the public weal.

"4. That no man or set of men are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

"5. That the legislative and executive powers of the State should be separate and distinct from the judicial; and that the members of the two first may be restrained from oppression by feeling and participating the burthens of the people, they should at fixed periods be reduced to a private station, and return into the body from which they were originally taken and the vacancies be supplied by frequent, certain, and regular elections.

"6. That elections of members to serve as representatives of the people in the legislature ought to be free, and all men having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage, and can not be taxed or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented for the common good.

"7. That all power of suspending laws, or the execution of laws, by any authority, without the consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

"8. That in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of his vicinage, without whose unanimous consent he can not be found guilty, nor can he be compelled to give evidence against himself; and that no man be deprived of his liberty, except by the law of the land, or the judgment of his peers.

"9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

"10. That in controversies respecting property and in suits between man and man, the ancient trial by jury is preferable to any other, and ought to be held sacred.

"11. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

"12. That a well-regulated militia, composed of the body of the people trained to arms, is the proper, natural, and safe defense of a free State; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that, in all cases, the military should be under strict subordination to and governed by the civil power.

"13. That no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

"14. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence, and therefore that all men should enjoy the fullest toleration in the exercise of religion, according to the dictates of conscience, unpunished and unrestrained by the magistrate, unless under color of religion, any man disturb the peace, the happiness, or the safety of society; and that it is the mutual duty of all to practice Christian forbearance, love, and charity toward each other."

Mason, in a note to the original draft, said that a few changes were made by the Virginia convention, some of them not for the better.

A comparison with the present bill of rights in the constitution of Virginia will show that a number of changes have been made by subsequent conventions, some of them decidedly for the worse.

Jefferson was 18 years younger than Mason, and no one who is familiar with the teachings of the Sage of Monticello can doubt that he had drunk deep of the fountain of knowledge and wisdom which he found in the Sage of Gunston.

Like Washington and many of the patriots of that day, Mason long hoped for a reconciliation with the mother country. The Fairfax Resolves declared the reports of a desire for independence to be malicious falsehoods. Mason hoped that the nonimportation resolutions, by giving a blow to British trade, would compel the British ministry to treat the Colonies with justice. But when it was seen that nothing remained but a choice between submitting to tyranny or a submission of the controversy to the arbitrament of the sword, he threw himself, heart and soul, into the struggle, and helped to glorify the name of rebel. During the Revolution he was almost constantly a member of the Virginia Assembly. He was also instrumental in raising troops and provisions. But this was the period when he was a widower, and he devoted as much time as possible to the care of his helpless little family. When in 1777, having declined to allow his name to be proposed for Congress, he was elected in spite of his refusal, he went before the assembly and gave the domestic reasons which forced him to decline in such touching terms that the whole body was profoundly impressed and tears streamed down the face of the presiding officer. His lingering at home to look after his family more than once caused him to be brought to the assembly in the custody of the sergeant at arms. But when once in the assembly he was immediately put upon the most important committees and performed the most valuable services. Of these services I have not time to speak, but must proceed to notice the part he played in the convention which framed the Constitution of the United States.

No one can have an adequate idea of the conspicuous and impressive part played by George Mason in the Constitutional Convention of 1787 without reading the Madison Papers and Elliot's Debates. And even in these there is scarcely more than a summary of the earnest, profound, wise, and patriotic speeches that he made day after day upon almost every subject which came up for discussion. Virginia was represented in that convention by George Washington, George Mason, Edmund Randolph, John Blair, James Madison, George Wythe, and James McClurg. Patrick Henry had declined an appointment, and Thomas Jefferson was in Europe. Washington presided, and took little part in the debates. Madison was young, and at that time was inclined to the Federalists, though he afterwards became Republican. It will thus be seen that George Mason was the most prominent and potential member of the Virginia delegation on the floor of the convention. Unquestionably he was the most ardent champion of the people and the strongest friend of Republican government, as we now understand it, in that wonderful assembly. He had to combat the powerful and astute influence of Alexander Hamilton and Gouverneur Morris, who were strongly imbued with monarchical tendencies and fearful of confiding much power to the people. I believe it may be said that Mason stood more nearly than any of the rest where Jefferson would have stood if he had been present. I believe also I do no injustice when I say that the earliest effective advocate of democratic principles in America after the Revolution was not Jefferson but Mason.

In the main, he insisted strenuously upon broadening the base of the National Government and placing the pillars of our political structure upon the people as the only sure foundation. I have not time to point out the modes in which he proposed to accomplish this object. I will mention some of the contrary tendencies which he opposed. He opposed a single executive as likely to bring about finally an elective monarchy. If there was to be but one man, he wished him to be chosen for a term of seven or eight years and to be ineligible to reelection.

Washington's example in declining a third term has made is an unwritten amendment that no man shall serve as President longer than eight years, else Mason's fears might have already been realized, nor is it yet too late for such a catastrophe. He proposed an executive council to advise with the President, for he feared if such a cabinet were not provided the President would select one from the heads of the departments, which would be one of the worst that could be devised, because they could screen one another in case of malfeasance. Mason also opposed the provision for the Vice President, saying that he was a useless officer, and probably foreseeing that he would usually be a nonentity. He protested against his presiding over the Senate, thus mixing the executive and legislative departments, and always giving some State an undue advantage and three votes in case of a tie.

As treaties were made the supreme law of the land, he opposed giving the President and Senate the right to make them, since the Executive and one branch of the legislative department would then have the power of legislation to the exclusion of the popular branch. He opposed giving the Senate the power of originating money bills. He feared that the Senate would become an aristocratic body and he thought the purse strings should not be placed in its hands. He urged that the House of Representatives should be elected by the people of the States and from separate districts in the States to prevent rich men, who could not be elected at home, from buying up boroughs as they bought them in England. He insisted upon its being plainly stated in the Constitution that the powers not therein granted were reserved to the States.

He favored the militia, but opposed standing armies in time of peace. He did not wish to see the President Commander in Chief of the Army and Navy, lest he might have the power some time if so inclined, to make himself dictator or emperor. He endeavored to provide against every form of oppression. When treason against the United States was defined to be adhering to their enemies, he thought that form too vague and added the words "giving them aid and comfort."

He thought that tariff bills and commercial measures generally should require a two-thirds vote of both branches of Congress, because he saw that the majority section in such legislation would always discriminate against the minority. He said, "The gentleman has shown us that though the Northern States had a most decided majority against us, yet the increase of population among us would in the course of years change it in our favor. A very sound argument indeed, that we should cheerfully burn ourselves to death in hopes of a joyful and happy resurrection."

He opposed every form of monopoly. He opposed some features of the Federal judiciary on the score of the great expense to poor litigants, a most disinterested attitude considering his own wealth. He opposed counting all the slaves in the representation, because he thought it unfair, although such a mode would have given Virginia the advantage.

He opposed the general welfare clause, which he called "the sweeping clause," because he thought it would be seized upon as an excuse for the despotism of Congress. He opposed the Federal power to regulate elections, because he saw in it a menace of the force bills which have since threatened us. He said that the States were not free when their right to choose their own representatives could be interfered with.

But his most notable protest was against the clause which allowed the importation of slaves until the year 1808. We have seen his opposition to the slave trade in the Fairfax Resolves as early as 1774. In the convention he said: "Mr. Chairman, this is a fatal section, which has created more dangers than any other. The first clause allows the importation of slaves for 20 years. Under the Royal Government this evil was looked upon as a great oppression, and many attempts were made to prevent it, but the interest of the African merchants prevented its prohibition. No sooner did the Revolution take place than it was thought of. It was one of the great causes of our separation from Great Britain. Its exclusion has been a principal object of this State and of most of the States of the Union. The augmentation of slaves weakens the States, and such a trade is diabolical in itself and disgraceful to mankind, yet by this Constitution it is continued for 20 years. As much as I value a union of all the States, I would not admit the Southern States into the Union unless they agree to the discontinuance of this disgraceful trade, because it would bring weakness and not strength to the Union. And though this infamous traffic be continued, we have no security for the property of that kind which we have already. There is no clause in this Constitution to secure it, for they may lay such a tax as will amount to manumission; and should the Government be amended, still this detestable kind of commerce can not be discontinued till after the expiration of 20 years, for the fifth article, which provides for amendments, expressly excepts this clause. I have ever looked upon this as a most disgraceful thing to America. I can not express my detestation of it. Yet they have not secured us the property of the slaves we have already. So that they 'have done what they ought not to have done and left undone what they ought to have done.'" Let it be remembered that upon this point he was answering Mr. Sherman, of Pennsylvania, who favored the clause as it stood.

Though Mason elsewhere expressed his disapproval not only of the slave trade but of slavery, saying that it would bring the judgment of Heaven on a country, though he was a large slave holder, yet he was not an abolitionist in the modern sense. He saw that slavery would weaken and probably destroy the Union—as it came near doing—yet he thought the question should be dealt with upon a property basis. He did not sympathize with the squeamishness of northern statesmen about recognizing property in slaves. For if slaves were such property as the northern people could sell, surely they were such property as the southern people could buy and hold. And he saw that forcible manumission would be confiscation, which, unless justified by the necessities of war, would be robbery.

There is a striking bit of history which he gives us as explaining how this clause came to be adopted as well as certain other clauses which he deemed inexpedient. When this clause was under consideration, Gouverneur Morris remarked: "These things may form a bargain among the Northern and Southern States." The bargain was made and kept. Mason said, in a speech in the Virginia convention: "I will give you, to the best of my recollection, the history of that affair. This business was discussed at Philadelphia for four months, during which time the subject of commerce and navigation was often under consideration, and I assert that 8 States out of 12 for more than three months voted for requiring two-thirds of the Members present in each House to pass com-

mercial and navigation laws. True it is that it was afterwards carried by a majority as it stands. If I am right, there was a great majority for requiring two-thirds of the States in this business till a compromise took place between the Northern and the Southern States, the Northern States agreeing to the temporary importation of slaves and Southern States conceding in return that navigation and commercial laws should be on the footing on which they now stand. If I am mistaken, let me be put right." Washington speaks of this transaction as "a dirty bargain." Thus were the Northern States partly responsible for the continuation of the slave trade for 20 years against the protest of George Mason.

When the Constitution was completed, Mason and Randolph, of Virginia, and Gerry, of Massachusetts, refused to sign it. Returning to Virginia, Mason, as we all know, opposed its ratification by the State on the grounds I have mentioned and because it contained no bill of rights. Whether he was wise in this we can not know. The attempt to hold a new convention might have destroyed the hope of a successful Union, or it might have produced a Union that would not have been shaken by civil war and one less capable of abuses than that which we now have. However that may be, Mason was overruled by his State, the Constitution was ratified, and he returned to his home, for which he had eagerly longed, to spend the rest of his days in quiet and retirement. Gov. Beverley Randolph appointed him to fill the unexpired term of William Grayson in the Senate, but he declined the appointment and James Monroe was appointed in his stead. But his race was almost run, and having long suffered from the gout, he was attacked in 1792 by fever, and died at Gunston Hall, where he was buried, in the sixty-seventh year of his age. Some of the newspapers of the day contained brief notices of his death. A modest stone, erected a few years ago by his descendants, marks his grave.

Such is an imperfect outline of this scholar, orator, patriot, the master builder of States, this devoted and disinterested friend of human freedom. John Adams wrote of him: "I have often heard from the best patriots of Virginia that Mr. George Mason was an early, active, and able advocate for the liberties of America." No doubt Washington was one of his informants. Madison said that Mason sustained throughout the proceedings of the Constitutional Convention the high character of a powerful reasoner, a profound statesman, and a devoted republican. Jefferson, who came peculiarly under the power of his influence, who visited him constantly, the last time but a few days before Mason's death, wrote of him: "He was a man of the first order of wisdom among those who acted on the theater of the Revolution; of expansive mind, profound judgment, cogent in argument, learned in the lore of the former constitution, and earnest for the republican change on democratic principles." William Wirt said, speaking of the great Constitutional Convention:

"The Roman energy and Attic wit of George Mason were there." John Randolph of Roanoke greatly admired him, and in the Virginia Constitutional Convention of 1829 used to attend daily with crêpe on his hat and sleeves, "in mourning," he said, "for the old constitution drawn by George Mason."

That he was an unselfish patriot none can deny. Though the Revolution, as he tells us, cost him £10,000 sterling, he did not hesitate to inaugurate it. Though he was one of the heavy losers by the nonimportation resolutions, he advocated them. Though loving his home life well enough to refuse to go to the House and the Senate, yet he left it when he thought he could serve his country better.

When in the Philadelphia convention there was some talk of adjournment, he said that "it could not be more inconvenient for any gentleman to remain absent from his private affairs than it was for him, but he would bury his bones in this city rather than expose his country to the consequences of a dissolution of the convention without anything being done." Writing to Washington about the nonimportation resolutions, he says: "Our all is at stake, and the little conveniences and comforts of life when set in competition with our liberty ought to be rejected, not with reluctance, but with pleasure."

He anticipated Washington and Jefferson in opposing foreign alliances. In a letter to his son, who was in Paris after the Revolution, he said: "We reflect with gratitude on the important aids that France has given us, but she must not, and I hope will not, attempt to lead us into a war of ambition or conquest or trail us around the mysterious circle of European politics." In the instructions to Fairfax County's delegation in the assembly, which are accredited to Mason, it is said: "Nature having separated us by an immense ocean from the European nations, the less we have to do with their quarrels or politics the better."

Though a member of the aristocratic class, he was thoroughly democratic, had a passionate devotion to republican government, and strenuously opposed whatever "squinted" in the opposite direction. Speaking of the reeligibility of the President, he said, "Nothing is so essential to the preservation of a republican government as a periodical rotation. Nothing so strongly impels a man to regard the interests of his constituents as the certainty of returning to the general mass of the people, from whence he was taken, where he must participate their burdens." He said again, "We know the advantage the few have over the many. They can with facility act in concert and on a uniform system; they can join, scheme, and plot against the people without any chance of detection." In speaking of the organization of Congress he said that "we ought to attend to the rights of every class of the people. He had often wondered at the indifference of the superior classes of society to this dictate of humanity and policy, considering that, however affluent their circumstances or elevated their situations might be, the course of a few years not only might, but certainly would, distribute their posterity throughout the lowest classes of society. Every selfish motive, therefore, every family attachment ought to recommend such a system of policy as would provide no less carefully for the rights and happiness of the lowest than of the highest order of citizens." In 1775, in an address to the Fairfax company of militia, Mason said, "We came equal into this world, and equal shall we go out of it. All men are by nature born equally free and independent. Every society, all government, and every kind of civil compact, therefore, is, or ought to be, calculated for the general good and safety of the community. Every power, every authority vested in particular men is, or ought to be, ultimately directed to this sole end; and whenever any power or authority extends further, or is of longer duration than is in its nature necessary for these purposes, it may be called government, but it is in fact oppression. In all our associations, in all our agreements, let us never lose sight of this fundamental maxim, that all power was originally lodged in, and consequently is derived from, the people. We should wear it as a breastplate and buckle it on as an armor." And this before the Declaration of Independence was thought of.

There are not many better statements of the value of suffrage than he has given us. The essential difference between the citizens of a free country and the subjects of arbitrary or despotic governments, or, in other words, between freemen and slaves, consists principally in this: That the citizens of a free country choose the men who are to make laws for them, and are therefore governed by no laws but such as are made by men of their own choosing, in whom they can confide, who are amenable to them; and if they abuse their trust can be turned out at the next election. But the subjects of arbitrary governments having no such rights of suffrage, in electing their own lawmakers, are governed by laws made by men whom they do not choose, who, therefore, are not amenable to them, over whom they have no control, in whom they have no confidence, with whom they have no common interest or fellowship. Hence proceed partial and unjust laws, oppression, and every species of tyranny. From these premises it is evident that this right of suffrage, in the choice of their own lawmakers, is the foundation and support of all the other rights and privileges of freemen. And whenever they shall be deprived of it, all their other rights and privileges must soon moulder away and tumble to the ground. When it shall be impaired and weakened all the other rights and privileges of a free people will be impaired and weakened in the same proportion. And whenever, under any pretence whatever, the substance of this fundamental and precious right of suffrage shall be so far undermined or invalidated as to leave the name or shadow of it only to the people, from thenceforward such people will possess only the name and shadow of liberty, which, without the substance, is not worth preserving."

The oft-quoted advice to his sons, contained in his will, drawn in 1773, is worth quoting again:

"I recommend it to my sons from my own experience in life to prefer the happiness of independence and a private station to the troubles and vexation of public business, but if either their own inclinations or the necessity of the times should engage them in public affairs, I charge them on a father's blessing never to let the motives of private interests or ambition induce them to betray, nor the terrors of poverty and disgrace or the fear of danger or of death deter them from asserting the liberty of their country and endeavoring to transmit to their posterity those sacred rights to which themselves were born."

His literary powers, as shown by his letters and other writings, would have made him immortal if he had devoted himself to literature. Madison declared that his conversation was a feast. One fine specimen of his wit has been preserved. When his opponent for the assembly charged that George Mason was losing his mind, he retorted that if his adversary's mind should fail nobody would discover it.

To his other attractions were added a magnificent physique. A portrait of him made in 1750 with his lovely girl wife shows him in the fashionable short wig of the day, which effectually conceals his own dark hair. His features are regular, the eyes hazel and full of expression, the complexion clear and dark, the expansive brow betokens intellectual ability, while the chin in its firm, strong contour is indicative of character and will power. Grigsby has pictured him as he arose to address the Virginia convention in opposition to the ratification of the Constitution of the United States: "In an instant the insensible hum of the body was hushed and the eyes of all were fixed upon him. How he appeared that day as he arose in that assemblage, his once raven hair white as snow, his stalwart figure attired in deep mourning, still erect, his black eyes fairly flashing forth the flame that burned in his bosom, the tones of his voice deliberate and full as when in the first House of Delegates he sought to sweep from the statute books those obliquities which marred the beauty of the young Repub-

lic, we have heard from the lips and seen reflected from the moistened eye of trembling age."

All of us with profit may turn our reverent attention to the lesson of his life, and, having learned it well, do what in us lies to transmit its teachings to future generations to secure to them the blessings of that liberty for which he labored and to insure the lasting glory of this Republic which he loved.

THE PENNSYLVANIA SENATORIAL PRIMARY

Mr. MOORE of Virginia. Mr. Speaker, a few moments ago the gentleman from Massachusetts spoke of something that is a menace to our Government—the activities of revolutionary organizations and revolutionary agents. I could not help thinking at the time that there is something which is a greater menace, and that is the corrupt use of accumulated wealth in order to affect the primaries and the general elections, and practically make purchase of the great offices of this country. [Applause.]

Students of government, those who have philosophized on the subject, have said, as Livy, the Roman historian, said, "No government dies of senility"; there is always some specific cause for the decline and fall of any government that disappears. Nobody can read Gibbons's history of what happened in the greatest of the ancient empires without ascertaining that one of the capital causes that brings about the downfall of governments is this thing to which I have alluded; and it is incumbent upon the Congress of the United States to do all that it can, all that is possible by legislation, to check this evil and dangerous tendency, which, unless it be checked, will in the end exert a fatal effect upon our institutions. [Applause.]

Thoughtful and observant men have not waited until the disclosures in Pennsylvania to feel alarmed. In the Sixty-eighth Congress, believing that the drift was toward money control, and that it offered a challenge to the very existence of the Republic, I proposed, when the tax measure was under consideration, that every income-tax return should contain a statement of all contributions made directly or indirectly for the purpose of affecting the result of a primary or a general election. [Applause.] Very prominent gentlemen upon the other side of the House raised a point of order. I had reason to believe, except that the proposition went out upon the point of order, it would have received the approval of the House. This is one thing we should do, in my opinion. The surest way of ascertaining, and by inquiry ascertaining if it does not appear upon the face of the return, that some individual possessing great wealth is endeavoring to use it to debauch the Government, is to compel him to make a showing in his income-tax return of what he has contributed in the way I have indicated.

We can not stop with an effort at legislation here. We have little time here for debate or investigation; but I thank God that at the other end of the Capitol there is a body that is not limited in its right to investigate and is not limited in its right to debate. [Applause.] I hope, notwithstanding the opinion entertained by some others, that the time will never come when the Senate will change its methods of procedure. [Applause.] It did a valuable service when it investigated Newberry, and fortunately public opinion responded to what was found in that instance, and thus far, with a single exception, every Senator who voted to retain Newberry in that body has gone down to defeat. [Applause.] Very soon the test will come again in States like Kentucky and Ohio and Wisconsin and Oklahoma as to whether the people are less alive now to the fact that a man bought his way into the Senate from the State of Michigan than they were when the previous elections to which I have alluded occurred.

Mr. CROWTHER. Will the gentleman yield?

Mr. MOORE of Virginia. No, sir; not right now. I have only 10 minutes and this is not the tariff I am discussing.

Mr. CROWTHER. I simply did not want the gentleman to make an error. The gentleman has made a misstatement which I think he ought to correct.

Mr. MOORE of Virginia. I will correct it at the end of my remarks if the gentleman will give me the opportunity because, surely, I do not wish to make a misstatement.

Recently the Senate has done something else of infinite value, something that we could not well do and would not have done here. It has looked into the conditions that surrounded the primary in the State of Pennsylvania, and it has brought to life such a saturnalia of the corrupt use of money as the people of this country have never heard of before. [Applause.]

I hope—and I am at liberty to say this under the rules—the Senate will be so made up on the 4th of next March that when Mr. VARE, if he succeeds in the November election, comes to the threshold of that body and offers to take his seat, the Senate will prove a Verdun and tell him that he can not pass; that he is unfit to take his seat in that body [applause]; and if it were either one of his two competitors who sought to purchase the great office of United States Senator, who had been nominated in his stead and who might be elected next November, I should trust that the action of the Senate would be the same. [Applause.]

The Senate has a right to protect itself, and in protecting itself the Senate can protect the people of the United States, and can protect the very existence of the Republic itself. It shows patriotic leadership, and public opinion can be aroused by that sort of leadership. The President of the United States, for whom I have a great personal regard and much respect, is able to arouse public opinion because of the great office he holds and of the enormous influence he can exert. He has told the people that we should be economical, and the people agree with him. He has told the people that a high standard of personal conduct should be maintained, and the people agree with him. He has told the people, perhaps with some faltering, that the lines between the Federal and the State Governments should not be eliminated, and the people agree with him.

Now, I trust that the time is not far distant when we shall have a vibrant, unreserved statement from the President that there is nothing which puts in greater jeopardy the future of this country and of our children and our children's children than the employment by those who have grown greatly rich of the unscrupulous use of their riches in order to determine the character and conduct of the Government of this country. [Applause.] He should proclaim this fact in spite of the circumstance that I think he accepted an unfortunate inheritance from President Harding in the Secretary of the Treasury, and if he should proclaim it, it would command the attention of the people of this land, and go far toward producing the results for which all patriotic citizens yearn.

The gentleman from Massachusetts talks about the Reds. I do not think we are going to have any great difficulty in repelling the assaults of the Reds on our fabric of government. I am speaking of a more insidious evil, an evil that it is harder to combat because it works in secret; it works without any semblance of honesty, and it is only deterred when it is inspired by the fear of discovery and punishment. From the very beginning in the literature of our language the fact has been stressed that there is nothing more malign than the influence upon individuals and communities of the unbridled accumulation and use of wealth.

Very few of us now read that great poem of Milton's any more. I remember whenever I think upon this subject of the lines in his Paradise Lost where he describes the war that took place in Heaven when some of the angels rebelled and pictures the leaders of the rebellion, and of one of them he says:

> Mammon, the least erected spirit that fell
> From Heaven; for ev'n when in Heaven his looks and thoughts
> Were always downward bent, admiring more
> The riches of Heaven's pavement, trodden gold,
> Than aught divine or holy.

[Applause.]

THOMAS RILEY MARSHALL

The SPEAKER pro tempore (Mr. LEATHERWOOD). The Chair will recognize the gentleman from Ohio, Mr. MCSWEENEY, for 10 minutes.

Mr. MCSWEENEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MCSWEENEY. Mr. Speaker and my colleagues, a year ago this month Thomas Riley Marshall, former Vice President of the United States, died. I can say with confidence that his death eclipsed the gayety of the Democratic Party, and I can say also that his death eclipsed the gayety of the whole Nation and reduced the common stock of harmless and pleasant frivolities. We can say to-day, in the words of our great orator Robert G. Ingersoll, that if everyone to whom Tom Marshall had given some encouragement, were everyone upon whose shoulder Tom Marshall had laid his hand in a manly but affectionate manner, were everyone to whom Tom Marshall had done some little act of kindness, to bring a blossom to his grave, he would sleep this night beneath a wilderness of flowers. [Applause.]

If you will go back over the world's chosen heroes, you will find among them men who have had stern, ironclad characters, while others have been genial humanitarians who loved their fellow men. I realize that the stern men, the men with the ironclad characters, have endured, and have come down to us as the great leaders of men, but we can also realize that the

memory of the men who lie closest to the hearts of us all are those who had a soul. As a school-teacher I one time asked my class, "Why do we love Abraham Lincoln?" They ran through the list of his great activities. They ran through the list of his great kindnesses and also of his Executive achievements. Finally one boy said: "Lincoln stands out for you and me because he had a soul." Now, when I ask you to consider Thomas Riley Marshall, it is not because of his great achievements, but I can merely say that that which was said of Lincoln is true of Marshall—he had a great soul. Not only that, but his soul seemed to have a southern slope to it and to catch the radiance and sunshine of human kindness and seemed to refract it back with added brilliancy and warmth. [Applause.] I know that his escutcheon is not a magnificent one, filled with great achievements on the field of battle. I realize that it does not shine with achievements in legislative halls, but I do realize that were it to contain every mark which would in some way express the great kindness he had shown to his fellow men it would indeed be filled. I feel that I would be recreant to my better nature if I, with my untaught hand, did not in some way make a mark upon that escutcheon, proving to the world before the Congress adjourns that the friend of my father, the champion of my party, a patriot of America, had received some recognition from us. [Applause.]

Born as he was in the great State of Indiana, pushing along as a farm boy to the highest office that the State had to give him, his genial attitude toward great questions and men was recognized by the party whose cause he had always espoused. Later, when we chose as our champion that man who hoped to see the star of peace forever shine over God's world, Woodrow Wilson [applause], we chose Thomas Riley Marshall as his second in command. Will you go back for a moment over the great seconds in command in the world's history? Hannibal has his Hasdrubal, and coming down to later dates, if you please, Napoleon had his Marshal Ney, Grant had his Sherman, Robert E. Lee had his Stonewall Jackson. All great leaders were made more great because they had confidence in those men who were, as we call them, second in command. And so I feel with confidence that Woodrow Wilson was given added power, added stamina, through his knowledge of the fact that he had a man upon whom, if necessity called, could devolve all of the obligations of government—Tom Marshall. [Applause.]

We realize that he was a genial man, a lovable man. When he presided over the Senate, he did so as a referee in the great game of politics. He realized that his office did not call upon him to be a regulator of the rules of that great body. He merely sat there and presided in one of the greatest periods of American history. Although he is not an outstanding leader, nevertheless there are times when leadership is not the essential thing, when it is necessary for some kindly souled man to ameliorate, if you please, to join together the sentiments of a great diversified group. In the time of war Tom Marshall gained unanimity of action in the Senate, which but for his kindness might have been impossible. As a Democrat I take pride in him to-day, and I take pride in him as an American, because by his friendliness he gained the necessary concerted action in the other end of the Capitol in America's great crisis, the World War, and quietly obtained the legislative cooperation which our President needed.

In the House and in life generally we very often overlook these men of kindly spirit. I have heard the Hon. HAYS WHITE convey to this House great, deep truths in a genial, kindly way, and we are apt to think of them too lightly. Nevertheless, underlying it all is a deep philosophy. Our good friend the Hon. EDGAR HOWARD, coming as he does from the great West, brings to us his homely and simple philosophy in a genial and kindly way, and we are apt to think of it in that light. But if we dig down deeper and we will find that these two men have a splendid philosophy and that it remains in our minds and helps to guide us on to better and nobler things. [Applause.] And so Thomas R. Marshall, with his simplicity, with his love of his fellow men, will probably ever wield a greater influence than is given him credit for having wielded in those trying times of war. I hope that we will all give credit to him who presided over the Senate so amiably, so kindly, and who had made so many friends in that restless period.

We remember that his great chief, Woodrow Wilson, was stricken before his term of service was brought to an end, and we have heard from contemporaries who were interested in politics, that Thomas R. Marshall, the Vice President of the United States, was urged by both parties in a few instances to declare his great commander incapacitated for the office of President. Some Vice Presidents might have been lured to seek that higher office and have their names forever written more prominently in the annals of our country, but Thomas Marshall was not that sort of man. He never wavered. He was always faithful to his commander, and he realized that his obligation was to keep the foundation under the leader secure and allow him to stand on the pedestal that the people of the world had erected for him. [Applause.]

In passing it is well for us all to remember that the quiet, friendly, loving people of the world are wielding an influence. I for one realize that affection and love are undoubtedly the two most potent factors in the world's civilization. I shall close by quoting a few lines from the inaugural address which Mr. Marshall delivered on March 5, 1917:

> I believe there is no finer form of government than the one under which we live, and that I ought to be willing to live or die, as God decrees, that it may not perish from off the earth through treachery within or through assault from without; and I believe that though my first right is to be a partisan, my first duty, when the only principles on which free government can rest are being strained, is to be a patriot and to follow in a wilderness of words that clear call which bids me guard and defend the ark of our national covenant.

And now I ask that "The honor and reverence and good repute which follows faithful service as its fruit be unto him, whom living, we salute." [Applause.]

THE BIRTHPLACE OF ANDREW JACKSON

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina [Mr. HAMMER] for 15 minutes. [Applause.]

Mr. HAMMER. Mr. Speaker and gentleman of the House, I desire to ask unanimous consent that I be permitted to revise and extend my remarks, and furthermore that I have an additional 15 minutes to the time which was allotted me on yesterday.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that his time be extended for 15 minutes beyond that already granted. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I think the program has been arranged for this afternoon to take up the Private Calendar. If the gentleman wants an extension of remarks, I shall not object; but as long as none of the leaders of the House seem to be present, in their absence I shall have to object.

Mr. HAMMER. Mr. Speaker, I will withdraw the request. I desire unanimous consent to insert in the RECORD with my remarks a map which I have furnished the Printing Committee, and to which I understand there is no objection, of the birthplace of Andrew Jackson and the community immediately surrounding.

The SPEAKER pro tempore. Is there objection to the extension of remarks. [After a pause.] The Chair hears none.

Mr. HAMMER. Mr. Speaker, certain South Carolinians claim the birthplace of Andrew Jackson for their State. This contention has been accentuated by two addresses made by my good friend from South Carolina [Mr. STEVENSON] in the House of Representatives, claiming that the hero of New Orleans and the seventh President of the United States first saw the light of day in the Palmetto State.

In the interest of the truth of history I am prepared to present some incontestable facts showing that Jackson's birthplace is in North Carolina, and that these facts ought to be generally recognized and accepted by historians who hereafter deal with this subject, as historians have generally done in the past.

Jackson's birthplace is located in the Waxhaw settlement.

Mr. ABERNETHY. I understand Waxhaw settlement is in the gentleman's district?

Mr. HAMMER. Yes, sir; it is in Union County and extends across the State line into South Carolina.

That settlement takes its name from a tribe of Indians, the Waxhaws, before the white settlers came, occupying the territory between Rocky River and Catawba River, the said tribe of Indians being so "discommoded" by an epidemic of smallpox in 1740 that the tribe disbanded and joined the Catawbas and other neighboring tribes. When this territory was so abandoned land agents were quick to induce settlers to locate. Fortunately, the best class of immigrants settled in that section. From Pennsylvania came Scotch Irish in 1751 and made what was called "the Waxhaw settlement," which comprises Jackson and Sandy Ridge Townships in Union County, N. C., and a part of Lancaster County, S. C.

That part of Waxhaws in North Carolina, as well as all of Union County, was until 1749 included in the boundary of Bladen County, after which until 1763 what is now Union County was included in the boundary of Anson; from 1763 until Union County was made by act of the general assembly of December 18, 1842, one half of Union County was in Anson and the other half in Mecklenburg.

LIKE THE PILGRIMS, THEY BUILT CHURCHES FIRST

The first settlers built a Presbyterian Church, now called Old Waxhaw Church, just over the line in South Carolina. This church was near the line and thought to be in North Carolina,

for the deed for the church grounds from Rev. Robert Miller recites, "Lying and being in the County of Anson and State of North Carolina," and is recorded in Anson County, N. C.

The atrocities of the British at the time of the Battle of Camden so stirred the people of this section that the entire country was practically an armed camp; the immediate cause which so greatly exercised them was that in the Waxhaws the minister was insulted, his house and books burned, the British declaring war against all Bibles containing the Scotch version of the Psalms.

This community has been called the Cradle of Genius, for few, if any, other sections yielded so great an influence or furnished so many brilliant and able men.

JAMES D. CRAIG'S TESTIMONY

Some immigrants came directly from Scotland, Ireland, and other countries. Jackson's father came by way of Charleston, the early biographers state, but James D. Craig, in his letter to Col. S. H. Walkup, says Jackson came with other immigrants to Pennsylvania and went direct to the Waxhaw settlement, not stopping in Pennsylvania, as did the other immigrants. Affidavits were sent by Mr. Craig to George Nevills, chairman of a Jackson committee in 1828, together with numerous affidavits as to the birthplace of General Jackson. I have made an effort covering a period of several months but failed to locate these affidavits. There is no doubt as to the genuineness of the affidavits and as to their being correct as to the facts, because of the high character and integrity of Mr. Craig and the affiants.

Mr. Craig, a native of South Carolina, who lived in the Waxhaws and was postmaster at Findleysville, N. C., in 1828, wrote Colonel Walkup, September 24, 1858, from Caswell, Miss., where he had lived for 20 years, stating he had seen much published recently about Jackson and his parents that was incorrect; he had written a letter to the editor of the Lancaster Ledger, giving the history of the family. The Craig letter to Colonel Walkup was received too late to be published in the Wadesboro Argus, containing the Walkup evidence, but it is on file, together with other evidence in the "Walter Clark Collection," with the historical commission at Raleigh, N. C.

Mr. Craig stated in this letter that he was 71 years old and his memory was good. He was born and reared in Lancaster County, S. C., married and settled on Waxhaw Creek within 2 miles of Jackson's birthplace. He was often at McKemy's house before it was pulled down. It was about 400 yards east of Cureton's pond (no pond there now, as the land is drained and in cultivation), opposite where Cureton built his cotton gin and screw. Mr. Craig then gave an accurate description of the highway along the State line, and the location and distances of the homes of the pioneers.

Mr. Craig contended that he had no desire to take from his native State laurels to which she was entitled and confer them on North Carolina, but that after Jackson wrote Colonel Witherspoon the "as I have been told" letter as to his birthplace, he (Craig) wrote Col. E. Duff Green, editor of the United States Telegraph, that there were living witnesses to prove Jackson was born in North Carolina. The letter was published. (See United States Telegraph, July, 1828, in Library of Congress.) George Nevills, of Ohio, chairman of a Jackson Committee, immediately wrote Mr. Craig asking for certificates and affidavits to refute scandalous reports about Jackson and wife.

Mr. Craig states further that he secured affidavits forthwith from James Faulkner, a good Presbyterian like himself, and belonging to Waxhaw Church, and living on Cain Creek in what is now Lancaster County, S. C. After spending the night with Mr. Faulkner, the two went to Squire David Lathan's, where Mr. Faulkner made oath that his father came to America some time before the Revolutionary War and left him behind with an uncle to get schooling; that he knew Andrew Jackson, sr., and family; that George McKemy married the oldest of the Hutchison sisters and had one child that died; that McKemy came to America 16 years before Jackson's father and family and two other families came; that Jackson sailed from Learn, Ireland, landing at Canninigigo, Pa., and went direct to the Carolinas.

TESTIMONY OF MR. CRAIG'S WITNESSES

Faulkner further swore that after the war was over he sailed from Learn and on landing at Wilmington, N. C., went to George McKemy's, where on his first night he slept with Andrew Jackson, then a lad about 14 years old. He understood Jackson was born in that house. Faulkner added that his (Faulkner's) first wife was a Leslie, and a cousin to General Jackson. Craig wrote that he often heard James Faulkner, father of the James Faulkner who made the affidavit for Walkup, say that Jackson was born at McKemy's in North Carolina.

The affidavit of Mrs. Mary—Molly—Cousar, an aged lady, a neighbor to McKemy before the war, affirmed that the McKemy house was in sight of her house across the wagon road—the State line—and on the east side thereof in North Carolina. She remembered that a short time after Mrs. Jackson came to McKemy's she—Mrs. Cousar—was sent for as an assistant woman and was in the McKemy house before the infant Jackson was dressed. Mrs. Leslie was the midlady. Shortly after Jackson was born, James Crawford, being in good circumstances, moved Mrs. Jackson across the line to the old George Wrenn place, 2 miles away—the manuscript of the affidavit is so torn here that several lines can not be made out.

Charles Findly stated that Andrew Jackson, sr., bought land on Twelvemile Creek, above the Liget Ford, and became a neighbor to Findly. Jackson died there, and Findly assisted in hauling him to Waxhaw graveyard and burying him there, and at the same time he brought Mrs. Jackson, far advanced in pregnancy, and he believed Andrew was born at McKemy's house.

Mr. Craig states he also called on James Massey, Henry Massey, and Israel Walkup, who went to school with Andrew, and they made affidavits concurring in the statements in the affidavits as to Jackson's birthplace and as to other facts.

Mr. Craig closes by recording that the State line was surveyed by four commissioners, two from each State, one of them being General Steele, of North Carolina. The line runs from east to west to the wagon road where the corner stone was established. Craig said, "I think Jackson had left the country at least 15 or 20 years before that time." The line runs north, cutting off Henry Massey, William Carnes, and John Nelson and through the center of the Cureton pond, thence cutting John Porter off to James Brady, Twelvemile Creek. The corner stone stands east of the wagon road from the branch about 1 rod.

H. S. Parsons, acting chief, periodical division of the Library of Congress, has furnished me under date of April 10, 1926, the following certified copy of James D. Craig's letter to Green and Jarvis, reference to which was made in his letter to Walkup:

The United States Telegraph, Washington, D. C., July 11, 1826, page 3, column 1, prints the following letter:

Messrs. GREEN & JARVIS:

Please send me four copies of your Telegraph Extra from the commencement. Inclosed you will receive $1. I will send you the balance without fail immediately.

General Jackson was born within 2 miles of this spot; there are living witnesses yet remaining.

We have been so unanimous in this section that we have almost fell asleep. Your extra paper has brought us to life. Fail not.

With respect,

JAMES D. CRAIG, P. M.

FINDLEYSVILLE, N. C.

In Mr. Salley's statement, as published by Brady, page 33, he says if the North Carolina proponents had contemporary Bible or church record of—

a statement made and signed by old Mrs. Leslie or Mrs. Cousar, or Mr. Lathan, or by all of them, during the lifetime of either or all of them, it would have been very strong.

Here we have from Mr. Craig not only the affidavit of Mrs. Cousar, who was present, but also that of Charles Findly and James Faulkner, who testified under oath in 1828 to facts which have not been contradicted by anyone except by speculation, imagination, and assumption, and by the mere statement by Jackson, who was told by some person whose name is not given.

The South Carolina proponents assume as a fact that Jackson was born in South Carolina, and in this they are unsupported by any testimony except a map with a mark on it, with no proof as to any reason why such mark was made to designate the place of birth. As will be seen by reading the speech of the gentleman from South Carolina [Mr. STEVENSON].

The following authorities are quoted as to Jackson's birthplace:

Mr. Speaker, under unanimous consent granted I insert at this place in my remarks the evidence of Col. S. H. Walkup as to the birthplace of Andrew Jackson, along with other matter to be inserted at the places designated in my remarks:

[From North Carolina University Magazine, 1891, vol. 10, pp. 225–244]

(Below we publish an article from the North Carolina Argus, a paper printed in Wadesboro, N. C., in 1858, which was handed to us by R. B. Redwine, who procured it from C. C. McIlwaine, an intelligent and highly respected farmer in the northern portion of Union County, this State. We think it establishes the fact, beyond a doubt, that

Andrew Jackson was born in that part of Mecklenburg County which is now Union County, N. C.—Eds.)

Recently I have discovered some errors in the papers gotten up by Mr. Davenport, of Virginia, as to the birthplace of Gen. Andrew Jackson, President of the United States. The Lancaster Ledger has pretty clearly shown the absurdity of any such pretension on the part of Virginia. It can be very clearly established, beyond question, that old Andrew Jackson died before the birth of his son Andrew on Twelvemile Creek, in North Carolina, where he resided about one or two years before his death, and that Gen. "Andrew Jackson was born 15th March, 1767." Therefore the account of "his parents leaving Virginia in 1768 with a son Andrew" could not be true, since his father died in the first of the year and before March 15, 1767. But the Lancaster Ledger and public opinion abroad, and, indeed General Jackson himself, were and are all equally in error about his (Jackson) being born in South Carolina. I think it can be as clearly demonstrated as any such thing can be at this distance of time that Gen. Andrew Jackson, late President of the United States, was born at the house of George McKemy, or McCamie, in Mecklenburg County, N. C., after his father's death on Twelvemile Creek, N. C.

The truth of the whole matter seems to be about this: There were six sisters, Miss Hutchisons, who intermarried as follows: Margaret married George McKemey, or McCamie, who settled on Waxhaw Creek, N. C.; Mary married John Leslie, and settled on Camp Creek, S. C.; Sarah married Samuel Leslie, and settled on Waxhaw Creek, N. C.; Jane married James Crawford, who settled on Waxhaw Creek, S. C.; Elizabeth married Andrew Jackson, sr. (the father of the President), who settled on Twelvemile Creek, N. C.; and Grace married James Crow, who settled near Landsford, S. C. That during the early part of the year 1767 (before the birth of Andrew Jackson, the President, on March 15), Andrew Jackson, sr., died at his residence in Mecklenburg County (now Union), near Pleasant Grove Camp Ground, on Twelvemile Creek, N. C. That his mother, being quite poor, removed, after the death of her husband, to Waxhaw Creek; and on her way to Maj. Robert or James Crawford's, she stopped with her sister, Mrs. McCamie. That whilst there she was taken down and delivered of a son Andrew, who was afterwards President of the United States. That as soon as she was able to travel—in about three weeks—she went forward with her son to Mr. Crawford's, in South Carolina, where they afterwards remained until the Revolutionary War; and his history is well enough known from that time forward.

The above is the current tradition of his neighbors and relations, who best knew his true history. Many old persons who well knew his father where he lived, died and was buried, prove that he (General Jackson's father) lived at the time of his death in Mecklenburg County, N. C.; and that he was buried in the old Waxhaw churchyard. That his (General Jackson's) mother removed to live with her friends in Waxhaw; and on her way gave birth to Andrew, at the house of George McCamie, her brother-in-law, near Cureton's Pond in Mecklenburg (now Union) County, N. C. This is oral tradition among the near neighbors and nearest relations of Jackson himself in Waxhaw, N. C. and S. C., as is shown by the certificates of Benjamin Massey, Esq., and Messrs. John Carnes, taken in 1845, and John Lathen (his second cousin), James Faulkner and Thomas Faulkner (also second cousins of Jackson), who all testify that old Sarah Leslie and Sarah Lathen, the aunt and cousin of General Jackson, often asserted that "he (Jackson) was born at George McCamie's, and that they were at his birth." That "Mrs. Leslie," his (Jackson's) aunt, "was sent for on the night of his birth;" that it was at her brother-in-law's, "George McCamie's, in North Carolina, close by where she (Mrs. Leslie) lived in North Carolina," and that she "took her little daughter, Mrs. Lathen, with her," and "recollected well of walking the near way through the fields in the nighttime."

In addition to this positive testimony we have the testimony of Mrs. Elizabeth McWhorter and her son, George McWhorter, and Mrs. Mary Cousar, who state that they were "near neighbors and present on the night of the birth of General Jackson," or were there on the "next day," and have a distinct recollection that "he was born at the house of George McCamie in North Carolina," which testimony rests upon the statements of Samuel McWhorter, the grandson of Elizabeth McWhorter; Thomas Cureton, sr.; and Jeremiah Cureton, sr., who heard those old persons very often speak of these facts in the most positive terms, and who gave many circumstances in corroboration of its truth. And all these witnesses, and those whose traditions they relate, were persons of unimpeachable honesty and veracity, who had the very best opportunities of knowing the truth of all the facts they narrated, who were near neighbors, near relations, and intimate associates with Jackson in his youth.

There are other witnesses who testify of facts they personally knew or heard from good authority, whose characters for truth can not be called in question. Many of their statements have been published long ago, and often and always publicly proclaimed. Many of their statements, I understand, were published in the United States Telegraph, edited by Duff Green, about 1828 or 1832, when General Jackson was a candidate for President. Others, Benjamin Massey's, Esq., and John Carnes's, were published in 1845 in the two Charlotte (N. C.) papers, and in the Lancaster Ledger some two or three years ago, and these statements have never been successfully controverted. In fact, I have seen no attempt at the time to controvert them at all.

The most and strongest testimony comes from the immediate relations of General Jackson and persons living in the State of South Carolina, whose prejudices and inclinations would naturally all tend to the opposite direction. Then it is certain, if they are to be credited, that General Jackson was born at George McCamie's in North Carolina. Where, then, did George McCamie live? Many old persons know the place well, and the ruins of the place still mark the spot. It is still called the "old McCamie house," and is near Curetons Pond in Union County, N. C., about one-fourth of a mile east of the State line between North Carolina and South Carolina (which line here runs north and south), and a little over one-fourth of a mile southeast of Curetons Pond, and now belongs to William J. Cureton, of South Carolina. We have the statements of Mr. Hugh McCommon and wife, Julia, and of Mr. John Porter and of Mr. Thomas Cureton, sr., persons all over 60 and some near 80 years old, and the neighborhood tradition of where both the George McCamie and the Leslie houses stood, and these persons were born and raised in the immediate neighborhood and lived there for the last 60 or 70 years.

We have the stronger evidence of the land titles, showing that the patent of the McCamie tract was surveyed in 1757 for John McCane; that it was patented in 1761; sold to Repentance Townsend by McCane in 1761, and by Townsend to George McCamie in 1766, the year before Jackson's birth, and the year after, his biographers say, his father and friends arrived in Waxhaws. It was held by McCamie until he sold it to Thomas Crawford in 1792, and by Crawford to Jeremiah Cureton, sr., in 1796, and is now the property of his son, William J. Cureton, all of which deeds have been duly registered, and they describe the land as lying in Mecklenburg County, N. C. (See register's book xiv, p. 202; book xi, p. 38, in Charlotte, N. C., etc.) All which deeds locate the McCamie tract in North Carolina, where it has been so conclusively proven that Andrew Jackson was born.

As to Aunt Phillis's testimony, which the Ledger speaks of, I saw her in the presence of her master, Mr. M. P. Crawford, a few days ago. She has quite a confused idea from hearsay evidence, and says she "does not know where Jackson was born"; that she only knew him and waited on him when he was a school boy boarding at her master Crawford's, and she did not know whether he or herself was the oldest; that her "old master Crawford said (when, she did not state) that he (Jackson) was born at the Wren place"; that some said he was born "away down on the river"; for her part, she didn't know where he was born. She did not even know George McCamie or his place, although he lived within two miles of her master until 1792.

"But," says the Ledger, "surely a man ought to know where he was born." I should suppose he would be rather a promising youth that could recollect that far back in his helpless infancy. It is said that he is a wise child who knows his father, and I think he would be equally precocious who could tell his birthplace of his own knowledge. But suppose that General Jackson says that he was told so (viz, where he was born) by others. Then let us hear who those persons were that told him so and see if their opportunities for knowing the fact were as good as were those of his aunt, Mrs. Sarah Leslie, who was a near neighbor, was sent for at the time, and who is said to have been the midwife who delivered her sister on that occasion; for she positively asserts that "Jackson was born at George McCamie's, in North Carolina, and that she was present at his birth"—if James and Thomas Faulkner, John Lathen, and John Carnes are to be believed. Were their opportunities for knowing as good as Mrs. Lathen's, his cousin? For she said that he (Jackson) was born at George McCamie's, in North Carolina, for she was present and remembers well going with her mother (Mrs. Leslie) on that occasion the near way through the fields—if Benjamin Massey, Esq., John Lathen (her son), or Thomas and James Faulkner, her nephews (and these last three all second cousins of General Jackson), all of South Carolina, are to be credited. Or were the means of these narrators for knowing the fact as good as Elizabeth McWhorter's and her son George, or Mrs. Cousar, near neighbors and intimate friends, who say they were "present on that night" or "next day, and that Jackson was born at George McCamie's, in North Carolina"—if Samuel McWhorter, Jeremiah Cureton, and Thomas Cureton, srs., and many others are reliable. Recollect that the witnesses are chiefly South Carolinians, and mostly relations of Jackson, near neighbors, and all of unquestionable veracity—not only the speakers but also those who related their conversations. Could anything be more conclusive to an unprejudiced mind than that Gen. Andrew Jackson was born at George McCamie's, or McKemey's, and that McCamie then lived in North Carolina? Surely no honest jury could have reasonable doubt, with such convincing testimony, that his birthplace was in North Carolina. General Jackson doubtless formed his opinions as to his birthplace upon his own earliest recollections and youthful associations, which were connected with the Crawford place, where his mother removed to when he was but three weeks old, or from information derived from persons who had no such means of forming as correct opinions themselves as those persons had whose information we have above given.

The fact is, I suppose, that very few men can tell, even from information received from others, where they were born, especially if they have lost their parents in early life and have been far removed for a very long time from the scenes of their native place, as was the case of Jackson. His mother died when he was about 14, and we never heard of his being in Waxhaws after the Revolution. What means had he, then, of getting information of the place of his birth?

I have seen three biographies of General Jackson, one written about 1818, by I have forgotton whom, who states that he was "born in the Waxhaws, Marion District, S. C." Another, written by John S. Jenkins, and one by William Cobbett, both of which put him down as born in "Waxhaw Settlement," "about 45 miles from Camden," and one states "near the North Carolina line"; but neither of them says in what State. I have not seen Kendall's Life of Jackson, which is said to have been written by his authority, and which states, as I learn, that he was born at Crawford's, in South Carolina, but which his South Carolina friends assert to be at Wren's, one of Crawford's places. I have read all that Kendall says about the birth of Jackson and have a photostat copy of it before me at this writing, and he does not state Jackson was born at Crawford's or at the Wren place, but in the "Waxhaw Settlement, S. C." The exact words are given in my speech. And there being, therefore, such manifest discrepancy in the description of the proper place, it shows evidently that there was no settled opinion by General Jackson himself of the place of his birth. And, therefore, he just supposed that he was born at Crawford's place, near the Waxhaw Creek bridge, because his earliest associations were connected with that place.

South Carolina has some pretensions to claim the birthplace of Jackson, although they seem to be more specious than true. But Virginia might with as much propriety claim the birthplace of Napoleon Bonaparte, Julius Cæsar, or Alexander the Great as to claim that of Andrew Jackson.

The truth is that General Jackson's father settled and lived one or two years of his life in North Carolina and died there; and he, Andrew, jr., his son, was born in North Carolina at George McCamie's; and in North Carolina is where he finished his education and studied law and practiced it in his early manhood. As far, therefore, as those things can give character or consequence to a State, North Carolina is justly entitled to the honor of giving birth and a profession to Gen. Andrew Jackson; and if ever the truth of history shall be vindicated, she will have the honor of having been the State of his nativity.

September 7, 1858.

LANCASTER DISTRICT, S. C., *August 5, 1845.*

Mr. S. H. WALKUP.

SIR: Agreeable to your request, and to fulfill my promise to you, I herewith send you Mrs. Lathen's history of the birth of Andrew Jackson, as related to me by herself about the year 1822, as well as my memory now serves me. Mrs. Lathen states that herself and Gen. Andrew Jackson were sisters' children; that Mr. Leslie, the father of Mrs. Lathen, Mr. McCamie, Mr. Jackson, the father of Andrew, and Mr. James Crawford, all married sisters; Mr. Leslie and Mr. McCamie located themselves in Mecklenburg, N. C., Waxhaws; Mr. Crawford located in Lancaster District, S. C., Waxhaws; Mr. Jackson located himself near Twelvemile Creek, Mecklenburg, N. C.; that she was about seven years elder than Andrew Jackson; that when the father of Andrew died Mrs. Jackson left home and came to her brother-in-law's, Mr. McCamie's previous to the birth of Andrew; after living at Mr. McCamie's a while Andrew was born, and she was present at his birth; as soon as Mrs. Jackson was restored to health and strength she came to Mr. James Crawford's, in South Carolina, and there remained.

I believe the above contains all the facts as given by Mrs. Lathen to me. Mrs. L. was lady of very fair standing in society.

BENJAMIN MASSEY.

LANCASTER DISTRICT, S. C., *August 22, 1845.*

S. H. WALKUP:

Mrs. Leslie, the aunt of General Jackson, has often told me that General Jackson was born at George McCamie's, in North Carolina, and that his mother, soon after his birth, moved over to James Crawford's, in South Carolina; and I think she told me she was present at his birth; but at any rate, she knew well he was born at McCamie's, and that the impression that he was born at Crawford's arose from his mother moving over there so soon after his birth. Mrs. Leslie was a lady of unblemished character and excellent reputation.

JOHN CARNES.

AUGUST 26, 1858.

Mr. James Faulkner, of Steel Creek, N. C., states that he is 62 years of age and is the son of James and Mary Faulkner; that his mother was a daughter of Samuel and Sarah Leslie, and therefore his mother was full cousin of General Jackson, and his grandmother was sister of Mrs. Jackson; that he was born and raised in South Carolina, and that Mrs. George McCamie and Mrs. James Crawford were sisters of Mrs. Jackson and his grandmother, Mrs. Sarah Leslie. He locates the places where they settled and shows that Mr. Andrew Jackson, sr., settled and died on Twelvemile Creek, N. C.; that George McCamie settled a quarter of a mile east of Cureton's Pond and a quarter east of the public road, and in North Carolina; that Mrs. Leslie was a very near neighbor to Mr. McCamie, and in North Carolina; and that James Crawford settled about 2½ miles southwest in South Carolina. He states particular reasons and circumstances why he knew the McCamie place, viz, that his father lived with McCamie in 1785, for one year, and spoke of hobbling and turning out the horses to graze at Cureton's Pond, and of his making only 15 bushels of corn at that place that year as his share of the crop; and further, that his uncle, George Leslie, lived with McCamie for several years and until the death of his aunt, Mrs. McCamie, in 1790; that he was named for McCamie to inherit his property. He states that old Mr. Jackson died before the birth of his son, General Jackson, and that his widow, Mrs. Jackson, was quite poor, and moved from her residence on Twelvemile Creek, N. C., to live with her relations on Waxhaw Creek, and whilst on her way there she stopped with her sister, Mrs. McCamie, in North Carolina, and was there delivered of Andrew, afterwards President of the United States; that he learned this from various old persons, and particularly heard his aunt Sarah Lathan often speak of it and assert that she was present at his, Jackson's, birth; that she said her mother, Mrs. Leslie, was sent for on that occasion and took her, Mrs. Lathan, then a small girl about 7 years of age, with her, and that she recollected well of going the near way through the fields to get there; and that afterwards, when Mrs. Jackson became able to travel, she continued her trip to Mr. Crawford's and took her son Andrew with her, and there remained. He thinks also that his aunt said that her mother was the midwife who delivered Mrs. Jackson on that occasion; that his aunt was a woman of good character and sound mind and memory to the time of her death.

JAMES FAULKNER.

Before:

JOHN M. POTTS,
Justice of the Peace.
SAM'L H. WALKUP.

WAXHAWS, NEAR THE WAXHAW CHURCH,
Lancaster District, S. C., August 30, 1858.

The following is about what I have heard my mother, Sarah Lathen, say in frequent conversation about the birthplace of Andrew Jackson, President of the United States. She has often remarked that Andrew Jackson was born at the house of George McCamie, and that she (Mrs. Lathen) was present at his birth. She stated that the father of Andrew Jackson, viz, Andrew Jackson, sr., lived and died on Twelvemile Creek in Mecklenburg County, N. C., and that soon after his death Mrs. Jackson left Twelvemile Creek, N. C., to go to live with Mr. Crawford, in Lancaster district, S. C.; that on her way she called at the house of George McCamie, who had married a sister of her's (Mrs. Jackson), and whilst at McCamie's she was taken sick and sent for Mrs. Sarah Leslie, her sister, and the mother of Mrs. Sarah Lathen, who was a midwife and who lived near McCamie's; that she, Mrs. Lathen, accompanied her mother, Mrs. Sarah Leslie, to George McCamie's; that she was a young girl and recollects going with her mother; they walked through the fields in the night, and that she was present when Andrew Jackson was born; that as soon as Mrs. Jackson got able to travel after the birth of Andrew she went on to Mr. Crawford's, where she afterwards lived.

The maiden names of my grandmother and sisters (Mrs. Jackson, Mrs. McCamie, and Mrs. Crawford) were Hutchison. One of them married Samuel Leslie, my grandfather; one married James Crawford; one married George McCamie; and one married Andrew Jackson, sr. Jackson lived on Twelvemile Creek, N. C.; Leslie lived on the north side of Waxhaw Creek, N. C., on the east side of the public road leading from Lancaster Courthouse, S. C., to Charlotte, N. C., about 1 mile east of said road, and east of a large branch, and near to George McCamie's, as I understood, but not so near the road as McCamie's. I don't know where McCamie lived. Crawford lived near Waxhaw Creek in North Carolina.

My mother, Sarah Lathen, was the daughter of Samuel and Sarah Leslie, and died about 35 years ago, and was over 60 years old at her death. My mother lived near me until her death, and we lived about 7 or 8 miles from Samuel Leslie's and William J. Cureton's place and about 2 miles from old Waxhaw Church, in South Carolina. I am 70 years of age, and have a very distinct recollection of all the facts above stated as true and correct as stated by my mother and as recollected by myself.

JOHN LATHEN.

Tests:

DIXON LATHEN.
SAMUEL H. WALKUP.

I remember the statements made by Mrs. Sarah Lathen substantially as above stated by my husband, and heard Mrs. Lathen often repeat them, as above given, about Andrew Jackson being born at George

McCamie's, and she being present with her mother, Mrs. Sarah Leslie, at his birth.

AGNES LATHEN.

Tests:

DIXON LATHEN.
SAMUEL H. WALKUP.

NEAR THE OLD WAXHAW CHURCH, S. C.,
August 31, 1858.

I have heard my grandmother, Sarah Leslie, say that she was present at the birth of Andrew Jackson, President of the United States; that he was born at the house of George McCamie. She stated that the father of Andrew Jackson was married to her sister, and that he had died up in North Carolina on Twelvemile Creek before the birth of Andrew Jackson, jr.; that her sister, Mrs. Jackson, had left that place and came to George McCamie's, and there was delivered of Andrew Jackson; and that she was sent for on the night that he was born, and went through the fields, and that it was but a short distance from where she lived to Mr. McCamie's. She lived in North Carolina, north of Waxhaw Creek and east of the public road leading from Lancaster, S. C., to Charlotte, N. C., about 1 mile east. She lived with my mother, Sarath Lathen, after I was grown to manhood. I think my grandmother was a midwife, as was also my mother. Mrs. Leslie had her mind and memory up to her death in full vigor. She was an old woman when she died at my mother's, near to this place, Waxhaw Church, South Carolina. She died about 50 years ago. All of which I certify to be correct.

JOHN LATHEN.

Tests:

DIXON LATHEN.
S. H. WALKUP.

AUGUST 31, 1858.

My recollection of what Mrs. Sarah Lathen said of the birthplace of Andrew Jackson, President of the United States, was about this: I have often heard her say that Mrs. Betty Jackson, the mother of Andrew Jackson, "was taken sick at the house of Mr. McCamie and sent for Mrs. Sarah Leslie at the time when she was delivered of Andrew Jackson, and that she, Mrs. Leslie, took her daughter, Mrs. Lathen, with her on the night of Jackson's birth, and that they walked through the fields, the near way, from Mrs. Leslie's to George McCamie's." I have often heard my grandmother, Sarah Leslie, say "that she was sent for, on the night of the birth of Andrew Jackson, by her sister, Mrs. Betty Jackson, who was taken sick at the house of her brother-in-law, George McCamie, and that she took her daughter, Sarah Lathen, then a small girl, with her; that they walked the near way through the fields to McCamie's, and that she was present when Andrew Jackson was born at the house of said George McCamie." These women are both of sound minds and excellent memories and characters up to the time of their deaths. Mrs. Leslie died about 50 years ago, and Mrs. Lathen died 35 years ago. I am now 70 years of age and reside now, where I have ever since my birth, in Lancaster district, South Carolina, near Craigsville post office, and about 2 miles from the old Waxhaw Church. I am the grandson of Sarah Leslie, the aunt of Gen. Andrew Jackson, and son of Mary and James Faulkner. My decided opinion is that Andrew Jackson was born at the house of George McCamie, and that George McCamie lived at that time on the east of the public road leading from Lancaster Courthouse, S. C., to Charlotte, N. C., on the north side of Waxhaw Creek, and in a northwest direction from where my grandfather, Samuel Leslie, lived—about half-way between where the public road crosses Waxhaw Creek, at Major Crawford's, in South Carolina, to Walkups Mill, in North Carolina, on Waxhaw Creek, being, I think, nearer Walkup's old mill than Crawford's, on the north side of Waxhaw Creek, and about one-half or three-fourths of a mile from Waxhaw Creek, on the east of a small branch, and about 1 mile from the public road from Lancaster to Charlotte. George McCamie, after the death of his wife (my aunt Peggy), removed to Thomas Crawford's, on Cain Creek, S. C., where he died. All of which is hereby certified to be true and correct, according to my best recollection.

THOMAS (his x mark) FAULKNER.

Test:

SAM'L FAULKNER.
SAM'L H. WALKUP.

NEAR WILSON'S STORE, UNION COUNTY, N. C.,
September 4, 1858.

I, Samuel McWhorter, do hereby certify that I have oftentimes heard my father, George McWhorter, speaking of Gen. Andrew Jackson, President of the United States. He said he had been very intimate with Jackson in their youth, were intimate associates, and went to school together, and lived in the same neighborhood within about 2 miles of each other; that his mother, Elizabeth McWhorter, was a near neighbor and was present on the night of Jackson's birth; that his mother went back on the next day to see Mrs. Jackson, and took him, George McWhorter, with her; that he was then a little over 5 years old, and saw Mrs. Jackson and her son Andrew, and recollects very well all about it; that Mrs. Jackson was removing from where she and her husband had resided on Twelvemile Creek, in North Carolina, where old Joe McCommon afterwards lived (and where Mrs. Laney now lives, near Pleasant Grove Camp Ground, and near the Howie gold mine now owned by Commodore Stockton); that she, Mrs. Jackson, was on her way to live with Mr. Crawford and her other connections in Waxhaws, and was taken sick at the house of George McCamie, who had married a sister of hers and was then living in North Carolina near where old Jeremiah Cureton afterwards had a store, and was delivered at that place (McCamie's) of Andrew Jackson. He stated that he was well acquainted with George McCamie and his family, and that they lived in North Carolina between where his father, George McWhorter, lived and old Jeremiah Cureton's store. My grandfather, he said, lived about from three-fourths to a mile northwest of James Walkup's old mill, and that McCamie lived northwest a short distance from his house; and that old Samuel Leslie lived very near to his father's; and that they, the Leslies (Samuel and James), and George McCamie and John McCommon were all near neighbors and very intimate friends. My father was a Revolutionary soldier, he said, under Major Crawford, and was at Charleston, S. C., and drew a pension for several years before his death at the rate of about $41 per annum. The family record, an old Bible, exhibits this record in my father's handwriting: "George McWhorter, born the 8th day of February in the year of our Lord 1762," and is taken from the original family record now in possession of the family of my brother John McWhorter, and I know this to be a correct copy of the original which I have seen. My father lived at this place about 38 years before his death, and died February 4, 1841, about 80 years of age; he retained his mental faculties in full strength up to the time of his death.

I have frequently heard my father and grandmother, Elizabeth McWhorter, speak of the birth of Andrew Jackson being at George McCamie's house in North Carolina. She said Mrs. Jackson was on her way from her residence on Twelvemile Creek, N. C., to her relations in Waxhaws, and stopped to stay all night with her sister, Mrs. McCamie, and was taken in labor there, and that she, Mrs. McWhorter, was sent for as a near neighbor and was present at the birth of Andrew at the house of George McCamie in North Carolina; and that she took my father with her the next day when she visited Mrs. Jackson at McCamie's. My grandmother lived with my father about two years when I was about 9 or 10 years old, and died about 50 years ago. I am now 61 years of age. All of which I certify to be correct.

SAMUEL MCWHORTER.

Tests:

SAMUEL H. WALKUP.
H. C. WALKUP.

WALKERVILLE P. O., N. C., *September 4, 1858.*

This is to certify that I, Jane Wilson, have heard many old persons, during the time Gen. Andrew Jackson was a candidate for President in 1828, speak of his having been born in North Carolina near old Jeremiah Cureton's store in South Carolina. The reputation of his birthplace being in North Carolina was very general. I remember hearing old Moses Vick speak on a public day of General Jackson being born in North Carolina near Curton, and claim that he was related to Jackson. I heard old George McWhorter also remark frequently that General Jackson and he were playmates and very familiar and went to school together; and he asserted that he knew the very spot where General Jackson was born, and named the place, and said it was in North Carolina near old Jeremiah Cureton's store. A great many other old persons also on the same public day at Wilson's, and at other times, I have heard speak of Jackson having been born as above stated. I am now 59 years of age.

JANE WILSON.

Witness:

S. H. WALKUP.

JOHN PORTER'S, NEAR CURETON'S STORE, S. C.,
August 30, 1858.

I am in my seventy-seventh year, and was born and raised in this neighborhood. I am well acquainted with the place where it is said old George McCamie lived. It is about 1 mile south of my house, in a field now owned by William J. Cureton, and formerly belonged to his father, Jeremiah Cureton, sr., where they lived for some time, lying east of the public road leading from Lancaster Courthouse, S. C., to Charlotte, N. C., about one-fourth of a mile east of said public road and about one-fourth of a mile southeast of Cureton's Pond, and is in North Carolina. My father, William Porter, lived on Twelvemile Creek, about four miles from this place, and was well acquainted with Andrew Jackson, afterwards President of the United States. I have often heard my father say that Mrs. Jackson, the mother of Andrew Jackson, lived a short time at the George McCamie place, and McCamie was a relation of Mrs. Jackson; and afterwards Mrs. Jackson went from George McCamie's place to old William Wren's

place, where she remained for some time. Andrew Jackson was frequently at my father's house, and taught school in the neighborhood; one of my brothers and sisters went to school to him. The place where General Jackson was born has always been disputed, some alleging that he was born at the Wren place and others at the McCamie place. There were some two families of Leslies living in a southeasterly direction a short distance up the creek from George McCamie's, and on the north side of said creek and east of the public road. I have passed the place often going to Walkup's mill, on Waxhaw Creek, N. C.

JOHN PORTER,
Per S. R. PORTER.

Test:

S. H. WALKUP.

THOMAS CURETON'S HOUSE,
NEAR CORNER STONE BETWEEN NORTH AND SOUTH CAROLINA,
August 31, 1858.

I, Thomas Cureton, sr., being about 75 years of age, do hereby certify that my father, James Cureton, came to this Waxhaw settlement from Roanoke River, in North Carolina, about 73 years ago, as I am informed and believe, when I was about 1 year old; and my brother, Jeremiah Cureton, who was about 20 years older than myself, came with him. My brother, Jeremiah Cureton, bought the George McCamie place some time after he came to this country, in about 1796, and settled down on the same place and in the same house where George McCamie lived. He remained there a few years and until he bought the place where William J. Cureton now lives. I know the George McCamie place well. It lies in North Carolina about a quarter of a mile east of the public road leading from Lancaster Courthouse, S. C., to Charlotte, N. C., and to the right of said road as you travel north, and lies a little east of south from Cureton's Pond on said public road and a little over a quarter of a mile from said pond. My brother, Jeremiah Cureton, always called that the McCamie house and the McCamie place. My brother, Jeremiah Cureton, was of the opinion, from information derived from old Mrs. Molly Cousar, the mother of Richard Cousar, that Andrew Jackson, President of the United States, was born at the George McCamie place as above described. Mrs. Cousar was a neighbor and lived then, at the time of the birth of Gen. Andrew Jackson and until her death, in South Carolina, about 1 mile west from the George McCamie house, and was a very old woman when she died, which was about 35 years ago. She was a woman of undoubted good moral character, and her veracity was unquestionable. The Leslie houses lay about half a mile in a southern direction from the McCamie house and north of Waxhaw Creek and east of the public road. I have lived for the last seventy-two or three years within 3 or 4 miles of the McCamie place.

All of which is hereby certified to be correct and true to the best of my opinion and belief.

THOMAS CURETON.

Witness:
SAMUEL H. WALKUP.

CURETON'S STORE, S. C., *September 3, 1858.*

My recollection, from what my father, Jeremiah Cureton, sr., told me, was that he, my father, lived on the old tract called the George McCamie's tract, and in the house where George McCamie lived, and where it was said that Andrew Jackson, President of the United States, was born; and that he, my father, afterwards removed to the place where I now live. My father has frequently pointed out to me the old McCamie house as the place where, he said, he always understood Andrew Jackson was born. That old persons, who knew all about his birthplace, had said that there was where Jackson was born, and that old Mrs. Molly Cousar was one of the persons he spoke of having made that statement, and he spoke very confidently, from information he had received from various old persons, that the George McCamie house was where Jackson was born. This McCamie house lies about a half mile southeast of where I now live, and is in Union County, N. C., formerly called Mecklenburg County, N. C., and is a little over a quarter of a mile southeast of what is called Curetons Pond, and about a quarter of a mile east of the State line and the public road leading from Lancaster Courthouse, S. C., to Charlotte, N. C., about 1½ miles north of Waxhaw Creek. I have the old land papers for said tract, which was patented to John McCane, 1761, upon a survey dated September 8, 1757; conveyed by McCane to Repentance Townsend April 10, 1761, and by Townsend to George McCamie January 3, 1766; and by George McCamie to Thomas Crawford, 1792; and from Crawford and wife Elizabeth to my father July 23, 1796; and by my father to myself, and which I still own. My father came from Virginia with my grandfather, James Cureton, to Roanoke, N. C., and from there to Waxhaws, S. C., and purchased the McCamie place, where he lived a few years, and then removed to the place where I now reside, in Lancaster district, S. C., where he remained until his death in 1847, being then 84 years of age. This is about all I can recollect from information derived from my father and these old land papers about the McCamie house and place.

W. J. CURETON.

Witness:
S. H. WALKUP.

MONROE, N. C., *September 6, 1858.*

I, Thomas Winchester, sr., of Twelvemile Creek, N. C., near Pleasant Grove Camp Ground, aged 84 years, do hereby certify that I came to Twelvemile Creek when I was 18 years of age with my father, William Winchester, sr.; that my father rented land from one Joseph McCommon for the first year and died; that I and my mother rented the same place for two or three years afterwards; that the place was said to have been owned by Andrew Jackson, sr., the father of Andrew Jackson, afterwards general and President of the United States; that it had been owned by Sampson Grey, and afterwards was bought by Joseph McCommon, and that afterwards Joseph McCommon lived on the place, and that John Laney next bought and lived on the same place until his death, and that his widow, Martha Laney, now lives on the same place on Twelvemile Creek, N. C., where it was said the father of Andrew Jackson, President of the United States, lived at the time of his death. Mrs. Laney is about 75 years old. I have heard old Charley Findley speak at different times and say that Andrew Jackson, sr., the father of Gen. Andrew Jackson, lived and died on that place, and was buried at old Waxhaw Church, South Carolina, and that he was very poor; and that after his death his widow, Mrs. Jackson, went back to Waxhaw to live, and that Andrew Jackson, jr., afterwards President, was born in Waxhaw, N. C.; and he spoke of knowing General Jackson well and of having seen him often, and boasted of his being born in North Carolina. Charles Findley lived and died in the neighborhood where old Andrew Jackson died. Mr. Charles Findley was a very old man when he died, and his character was unimpeachable for truth and honesty, and he was a man of considerable intelligence. I have often heard other old persons speak of old Andrew Jackson having lived and died on Twelvemile Creek, N. C., at the above specified place, and they were men who knew old Andrew Jackson; among them was old John Howie, who lived within 1½ miles of the place; Alexander Grey, who lived within 2 miles; John McCorkle, who lived within half a mile—all of whom were acquaintances of old Andrew Jackson, the father of the President of the United States. I have lived within 1½ miles of the same place for the last 63 years. I have heard many other things of the birth of Andrew Jackson and of his father's residence on Twelvemile Creek, N. C., in accordance with the above which has partly escaped my memory. All of which is certified to be correct.

THOMAS WINCHESTER, Sr.

Test:

GEORGE A. WINCHESTER.

MONROE, N. C., *September 6, 1858.*

I, Andrew Secrest, sr., of Union County, N. C., aged 83 years, do hereby substantially corroborate what is stated by Mr. Thomas Winchester above given, and in addition state that my father, Jacob Secrest, sr., lived at the old Andrew Jackson place about eight years before Sampson Grey bought it of my father, and I lived with my father at the time. My father was well acquainted with old Andrew Jackson, sr., while he lived on the above place, and I have often heard him speak of him. All of which is hereby certified to be correct.

ANDREW SECREST.

Tests:

THOMAS D. WINCHESTER, Sr.
SAMUEL H. WALKUP.

SEPTEMBER 1, 1858.

I, Hugh McCommon, now aged 69 years, a resident of Waxhaws, in Union County, N. C., do hereby certify that I was born and raised within less than a mile of this place where I now live, and that my father's house was about one and a half miles due east from what is known as the George McCamie place. I have always well known the George McCamie house from my boyhood, and it was always called the old McCamie house. It lays about one-fourth of a mile southeast from Cureton's Pond, and about the same distance east of the public road leading from Lancaster Courthouse, S. C., to Charlotte, in North Carolina. The remains of the old chimney are still visible. It is in North Carolina, Union County, and about one mile north of Waxhaw Creek. Jeremiah Cureton, sr., lived once in the same George McCamie house, which he afterwards turned into a ginhouse; and I have had cotton picked and packed in the same house when I was a small boy for my mother. It lies about one-fourth of a mile northeast of where Green Yarborough now lives. It was always called, by old Jerry Cureton and other old persons, the "McCamie place." I have often heard several old persons say that Gen. Andrew Jackson, President of the United States, was born in the above described old George McCamie place.

That his mother was on her way from her residence on Twelvemile Creek, N. C., to Mr. Crawford's in South Carolina and stopped at George McCamie's, who was a relation; and whilst at McCamie's was delivered of Andrew Jackson. I heard several old persons speak of this fact, and among the rest was old George McWhorter, who said he was well acquainted with General Jackson in boyhood, and went to school with him, and had had many a fight with him, and who said that Jackson never would give up, although he was always badly beaten, as he, McWhorter, was much the stronger of the two. McWhorter told me he was in the Revolutionary War toward its close, doing some service with the Whigs. He was a man of unquestionable good moral character and undoubted veracity and lived and died in the same neighborhood and died about 18 years ago. I also was well acquainted with the two old houses where Samuel and James Leslie lived. They lived near each other, not more than 100 yards apart, on the west side of a branch and about 100 yards from the branch; about a quarter of a mile southeast from the George McCamie place and about three-quarters of a mile from the Waxhaw Creek, on the north side; and about half a mile east of the public road leading from Lancaster, S. C., to Charlotte, N. C. My parents lived about 1½ miles east of the Leslie's, and I have been there oftentimes, and they have done many errands of kindness, as neighbors, for my mother. The houses and men were all old when I was a boy. My father lived at the same place where I was born and raised before the War of the Revolution. Old Archy and Molly Cousar lived about from three-quarters to a mile west of the Leslie's and George McCamie's. There was no woodland between Leslie's and McCamie's since I knew them. From Leslie's and McCamie's to the old Crawford and Wren places would be over 2 miles, and a considerable portion of the distance has always been woodland until of late years. All of which is given under my hand as correct.

HUGH MCCOMMON.

Tests:

HUGH C. NISBET.
SAMUEL H. WALKUP.

SEPTEMBER 1, 1858.

I, Julia McCommon, aged 66 years, do hereby certify that I was raised, until about the age of 14 years, on this place, and in about 2 miles from what is known as the old George McCamie place, and where it is said Andrew Jackson was born. That place has always been called the McCamie place. Old Jerry Cureton was living on it when I first knew it; and his son, William J. Cureton, now owns the same place. I knew it well and have been at the place more than 50 times when I was small. It was called by my mother and other old persons "McCamie's old place." It lies in Union County, N. C., one-quarter of a mile southeast of Curetons Pond, and the same distance east of the public road leading from Lancaster to Charlotte. My relations lived in the neighborhood, and therefore I was by and at the house. I could now point out the very spot where the house stood.

JULIA (her x mark) MCCOMMON.

Tests:

HUGH C. NISBET.
SAMUEL H. WALKUP.

NEAR CRAIGSVILLE POST OFFICE, S. C., *August 31, 1858.*

My recollection of the relations of Gen. Andrew Jackson and our own was that there were six sisters, called Hutchison, who came from Ireland before the Revolutionary War several years, and were married as follows: Margaret intermarried with George McCamie, who settled on the north side of Waxhaw Creek. Molly intermarried with John Leslie and lived in Lancaster District, S. C., on Camp Creek, about 2½ miles from Lancaster Courthouse. Sarah intermarried with Samuel Leslie and settled on the north side of Waxhaw Creek, in North Carolina, about half or three-quarters of a mile from said creek and on the east side of the public road. Jenny intermarried with James Crawford and settled near Waxhaw Creek in Lancaster District, S. C., on the north side of said creek. Betty intermarried with Andrew Jackson, the father of Gen. Andrew Jackson, President of the United States, and father of Hugh and Robert, being the only children he left as I have ever heard of. Grace intermarried with James Crow, who lived near Landsford, in Lancaster District, S. C., where John Foster now lives. We are the grandsons of Sarah and Samuel Leslie, and are Thomas Faulkner, 71 years old on the 6th of November, 1858, and Samuel Faulkner, 68 years old.

THOMAS (his x mark) FAULKNER,
SAMUEL FAULKNER.

Tests:

F. FAULKNER.
SAMUEL H. WALKUP.

CRAIGSVILLE, S. C., *September 1, 1858.*

Gen. S. H. WALKUP.

SIR: Your note of yesterday was handed me this morning and contents noted. Patent facts abundantly justify me in appending the following:

I hereby certify Messrs. Thomas and Samuel Faulkner and John Lathen are my immediate neighbors and men of the highest respectability, and have been from early life orderly members of that branch of the Presbyterian Church with which I am connected, and their reputation in this district is an impenetrable aegis against any suspicion involving their veracity.

D. R. ROBINSON.

S. A. Ashe, in his Biographical History of North Carolina, volume 5, page 174, says:

In 1765, Andrew Jackson, his brother-in-law, James Crawford, and his wife's brother-in-law, George McKemey, and other relatives moved with their families to America. Arriving at Charleston they located in the Waxhaw settlement, where many of their Scotch-Irish friends had preceded them. George McKemey bought land on Waxhaw Creek, some 6 miles from the Catawba River and about a quarter of a mile north of the boundary line between North and South Carolina. Andrew Jackson settled on Twelvemile Creek a few miles from the site of the town of Monroe, the county seat of Union County, then in Anson County, N. C. He was too poor to obtain title to his land; and having built a log house and cleared some fields, in the spring of 1767 he sickened and died. His remain were borne to the old Waxhaw churchyard and there interred. His widow did not return home from the interment, but went to the house of her sister, Mrs. McKemy, near by, and there a few days later, on the 15th of March, 1767, Andrew Jackson was born. Governor Swain says that in a journey in June, 1849, he took some pains to ascertain the precise locality which gave birth to General Jackson and to James K. Polk, who were born in the same county, Mecklenburg. The spot where Jackson was born could be identified. It was about 28 miles south of Charlotte, and the birthplace of President Polk was 11 miles south of Charlotte. Mrs. Jackson remained with Mrs. McKemy some weeks, and then moved to the house of another sister, Mrs. Crawford, some 2 miles distant, but in South Carolina.

Captain Ashe, in his second volume of the History of North Carolina, published in 1925, definitely corroborates the foregoing statement.

Benson J. Lossing, in Lossing's Field Book of the American Revolution, page 459, says:

I am informed by the Hon. David L. Swain, that the birthplace of General Jackson is in Mecklenburg County, N. C., just above the State line. It is about half a mile west of the Waxhaw Creek, upon the estate of W. J. Cureton, Esq., 28 miles south of Charlotte. A month or two after his birth his mother removed to the southward of the State line, to a plantation about 12 miles north of Lancaster courthouse. That plantation is also the property of Mr. Cureton. The house in which she resided when Tarleton penetrated the settlement is now demolished. So the honor of possessing the birthplace of the illustrious man belongs to North and not to South Carolina, as has been supposed.

I copy from a letter to Governor Swain from Benson J. Lossing, on file with the North Carolina Historical Commission, in which Mr. Lossing says:

I thank you for the minute and interesting facts concerning the birthplace of General Jackson, as well as that of President Polk. I think I could almost make a correct drawing of the latter from your description, the only difficulty being ignorance of the number of doors and windows which the two log houses as joined contained.

Governor Swain was an honorary member of the New York Historical Society and an honorary corresponding secretary. He was also an honorary member of more than one New England historical society.

Mr. Speaker, I ask unanimous consent to insert two short paragraphs from the Tucker Hall address of Hon. David L. Swain, delivered in Raleigh Tuesday, June 4, 1867, at the erection of the monument to Jacob Johnson, father of Andrew Johnson, in the city cemetery.

The precise date of the older Jackson's birth and death are unknown. His illustrious son was mistaken until after he entered upon the duties of high office as to the State in which he himself was born. In his celebrated proclamation of 1832 he speaks of South Carolina as his native State.

The best information now attainable confirms the tradition which prevails in the Waxhaw country that Andrew Jackson the elder never owned an acre of land in America. He died in the log cabin erected by his own hands early in the spring of 1767. He was buried in the old Waxhaw churchyard. No stone marks the spot where his remains were deposited a hundred years ago. The hero of New Orleans, the third son of his father, was born at the house of George McCamie, in the county of Mecklenburg, on the 15th of March, 1767, very shortly after the death of his father.

James K. Polk, the second native North Carolinian who passed through Tennessee to the Presidency, was born in the same county of Mecklenburg on the 17th of November, 1795, about 11 miles south of Charlotte and 17 miles north of the birthplace of General Jackson.

On a journey to the Southwest in June, 1849, I took some pains to ascertain the precise locality which gave birth to both. No vestige of the humble dwelling in which the latter, General Jackson, first saw the light was discernible, but the spot where it stood could be identified.

The Presidents of the United States, 1789–1914, by John Fiske, Carl Schurz, Robert C. Winthrop, George Ticknor Curtis, George Bancroft, John Hay, and others, volume 1, page 253, states:

In a letter of December 24, 1830, in the proclamation addressed to the nullifiers in 1832, and again in his will, General Jackson speaks of himself as a native of South Carolina; but the evidence adduced by Parton seems to show that the birthplace was north of the border. Three weeks after the birth of her son, Mrs. Jackson moved to the house of her brother-in-law, Mr. Crawford, just over the border in South Carolina, near the Waxhaw Creek, and there his early years were passed.

The Lives of the Presidents—Jackson and Van Buren—by W. O. Stoddard, author of Life of George Washington, Lives of John Adams and Thomas Jefferson, James Madison, James Monroe and John Quincy Adams, Ulysses S. Grant, and so forth, says that there is some uncertainty, but we find this on page 3:

Only a few days later there was one more care upon her hands, for Andrew Jackson, as he was named after his father, was born at George McKemey's house on the 15th day of March, 1767.

Two miles away from the McKemey cabin lived another brother-in-law of Mrs. Jackson. His name was Crawford, and his wife was an invalid. The two families had crossed the ocean in the same ship, and now they were gathered under one narrow roof, for as soon as Mrs. Jackson recovered strength she went to take charge of the Crawford housekeeping. Her oldest son, Hugh, remained with Mr. McKemey to support himself by farm work, while the second son, Robert, accompanied his mother.

Lives of the Presidents, by John S. C. Abbott and Russell H. Conwell, page 208:

From the grave she drove a few miles to the cabin of Mr. McKemey, who had married her sister and who lived across the border in North Carolina. There in that lonely log hut, in the extreme of penury, with a few friendly women to come to her aid, she within a few days gave birth to Andrew Jackson, the child whose fame as a man has filled the civilized world. It was the 15th of March, 1767.

Cyclopedia of American Biographies (1901), edited by John Howard Brown, managing editor of Lamb's Biographical Dictionary of the United States, The National Portrait Gallery, and so forth, volume 4, page 305:

Andrew Jackson, seventh President of the United States, was born at the George McKemy homestead in Mecklenburg County, N. C., March 15, 1767; son of Andrew and Elizabeth (Hutchinson) Jackson, of Twelvemile Creek, a branch of the Catawba River in Union County, N. C., and grandson of Hugh Jackson, a linen draper, who was a sufferer in the siege of Carrickfergus, Ireland, in 1760.

History of Mecklenburg County, by D. A. Tompkins, manufacturer and scholar, written by Bruce Craven, who, with Mr. Tompkins, was several years gathering information from county and State records, in volume 2, chapter 5, page 84, gives the following facts supporting the contention as to Jackson's birthplace in North Carolina, but does not mention affidavits secured by Jamed D. Craig from witnesses who personally knew that Jackson was born at McKemy's, in North Carolina:

Andrew Jackson, seventh President of the United States, was born in Mecklenburg County, N. C., March 15, 1767. The ruins of the McKemy cabin, in which he was born, are on the land belonging to Mr. J. L. Rodman, of Waxhaw, and are in Union County, which was cut off from Mecklenburg in 1842. The site is 6 miles south from Waxhaw, near the Charlotte and Lancaster Road, and 480 yards from the South Carolina line.

In 1858 Col. S. H. Walkup, of Union County, undertook the task of gathering testimony as to the time and place of Jackson's birth. He spent a great deal of time in the work and accumulated conclusive evidence that Jackson was born in George McKemy's cabin in the "Waxhaws," March 15, 1767. The affidavits were published in the North Carolina Argus of Wadesboro, September 23, 1858, and were later printed in pamphlet form and in Parton's Biography of Jackson. The Charlotte and Lancaster papers of 1858 engaged in a controversy over the questions involved, but all finally acquiesced in the completeness of Colonel Walkup's presentation of the facts.

Fourteen affidavits were secured. They were made by persons, in several instances unkown to each other, yet they corroborate with uniformity every important detail. The substance of them is as follows: Six sisters—Misses Hutchinson—married and emigrated with their husbands to this country, and settled in the "Waxhaws." Margaret married George McKemy, and settled on Waxhaw Creek, in North Carolina; Jane married James Crawford and settled on Waxhaw Creek, in South Carolina; Elizabeth married Andrew Jackson, sr., and located near the present site of Pleasant Grove camp ground, in North Carolina; Sarah married Samuel Leslie and settled near George McKemy's; Grace married James Crow and settled near Lands Ford, S. C. Andrew Jackson, sr., built his cabin about 9 miles from South Carolina, and the site of it is known to this day. There in February, 1767, he died, leaving a widow and two sons—Hugh and Robert. His body was interred in the old Waxhaw cemetery, near Lands Ford. Mrs. Jackson, soon after the death of her husband, started to the home of her sister, in South Carolina. On the way she stopped to visit Mrs. George McKemy, another sister, and in her home, in the night of March 15, 1767, Andrew Jackson was born. So, soon as Mrs. Jackson recovered sufficient strength, she went, with her three boys, to the home of James Crawford, in South Carolina, and there Andrew lived for 13 years. The Crawford place was 2½ miles from the McKemy place.

In the affidavits Benjamin Massey, John Carnes, John Lathan, James Faulkner, and Thomas Faulkner (the three latter being second cousins of Jackson) all declare that Mrs. Sarah Leslie and Mrs. Sarah Lathan (aunt and counsin of Jackson, respectively) often asserted that Jackson was born at George McKemy's and that they were present at his birth; that Mrs. Leslie "was sent for on the night of his birth, and she took her daughter, Mrs. Lathan, and recollected well of walking the near way through the fields in the night time." In addition is the testimony of Mrs. Elizabeth McWhirter and her son George, and Mrs. Mary Cousar, who state that they were "near neighbors and present on the night of the birth of General Jackson, at the house of George McKemy, in North Carolina," March 15, 1767, which testimony rests upon the statements of Samuel McWhirter, grandson of Mrs. Elizabeth McWhirter, and Thomas Cureton and Jeremiah Cureton, who heard the old persons speak often and positively of the facts.

For many years it was not known in which State the McKemy cabin was located, but the records of land titles in the Mecklenburg County courthouse established the fact that the site of the cabin has always been in North Carolina. In a deed given by McKemy to Crawford in 1792 it is described as being "north of Waxhaw Creek." The McKemy tract of land was surveyed in 1757 for John McKemy, and was patented in 1761, and was sold by John McKemy to Repentance Townsend in 1761, and by Townsend to George McKemy in 1766. McKemy sold it to Thomas Crawford (son of James Crawford) in 1792; Crawford to Jeremiah Cureton in 1796; from him it passed to his son, William J. Cureton, from whose estate it was purchased by Mr. J. L. Rodman, the present owner. The records of the transactions, prior to 1842, are in the Mecklenburg County courthouse; after that year in Union County.

Thus we have the sworn testimony of 14 persons, whose irreproachable character will be vouched for by persons now living, many of them unknown to each other, and all agreeing in reporting the settled family traditions that Andrew Jackson was born in the McKemy cabin March 15, 1767, and the incontrovertible testimony of the county records that the McKemy place is and always has been in North Carolina.

John Henry Eaton's Life of Jackson, on page 9, edition 1824:

Andrew Jackson was born on the 15th day of March, 1767. His father (Andrew), the youngest son of his family, emigrated to America from Ireland during the year 1765, bringing with him two sons—Hugh and Robert—both very young. Landing at Charleston, in South Carolina, he shortly afterwards purchased a tract of land in what was then called Waxsaw Settlement, about 45 miles above Camden, at which place the subject of this history was born.

John H. Wheeler, a distinguished North Carolinian, who gave much time to historical research, and the author of a history of North Carolina, and Reminiscences of North Carolina, under the head of "Mecklenburg County," says of Jackson:

His early life was very obscure, and he himself was uncertain of his birthplace.

Wheeler gives W. H. Sparks, "The Memories of Fifty Years," as authority for the South Carolina contention, and in a footnote on page 287 states:

Governor Swain, one of the most accurate genealogists of the country, in his Tucker Hall address states positively that General Jackson was born at the house of George McCamie, in Mecklenburg County, N. C., on the 15th of March, 1767. The line was not ascertained on that locality until long after Jackson had removed to Tennessee.

The biographer of Governor Swain was Governor Vance, who was long a distinguished United States Senator, and who says that Governor Swain's knowledge was encyclopedic in its range and the most remarkable trait of his mind was his "powerful memory," and the direction in which that faculty was exercised was in biography and genealogy. In this particular he had no superior in America, says Governor Vance.

His age and the troublous Civil War times, no doubt, prevented him from leaving a work as a legacy to his countrymen embodying the vast historic material he had accumulated, but

there is left the famous Tucker Hall address and other valuable information, which is considered of the greatest value by historians. He was a friend of George Bancroft, with whom a correspondence was kept up for years, and much of the accurate information Bancroft published as to North Carolina and other Southern States was obtained from Swain.

Bancroft never wrote anything about Jackson's birth. If he had lived to complete the writing of his history to the Jackson period he would have, as was his custom, availed himself of the knowledge Governor Swain had gathered on that subject. Governor Swain advised Bancroft, as he did John H. Wheeler, to visit London, for to Governor Swain Wheeler had dedicated his history of North Carolina. Both Bancroft and Wheeler obtained a vast amount of information from Swain, and they both went to London at his suggestion to get a record of evidence not at that time available in America. Swain received letters from Bancroft at different times. On July 4, 1848, while David L. Swain was president of the University of North Carolina, Bancroft wrote him a letter from London, an extract of which follows:

The regulators form the connecting link between the resistance to the stamp act and the movement of 1775, and they also played a glorious part in taking possession of the Mississippi Valley, toward which they were irresistibly carried by their love of independence. It is a mistake if any have supposed that the regulators were cowed by their defeat at Alamance. Like the mammoth, they shook the bolt from them and crossed the mountains.

PARTON VISITS THE WAXHAWS

After reading endless newspapers, pamphlets, and books for more than a year, James Parton, after visiting England, Scotland, and Ireland, set out on a tour of more than one-third of the State in search of information. On this tour he visited the place of Jackson's birth and remained in the community several days, obtaining first-hand information from Gen. S. H. Walkup, a most worthy gentleman of honorable and patriotic reputation among all who knew him, born and brought up in the neighborhood, with a perfect knowledge of the country. Parton also went over the same ground and heard the same story from many of the same persons who had given their written testimony to General Walkup. This was in 1858 that his biographer par excellence made his exhaustive researches. Some one has said the mistake made by Eaton and Houston, who were so intimately associated with Jackson for so many years, in recording incorrectly the peculiar circumstances of his birth caused him not only to remain ignorant of his birthplace but to make contradictory statements about it.

Another careful and accurate historian of Jackson is A. C. Buell, who made a life study of Jackson, reading every book and everything he could find on Jackson. He interviewed many eminent men, some of whom were friends and acquaintances of Jackson. The truth is, Eaton and Houston do not place Jackson's birthplace in South Carolina, but 45 miles from Camden.

The principal source for trustworthy information as to the life of Jackson is found in the Walkup evidence, from which James Parton obtained most of his information. Although written from a decidedly English point of view, yet when Parton started out to write a life of Jackson he realized that the value of the work would depend chiefly upon its credibility. No one up to that time had attempted to write a complete and accurate biography of the seventh President of the United States.

The greater part of what had been published was intended for campaign literature, and no attention had been given to ascertain the place of his birth further than that it was in the Waxhaw settlement, which was formerly thought to be entirely within South Carolina, but most of which is, in fact, in North Carolina. Even John H. Eaton, who was nearer to Jackson than any other member of his Cabinet, and one of the most honest of all Jacksonian historians, fails to say anything about some of the most important affairs connected with Jackson's life. He states that Jackson's father "died shortly after his birth." An American soldier, believed to be Gen. Sam Houston, the "Creek War" veteran and loyal and intimate friend, in his life of Jackson the next year practically makes the same statement, while Amos Kendall, 25 years afterwards, did get this particular detail correct.

It was finally settled by historical and biographical authorities that what was known as the Waxhaw settlement, which was first supposed to be wholly in South Carolina, was, after many years, found to lie on both sides of the boundary line between the two States, and that portion of it on which the McKemys lived was actually in North Carolina. Nevertheless—

It is further stated that his references to his native State as South Carolina in his nullification proclamation might reasonably be considered an excuse over political aberration.

And further:

Certain it is that Parton, after thorough research, determined that at the time of his birth the place where he was born was within the limits of North Carolina. Shortly after the birth of Andrew his mother moved across the border into South Carolina, and that fact, and because his infancy and youth were passed there, probably had a great deal to do with his own impression as to his birthplace; where all was wilderness it would indeed be difficult to be absolutely certain on a question of this character.

The statement of our South Carolina friend that it was in the early days admitted by everybody that Jackson was born on the Crawford place is incorrect; that about which there was no dispute was that Jackson was born at George McKemy's. The only dispute was whether McKemy lived in North Carolina or at the Wrenn place in South Carolina. There is ample proof for the former, but in support of the latter there is no testimony but the vaguest tradition, the chief foundation of which is old Aunt Phyllis, who says "some said the Wrenn place, and others away down on the river, but for my part I don't know where he was born."

It has been alleged by one or more South Carolinians that there was no claim until 1859, 14 years after Jackson's death, that he was born elsewhere than in South Carolina.

As the testimony clearly shows, Benjamin Massey stated to Walkup in 1845, not 1859 as the gentleman from South Carolina stated in his speech, "that only Thomas Faulkner spoke of hearing Mrs. Leslie make the statement." The truth will be seen from the Walkup evidence, which I have given in detail. It shows that not only Thomas Faulkner states that Mrs. Leslie told him about her being present at the birth of Jackson and that Jackson was born at George McKemy's, where the monument now stands. John Carnes, in his statement made also in 1845, not in 1859 as claimed by South Carolina proponents, and John Lathan (Jackson's second cousin), as well as Thomas Faulkner, states in positive terms to the same effect that Mrs. Leslie and her daughter, the aunt and cousin of General Jackson, often asserted that he (Jackson) was born at George McKemy's and that they were present at his birth. Many others corroborate these facts, as a careful reading of the evidence will show.

WALKUP BEGAN GATHERING EVIDENCE 15 YEARS BEFORE PARTON WROTE LIFE OF ANDREW JACKSON

It will also be clearly demonstrated before I finish this statement that James D. Craig obtained the affidavits of three living eyewitnesses in 1828 stating that they knew of their own knowledge the McKemy house was in North Carolina and that Jackson was born in that house; that Walkup made a speech July 4, 1845, showing by conclusive proof that Jackson was born in North Carolina, and that Benson J. Lossing in 1851 and 1855 from proof furnished him by Gov. David L. Swain, at that time president of the University of North Carolina, published to the world that Jackson was born in North Carolina.

Walkup says in a letter to Gov. David L. Swain, dated September 25, 1857, that—

Benjamin Massey was a highly respected and influential gentleman of Lancaster District, S. C., who for several years represented his district in the senate of South Carolina, the father of Saml. B. Massey, who graduated at Chapel Hill (the University of North Carolina) in 1836 or 1837, and his certificate (made in 1845) of the facts derived from Mrs. Leslie was published in a note to my oration in 1844 (1845) and never directly contradicted and never contradicted at all that I know of.

Mr. Speaker, under unanimous consent granted, I insert at this point in my remarks a letter from Col. S. H. Walkup written at Monroe, N. C., September 25, 1857, to Hon. David L. Swain:

Your favor of 29th Augt. last week reached me 11th inst. & other engagements prevented an earlier reply than the present. I feel flattered by your esteemed favour & will endeavour to do everything in my power to furnish to you any information I can gather to illustrate the history of Union County, or of any other portion of the State.

I fear our county will not be able to furnish any matter of great historical interest. It is a county; as you know of recent formation. It comprizes within its limits a portion of what was known, as the Waxsaw Settlement, the oldest & most distinguished settlement & church in this region of country. The church is in Lancaster Dist. S. C. about 5 miles S. W. of the corner stone between N. & S. C.—It also contains a portion of Providence Settlement, the church being in Mecklenburg county, about 12 miles S. or rather S. E. of Charlotte. It once contained the Waxsaw tribe of Indians. But whether they were a distinct tribe, or only a portion of the Catawba tribe of Indians once numbering 1500 warriors, but now nearly extinct being in number only about 80, & not having a single full or even half-blood

amongst them, & being a very lazy listless worthless remnant of a once powerful & warlike nation, having its headquarters, where it still remains, near, the old "Nation Ford" on the Catawba River in S. C. near where the Charlotte & S. C. rail Rd bridge crosses said river, whether the Waxsaw tribe was a separate tribe, or a part of the Catawba tribe of Indians I know not. But if needed I could learn, & perhaps gather up some items of their history.

We had a battle in the Waxsaws at the house of my Grandfather James Walkup's, between the Whigs & Tories during the revolution, when, Lord Cornwallis held his headquarters about 3 miles from the battle ground at Major Crawfords in S. C. The tories were routed, and many of them slain,—Gen. W. R. Davie led the whigs; my Grandfather, or Robt. Davis led the whigs up one end of the lane & Gen. Davie up the other & made a cross fire upon the Tories as they were about plundering his (G. W.) house. A slight account is given of the battle by Ramsey in his history of the war in the south. He misspells my grandfather's name & calls it Wahab, as the neighbours still frequently miscal us, instead of Walkup, the correct spelling.

We claim Union County as the birth place of Gen. Andrew Jackson, upon evidence which I once sent you in a 4th July oration delivered by me in the Waxsaws, where I was raised.—His father old Mr. Jackson, George McAmie, Major Crawford, & Mr. Leslie all married sisters & came from the Scotch Irish settlement of Ireland, (as did most of the original settlers.) Old Mr. Jackson settled in N. C. about 8 miles west of Monroe on Twelve (12) mile Creek, near where is now situated Pleasant Grove camp ground, & also within two miles of the Howie gold mine, now chiefly owned by Commodore R. F. Stockton. Mr. Jackson senr died there before the birth of Andrew, & was buried at Waxsaw church yard; shortly afterwards his mother, being poor, went towards Major Crawfords to live there with her sister Mrs. Crawford, who was in good circumstances, & on her way to Major Crawfords, she stopped with her Sister Mrs. McAmie, where she was taken sick & delivered of Andrew Jackson. So soon as she was able to travel which was in a few weeks, she proceeded to Major Crawfords house in S. C. about two miles distant where she continued to reside. The McAmie house is well known to have been in N. C. & is now owned by Mr. Wm. J. Cureton, of S. C. Mrs. Jackson's sister, Mrs. Leslie, was present at the birth of Andrew, as was her daughter Mrs. Lathan, who was then about 7 years of age. And Mrs. Leslie was also a midwife & probably delivered her sister on that occasion, and she has been frequently heard to say, about the time Gen. Jackson was a candidate for the presidency. "That he was born at George McAmie's in N. C. & not at Major Crawfords in S. C. & that she was present at his birth." The spot is well known & is about a quarter of a mile S. E. from the dwelling & stone house of Mr. Wm. J. Cureton & in sight of the public road leading from Charlotte, to Lancaster C. H., S. C.

These facts were communicated to me by Major Benjamin Massey, a highly intelligent & influential gentleman of Lancaster Dist. S. C. who several years represented his Dist. in the Senate of S. C. (the father of Saml. B. Massey, who graduated at Chapel Hill about 1836 or 37,) & his certificate of those facts, as derived from Mrs. Leslie, was published in a note to my 4th July oration in 1844, and never directly contradicted & not contradicted at all that I know of. So whatever of honor belongs to the birthplace of Gen. Jackson is justly due to the Waxsaw settlement in Union county. I have designated these points, viz Jacksons birthplace, & the battle of Walkups mill, on Cooks map of N. C. I should like very much if Dr. Hawks, could be informed of these facts, if he thinks them worthy of notice in his History of N. C.)

Our County is a poor county generally & so lately formed that we could not have any record evidence, or documents of revolutionary times, except what were in private families & long since destroyed & taken off by emigration. Thanking you again for your partiality & assuring you of my readiness, at all times, to do what I can to develop the history of the glorious old North State, always modest, conservative & law abiding, meek & humble in peace—fearless in war—& honest & self sacrificing just & great in all conditions. I remain

With high esteem & respect
Your obdt. Servt.

SAML. H. WALKUP.

[From North Carolina Historical Commission]

"(b) Jackson, Andrew, a Representative and a Senator from Tennessee, born at the George McKemy homestead in Mecklenburg County, N. C., March 15, 1767," as given by the National Encyclopædia of American Biographies (1907), prepared by representatives from each State, says (vol. 5, p. 289), revised and approved by the most eminent historians, scholars, and statesmen. Among the authors are William G. Sumner, John S. Wise, Bishop Potter, Henry Wattersay, H. C. Lodge, Col. A. K. McClure, Thomas Nelson Page, Lyman Abbott, J. C. Ridpath, Charles W. Elliott, D. C. Gilman, Ed Everett Hale, William T. Harris, Thomas Wentworth Higginson, Julia Ward Howe, William Hand Brown, and many others: "Born on the border between North and South Carolina."

LOSSING WRITES, AGAIN FOUR YEARS BEFORE PARTON

Harpers Magazine, volume 10, January, 1855, page 146, in an article written by Benson J. Lossing, says that Andrew Jackson was born in Mecklenburg County, N. C., "on the land now owned by W. J. Cureton, Esq., and that a month later the widow with her little family crossed into South Carolina and made their home at another point on the Waxhaw, 20 miles north of the present Lancaster courthouse."

This was written by Lossing about four years before Parton visited the Waxhaw settlement and 21 years before Buell made his visit, and before the world heard of Walkup's evidence prepared and furnished to Parton, and nearly 10 years after Walkup delivered his Fourth of July address in 1845, showing conclusively that Jackson was born in North Carolina.

Col. A. S. Colyar, member of Nashville bar and for 30 years an intimate friend of Jackson, says on page 39, volume 1, of his Life and Times of Andrew Jackson:

I shall give the facts as gathered up, showing that although General Jackson believed he was born in South Carolina, yet he was undoubtedly born in North Carolina. There is doubt from the evidence whether his family left the Waxhaw graveyard when the father was buried, on Twelve Mile Creek, in North Carolina, to return to the humble home where they had lived over two years in North Carolina, or started immediately to South Carolina; but either the night after the burial, or in a day or two, the mother and her two little boys, Robert and Hugh, started afoot to South Carolina, where Mrs. Jackson had a brother-in-law named Crawford, and was kindly taken in for the night by a man by the name of McKemy, and Andrew Jackson was born there that night.

The evidence gathered and collected by Gen. S. H. Walkup, a most estimable citizen, said to be careful and painstaking, fell into the hands of Parton, which he says he verified by going over the ground, which establishes conclusively that General Jackson was born in North Carolina.

COLONEL COLYAR RELIES ON WALKUP EVIDENCE

Colonel Colyar also refers to the statements of Benjamin Massey, John Carnes, James Faulkner, Samuel McWharter, Jane Wilson, and James D. Craig, obtained by Mr. Parton in 1858. The witnesses were all old persons and all had seen and known persons who were at the McKemy house when Jackson was born or had talked with people who lived in the neighborhood where he was born and knew the facts. Some had heard one person talk and some another. Here is a sample as cited by Colyar. James Faulkner, second cousin of General Jackson, states that—

Old Mr. Jackson died before the birth of his son, General Jackson, and that his widow, Mrs. Jackson, was quite poor, and moved from her residence on Twelvemile Creek, N. C., to live with her relatives on Waxhaw Creek, and while on her way there she stopped with her sister, Mrs. McKemy, in North Carolina, and was there delivered of Andrew, afterwards President of the United States; that he learned this from very old persons, and particularly heard his aunt, Sarah Lathan, often speak of it and assert she was present at his (Jackson's) birth; that she says her mother, Mrs. Leslie, was sent for on that occasion and took her (Mrs. Lathan), then a small girl about 7 years of age, and that she recollected well of going the near way through the fields to get there; and that afterwards when Mrs. Jackson became able to travel she continued her trip to Mrs. Crawford's and took her son, Andrew, with her, and there remained.

Twentieth Century Biographical Dictionary of Notable Americans, published by the American Biographic Society and edited in chief by Dr. Russell Johnson, editor of the Annual Encyclopedia and associate editor of the American Encyclopedia, with William A. Courtney, former mayor of Charleston, S. C., and John M. Lea, president of the Tennessee Historical Society, as two of the contributing editors, and prepared by the greatest historical scholars, volume 6, page 1, says:

Andrew Jackson born at George McKemy homestead, Mecklenburg County, now Union County.

Biographical Annals of the Civil Government of the United States during the First Century, from original and official sources, by Charles Lanman, author of Biographical Dictionary of Congress, and so forth, page 223:

Andrew Jackson, born at Waxhaw settlement, N. C., March 15, 1767.

Kendall's Life of Jackson, page 11, gives this meager genealogy of Jackson:

With Andrew Jackson, three of his neighbors, James, Robert, and Joseph Crawford, emigrated to America, the first of whom had married a sister of Mrs. Jackson.

The four emigrants purchased lands and settled near each other in the Waxhaw settlement, S. C., not far from the North Carolina line.

(2) There, on the 15th of March, 1767, Andrew ackson, the subject of this history, was born. His father died about the time of his birth, leaving his name to his infant son.

Appleton's Cyclopedia and American Biography:

Andrew Jackson, seventh President of the United States, born in the Waxhaw settlement, on the border line between North and South Carolina.

Encyclopedia Britannica:

Andrew Jackson, seventh President of the United States, was born March 15, 1767, in North Carolina.

The South in the Building of the Nation, page 65, volume 4, tells of dispute over Jackson's birthplace due to the geographical conditions:

The sudden northward elevation of the western half of South Carolina's northern line is accounted for by the fact that in colonial times the surveyors, after running northwest from the coast, started due west too far south. At a later date their error was compensated by running the western half of the line an equivalent distance north. The saddlelike bump near Charlotte was occasioned by running around the old Catawba Indian Reservation a square, whose northern corner is seen pointing to the westward near the eighty-first degree of longitude.

Biographical Congressional Directory, 1774–1903:

Andrew Jackson was born in Waxhaw settlement, N. C., March 15, 1767.

Historian's History of the World, volume 23, page 352:

Andrew Jackson was born in Mecklenburg County, N. C., March, 1767.

Beacon Lights of History, second volume, page 280, "American statesmen":

Jackson lived in a miserable hamlet in North Carolina near the South Carolina line.

Six Thousand Years of History, volume 8, page 233:

Andrew Jackson was born March 15, 1767, at the Waxhaw settlement, as he believed in South Carolina but as many writers discover in Mecklenburg County, N. C., on the upper waters of the Catawba River.

Library of Southern Literature, volume 6, page 2613 (this article was written by Frederick W. Moore):

Andrew Jackson, a posthumous child, was born of vigorous stock—childhood spent in the settlement lying across the line dividing the Carolinas, in the edge of Mecklenburg County, N. C.

Century Cyclopedia, edited by Benjamin E. Smith, managing editor of the Century Dictionary, assisted by a number of eminent specialists:

Born at the Waxhaw settlement, North Carolina, March 15, 1767.

Columbian Cyclopedia, 1897; volume 16, page not numbered:

Andrew Jackson, born Waxhaw settlement, Union County, N. C.

Collier's, 1911, volume 7, page 2277:

Born in the Waxhaw settlement, North Carolina.

Appleton's, 1913, volume 3, page 376:

Born Waxhaw settlement, North Carolina.

Chambers Encyclopedia, a dictionary of useful knowledge. New edition, 1905, volume 6, page 262:

Born at Waxhaw, on the southern border of North Carolina, March 15, 1767. The edition of 1873 gives his birthplace as South Carolina.

The Crown Encyclopedia also says in North Carolina.

John H. Eaton, a native of North Carolina, member of Jackson's Cabinet and a citizen of Nashville, Tenn., for many years, and neighbor of Jackson most of his life, says in his valuable history of Jackson's life:

Andrew Jackson was born on the 15th day of March, 1767. His father, Andrew, the youngest son of his family, emigrated to America from Ireland during the year 1765, bringing with him two sons, Hugh and Robert, both very young. Landing at Charleston, in South Carolina, he shortly afterwards purchased a tract of land in what was then called the Waxsaw settlement, about 45 miles above Camden, at which place the subject of this history was born.

It will be noted that Eaton says Jackson's father settled 45 miles from Camden, at which place Andrew was born. The land on which Jackson settled was 10 or 11 miles across the State line in North Carolina and about the same distance from where McKemy and the Crawfords settled.

BANCROFT IN HIS HISTORY DID NOT COVER JACKSON PERIOD AND THEREFORE DID NOT INVESTIGATE BIRTHPLACE

It is true that Bancroft says in his eulogy, delivered at the funeral solemnities in Washington:

South Carolina gave a birthplace to Andrew Jackson—

But Bancroft was a historian, whose chief work was his 10 volumes of history of the United States down to and including the year 1782, published in 1874. No reference is made to Jackson in it, but in volume 10, page 314, he pays tribute to this Scotch-Irish orphan boy at the battle of Hanging Rock.

Had Bancroft completed his history to include the period of activity of this remarkable man whose firmness of nerve is not equaled in history, he would, no doubt, have looked into the facts and left to posterity correct record of this fact which has been shown by others so clearly and convincingly. His investigation did not reach the Jackson period. Had he completed that period he would, no doubt, have made that exhaustive investigation which characterized all his efforts and would have found and published the truth as it is, for he would have consulted Gov. David L. Swain, as he did about other matters, and would have placed before his readers all the facts more completely than did Parton, who obtained the information from Craig after Parton's visit to Waxhaw and failed to use the most important evidence Craig gave. He would have found what Parton and Buell both overlooked—that affidavits were prepared in 1828 by Craig showing the birthplace to be in North Carolina beyond a doubt. He would have also discovered that there was no proof that Jackson's father landed at Charleston, S. C., but probably at Philadelphia, according to some evidence obtained by Craig.

JACKSON DID NOT KNOW

It is true Jackson says he was born in South Carolina. Parton and Buell, the only Jackson writers who have investigated the facts by a visit to the community in which he was born and talked with the only witnesses who have left any testimony as to his birthplace, both declare with absolute certainty that there is no doubt that Jackson was born in North Carolina.

Who told Jackson where he was born? Historian Salley says (assumes) that the Crawfords and others gave the information to Boykin when he made the cross mark upon a map as the place where Old Hickory first saw the light of day. In his answer to the direct question by James Witherspoon, Jackson said, "I was born on the place where James Crawford lived, as I have been told." If Jackson's mother, brothers, and his uncles, as the South Carolinian contends, told Jackson where he was born, then he would have said so, as that would have given some authority to his statement. Here we have Witherspoon, a relative, writing him for information as to his birthplace, about which Witherspoon, so James D. Craig and others state, there was a lively discussion going on and had existed for years. An accurate authoritative statement was called for to settle the dispute, and the answer was "So I am told." No doubt there was further correspondence to ascertain the source of Jackson's information to settle this controversy; if so, Jackson's reply has not been given to the public.

In the trying days of toil and despair which followed the War for Independance there was little concern about the birthplace of anyone. It was probably never mentioned in the little home during Jackson's mother's life. He was without his mother's care at 13, and what boy of 13 is concerned, and what man of Jackson's temperament cared, about his birthplace—every thought of which reminded him of the pinch of poverty which he and the entire family endured throughout the period of their existence in the Waxhaws.

My excellent friend the gentleman from South Carolina, one of the best and ablest men in the House, but all wrong on this question, in his zeal declared that if he remained on the Printing Committee he would make an effort to see that the birthplace of Jackson should be given in the next biographical directory as in South Carolina and not as now in North Carolina. The question now is whether a Printing Committee will deny a hearing and decide that the birthplace of Jackson is to be changed from an established fact of history. If so, I predict it will not be done at the behest of certain members of the Printing Committee unless the contention of South Carolina is accompanied with evidence and an opportunity for both contentions to be heard and the matter to be decided by those members of the committee who are impartial judges, and not, as has been suggested, because a South Carolinian is a member of the Printing Committee. I am quite certain that this well-established fact of history will not be reversed without a full hearing and consideration of all the facts.

THE VERIFIED AND IMPROVED MAP

It is true Boykin placed a cross mark on a map—upon what authority no one has attempted or is able to say. It is merely assumed. The statement is made most enthusiastically that this map "has been verified from start to finish," but this is a mere assumption and supported by no stated facts. Jackson said that the Crawford house, which is on the highway near the Waxhaw Creek crossing, was accurately given, and therefore he assumed the whole was correct.

Who verified and improved Mills's map? The gentleman from South Carolina says the Mills map was verified, but the map does not so state, but does say "improved." The only proof is that Jackson verified the location of Crawford's house, at which Washington was once entertained, but Jackson made no attempt to verify any other place, not even his birthplace.

The report of the historical commission of South Carolina to the general assembly of that State in 1908 states that Kendall's Biography of Jackson "was prepared so much under Jackson's eye that it might almost be called an autobiography." Further it recites:

It contained a map showing what Jackson regarded as the exact site of his birth.

The copy of the map which I have is a photostat copy from Kendall's Life of Jackson, and shows the birthplace of Jackson to be a distance of some 3 miles from the crossing of the Carolina road at Waxhaw Creek, while Jackson says his birthplace—"so I am told"—is 1 mile north of said crossing.

HOW WAS THE LINE SETTLED IN 1815?

The gentleman from South Carolina says in his speech that this question was up and settled in 1815, and that it was never challenged until 1858. That which was settled in 1815 was the exact north and south line between the two States, a distance of 8 miles. The dispute was about that line, as I learn from the Colonial Records, volume 5, and from the Walkup evidence, which was verified by Parton and Buell. They were the only Jackson writers except Walkup and Swain who ever visited his birthplace and conversed with the old poeple who had learned the facts as to his birthplace from those who were present at his birth or saw him soon after his birth. These witnesses fixed beyond question the location of the McKemy house on the North Carolina side of the State line. The two most important affidavits of Walkup were obtained in 1845, and the Craig affidavits from living witnesses, and sent to George Nevills, were obtained in 1828.

Further, our South Carolina friend contends that the first South Carolina map made by Boykin contains a mark placed upon it, but upon what authority no one now undertakes to say and no one ever has stated, except that the South Carolina claimants assume that the Crawfords and Colonel Witherspoon and others, who were then alive, knew and told Boykin; yet we find Colonel Witherspoon in 1824 asking of Jackson, by letter, what State he was born in. To this inquiry the old hero replied with the "so I am told" letter. If Witherspoon knew, why was he writing to Jackson to learn? We also have Colonel Walkup's statement that he saw "Aunt Phyllis," the old colored woman whom Parton says he also saw, and from the interview with her he learned nothing definite, except that she said she did not know where Jackson was born; but her old master said Jackson was born on the Wren place, while others said he was born away down the river. The gentleman from South Carolina further states that "Amos Kendall wrote practically an autobiography of Jackson, because he wrote under Jackson's immediate supervision." It is true that Kendall was a member of Jackson's "kitchen cabinet" and his close friend and is credited with writing Jackson's state papers in part. Jackson turned over to Kendall his papers and records, upon which he based his Life of Jackson, and I have stated all he said about Jackson's birth. He knew so little about Jackson's birthplace that he states that Jackson's father and the three Crawfords settled near each other in the Waxhaw settlement when it is known to all who have taken the trouble to investigate that the Crawfords settled together near each other while Jackson went to another community crossing the lands of Massey, McKemy, and a number of others, some 10 or 12 miles toward or beyond the eastern boundaries of the settlement.

Foote's sketches relate to early North Carolina history, dealing chiefly with church history, but the author knew little about the history of Andrew Jackson, as did the authors of the two or three new encyclopedias giving South Carolina the credit of Jackson's birthplace. Doctor Bassett and Cyrus Townsend Brady wrote without ever having seen the Walkup manuscript or the evidence in the Wadesboro Argus of September 23, 1858, so clearly setting forth the proofs reprinted in the University of North Carolina Magazine, volume 10, April, 1891, a copy of which is on file in the Library of Congress. These writers read the persistent effusions of Mr. Salley, who is so intense in his belief that Jackson was born in South Carolina, that he can not discuss the question without impugning the motives of those who differ from him.

MR. SALLEY'S FALLACIES

In Exhibit "A," as placed in the CONGRESSIONAL RECORD by the gentleman from South Carolina, Mr. Salley in his report to the South Carolina Legislature as an official historian of that State says the map published in Kendall's Life of Jackson was made under the direction of Jackson himself, when the truth is, Mr. Salley ought to know that this map was not made in 1843, as he states, but was an exact copy of the one made twenty-odd years prior to that date. Yet we have Mr. Salley stating that this map places a mark made, as he declares, without authority, and he gives no facts to prove it, under the direction of Jackson, and that this corroborates the Boykin map. This matter will be referred to again. Anyone who will take the trouble to examine the map and ascertain the scale on which it is drawn, which can be readily ascertained from the fact that the north and south line between the States is 8 miles long, will see that the location of the birthplace of Jackson on the map published in Kendall's Life is nearly halfway up the State line from the store corner in the direction of the gum corner. Now examine the Mills map, placed in the RECORD, which has been "improved" from Boykin's map, as is stated in the upper left corner; not "verified and improved," as Mr. STEVENSON states. This map shows the birthplace not as much as one-fourth the way up the State line, not half the distance from the stone at the corner of the State line, as is shown by the map in Kendall's Life of Jackson.

Mr. Salley further asserts that John Reid, John H. Eaton, James Gadsden, William Cobbett, Goodwin, and Kendall all credit him to South Carolina and the historian Bancroft likewise did the same. As I have said, it is true that Bancroft stated in his address that South Carolina gave him birth, but in his history he makes no reference whatever to Jackson except in one place, and that only a mere reference. Bancroft did not live to complete his history. He died before he wrote about the Jackson period and had no occasion to gather information as to Jackson. It is not true that the other biographers record that Jackson was born in South Carolina. All but two write that he was born 40 or 45 miles from Camden, S. C., but do not say what State. They did not know.

The history of statesmen, heroes, and poets discloses the fact that their birthplaces have often been subjects of dispute and investigation that have not cleared away the clouds of doubt. We are told that seven cities claimed the honor of giving birth to Homer. The desire of the patriotic admirers in North Carolina to claim without successful refutation the birth of the greatest man this country has produced from the depths of obscurity and pinching poverty is quite natural, for North Carolina has produced so many men who have been developed like Jackson and Benton in other States in this extensive Republic.

Both England and Scotland have claimed Jackson as a subject, while others maintained stoutly that he was born on board a ship as it brought the immigrant parents to free America to escape the oppression of the British Government. Virginia, too, not content with being the proud birthplace of seven Presidents, likewise has set up claim to Jackson, and more than one historian has presented plausible arguments in support of its contention to those who have not taken all the evidence in the case and weighed it impartially with a correct knowledge of all the facts. The principal authorities making this claim are Cooke's Virginia, page 325, and an article setting forth as the author W. S. Laidley, of the West Virginia Historical and Antiquarian Society. They attempt to prove indisputably that Andrew Jackson was born in what is now Berkeley County, W. Va. The article is in volume 2 (1902), West Virginia Historical Magazine.

John Esten Cook's History of Virginia says there is a tradition he was born in the lower valley near Winchester, Va. Also another Virginia tradition says at Jennings Ordinary in Nottoway County.

John H. Wheeler says in his Reminiscences of North Carolina:

Judge Alexander Porter, of Louisiana, was an Irishman and came from the neighborhood where were born and raised the parents of Jackson.

Judge Porter visited Europe a short time before his death and made diligent search into this matter. He was satisfied Jackson was born in Ireland and brought to the United States when only 2 years old. This was also the opinion of Thomas Crutchfer, who came with General Jackson to Nashville, and it was the opinion of Dr. Boyd McNairy and his elder brother, Judge McNairy, who came with Jackson from North Carolina.

It has also been claimed he was born on board a ship in midocean.

To concede that Jackson's own statement settles the controversy is ridiculous. At the best it would indicate nothing more than that his mother or some one else thought the house in which she was confined was in South Carolina, and actually it was so near the line that under the circumstances that prevailed on the frontier (for that part of both States was the frontier in 1767) she may have thought the house was south (west at that particular 8-mile section of the boundary which runs north and south), when, as a matter of fact, it was really on the North Carolina side. Such mistakes were quite common in those days, so common in fact that there were many clashes between officials of the two colonies, because they did not know just where the line was or should be. For instance, on May 10, 1753, a report was made to the governer's council of North Carolina "that sundry persons under pretense of the authority of the surveyor general of South Carolina have run out divers tracts of land and property of several persons on the Waxhaw fields and parts adjacent within this Province," and so forth. (Colonial Records, vol. 5, p. 33.) Similar charges were made against North Carolina officials by South Carolina. These charges and countercharges continued down to the outbreak of the Revolution, and the officials got to be so violent and abusive of each other that the board of trade had to intervene. In letters from Governor Glen, of South Carolina, to the Governor of North Carolina (Colonial Records, vol. 5, p. 376) and reply of Governor Dobbs (p. 387), we are led to conclude that it was highly possible, even probable, that Mrs. Jackson did not know which colony she was in, as this particular part of the line was not settled until 48 years after the birth of Jackson. The authorized survey was made in 1813 and accepted by both States in 1815. Everyone who has taken the trouble to investigate knows the McKemy house is on the North Carolina side.

Mr. Speaker, under unanimous consent granted, I insert in my remarks an extract from the prefatory notes by Col. William L. Saunders in volume 5, page 33, of the Colonial Records of North Carolina, giving briefly the history of the boundary lines between North Carolina and South Carolina:

As has been before stated, the dispute between the two Carolinas about their boundary lines had its origin about 1720, when the purpose to erect a third Province in Carolina, with the Savannah River for its northern boundary, began to assume definite shape. But the matter not being of any pressing practical importance, the lords proprietors sold their rights to the Crown without having fixed the limit of either Colony. After the surrender of the charter, however, it was thought best to put an end to the uncertainty in the premises, and on Thursday, the 8th of January, 1729–30, the newly appointed governors—Colonel Johnson, of South Carolina, and Captain Burrington, of North Carolina—together with other gentlemen belonging to those Provinces, then in London, appeared before the lords of the board of trade and plantation at Whitehall and made known to the board that they had agreed upon a division line between the Provinces, which they promised to mark upon a map for the information of the board. Two weeks later the two governors being again "present as they had been desired in relation to the boundaries between those Provinces mentioned in the minutes of the 8th instant, their lordships, after some discussion, thereupon agreed upon the divisional line, viz, the line to begin at 30 miles following the southwestward of Cape Fear, and to run at that parallel distance the whole course of said river," and directed the respective governors to be instructed accordingly. In June following Governor Johnson informed the board that he did "apprehend the running the boundary line between North and South Carolina would admit the following way of expressing the answer the same intent: That a line should be run (by commissioners appointed by each Province), beginning at the sea 30 miles distant from the mouth of Cape Fear River, on the southwest side thereof, keeping the same distance from the said river as the course thereof runs, to the main source or head thereof, and from thence the said boundary line shall be continued due west as far as the South Sea; but if Waccama River lies within 30 miles of Cape Fear River, then that river to be the boundary from the sea to the head thereof, and from thence to keep the distance of 30 miles parallel from Cape Fear River to the head thereof, and from thence due west course to the South Sea."

This suggestion, having been adopted, was made by the board in December, 1730, a part of the instructions to the two governors. It was charged, however, in North Carolina that in making it the South Carolina Governor took advantage of the ignorance of the board of trade in the matter of Carolina geography. Whether ignorantly or knowingly given, the instruction was a hard one for North Carolina, and the governor and council protested against the injustice of a line which, as the Cape Fear River rose very close to the Virginia border, would have prevented any extension on the part of North Carolina to the westward. Meanwhile both Provinces claimed land on the north side of Waccama River.

In 1732 Governor Burrington published a proclamation in Timothys's Southern Gazette declaring the land lying on north side of Waccama River to be within the Province of North Carolina. Governor Johnson, of South Carolina, replied in the same paper by proclamation also that they belonged to South Carolina, and stated that when he and Governor Burrington appeared before the board of trade in London to settle the boundary between the two Provinces Governor Burrington laid before their lordship Colonel Moseley's map describing the Cape Fear and Waccama River, and insisted that the Waccama River should be its boundary from its mouth to its head; that on the part of South Carolina it was insisted that the line should run 30 miles distant from the mouth of Cape Fear River on the southwest side thereof, etc., as set forth in the instruction, and that the board agreed thereto, unless the mouth of Waccama River was within 30 miles of Cape Fear River, in which case both Governor Burrington and himself agreed that Waccama River should be the boundary. The omission of the word "mouth" in the last part of the instructions Governor Johnson thought was only a mistake in the wording of it.

In consequence of the disputes and of the representations made to them the lords of trade withdrew their instructions and ordered that each Province should appoint commissioners to agree upon a proper line, subject to the King's approval. Accordingly, on April 23, 1735, the commissioners appointed by the respective Colonies met at the house of Eleazer Allen, Esq., in New Hanover precinct, and on the next day agreed "that a due west line should be run from Cape Fear along the seacoast for 30 miles, and from thence proceed northwest to the 35th degree of north latitude, and if the line touches Pee Dee River before reaching the 35th degree, then they were to make an offset at 5 miles distant from Pee Dee and proceed up the river till they reached that latitude, and from thence they were to proceed due west until they came to Catawba town, but if the town should be to the northward of the line they were to make an offset around the town so as to leave it in the south government."

A copy of this agreement, duly signed and sealed, was deposited in the secretary's office in each Province. The commissioners began to run the line on the 1st of May, 1735, and proceeded 30 miles from Cape Fear, which fell 10 poles of the mouth of Little River, and then went northwest to the country road and set up stakes there for the mearing or boundary of the two Provinces and then separated, agreeing under hand and seal to meet again on the 18th of September, and if either party failed in coming the other was to continue the line and it was to be binding upon both. In September the North Carolina commissioners attended and ran the line northwest about 70 miles. The South Carolina commissioners arrived in October, following the line about 40 miles, and finding the work right so far sent a draft of what they had done to the lords of trade, and as they had been paid nothing for their trouble or expense would proceed no farther. A deputy surveyor, however, took the latitude of Pee Dee at the thirty-fifth parallel and set up a mark which was from that date deemed to the mearing or boundary at that place.

In 1737 the line was extended in the same direction 22 miles to a stake in a meadow supposed to be at the point of intersection with the thirty-fifth parallel of north latitude. In 1764 the line was extended from this stake due west 62 miles, intersecting the Charleston Road from Salisbury, near Waxhaw Creek, at a distance of 61 miles. In 1772, after making the required offsets so as to leave the Catawba Indians in South Carolina, in pursuance of the agreement of 1735, commissioners appointed by the governors of the respective Provinces extended the line in a due west course from the confluence of the North and South Forks of the Catawba River to Tryon Mountain. This was done in pursuance of instructions from the board of trade sent out the year before. The Legislature of North Carolina, however, repudiated not only "the line of 1772," as it was called, but the authority by which it was run, contending that the parallel of 35° north latitude having been made the boundary by the agreement of 1735, it could not be changed without their consent, and maintained this position until 1813, when it was agreed that the "line of 1772" should be recognized as a part of the boundary. The reasons that controlled the commissioners in recommending this course, and the legislature in agreeing to it, were that the observations of their own astronomer, President Caldwell, of the university, showed there was a palpable error in running the line from the Pee Dee to the Salisbury Road; that the line not being upon the thirty-fifth parallel, but some 12 miles to the south of it, that "the line of 1772" was just about far enough north of the thirty-fifth parallel to rectify that error by allowing South Carolina to gain the west of the Catawba River, substantially what she had lost through misapprehension on the east of it, and that it was better to secure the proffered confirmation of the line east of the Catawba by this restitution than to undo everything that had been done and go back to the thirty-fifth parallel for the line, though agreed upon in the compromise of 1735 and called for in the constitution of 1776.

The zigzag shape of the line as it runs from the southwest corner of Union County to the Catawba River is due to the offsets already referred to and which were necessary to throw the reservation of the Catawba Indians, which had been set off to them by metes and bounds, into the Province of South Carolina. There is usually a substantial, sensible, sober reason for any marked variation from the general direc-

tion of an important boundary line, plain enough when the facts are known; but the habit of the country is to attribute such variations to a supposed superior capacity of the commissioners and surveyors "on the other side" for resisting the power of strong drink. Upon this theory, judging from practical results, North Carolina in her boundary surveys, and they have been many, seems to have been unusually fortunate in having men who were either singularly abstemious or very capable in the matter of strong drink, for, so far as now appears, in no instance have we been overreached.

Space will not conveniently permit a detailed statement of the condition of affairs in the disputed territory. It is sufficient to say that grants were issued by the South Carolina governor for the lands to the north of the thirty-fifth parallel, and by the North Carolina governor for the lands south of it, and that the results from all causes, according to the statement of Governor Dobbs, was the creation of a "kind of sanctuary allowed to criminals and vagabonds by their pretending, as it served their purpose, and they belong to either Province. But who can help a feeling of sympathy for those reckless free lances to whom constraint from either Province was irksome? After men breathe North Carolina air for a time a very little government will go a long way with them. Certainly the men who publicly "damned the King and his peace" in 1762 were fast ripening for the 20th of May, 1775.

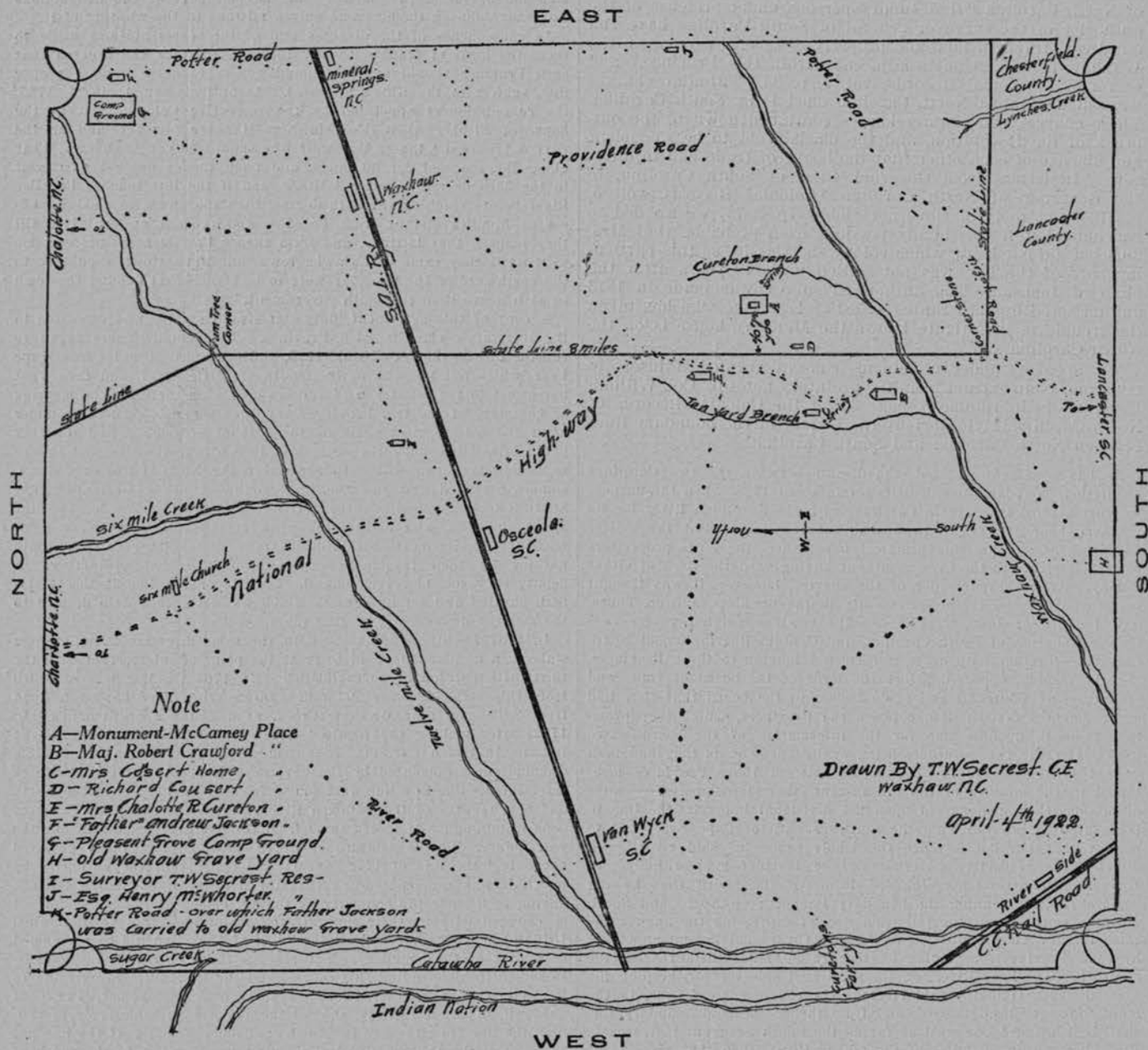
Mr. Speaker, under unanimous consent granted, I insert a map, which was prepared by T. W. Secrest, of Waxhaw, N. C., a most competent and capable surveyor. The location of the birthplace of Jackson is given and other important places.

Mr. Secrest is 66 years old, lives in the community, and has been surveying for more than 40 years and has surveyed the State line from near Pineville, N. C., to Pageland, S. C., several times. He knows every land corner within 15 miles of his home, both in North and South Carolina, and every stream and road for a much greater distance than 15 miles.

This map shows with reasonable accuracy the old highway which was for so long a time considered the State line.

(c) Bruce Craven, of Trinity, N. C., who, with others, carefully collected and prepared the material—in fact, Mr. Craven wrote D. A. Tompkins's valuable history of Mecklenburg County, N. C.—had this to say as to the birthplace of Jackson:

The only thing that has ever been in favor of the idea that Andrew Jackson was born in South Carolina is South Carolina imagination. Jackson's parents lived near Monroe, some 12 miles inside of North Carolina. Just before the birth of Andrew his mother started to visit near the South Carolina line, and the child was born in the home of



George McKemy, who was a brother-in-law of Mrs. Jackson. A few weeks later the mother and child went to the home of another relative named Crawford. For many years it was not known in which State the McKemy house stood, until an investigation of the records 15 years ago disclosed the recording of all the deeds of the property in Mecklenburg and Union Counties, N. C. There never has been any doubt about it since, as it has been admitted for a hundred years that Andrew was born in the McKemy home. Parton, the biographer of Jackson, quotes Jackson himself as saying he was born in the McKemy home, though he did not know in which State it was. From the age of 3 weeks to 17 years Andrew lived in South Carolina, but just as soon as he grew to manhood he returned to his native State and never left it until he was legislated out of it by the western part being made into the State

of Tennessee. These are facts that have been proven so conclusively that there is no longer any dispute about it except for intellectual exercise and recreation for a few South Carolinians who have not had time to read up on it.

Mr. Craven in a recent letter to me says:

When in the work for Tompkins I went to work on this subject there was on a great debate between the Charlotte Observer and the Charleston News and Courier (Caldwell and Hemphill). I really wrote the editorials on this subject for Mr. Caldwell, though he sometimes worked on them, too. The South Carolina side presented complete proof that Jackson was born in the McKemy cabin, and we were caught and could not deny it. So I went to work to find out where it was and found the records as cited, showing that George McKemy owned the place in Mecklenburg County (now Union) and that he never owned any property in South Carolina. It was South Carolina that proved Jackson was born in the McKemy cabin, and then we proved that the cabin was and always was in North Carolina. They have never had any argument since. There never has been any doubt about Jackson being born in the McKemy cabin. The records show the cabin is now and was then in North Carolina.

JACKSON SAID HE WAS BORN ON BORDER LINE SO BOTH STATES COULD CLAIM HIM

Mrs. M. P. Ferris, 551 Fulton Avenue, Hempstead, N. Y., wrote me August 17, 1925, the following letter:

When a school girl in the early seventies, I appealed to my uncle, Charles Lanman, author of the Dictionary of Congress, to settle a dispute that had arisen as to the birthplace of Andrew Jackson. He told me that Jackson had written him just before he died that he was born at a small settlement called Waxhaws (Waxhaw), on the border line between the two Carolinas, so that both States could claim him.

James Parton said of the Dictionary of Congress, "I consider it marvelous for its accuracy."

I am inclosing a sketch of my uncle's life.

CHARLES LANMAN, DISTINGUISHED AUTHOR, SCHOLAR, AND GENEALOGIST SHOULD NOT BE REVERSED WITHOUT HEARING ALL THE FACTS

Mr. Lanman was appointed librarian of the War Department in 1849, and in this capacity he organized the library in the Executive Mansion, relinquishing the position at the request of Daniel Webster to become his secretary. The relations between Mr. Webster and his secretary were of the most intimate nature, and he always spoke of him as "my junior brother angler." Subsequently Mr. Lanman was librarian of copyrights in the State Department, librarian of the Interior Department and of the House of Representatives, and secretary of the Japanese Legation.

Mr. Lanman says of his Dictionary of Congress:

It was during the winter of 1858 that the idea first occurred to me to prepare a biographical volume connected with the General Government, of which nothing of the same character had ever been issued in this country or Europe, although something allied to it had been printed by the British House of Commons. It has been mentioned as a peculiar fact that my Dictionary of Congress is the only work prepared and owned by a private individual which was ever published as a public document at the expense of the Government.

The letters and manuscripts in connection with the accomplishment of this work were arranged in 20 quarto volumes, which were purchased by Jay Cooke, and are now in one of the great libraries of England. Though Mr. Lanman was the author of 30 books, his Dictionary of Congress and Annals of the Civil Government were his most profitable ventures. A number of his books were reprinted in England and highly praised in the English literary gazettes and by Mr. Dickens, who called him "a clever and truthful guide." After his marriage, in 1849, to a daughter of Francis Dodge, Mr. Lanman settled at Georgetown, D. C., where he lived until his death, in 1895.

Charles Lanman's Dictionary of Congress was published in 1859.

In view of the fact of what has been stated to me by an employee who has in charge the reissuing of the Biographical Congressional Directory and who admits he has never read the Walkup testimony and who is expected by South Carolina proponents to reverse Charles Lanman without knowing why and upon ex parte statements favorable to the South Carolina contention as to the birthplace of Jackson it is well here to call attention as to who Charles Lanman was and to his great ability, wide knowledge as a genealogist, and as a painstaking man of letters, in order that the public may judge for themselves as to his qualifications. After conferring with some of those now attempting to upset his statements and his careful and painstaking findings, further attention is called to the following taken from Appleton's Cyclopedia of American Biography, volume 3, page 614:

Charles Lanman, born in Monroe, Mich., June 14, 1819, received an academical education and had been 10 years in a business house in New York City when he returned to Michigan and in 1845 took charge of the Monroe Gazette. The following year he was associate editor of the Cincinnati Chronicle, and in 1847 was an assistant on the New York Express. In 1849 he was librarian of the War Department at Washington, in 1850 librarian of copyrights and private secretary of Daniel Webster (at whose request he resigned his official employment), in 1853 examiner of depositaries for the Southern States, in 1855–1857 librarian and head of the returns office in the Interior Department, in 1866 librarian of the House of Representatives, and from 1871 till 1882 secretary of the Japanese Legation. He studied painting with Asher B. Durand, and although only an amateur was elected an associate of the National Academy of Design in 1846, and has frequently exhibited paintings and sketches from nature in oil.

Among his pictures are Brookside and Homestead Home in the Woods (1881), and Frontier Home (1884). He has contributed frequently to English and American journals and was one of the first to describe in book form the scenery of the River Saguenay and of the mountains of North Carolina, being called by Washington Irving "the picturesque explorer of the United States." Among Mr. Lanman's published works are Essays for Summer Hours (Boston, 1842); Letters From a Landscape Painter (1845); A Summer in the Wilderness (New York, 1847); A Tour to the River Saguenay (Philadelphia and London, 1848); Letters From the Allegheny Mountains (New York, 1849); Haw-ho-noo, or Records of a Tourist (Philadelphia, 1850); Private Life of Daniel Webster (New York and London, 1852); Adventures in the Wilds of America (2 vols., Philadelphia, 1856; London, 1859); Dictionary of Congress (Philadelphia, 1858; Washington, published by order of Congress, 3 eds., 1862–1864; Hartford, 2 eds., 1868–69); Life of William Woodbridge (Washington, 1867); Red Book of Michigan (Detroit, 1871); Resources of America, compiled for the Japanese Government (Washington, 1872); The Japanese in America (New York and London, 1872); Biographical Annals of the Civil Government of the United States (Washington, 1876; 2 ed., revised, New York, 1887); Life of Octavius Perinchief (Washington, 1879); Curious Characters and Pleasant Places (Edinburgh, 1881); Leading Men of Japan (Boston, 1883); Farthest North (New York, 1885); and Haphazard Personalities (Boston, 1886). He has edited The Prison Life of Alfred Ely (New York, 1862) and the Sermons of Rev. Octavius Perchief (2 vols., Washington, 1869–70).

THE ARMY REGISTER UNOFFICIAL

The Historical Army Register, prepared by Heitman, which gives Jackson's birthplace in South Carolina, was, the present Adjutant General writes me—

an unofficial publication, although compiled from official sources and entitled to credit.

Heitman, the author, was a Government clerk, and received only a few dollars for his manuscript, and we have no evidence of his having made any investigation, and does not appear to have had any reputation for accuracy in collecting data.

Frost, in his Life of Jackson, says—page 17—that Jackson's father—

fixed his residence at the Waxhaw settlement, distant from Camden about 45 miles, where he purchased a plantation, and where he hoped to spend his old age in peace. It was here, on the 15th of March, 1767, that his third son, Andrew, was born.

The author of this biography states in the preface that he is indebted to the copious and able biography of Major Eaton, whose access to the best means of information it is claimed was superior to that of other biographere, yet we find a statement in Frost, not as stated by the South Carolinians, as one of the authorities sustaining the contention that Jackson was born in North Carolina, stating in positive terms that he was born about 45 miles north of Camden on the "plantation," which everyone concedes is 10 or 12 miles in North Carolina, near Pleasant Grove camp ground, established more than 80 years ago.

Frost's information was evidently based on Kendall's statement in his Life of Jackson, which I have heretofore given. Keep in mind that Thomas Faulkner, grandson of Sarah Leslie, and other highly reputable citizens, including John Lathan, a grandson of Sarah Lathan, Thomas Cureton, W. J. Cureton, Thomas Winchester, and others, specifically locate the McKemy house, and most of them locate the houses of Samuel Leslie and his father, James Leslie.

Hugh McCommon, who was born and reared in the immediate vicinity of the McKemy house, states he—

was well acquainted with the two old houses where Samuel and James Leslie lived. They lived near each other, not more than 100 yards apart, on the west side of a branch, and about 100 yards from the branch; about a quarter of a mile southeast from the George McCamie place, and about three-quarters of a mile from the Waxhaw Creek, on the north side; and about half a mile east of the public

road leading from Lancaster, S. C., to Charlotte, N. C. My parents lived about one mile and a half east of the Leslies, and I have been there oftentimes, and they have done many errands of kindness as neighbors for my mother. The houses and men were all old when I was a boy. My father lived at the same place where I was born and raised, before the War of the Revolution. Old Arch and Molly Cousar lived about from three-quarters to a mile west of the Leslies and George McCamie's. There was no woodland between Leslies's and George McCamie's since I knew them. From Leslies' and McCamies' to the old Crawford and Wren places would be over 2 miles, and a considerable portion of the distance has always been woodland until of late years.

THE NATURAL EVIDENCE STRONG

It will be seen from the foregoing testimony that the natural evidence tends to show that the McKemy house was the birthplace, and not the Wren place, which was 2 miles away or more, and the open fields through which Sarah Leslie went, as testified by her and her daughter, each of them having told many old people about "going a near way through the fields." The way to the Wren place from Leslie's was through woodland, while it was open land between Leslie's and McKemy's, as stated by Hugh McCommon. This is a most important fact, and would, in the absence of the multitude of convincing evidence, be the strongest kind of corroborative testimony.

SOUTH CAROLINA PROOF WHAT SOME ONE ASSUMED TO BE TRUE

The South Carolina proof consists of the fact that Jackson was told he was born in South Carolina, and the "large and respectable meeting" held at Lancaster, May 12, 1828, which sent a letter to Jackson and received a reply in which he referred to Lancaster as his native district.

The gentleman from South Carolina says there were hundreds of men in that audience 20 years old when Jackson was born. No proof of but 10 men in the audience, that being the number who signed the petition or request of Jackson. It was true the request says "large and respectable," and now, nearly a hundred years after, we have the gentleman from South Carolina saying there were hundreds present who must have been more than 61 years old at that time. It is further stated that a "majority of those present lived within 1, 2, or 3 miles of Jackson's birthplace." Pray tell us what proof there is that a majority of those present lived in that remote part of Lancaster district, some 12 or more miles away from Lancaster. I am fairly well acquainted with that section of South Carolina and state most positively there is not a majority of 100 who are 61 years of age, much less a majority of several hundred men 61 years old, living to-day within 3 miles of where Jackson was born on the South Carolina side of the line. History should be based on proof, not on unfounded assertions.

We are further told in the speech of the gentleman from South Carolina that Jackson's father's home was on the land he took up "just on the line, but in North Carolina." This statement is like some others by our South Carolina friend. Jackson's father settled and lived and died on the Shared Gray farm, 10 or 12 miles distant on Twelvemile Creek near where Pleasant Grove camp ground now is, and the lands are now owned by W. F. Howey. No one who has ever taken the trouble to look into the proof has ever doubted where the home of the elder Andrew Jackson was. The spot is known as well as is his birthplace, and neither has ever been questioned by those living in the community. The question as to his birthplace was never disputed until Jackson became famous; then a small part only of people living in South Carolina desired the honor and made efforts to convince Jackson and the public that he was born in South Carolina.

MORE OF SALLEY'S FALLACIES

An exhibit of historian A. S. Salley, jr., following the speech of my friend, states that Kendall wrote a biography that was so much under Jackson's eye it might be called an autobiography. It is true Jackson turned over his material for a biography, but it is also true that he was not satisfied with that part of it that was written by Kendall. Jackson was at the Hermitage then and Kendall in New York and not with Jackson. Jackson, it is said, did not see Kendall after he began writing Jackson's life history. Mr. Salley further states that which is incorrect—that Kendall's Life contains a map "showing what Jackson regarded as the exact site of his birth." Strange, indeed, that Mr. Salley should so pervert the words of Jackson. Again, Mr. Salley says two houses are shown on the map in the Robert Crawford grant, J. Crawford and R. Crawford. Note the deception. On the map as placed in the record by the gentleman from South Carolina there appears to be only one Crawford house, that of John Crawford. And who, pray, was John Crawford? He was Major Crawford's son, and lived in his father's old home.

No map appears to show the house in which James Crawford lived. Mr. Salley states that Boykin's map fixes Jackson's birthplace where the map under Jackson's direction in 1843 placed it. This direction, according to Mr. Salley, consisted in this: That Mills, the maker of the map, sent a proof of the map to Jackson, who wrote in reply that the birthplace thereon given was correct. This is not in accord with the facts. Jackson wrote, in reply, assuming that it was correct and that he was born at the James Crawford place "as I have been told," as is more fully explained elsewhere in this statement.

Mr. Salley says, "Some contention arose in 1858 as to the birthplace." It was long before this and long before the meeting at Lancaster when Jackson was invited to come to South Carolina. It was in 1828 that James D. Craig prepared affidavits, three of which were by living witnesses who had seen Jackson at his birth. There is no hearsay about this.

Mr. Salley also states that Jackson replied to James H. Witherspoon that he was born on a place belonging to Major Crawford. He states further that all of the statements of Jackson are to the effect that he was born on Robert Crawford's plantation. Certainly Mr. Salley is too well informed to make that statement, for there is nothing I can find which shows that Jackson ever said anything about Robert Crawford.

The gentleman from South Carolina falls into error again by following Mr. Salley. He says there were only seven statements in the Parton evidence, and all but one got their alleged information from Sarah Lathan. From the Walkup evidence it will be seen that this statement is not in accord with the facts. Reference to Parton will show what part of the Walkup evidence he used.

Parton's first edition of the Life of Jackson made no reference to the James D. Craig letter in which Parton states that Craig heard James Faulkner say he slept with Jackson in the McKemy house, and that "Andy" told him he was born in that house. Craig's letter was dated September 24, 1858, after Walkup had published his evidence in the Wadesboro newspaper dated September 23, 1858. The latter, partly torn and mutilated, is on file with the historical commission at Raleigh, N. C., and states that old James Faulkner's affidavit, made in 1828, before Squire David Lathan and sent to George Nevills in Ohio, among other things stated that after James Faulkner landed at Wilmington, N. C., from Learn, Ireland, he went direct to the home of George McKemy and "slept with Andrew Jackson on the first night, a lad about 14 years old, and understood he was born in that house." The direct statement is not made that Jackson said he was born in that house. Faulkner learned that while at McKemy's on that occasion. He remembers, but he does not say Jackson told him so. It was no doubt Mr. or Mrs. McKemy who told him. The gentleman from South Carolina falls into error again when he says this statement of James Faulkner shows that "Jackson had gone to read law when old James arrived," and that "old James Faulkner did not come to America until 1784 and made his first crop in 1785." A copy of Faulkner's affidavit from the North Carolina records the gentleman from South Carolina said in his speech "were before me." Desiring to be fair, I had furnished him the records which the gentleman had before him, and he was in possession of all the Walkup evidence that I have, but nowhere in the affidavit of James Faulkner, in the Walkup manuscript, does he say the "first crop was in 1785," but "that his father lived with McCamie in 1785, for one year" and his part of the crop was 15 bushels that year. That was the "dry year."

Jackson was "a lad about 14 years old," says Faulkner, as contained in the affidavit obtained by Craig, when he slept with Jackson. Faulkner states that his own father had come to America some time before the Revolutionary War and "left him behind to get schooling." So it will be seen that the father of James Faulkner had been making crops in America several years before 1784. Nowhere does Craig state that James Faulkner's affidavit made in 1828 gave the date of his coming to America; but if Jackson was "a lad about 14 years old," as stated by Faulkner, it must have been in 1781. Jackson left the Waxhaws sometime in 1784 or early in 1785, probably in the fall after the crops were gathered.

There is another statement signed by James Faulkner that says something about having heard his father say that Jackson was born at McKemy's, and raising first crop at McKemy's in 1785, but that statement is not a part of the Walkup manuscript as contained in the published pamphlet reprinted in University Magazine as herein given. Another affidavit was obtained for publication, for the reason, as I learn from those who are familiar with the facts, the other was incorrect; but nowhere can there be found in any statement of James Faulkner, in or out of the Walkup manuscript, that "George McKemy lived at the place he described until he

died, and that his uncle, George Leslie, lived with him several years before he (McKemy) died at that place." I have made diligent search in the files of the State historical commission at Raleigh, and have had diligent search made by those in charge, and nothing of the kind exists as stated by Mr. STEVENSON in his last speech. James Faulkner's unequivocal statement is that his uncle, George Leslie, lived with George McKemy until McKemy's wife died in 1790. After that McKemy went to live at Thomas Crawford's on Cain Creek in South Carolina, where he died, as testified to by Thomas Faulkner. (See affidavits of James Faulkner and Thomas Faulkner.)

Parton says, and other careful historians confirm it, that sometime between the declaration of peace and the winter of 1784–85 Andrew Jackson resolved upon studying law. In that winter he gathered together his earnings and whatever property he may have possessed, mounted his horse, and rode to Salisbury, N. C., where he began the study of law with Spruce McCay shortly before he was 18 years old.

The affidavit of Henry McWhorter referred to by the gentleman from South Carolina is not in the Walkup evidence, and it was made in 1922 and was clipped from a Monroe (N. C.) newspaper, and the gentleman gets mixed up and uses it as a Parton inaccuracy and exploits it as one of Parton's errors, unintentionally, of course, but nevertheless it is necessary to call attention to this fact. The McWhorter statement which Parton cites contains most important evidence and was made by Samuel McWhorter, father of Henry McWhorter, now living, and both father and son men of the highest character; but it is Samuel McWhorter's affidavit which the historian Parton referred to, and the evidence in this affidavit the gentleman from South Carolina dismisses by referring to some alleged inaccuracy in an affidavit made by Henry McWhorter, now living. Of course Parton said nothing about the imprisonment of Jackson in Charleston, for no such statement was furnished Parton, for the affidavit of Henry McWhorter was not made until 1922, more than 66 years after Parton wrote his history.

Keep in mind that Benjamin Massey's and John Carnes's written evidence used by Parton were not obtained by Walkup in 1858 or 1859, but that of Massey August 5, 1845, and Carnes August 22, 1845.

It is true, as stated heretofore, that when the death of Jackson, June 8, 1845, was published and the provision in his will announced referring to South Carolina as his "native State," George Bancroft and the press and the public generally accepted the statement as correct. Little attention prior to that time had been given to Jackson's birthplace. Eaton had written his history, and Cobbett's was taken verbatim from Eaton, with a few pages added for political effect in England. Even Amos Kendall knew so little about Jackson's birthplace that he states that Jackson's father settled with the four other families who came over from Ireland with him near each other in South Carolina. Of course no one would now contend that Jackson's father ever lived in South Carolina.

JACKSON'S DEATH REVIVED INTEREST IN HIS BIRTHPLACE

A careful examination of Eaton will show that he does not state Jackson was born in South Carolina, but that his father and others "landed at Charleston, S. C., and settled in the Waxhaws about 45 miles from Camden."

At the time of Jackson's death much interest was taken by Colonel Walkup and others in locating correctly the birthplace of Jackson. Colonel Walkup gathered information at first hand from both North and South Carolina, and on July 4, 1845, less than a month after the death of Jackson, delivered in Union County an address in which he proved conclusively that Jackson was born in North Carolina, using many of the facts he gives in the Walkup manuscript, which I have inserted as a part of my remarks. After Walkup made this interesting speech the Mecklenburg Jeffersonian published it in full and made editorial comment thereon. The editorial was republished in the Raleigh Standard. (See file, Library of Congress.) The republished editorial in the Standard follows:

MR. WALKUP'S ADDRESS

A good deal of our space is occupied this week with a very interesting speech of Mr. Walkup, delivered on the Fourth of July last in Union County. Besides the usual topics discussed in such addresses, Mr. Walkup touches a new theme—one of peculiar interest to North Carolinians and the citizens of Mecklenburg in particular. He proves beyond controvery, we think, that Gen. Andrew Jackson was born in North Carolina and not in South Carolina, as most historians set it down. The facts stated by Mr. Walkup are not new to us. Several years since we heard them substantially repeated by some of the old citizens of the Waxhaws, that General Jackson was born at George McCamie's in Mecklenburg is beyond a doubt and susceptible of the clearest proof. But even admitting that he was born at Crawford's, as has heretofore been said by historians, Crawford then lived in North Carolina, and was cut off to South Carolina in 1813 by the new line then run. But even if he had been born in North Carolina, there was his home, and from the soil and climate of old Mecklenburg sprung the greatest general and statesman of modern times, if not the greatest (the two combined) the world ever saw. Where is the county in the Union, save old Mecklenburg, that had produced two Presidents, and two such as "Old Hickory" and "Young Hickory"?—Mecklenburg Jeffersonian.

In his second speech Mr. STEVENSON seems to know of only seven affidavits, and the information contained in all these affidavits, says he, save one, appears to be secured from Sarah Lathan. In only one is Mrs. Leslie quoted, says he. Mr. STEVENSON says one quotes Mrs. Cousar and one James Faulkner.

What are the facts? It is clearly shown by certificates of Benjamin Massey, John Carnes, John Lathan, James Faulkner, and Thomas Faulkner—the three latter second cousins of Jackson—that Sarah Leslie often asserted that Jackson was born at George McKemy's and that she was present at his birth. The evidence was secured soon after Jackson had died, in June, as Walkup stated so clearly in his speech July 4, 1845.

The statements of Samuel Massey and John Carnes were made and published in two Charlotte newspapers in 1845. (See Walkup's letter to Swain.)

In addition, Mrs. Elizabeth McWhorter and son, George McWhorter, state they were near neighbors and were either present on the night of Jackson's birth or were there "next day," and distinctly recalled that Jackson was born at the house of George McKemy, in North Carolina, which testimony rests upon statements of Samuel McWhorter—grandson of Elizabeth McWhorter—James Cureton, sr., and Jeremiah Cureton, sr., who heard these old people often speak in the most positive terms of the facts stated above.

All of these witnesses were of the highest character and had the best opportunity of knowing the truth.

There are also the affidavits secured by James D. Craig of the three eyewitnesses for Charles Nevills. These, with the two McWhorters, make five eyewitnesses. All were near neighbors, near relatives, and intimate associates of Jackson in his early life. There were other witnesses who testified of their own knowledge. (See Walkup evidence.)

Mr. STEVENSON is incorrect when he says all but one of the seven affiants he mentions got their evidence from Mrs. Lathan, and that only Thomas Faulkner spoke of hearing Mrs. Leslie say she was at the birth of Jackson. He says that all but one are traceable to Sarah Lathan and one to her mother, Mrs. Leslie. The inaccuracies of the gentleman from South Carolina are so numerous that it requires too long to answer him in detail; therefore attention is directed to the Walkup evidence which is given herein.

My South Carolina friend says that James D. Craig is the only person who states he heard Mrs. Cousar say she was at the birth. Read the Walkup testimony and you will see that he is incorrect. Mr. STEVENSON quotes Jackson's statement about being born in South Carolina "on the James Crawford place," but he leaves off the "so I have been told" statement. The gentleman from South Carolina says Charles Findley, who drove the team that hauled the father of Jackson to the cemetery, "must have been a grown man, say, 25 years old" at the time. Pray tell me where the gentleman got the idea one had to be 25 years old to drive a slow-moving vehicle to a graveyard or elsewhere? Why should the gentleman say that Craig must have heard Charles Findley talk at least 40 years before Craig wrote Walkup on September 24, 1868, for Craig had left North Carolina only 20 years before that date? Is there any reason for believing that Craig had not heard Findley make any atement about the matter within 20 years prior to his leaving South Carolina? Craig makes the direct statement that he procured an affidavit from Charles Findley in 1828 bearing on this very question, and stating positively under oath as to hauling the corpse and as to the birthplace of Jackson.

Mr. STEVENSON asks, referring to the death of Jackson: "Were they claiming him then?" He then quotes statements from the Raleigh Standard and Mecklenburg Jeffersonian to the effect that they published proceedings of memorial exercises at which statements were made by North Carolina orators who were uninformed as to the birthplace and who had seen in the press the statements that Jackson had made a will in which he referred to South Carolina as his "native State," and accepted as correct, but only for the time being, as subsequent events fully disclose.

The gentleman from South Carolina goes so far as to say that one Hutchison who presided at a memorial exercise at Charlotte when a minister who had read something in the press about the will of Jackson, referred to South Carolina as

his "native State," was "I believe, one of Jackson's relatives." That was another mere assumption, and, like many of Mr. Salley's statements, without any facts to support it.

The gentleman also states that the Jeffersonian published the memorial address at Charlotte, and that time went on and no one wrote to the Jeffersonian "in dispute of it," and "still no protest." The gentleman continued by saying that "if there was anything in the contention, somebody would have made some protest" and that Walkup "having been silent then, was in no position in 1859 to get a reversal of verdict." He furthermore says that the South Carolina contention was "unchallenged in 1845," and that North Carolina "was not claiming him then."

The facts are that North Carolina was making a vigorous protest, for Walkup made a speech in Union County, July 4, 1845, which was published in full in the Mecklenburg Jeffersonian, and the same was also published in pamphlet form and contained in substance the evidence which was afterwards in the form of affidavits, part of them in August, 1845, and the others in 1858, when Parton requested Walkup to prepare in writing the proof which Walkup had furnished him and which Parton verified by interviewing the witnesses.

The Jeffersonian also published an editorial in the same issue which contained the Walkup speech, which editorial was reproduced approvingly in the Raleigh Standard in its issue of October 8, 1845, delivered less than 30 days after Jackson's death, and was, according to the Jeffersonian's editorial, conclusive, and showed "beyond controversy" that Jackson was born in North Carolina. This copy of the Raleigh Standard containing the editorial published, as I have heretofore quoted, is in the same folder from which the gentleman got his statement from the Raleigh Standard of June 25, July 2, and July 9, and so forth, 1845; but the gentleman, when he discovered the Jeffersonian publishing the current news, exclaimed "Eureka!" and ceased his labors, little realizing that Walkup and Governor Swain had been at work gathering facts, and that Walkup had made his speech, which the Jeffersonian soon thereafter published as "proof beyond controversy" that Jackson was born in North Carolina.

Rev. J. F. W. Freeman made a speech in Charlotte July 25, 1845. Twenty-one days before, on July 4, Walkup made his speech, which was afterwards published in the Jeffersonian.

Mr. Salley, in his zeal for South Carolina, says Jackson "doubtless" discussed every phase of his life with his mother; and that Boykin, who made a mark on a map, "doubtless" had often discussed Andrew Jackson with the people, and that many of Jackson's neighbors could testify from personal knowledge, "doubtless," concerning every phase of his career. They may have discussed and discussed, but there is no proof beyond the realm of doubt and "doubtless." Jackson's mother died while caring for soldiers in or near Charleston when Jackson was only 14 years of age, and was buried in an unknown grave. Afterwards, it is claimed, the Bartons located it, so Craig says in his letter to Walkup. Yet we are told by Mr. Salley that this mother, who left home to care for Revolutionary soldiers when Jackson was barely 14 years old, had often discussed his birthplace with her son.

Mr. Salley further says that Jackson wrote he was born on a place belonging to Major Crawford. Not so; Major Crawford was Robert Crawford. Jackson wrote he was born "as I have been told at the plantation whereon James Crawford lived." He would not have said "as I have been told" if his mother and uncles had told him so. As accurate a man as Jackson would have given the source of his information if he knew who told him. He had a vague idea only as to his birthplace, and wrote the "as I have been told" letter because he really was not certain about it. Mr. Salley also quotes from the Charleston Mercury approvingly, as follows:

> In conclusion, we will mention that Martin P. Crawford, Esq., the grandson of Maj. Robert Crawford, is now the owner of an old negro woman who was a playmate of Jackson's in early childhood. Phyllis is upward of 90 years old and can point the exact spot on which stood the house in which General Jackson was born.—The Charleston Mercury, Saturday, August 21, 1858. (Brady's Jackson, p. 420.)

AUNT PHYLLIS KNEW NOTHING

Elsewhere I have stated that Parton quotes Walkup as to Aunt Phyllis, and Parton also saw Aunt Phyllis, and he attaches no significance to her statement, as the following shows:

> There is an aged slave woman, known in the neighborhood as old Aunt Phyllis, living still on the Crawford farm, who lived there when Mr. Jackson, 92 years ago, brought her an infant to her sister's house. Aunt Phyllis appears to remember her coming vividly. I saw the old lady in her cabin, one of a small street of negro cabins, pottering over the fire and keeping an eye on a half-dozen small images of God cut in ebony, while their parents were abroad in the fields. She is bent half double, but is otherwise remarkably well preserved. At the mention of the name of Jackson every wrinkle in her old face laughed, but her recollections of the boy and his mother are scanty in the extreme. She remembers Mrs. Jackson as a stout woman who was always knitting or spinning; "a very good woman and very much respected." Of the boy she has one distinct reminiscence, which the polite reader must excuse me for repeating. As every eye sees what it is capable of seeing, so every memory retains what belongs to it to retain, and the memory of Aunt Phyllis is a memory in point. What she recollects of Andy is that she assisted to cure him of a disease which she called the "big itch."
>
> "There is two itches," she explained, "the big itch and the little itch; the little itch ain't nothing to the big itch; the big itch breaks out all over you, and do frighten a body powerful."
>
> Her general recollection of the boy is that he was the most mischievous of all the youngsters thereabouts; always up to some prank and getting into trouble. Beyond this nothing could be obtained from Aunt Phyllis, except the gentle hint to her visitors tending to remind them that tobacco is the solace of old age. (Parton's Life of Andrew Jackson, vol. 1, edition 1870, pp. 59–60.)

MR. SALLEY HAS NIGHTMARES

Mr. Salley says Parton's evidence is of the flimsiest character. He refers to Parton as an "unskilled workman" and his clumsy efforts to prove Jackson born in North Carolina.

It is hardly likely Mrs. Leslie ever knew, says Mr. Salley, whether the McKemy house was in North Carolina. Why not? It is admitted that the State line road did not then and does not now leave the State line more than a few yards until north of the Cureton Pond.

Mr. Salley says that these witnesses or General Walkup or Parton made a "slip up" as to the first name of Jackson's foster father and that James Crawford owned no lands prior to 1785. Who said he did? Jackson did not say so. Jackson said: "As I have been told at the plantation whereon James Crawford lived." What witnesses does Mr. Salley refer to in connection with Walkup's and Parton's "slip up" Evidently the imaginary witnesses who are assumed to have "doubtless" shown where to make the mark on the map indicating Jackson's alleged birthplace in South Carolina.

It may not be reasonable, as Mr. Salley says, that these plain country people knew on which side of the line they lived. That may be true; but it is a fact they knew which side of the State line road they lived on, and all the evidence is in accord that the McKemy house was on the east side of the road about a quarter of a mile.

Mr. Salley finds a typographical error in the first edition of Parton, in which "Thomas J. Cureton" was copied incorrectly from Walkup as "William J. Cureton." He states that Walkup or Parton was very careless because of this error, which Parton corrected as soon as discovered. Yet we have the Aunt Phyllis fable and the effort to show there was no such person as James Crawford living in that section in order to try to discredit Parton, when in fact if Mr. Salley had paid the slightest attention to what he was writing he would not have made any such incorrect statement. Even the South Carolina gentleman who spoke on this subject on the floor of the House avoided naming what Crawford, evidently because of confusion due to Mr. Salley's numerous mistakes and inexcusable inaccuracies, but he does speak of the Crawford place and the brother-in-law Crawford, and so forth. Mr. Salley has probably found out before this that Major Crawford was Robert Crawford and that John Crawford was his son and that James Crawford was a brother of Robert Crawford and married a sister of Jackson's mother. James Crawford may not have owned any land before 1785. What difference does it make?

Mr. Salley refers to the writer of the article in the Lancaster Ledger, which relies with such certainty upon Aunt Phyllis's statement, as having practically the same evidence as Walkup and Parton. If any evidence was in possession of the Ledger writer, no one has been so good as to point it out. It is all based on a mere surmise and on Aunt Phyllis. There is much proof as to the exact location of the McKemy house in North Carolina and none as to its being in South Carolina. The fact is established that Jackson was born at McKemy's and that McKemy's is in North Carolina. Parton is correct when he says Jackson's birthplace is as well known in the community as is the city hall of New York to the citizens of the metropolis; where Jackson's parents settled and lived until the elder Jackson died, near what is now Pleasant Grove camp ground, is known with equal certainty.

THE VALUE OF HEARSAY TESTIMONY

Mr. Salley wants to reject all "hearsay" evidence of Walkup when he should welcome all evidence that will give light or information on the question, and when he has no direct evidence except that Jackson was told he was born in South Carolina.

Sherman L. Whipple, a Boston lawyer of national reputation, has this to say of "hearsay" evidence in an address to the Maryland Bar Association in recent years at Atlantic City:

Another ancient rule much invoked to exclude evidence really of probative value is the so-called "hearsay rule." It can hardly be denied, I think, that hearsay evidence is often of distinct value in showing the truth, and that often, by its exclusion, the truth can not be made to appear.

Of course, no one pretends for a moment that hearsay information is as valuable as that at first hand, but this is far from saying that it has no probative value, or that it ought to be entirely excluded from consideration.

We all know that honest men may give honest information without being put under oath, and while cross-examination frequently is useful in bringing out the truth the truth may be disclosed without it.

There has never been any real controversy in the Waxhaws where Jackson was born, but elsewhere the controversy is of many years' standing. However, the matter was permanently settled in 1828 by the affidavits of living witnesses secured by James D. Craig, and later in 1845 by Walkup, who gathered evidence afterwards used by James Parton, the most eminent biographer of his day, who wrote the life of Jackson in 1858 and who obtained from Gen. S. H. Walkup valuable information, secured through his investigations, giving positive and definite proof as to Jackson's birthplace.

It is true that Jackson thought he was born in South Carolina, and so stated on different occasions, but, as Col. A. S. Colyar, of the Nashville, Tenn., bar, and a close and intimate friend of President Jackson, and a careful, painstaking biographer of Old Hickory, says:

General Jackson did not know what State he was born in; he never saw his father; he was born of an Irish peasant woman who, after burying her husband at the old Waxhaw graveyard in North Carolina, started and, walking with two little boys—Irish boys born in Ireland—aiming to reach a distant relative she had in South Carolina, and getting permission to stay all night in a roadside house, Andrew Jackson was born. This house was in North Carolina, though near the South Carolina line.

Colyar says it is left in doubt whether the mother, after burying her husband, ever returned to the cabin they had left. Nothing of his ancestry is known. The only thing we do know is from the mouth of Mrs. Jackson, that she and her husband fled from Ireland to escape British oppression in 1765.

Reed, who was with Jackson at New Orleans, Eaton and Kendall, who were members of his Cabinet, and Waldo, his early biographers, made no effort whatever to inquire about or trace his family history, although Reed, Eaton, and Kendall were selected by Jackson at different times to write histories of his life.

John Reed, military aid of Jackson, faithful companion in darkest hours of trial, author of many of Jackson's military papers, and a man of real ability, as stated by J. S. Bassett, was intrusted, first, to write the life of Jackson. Jackson afterwards selected John H. Eaton, a native of North Carolina, who completed the history from the Creek War. This was written under the supervision of Jackson. Roger B. Taney, George Bancroft, and Amos Kendall all aspired to become the official biographer of Jackson. Kendall was selected by Jackson, and the material was turned over to him. He never completed the work, it is said, because it was not satisfactory to Jackson, but probably the real reason was that he became interested in the extension of the telegraph business. It is believed many of the manuscripts disappeared, and certainly all were not turned over to Frank P. Blair, as Jackson requested Kendall to do. Such as came into the hands of the Blairs are on file in the Library of Congress in the Montgomery Blair collection. (See Bassett's Life.)

Of the many authors who have written of Jackson, none except James Parton and A. C. Buell have made a study of the facts and proofs of his birthplace. Parton went to North Carolina and remained long enough to make an individual survey of the actual ground and collected facts about the soldier and statesman which the biographers had neglected. He collected a great volume of proof on this subject, much of it legal proof and family traditions, and so forth.

Before going to North Carolina Parton went to Ireland in search of information as to the family history of Jackson, and found nothing.

Only one other biographer of Jackson had taken the trouble to make any investigation of the facts as to Jackson's birthplace. In fact, so far as I can ascertain, no one with the exception of A. C. Buell has even taken the pains to read the Walkup evidence, which conclusively proves the birthplace of Jackson to be in North Carolina. Buell, 15 years after Parton went to the birthplace of Jackson, says he found all the spots and landmarks of Mr. Parton in 1859 intact in 1874. Some of the oldest people whose testimony Parton took had been translated to another and better world during the 15 years between Parton's visit and Buell's. But those who remained bore witness to the truthfulness of those who were gone, and they all loved Mr. Parton.

Bassett thinks "probably" Jackson was born in the house of James Crawford. The gentleman from South Carolina calls attention to minor, immaterial differences of statement of two or three of the many witnesses Walkup interviewed, and magnifies these molehills into mountains of contradiction.

James Crawford and Jackson knew so little about Jackson's birthplace that when Jackson made the power of attorney for his father's lands, 10 or more miles from the South Carolina line, situate near where now is Pleasant Grove camp ground, it was registered in Lancaster County, S. C. This is the land on Twelvemile Creek on which the elder Jackson settled and applied for a patent, but did not "clear it out of the office" by finishing payment therefor; but after his death Thomas Ewing and wife, Sarah, executed a deed for the said 200 acres of land to Hugh, Robert, and Andrew Jackson, the deed being dated December 17, 1770, and registered in Book B–20, pages 20 and 22, Register's Office, Mecklenburg County, N. C., the same being described on waters of Twelvemile Creek, on Lizzett's Branch, on a patent issued in 1766.

There is no dispute that this land is at least 12 miles from the Crawford plantation, and yet Amos Kendall, one of Jackson's closest friends, referred to as the "power behind the throne," and as a "member of the kitchen cabinet," who wrote in 1843 what is called by the South Carolina proponents the authoritative life of Jackson, and to whom Jackson turned over his data and manuscripts, has this, and only this, to say about Jackson's birthplace:

With Andrew Jackson three of his neighbors, James, Robert, and Joseph Crawford, emigrated to America, the first of whom had married a sister of Mrs. Jackson.

The four immigrants purchased lands and settled near each other in the Waxhaw settlement, S. C., not far from the North Carolina line.

There, on the 15th of March, 1767, Andrew Jackson, the subject of this history, was born. His father died about the time of his birth, leaving his name to his infant son.

This shows how little Kendall knew about this, who, like the South Carolina present claimants, still contend that Jackson settled near his three brothers-in-law, when in fact he settled some 12 miles away, near where now is Pleasant Grove camp ground.

My good South Carolina friend says this 200-acre tract of land is the land his father took up "just on the line, but in North Carolina."

It is true Walkup could not find this deed, and Walkup's reputation for accuracy was so universally accepted that when he got through making an investigation of a subject it was understood to be that the truth had been ascertained if an honest effort would produce it, yet Mr. Salley says Walkup "was not hunting for the truth." This intense writer deals in intemperate expressions about a man whose every effort and every line he wrote indicated the honest purpose he had in mind. (See University of North Carolina Magazine, new series, Vol. X, April, 1891.)

The important fact of the finding of the power of attorney from Jackson to Crawford gives what the gentleman from South Carolina is pleased to call the "lie" to that which Parton got up "and which he spread all over the country." Of course, Walkup and Parton did not go to Lancaster County, S. C., to find a record of a power of attorney for lands in North Carolina. Parton "spread it," but it was the truth, based on facts to support and not mere declarations and assumptions without proof, as is the case with attempts to prove that which has no facts to support the contentions of our South Carolina friends.

The explanation for Walkup's not finding the deed for Jackson's father's land conveyed by Ewing and wife to Jackson and his two brothers is due, no doubt, to the very poor records of indexes kept in Mecklenburg and other counties, not only in North Carolina but also in South Carolina at that time; but had General Walkup made the examination of the records of Mecklenburg County as at present indexed, he would have found the record easily, as anyone else can do.

To show how incorrect knowledge was of the State line in those early days the deed for the old Waxhaw Church at which Andrew's father was buried, more than 2 miles across the South Carolina line, is registered in Anson County, N. C., Union County then being a part of Anson.

There never was any doubt, based on real evidence, about the location of George McKemy's house. The establishment of the

line 8 miles north and south between the States fixes it in North Carolina.

BASSETT FAILS TO INVESTIGATE THE FACTS

Bassett says Andrew Jackson's father—

contented himself with a tract of land on Twelvemile Creek, about 5 miles east of the line. The place was in North Carolina near the present railroad station of Potter and lies now, though not definitely pointed out, in a township and county called, respectively, Jackson and Union, in honor of this impecunious immigrant.

The nearest railroad stations are Waxhaw and Mineral Springs, each about 4½ miles distant.

Bassett further states that Mrs. Jackson—

abandoned the farm * * * and was received with her children into the home of her sister, Crawford. A few days later, March 15, she was delivered of a third son whom she called Andrew.

Then Mr. Bassett goes on to state that the contentions of each side present some elements of probability, but contents himself in falling into the gross errors and mistakes by relying on incorrect statements and improper conclusions evidently obtained from A. S. Salley, jr., a South Carolina historical writer, who has spent much time in belaboring himself and the public with a lot of declarations, but with few, if any, real facts to sustain even their probability.

Mr. Bassett, although a native of North Carolina, admitted to me he had never read the Walkup manuscript, and therefore never knew anything about James D. Craig's preparing affidavits from living witnesses in 1828. It is strange, indeed, that Mr. Bassett never even consulted the Walter Clark collection containing the Walkup testimony in the State historical commission at Raleigh, N. C. Strange, indeed, it is that he never inquired of the librarian, Wilson, or any of the professors and instructors in history at the State university or others at Trinity College, now Duke University, or other libraries or institutions of learning in the State. Mr. Bassett graduated and was an instructor for some years at Trinity College during the early part of this century. From any of these sources he could have obtained valuable information.

Col. Fred Olds and Samuel A. Ashe, both of whom have been students of State history for more than 50 years, and both of whom are still living and have written much about State history and have visited the Waxhaws and given time and study to the birthplace of Jackson, are competent authorities. Just why Mr. Bassett should make no effort to study the evidence which so clearly demonstrates the truth as to Jackson's birthplace, but contents himself on relying on the conclusions of Mr. Salley, is not easily understood.

So far no biographer of Jackson, except Parton and Buell, have read the Walkup evidence. So far as is known Cyrus Townsend Brady is the only biographer of Jackson who has changed his mind as to the birthplace of Jackson; but Brady was a preacher and novelist and not really a historian.

Mr. Henry McWhorter, one of the most substantial citizens of Union County, made the following statement to me October 16, 1925:

I am the son of Samuel McWhorter and Elizabeth Richardson McWhorter and am 72 years old. James Faulkner and the other Faulkners lived down the Lancaster road, one family on the right and one on the left. The chimney on the left is still standing near Camp Creek. They were good people and well to do. James Faulkner was one of Walkup's principal witnesses.

Jane Wilson, who made a statement to Walkup, was Jane Ballew, who married William Wilson and lived at Wilsons Old Store, and the house is still standing and was moved back and used as a barn. Virgil Norwood now owns the house and Mrs. Elizabeth Neal now lives in it. The Ballews were good people. Jane Wilson was another important witness.

John Porter was another person giving Walkup an affidavit. He lived not over half a mile north of the monument on the Charlotte road, was a good man, and lived to be 90 years old; and one son, whose name was S. Reece Porter, was also a splendid man like his father and an excellent school-teacher. The State line was run on May 5, 1813, and runs between his house and barn. The location of the line made him mad and he took his negroes and moved his large two-story dwelling into South Carolina. This was told to me by Edgar Porter, who is a grandson, and is now in Charlotte, N. C. His son, Lee Porter, is a rural policeman.

The Curetons were also the best people.

Thomas Winchester, who made affidavit for Walkup, and the other Winchesters were also the finest type of people.

Hugh McCommon married my aunt, Mattie McWhorter, the second time, and lived a mile and a half east of the monument, and has a grandson, Edward Yarborough, between Waxhaw and Jackson's birthplace, and has a niece, Mrs. Bessie Moore, at Marshville, N. C.

T. W. Secrest said the house moving is correct, for he was told the same. The house is down, but signs of its location still remain. I saw the place that day.

On one of my pilgrimages to the birthplace of Jackson and vicinity I visited the old Waxhaw Church cemetery, after first going to the monument of granite. On its southern face is an inset or recessed carving of the house in which Jackson was born. This monument is on the precise spot in North Carolina, 407 yards east of the State line, where stood the McKemy house in which Jackson was born. Below this is this inscription:

Here was born
Andrew Jackson
Seventh President of the
United States

The monument rests upon a foundation of stones from the chimney and pillars of the McKemy house, and set in it is a tablet of white marble stating the monument was erected in 1910 by the North Carolina Daughters of the Revolution. One acre of land on which the monument is erected has been dedicated by the late J. L. Rodwell and his children to trustees as a park to the memory of Jackson. There is no doubt of this being the precise site of the house. All the people thereabouts for miles around on both sides of the State line agree to this, and no one living for miles around has ever disputed the fact, for everybody knows that Walkup soon after Jackson's death gathered affidavits in the same year and later on additional evidence which were used in an article in the North Carolina Booklet by the late Ney McNeely. Affidavits are set out in a letter by McNeely to Col. Beneham Cameron. Parton used some of these proofs.

Mr. Speaker, under unanimous consent granted, I insert here that part of the address of E. R. Preston, Esq., of Charlotte, N. C., relating to the birthplace of Andrew Jackson, delivered on the occasion of the unveiling of the monument in 1910 erected by the Daughters of the American Revolution committee of Charlotte Chapter, which is not long, and I believe will prove of interest and value:

We have just returned from what may well be called one of the sacred shrines of American democracy, using that word in its broad sense, the birthplace of Andrew Jackson. It is unfortunate that any controversy should have arisen over the exact spot upon which this illustrious statesman and soldier was ushered into the world.

The task assigned to me by the regent and the other distinguished ladies of the Daughters of the American Revolution committee is to discuss the reasons for the fixed belief that Andrew Jackson was born upon the site of the monument we have unveiled, which belief is held not only by all North Carolinians but, I think it is safe to assert, by the vast majority of Americans, with one or two exceptions, the best-posted historical writers, and encyclopedias. In this connection it might be well to mention that more than half a century ago Jackson's greatest biographer, Parton, who was not a North Carolinian, spent a considerable period of time in this immediate vicinity gathering evidence as to the birthplace of his hero, and he came to the conclusion, without hesitation, that the site of this monument was the place of Old Hickory's birth. The encyclopedias, such as the Americana, Harper's New Encyclopedia, and other such standard works, including the Dictionary of Names, gives his birthplace as North Carolina. It should be noted also that the official letters and messages of the Presidents published by authority of Congress give Jackson's birthplace as Mecklenburg County, now Union County, N. C. These views, however, are the conclusions deduced from historical evidence and not the evidence itself. So, without further explanation, we will direct our attention to the discussion of the facts and testimony as to the birthplace itself.

HISTORICAL UNDERBRUSH CLEARED AWAY

As the woodman first clears away the underbrush before commencing his work, so it may be well for us to call attention briefly to some of the matters which have befogged the impartial discussion of this most interesting historical problem.

STATE LINES AN UNCERTAIN QUANTITY

Even in these days a State line is a most uncertain quantity. As I drove along this morning with one of your most distinguished citizens, who was born and has lived practically all of his life between the line of the Carolinas, he confessed to some uncertainty as to its exact present location. How much more uncertain was the location of this line a century and a half ago when the Waxhaw section was little else than a primeval forest. All over the United States there are now in progress endless disputes between various States as to the location of the State lines. I might mention the fact that a lawsuit between North Carolina and Tennessee as to the line is now pending unless recently settled.

At the time of Jackson's birth there was undoubtedly great uncertainty as to the existence of the State line near the McKemie house

where he was born and where this monument now stands. By some it was probably thought to be in North Carolina and by others in South Carolina. With reference to which State it was in this McKemie farm was like a flirtatious girl—first turning to one of her suitors and then to the other; but by the survey which was finally agreed to, as Mr. Salley admits in 1813, this place was finally married to the old Tar Heel State and has been a true and loyal part of our dominions ever since and will continue so.

JACKSON'S OWN OPINION

A large part of Mr. Salley's specious essay is devoted to publishing records and documents showing that South Carolina people thought that Jackson was born upon her soil and that Jackson thought so, too, and produces letters to bear out this theory, which is practically the case for South Carolina, and a plausible and specious one, but not based upon solid legal or historical foundations.

In view of all the great uncertainty as to the State line, it not only does no harm to North Carolina's claims but strengthens to admit that Jackson thought the McKemie house was possibly just over the line in South Carolina, not being aware of the survey of 1813. As Mr. Salley states, the line was not finally agreed to and made known until about 1813, when Jackson had been for a quarter of a century in the distant State of Tennessee, engaged in the rough and tumble life of a frontier lawyer, and there is no evidence that he ever gave any thought to the question of the State line between the Carolinas or to any changes made in it or agreement as to its exact course at this point, or that he ever had any communication with his kin people living in the Waxhaw settlement, or that he ever returned to the place of his birth. In fact, he stated upon one occasion, in substance, that he desired to shut out his early life from his thoughts because of the painful recollections of the sorrows and hardships of those days.

No man knows of his own knowledge as to the place of his birth. In Jackson's case, his statement that he was a South Carolinian when endeavoring to placate the nullifiers should not weigh too heavily when we consider the further fact that he was raised in South Carolina from earliest childhood and that the place of his birth was within 300 yards of the then uncertain but now the well-established line. With this short discussion of the preliminary questions, let us consider the main facts as to the location of Jackson's birthplace. The solution of the entire problem depends upon the answer to these two questions:

Was Jackson born at George McKemie's house?

Does the monument stand upon the site of George McKemie's house?

WAS JACKSON BORN AT M'KEMIE'S HOUSE?

All the Jackson biographers and other authorities which I have had the opportunity of consulting agree that he was, including one or two who state that the house was probably in South Carolina. Even Mr. Salley, the official spokesman for South Carolina, being hard pressed, says, "There is a reasonable doubt as to the correctness of the evidence that Jackson was born at McKemie's house, but it has not been proven where McKemie's house was located," and "it is possibly true that Jackson was born at the house of George McKemie." Then comes a most impressive silence on Mr. Salley's part, not a word except criticism of Parton's evidence and Walkup's method of collecting same, but no facts to contradict him upon this particular point.

Evidence should be met by evidence, as none is offered then in law, Parton and the others agreeing with him are right, and the important historical fact should be assumed as proved that Jackson was born at McKemie's house.

We have searched with as much care as opportunity afforded and have neither found nor heard of any witnesses who said or who had heard others say that George McKemie ever lived or owned land in South Carolina. Salley says that it is not reasonable to suppose that these simple country people living there knew on which side of the line the cabin stood. This is true, but while they did not know the exact location of the State line, they did know and have testified to the exact location of the McKemie house as we shall show later.

DOES THIS MONUMENT REST UPON THE SITE OF M'KEMIE'S HOUSE?

Beyond a reasonable doubt it does. The records in Mecklenburg County show that George McKemie owned the tract of land we have visited, on March 15, 1767, the date of Jackson's birth. Tradition, as well as records, confirm the statement that George McKemie lived upon this place until 1792, when he sold to Thomas Crawford. (See Cureton's affidavit, Parton, vol. 1, p. 57.) There is no evidence produced by either Mr. Salley or anyone else who we have been able to discover to prove that George McKemie was not living on his own place in North Carolina March 15, 1767. If he was living at any place other than his North Carolina plantation, why has tradition and history nothing to say about it? The spot upon which the monument stands has been known by every old resident of the Waxhaw section as the George McKemie house. Witness after witness has testified to the fact that it was pointed out to him by old people, some of whose memories reached back within the birth of Jackson, as the George McKemie house, where Jackson was born. Col. J. L. Rodman, a native of Mississippi, who for many years has been a distinguished citizen of Waxhaw, says: "More than 30 years ago, Mr. John Porter, then far advanced in years, took me to this spot and said, this is the place where my father, John Porter, sr., who was a schoolmate of Andrew Jackson, always told me Andrew Jackson was born."

Esq. Henry McWhoirter, a man of standing and character and an elder in the Presbyterian Church, said that his grandfather at the date of Jackson's birth, then a boy of 5 years, always pointed out to him this spot as the place of Jackson's birth. His great-grandmother, Elizabeth McWhoirter, was present throughout the night upon which Jackson was born, and his grandfather went over the next day to see the new baby. The McWhoirters lived within one-quarter of a mile to the east of the McKemie place for many years. It is not necessary for me to go into the many other witnesses named by Mr. Parton.

The speaker has seen and talked with Colonel Rodman and Mr. McWhoirter, standing upon the exact spot, and the testimony which they gave, coming direct as any such testimony could come, has convinced me beyond a reasonable doubt as to the exact location of the McKemie house. Mrs. Sara Leslie, a sister of Mrs. Andrew Jackson, sr., lived about one-quarter of a mile to the south of the McKemie house. Her daughter, Mrs. Lathan, testified that she and her mother on the night of Jackson's birth ran over to the McKemie house along a path between these two houses. Old residents of the Waxhaw settlement declare that evidence of the path between these two houses could still be seen within their lifetime, which is a piece of natural evidence not to be scoffed at.

Mr. Salley says that it is admitted that what is known as the George McKemie plantation did once belong to George McKemie and that it is in North Carolina, but does that prove that McKemie was living on it when Jackson was born? "Isn't it possible that McKemie was living in the cabin in South Carolina when Jackson was born?" Possible, but highly improbable. Candor should have compelled Mr. Salley to state that McKemie owned this place for more than a year before Jackson's birth and that he lived there for many years afterwards. Mr. Salley states that there is a McKemie place in North Carolina and endeavors to disprove our claim, based upon court records, by asserting a bare possibility without evidence of the existence of a McKemie place in South Carolina.

It is more than an improbable guess that McKemie, who was a man in moderate circumstances, would for some strange reason prefer a South Carolina cabin to a house on his North Carolina plantation. Why should historical guesses by those hostile to North Carolina's contention be allowed to overturn the unbroken testimony of the leading citizens of the Waxhaw settlement, to whom this spot was pointed out by persons whose recollections ran back at least within a generation of Jackson's birth? I know of at least one excellent man, now gone to his reward, who was a South Carolinian of the most pronounced type and who before investigating this matter thought Jackson was a native of that State, but after looking into it thoroughly became convinced that the McKemie house was the place of his birth. If any spot has been pointed out by the leading families of South Carolina as the exact location of the house in which Jackson was born, then why does not Mr. Salley give us the names and location? He appears to rely principally upon a cross mark made by one Boykin upon a map which was published about 1820, 53 years after Jackson's birth, and proceeds to divide much of his space to bragging about Boykin's accuracy as a surveyor. He does not state upon whose land Mr. Boykin put his cross mark nor whose house was supposed to have stood there in 1767. The best that Mr. Salley can do for his cause is found in the following words:

"There is a reasonable doubt as to the correctness of the evidence that Jackson was born in McKemie's house."

Then follows an impressive silence, an absolute lack of any facts or testimony to give color to this reasonable doubt. In fact, we rather think that the majority of Mr. Salley's mind, if the expression be pardoned, is of the opinion that Jackson was born at McKemie's house, and if this be true he has certainly failed to show that McKemie ever had a house in South Carolina, and if he has failed in this, then we must answer both our questions in the affirmative, and the conclusion follows that Jackson was born at George McKemie's house and that George McKemie at the time of his birth was living on what is acknowledged to be the George McKemie place in Union County, N. C., then Mecklenburg County, and that the committee has found the exact location of the McKemie house from the stones and chimney now forming the base of the monument, the broken pottery, and other evidence of habitation which are to be found nowhere else upon this place. All of this, of course, being in addition to the testimony we have collected.

On the day heretofore referred to, when a visit was made to this Jackson shrine, on the way from the monument to Waxhaw Cemetery we observed a shack occupied by negroes a mile and more farther south. In going from the birthplace of Jackson on the South Carolina side the location of the mansion of Maj. Robert Crawford is about 75 yards from the national highway on the South Carolina side. It is claimed the home in which Jackson was reared stood about 200 yards north of the Robert Crawford house, not a sign of which now remains. In a gulley was once a fine spring, walled with cut stones,

but the negro tenants took the stones and put terra cotta piping in the spring. Washington on his "southern tour" was a guest at Major Crawford's May 27, 28, 1791. (See "President Washington's Diaries, 1791–1799," edited by J. A. Hoskins.)

Our party consisted of Mrs. Randolph Redfern, Mr. J. W. McCain, and Surveyor Sechrist, both of whom showed us the State line all the way from the stone corner for a distance far above the McKemy house, which was, as heretofore stated, practically on the State line. Much of the way the State line was in the center of the highway. Further on we turned into the Lands Ford Road, going nearly west 2 miles and stopping 2 miles from the Catawba River where there is the large white Waxhaw Church where hundreds are buried in a cemetery of several acres. Here is buried Gen. William R. Davie, once Governor of North Carolina, after whom is named one of the counties in the congressional district I have the honor to represent. There are many other large marble slabs marking the burial places of the Crawfords and other prominent families of early days. The large markers were made in Charleston in the old days and are pretentious in size and design and have many lengthy inscriptions. General Davie's father and mother are buried here. The former is marked by a slab supported by pillars, while the latter has an upright slab with the family coat of arms and motto boldly carved. On the southern line of the cemetery there is a little brown knob of stone which is said to mark the grave of Jackson's father. It stands not a foot above the ground. No inscription is on it, and it is in marked contrast to the tombs of the great nearby. It is not by any means certain that this is the grave of General Jackson's father, but it has been the tradition for more than a hundred years that it is his grave, and this is believed by many. But Walkup had no positive proof of this, or direct testimony concerning it, and therefore did not assert it as a fact.

Here is buried Rev. William Richardson, a noted Presbyterian minister and teacher, the pastor of the first church, the present one being the third church, a graduate of the University of Glasgow, Scotland. He taught the Pinckneys, Calhouns, and many others.

On this same visit to this shrine of the great general and statesman on October 16, 1925, it was my pleasure to be present and deliver an address, a part of which is included in this statement, an account of which was published in the Charlotte Observer, the New York World, and other newspapers. The occasion was that of a picnic, and addresses were made by Mrs. Randolph Redfern, Miss Annie Lee, S. R. Bivens, John W. McCain, Henry McWhorter, and others. I had the good fortune to meet many old citizens that day, one of whom was Squire Henry McWhorter, to whom I have referred.

The fact is of interest that Samuel Ashe and John F. Williams issuel license to Andrew Jackson to practice law in North Carolina in 1787. This commission was produced at October Sessions, 1787, of Anson County. The following is of record:

These may certify that Andrew Jackson, Esq., produced the within commission authorizing him to practice as an attorney within the several county courts within the State before the justices of the county courts of Anson, etc., and was qualified in due form.

JACKSON PRACTICED LAW IN RANDOLPH COUNTY, N. C.

The following I find in the records of the county in which I live:

At Johnsonville, Randolph County, N. C., on Tuesday morning, December 11, 1787, Jackson, then a few months past 20 years of age, entered the courthouse and produced a license from the judges of the superior court of law and equity, authorizing him to practice as an attorney in the several county courts, and he took the oath prescribed by law.

It is not known how long he remained at Johnsonville or in Randolph County, but he was certainly there March court, 1788, as is shown by the minutes of that court, as follows:

On motion of Andrew Jackson, Esq., attorney of Absolom Tatum, it is ordered that Adam Tate, Esq., coroner of Rockingham County, be fined 50 pounds, nisi, for failing to return a writ of fieri facias against John May, sheriff of said county, at the instance of Absolom Tatum, and the fieri facias issued accordingly.

The justices before whom Jackson qualified to practice law at Johnsonville were:

John Arnold, Zebedee Wood, John Lane, and Arnold Hill. These four justices were members of the county court held four times a year; and little is known where Jackson was after March, 1788, until he reached Nashville in October, 1788.

I am indebted to J. A. Hoskins, a careful student and an authority as to the early history of the Piedmont section of North Carolina, for court records in the minute docket of the court of pleas and quarter sessions in office of clerk of the superior court of Guilford County, at Greensboro, N. C., which is as follows: Andrew Jackson produced a license from the judges of superior court of law and equity to practice law and was admitted an attorney of the court November, 1787.

Jackson for a while lived at Martinsville, the old county seat of Guilford. On November 12, 1787, he was at court at the courthouse at Rockford, in Surry County, N. C., and there is an entry on that date that Andrew Jackson and William Cupples each produced a license from Samuel Ashe and John Williams, two of the judges of the superior court, and were admitted to practice in the several county courts of pleas and quarter sessions within the State. In addition to this documentary evidence I have been shown the ruins of the old law office, one of several on lawyers' row, where Jackson slept and used as his office when he attended court at Rockford, Richmond at that time, and also an old hotel register in which charges had been made for board and lodging and refreshments that were used in those days as well as occasionally in this day and generation.

Col. Fred Olds and the late Chief Justice Walter Clark, of the Supreme Court of North Carolina, and the late Maj. William A. Graham made a pilgrimage to the Waxhaw settlement in 1922, and by previous arrangement a dozen or more citizens met them. These men were all deeply interested, and scholars of distinguished ability, and considered men of unusual information and painstaking care, especially in historical and genealogical research; Judge Clark was the compiler of the State records, which are a continuation of the colonial records by Col. W. L. Saunders and Major Englehard, and Colonel Olds and Major Graham had given much study for many years to historical research as to the State's history. In substance, among other things, Colonel Olds tells this: That there was a sign up the road, pointing east, which read "This way 100 yards to Jackson's birthplace"; and that some persons from about Lancaster had, in the night, taken it down and removed it further down the highway and set it up, pointing west. Colonel Olds and Judge Clark and Major Graham have all stated, after careful study and investigation, that they are as certain of the fact that Jackson was born at McKemy's house in North Carolina as they are of any fact which human testimony can establish.

During the delivery of the above remarks the following occurred:

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. HAMMER. Mr. Speaker, I ask unanimous consent to proceed for an additional 15 minutes.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I dislike very much to object, but for the protection of those who have bills on the Private Calendar which are coming up I think I shall have to do so. I think the remarks of the gentleman will have as much force extended in the RECORD as elsewhere——

Mr. HAMMER. The gentleman from South Carolina made two speeches.

Mr. SPROUL of Illinois. Mr. Speaker, I trust my friend will not object. The gentleman from North Carolina takes up very little time of this House.

Mr. ABERNETHY. And it is a very important matter.

Mr. UNDERHILL. If the gentleman will confine his request to 10 minutes——

Mr. HAMMER. Thank you, sir.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for 10 additional minutes.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent——

Mr. HAMMER. I agreed that I would not ask further time if my time was extended for an additional 10 minutes. I thank the gentleman. [Applause.]

Mr. VINSON of Kentucky. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection?

Mr. UNDERHILL. Mr. Speaker, I trust the gentleman will withdraw that request until after we have finished with the Private Calendar. I think if he will allow us to go ahead with the Private Calendar we will finish it up in time for the gentleman to have 10 minutes or even longer.

Mr. VINSON of Kentucky. I trust the gentleman will not object. The subject of my remarks will be upon a bill which I introduced creating an aircraft procurement board. I trust that I will be given this opportunity to address the House.

Mr. UNDERHILL. Mr. Speaker, I gave notice some time ago that I would be obliged to object, although my friendship for the gentleman rather embarrasses me in doing so.

Mr. VINSON of Kentucky. I assure the gentleman it will not save any time by objecting.

Mr. UNDERHILL. Then, if the gentleman is threatening me, I am sure I shall object.

Mr. VINSON of Kentucky. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It is clear there is no quorum present.

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

A call of the House was ordered.

Mr. VINSON of Kentucky. Mr. Speaker, I withdraw the point of order. I hope the gentleman will reserve his right to object. I feel certain the gentleman does not realize that I do not take a great deal of the time of the House.

The SPEAKER. The Chair is informed that the roll call has actually started, so the gentleman can not withdraw his point of order. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 116]

Ackerman	Drane	Kiefner	Reed, N. Y.
Allen	Drewry	Kindred	Reid, Ill.
Andrew	Dyer	King	Robsion, Ky.
Appleby	Eaton	Kunz	Sabath
Arentz	Esterly	Kvale	Seger
Aswell	Fenn	Lee, Ga.	Sinclair
Auf der Heide	Fish	Lindsay	Smith
Bacon	Fitzgerald, Roy G.	Lineberger	Somers, N. Y.
Bankhead	Fort	Luce	Sosnowski
Beck	Foss	McDuffie	Spearing
Beedy	Frear	McFadden	Sproul, Kans.
Berger	Fredericks	McLaughlin, Nebr.	Stalker
Bixler	Freeman	McSwain	Steagall
Black, Tex.	Frothingham	Magee, Pa.	Strong, Pa.
Blanton	Fuller	Mead	Sullivan
Bloom	Funk	Menges	Sweet
Bowling	Furlow	Merritt	Swoope
Boylan	Gallivan	Michaelson	Taylor, Colo.
Britten	Garner, Tex.	Mills	Taylor, N. J.
Brumm	Gibson	Mooney	Tillman
Buchanan	Gilbert	Morin	Tincher
Burdick	Glynn	Nelson, Wis.	Tolley
Carew	Golder	Newton, Mo.	Treadway
Carpenter	Goldsborough	Norton	Vare
Carter, Calif.	Graham	O'Connell, R. I.	Voigt
Celler	Griffin	O'Connor, La.	Walters
Chalmers	Hale	O'Connor, N. Y.	Warren
Cleary	Hawes	Oliver, N. Y.	Watres
Connery	Houston	Patterson	Watson
Connolly, Pa.	Hudspeth	Peavey	Wefald
Cooper, Ohio.	Hull, Morton D.	Perkins	Weller
Corning	Irwin	Perlman	Welsh
Coyle	Jacobstein	Phillips	Williams, Tex.
Cramton	Johnson, Ky.	Prall	Winter
Cullen	Johnson, Wash.	Pratt	Wood
Curry	Jones	Purnell	Wurzbach
Davenport	Kahn	Quayle	Wyant
Denison	Kearns	Rainey	Zihlman
Dickstein	Keller	Ransley	
Dominick	Kendall	Rayburn	
Douglass	Ketcham	Reece	

The SPEAKER pro tempore (Mr. SNELL). Two hundred and eighty-three Members have answered to their names. A quorum is present. The Doorkeeper will open the doors.

The doors were opened.

The SPEAKER pro tempore. Without objection, further proceedings under the call will be dispensed with.

There was no objection.

POSTAGE RATES ON HOTEL-ROOM KEYS AND TAGS

Mr. KELLY. Mr. Speaker, I present for printing under the rule a conference report on the bill (H. R. 92) fixing postage rates on hotel-room keys and tags.

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

The Clerk read as follows:

A bill (H. R. 92) fixing postage rates on hotel-room keys and tags.

The SPEAKER pro tempore. Ordered printed.

COAL SITUATION IN ILLINOIS

Mr. WHEELER. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. WHEELER. Mr. Speaker and gentlemen of the House, I take this opportunity to call your attention to serious conditions in the State of Illinois with respect to the coal miners and also the coal operators.

There are approximately 100,000 coal miners in the State of Illinois, and the conditions out there are deplorable. The miners do not make on an average a thousand dollars a year, owing to nonunion fields in West Virginia and Kentucky. The freight rates on coal are exorbitant, and that, of course, militates against the coal operators and miners in our State.

I have a letter here from Mr. Frank Farrington, president of the Illinois United Mine Workers of America, whose office is in Springfield, Ill., treating on the subject of freight rates and the conditions of the coal miners. I ask unanimous consent to insert this in the RECORD as a part of my remarks.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. WHEELER. Following are the letters referred to:

UNITED MINE WORKERS OF AMERICA,
Springfield, Ill., June 1¼, 1926.

Hon. LOREN E. WHEELER,
Washington, D. C.

DEAR SIR: Knowing your interest in the Illinois coal situation, I am sending you copy of my letter to the Interstate Commerce Commission.

Yours truly,

F. FARRINGTON, *President.*

UNITED MINE WORKERS OF AMERICA,
Springfield, Ill., June 1¼, 1926.

To the INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

GENTLEMEN: As president of the Illinois Miners' Union, numbering nearly 100,000 men, and including all the men employed in and about the coal mines of the State of Illinois, and with dependents aggregating nearly 500,000 men, women, and children, I respectfully address you in their behalf concerning a matter of the gravest importance to them. I have reference to the freight rates upon coal produced and originating in the various sections of the country. Upon April 7, 1925, I addressed a letter to Mr. George McGinty, secretary of the commission, which read as follows:

APRIL 7, 1925.

Mr. GEORGE MCGINTY,
Secretary Interstate Commerce Commission, Washington, D. C.

DEAR SIR: There has just been directed to my attention a conference which has been called by the Interstate Commerce Commission for Friday, April 10, 1925, at 10 a. m., at the offices of the Interstate Commerce Commission, Board of Suspension, room 403, Washington, D. C., which concerns the suspended schedule of the carriers, your I. and S. Docket 2346.

The miners employed in the State of Illinois are now receiving less than $1,000 per annum for their services. With this meager compensation they are endeavoring to feed, clothe, and house their families. This is principally due to the reduced coal production in the State of Illinois. During the year last past the production has decreased by more than 5,000,000 tons. The inroads which the Kentucky and West Virginia fields have made on the consumption of coal in Illinois is alarming. Coal from these fields is moving directly into the producing districts in this State. Small difference in freight rates between the Kentucky and West Virginia rates and the Illinois rates contributes largely to the closing of mines in Illinois and the small amount of time large mines are now operating. In addition to this the rates into the Northwest rail, lake and rail, and all rail have had a very marked effect.

I can not urge too strongly a careful consideration of the very important matter that is now before your honorable commission and which vitally concerns the mining industry of the State of Illinois. Before any action is taken by your honorable commission I most respectfully urge that a very thorough investigation of the mining industry and rates to the points of production in this State be carefully considered. Hasty action will undoubtedly result in completely demoralizing that very important industry of this State.

Respectfully yours,

F. FARRINGTON, *President.*

Despite the information and protest conveyed to the commission through the medium of the above quoted letter, that body ordered a readjustment of freight rates on coal originating in the southern nonunion mining districts and Illinois, and to the detriment of coal mined in Illinois, and thereby brought about a condition of prostration to the mining industry in this State. What was then predicted is now present with us. This action of the commission did the Illinois mine workers and mine owners immeasurable harm, and, as a result hundreds of our mines are idle and hunger and destitution is prevalent in the homes of scores of thousands of our members and their dependents. Dependent or correlated business interests are facing bankruptcy and, indeed, many dependent interests have already been forced to close their doors because of financial inability to longer carry on.

Prior to this action the difference in freight rates as between the southern nonunion mining districts and Illinois was such as to partly absorb the difference in wage scales and enable the Illinois mine owners to meet the ruinous competition of the southern nonunion districts, where low wages and degraded conditions of employment are the order of the day. By the commission's action the

Illinois miners and mine owners were deprived of their one and only saving feature. Surely it is not the purpose of the commission to force the Illinois mine workers down to the level of the nonunion fields where the owner is master and the men have no voice in determining what their wages and conditions of employment shall be. Whether that be your purpose or not the result of your action is as herein described, and the Illinois mining industry is now in the most deplorable and depressed position of all time.

The door to the great northwest market is all but closed against us and Illinois coal has been almost completely displaced by coal from the southern nonunion districts. We are loath to believe that the national administration has determined to break down our wage scale, although beginning with the Harding administration every act of your commission as related to the mining industry has been injurious to Illinois.

Considered from the standpoint of ability to produce coal, Illinois ought to be the most prosperous mining district in the country. Nature has blessed the State with vast seams of high-grade coal, our mines are equipped with every modern mechanical device to cheapen the cost of production, and they are manned by men that, to say the least, are the equal of the best to be found in any mining district in the country. Our mines are located at the very door of the greatest coal market in the world. However, with all these favorable elements our mines are idle and the industry is prostrated and markets that were ours are now flooded with coal produced in other districts; and, in truth millions of tons of this foreign coal is being marketed within the confines of our own State.

Many Illinois mine owners have already been forced into bankruptcy and those that are still operating are threatened with the same fate and thousands of our men are confronted with starvation, and your commission is in a large degree responsible for this unnatural condition.

Until recently members of the United Mine Workers of America were producing approximately two-thirds of all the bituminous coal mined in this country. Due largely to the action of your commission, that situation has been reversed and two-thirds of the total tonnage is now produced by nonunion miners. The readjustment of rail rates as ordered by your commission has been to the distinct advantage of coal produced by nonunion mine workers.

I do not address you in language of the demagogue or one seeking to create an effect upon an audience, but I say to you quite bluntly and frankly that the condition now existing in the homes of the miners of the State of Illinois beggars description. There is actual want of food and clothing. Children are being reared in an atmosphere which should not be permitted to exist in this country. It is idle in the extreme to talk of reductions in the wages or earnings of the men now manning the Illinois mines. Their annual wage has now dropped below any sum which can by any stretch of the imagination be called a living wage. I do not find it necessary to here charge an intention upon the part of your honorable commission to bring about the disruption of the miners' union, conceded to be the only instrument by which the miners may maintain a fair standard of living wages and conditions; but I do charge that, be it unintentional or otherwise, the course now being pursued by your honorable body is bringing about the conditions I have above recited.

Other commissioners as early as 1915 in the so-called Illinois coal cases, volume 32, Interstate Commerce Commission reports, commencing at page 659, made use of this language upon page 667 of the order and decision:

"So carefully in fact have the quality of coal, thickness of seam, wage scale, cost of mining, competition of other fields, etc., been taken into consideration in working out the present relationship between these fields that the statement was made on the argument that the consumers of the various coals in the Northwest pay practically the same price for transportation per thermal unit, regardless of the mines from which they are shipped. The mining wage scales in the several fields take into consideration the existing freight differentials and the relative advantages and disadvantages of location of the mines."

It will be observed that here the commission was considerate enough of the living conditions of the men engaged in the industry to state that wage scales would be an item of consideration and necessarily must be an important item because the human element, and as well the happiness of so many hundreds of thousands were at stake. A complete readjustment should be made, which will give full consideration to wage scales and living conditions. If there is a failure to do this then one has the right to assume that the effort of the Interstate Commerce Commission is to force the union mine workers to accept the conditions existing before their unionization, or to force them to the same level as obtains in the nonunion fields where the conditions of employment are harsh and unjust.

The complaint of the Pittsburgh Coal Producers' Association et al., your docket No. 15007, has been reopened by your order. A further reduction in rates to the Erie ports for transshipment by vessel to the Northwest will result in completely eliminating coal produced in Illinois from sale in those markets. The increases in the rates on bituminous coal from the southern Illinois coal fields to the Northwest with the reduction which your honorable commission made in the rates from the eastern and southern fields to the Erie ports resulted in a decrease of production of millions of tons of coal in the State of Illinois.

By your several orders, including the Lake Dock cases, you gave an advantage of better than 50 cents a ton to producers in the nonunion fields as compared with the basis existing prior to the issuance of your orders. I feel that in the interest of the great number of mine workers whom I represent that a restoration of the old basis of rates should be brought about, in which recognition was specifically given to the various wage scales in the several coal-producing fields of this country. I say to you quite earnestly that any other arrangement or an arrangement such as now exists by your orders in the so-called Lake Dock cases and others can only have one effect, and that is to aggravate the condition of want among the union miners of Illinois, which I have recited to you. I hold that such a policy would be a shortsighted one. I insist that it is not a compliance with the promises made to labor during and after the war. Everyone engaged in the industrial life of this country knows that the living costs have not declined. It is not fair to put into effect freight rates which will discriminate against owners or operators who are willing to deal with their employees collectively and in favor of operators and owners who deny that right. The union miners should not be driven back to the shack and the hovel of the mining camp existent 30 years ago, and I predict to you that if the present course and policy of the Interstate Commerce Commission be carried out that that exact condition will be brought about.

I have not lived for more than half a century, dealing every day of my working life with the problems of the mining industry, without having some very practical knowledge on the subject. I want it understood that any observations that I make in this letter are meant to be constructive and with a desire to better the conditions in the industry. I have in mind that the employees in the coal industry ought to have a voice in their welfare and that in the final determination of the freight rates to apply to the coal industry the fullest consideration be given wage scales and the earnings necessary to bring the lives of our men up to the so-called American standard. I shall be very glad indeed to furnish any facts or figures which I have in my possession.

I observe you are to have a hearing at the Hotel Marlborough-Blenheim at Atlantic City, N. J., commencing at 10 a. m., July 20, 1926. I respectfully request, in conclusion, that you permit me to appear before your honorable body in the interest of the Illinois mine workers, or in event of my inability to appear that you allow our chief counsel, Judge A. W. Kerr, of Springfield, Ill., to be present and take part in the examination of such witnesses and arguments as shall be proper.

Respectfully yours,

F. FARRINGTON, *President.*

PRIVATE CALENDAR

The SPEAKER pro tempore. Under a unanimous-consent agreement, the House will start on the consideration of the Private Calendar with the star on the Private Calendar. The Clerk will report the first bill.

WILLIAM C. HARLLEE

The first business on the Private Calendar was the bill (H. R. 10485) for the relief of William C. Harllee.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk 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 $2,392.90 to William C. Harllee, on account of loss sustained by him when a fire destroyed his personal effects and household goods at the United States Army transport wharf, Seattle, Wash., May 7, 1906, while the said affects and goods were in the hands of the Federal Government in transit and upon the occasion of the transfer of the said William C. Harllee, then serving as first lieutenant of the United States Marine Corps under orders from marine barracks, Honolulu, Territory of Hawaii, to marine barracks, Mare Island, Calif.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

Mr. BLACK of Texas. On line 5, strike out the figures "$2,392.90" and insert the figures "$1,125."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, line 5, strike out the figures "$2,392.90" and insert in lieu thereof "$1,125."

Mr. BLACK of Texas. Mr. Speaker, the reason why I have offered this amendment is that this claim was formerly referred to the Secretary of the Navy, Josephus Daniels, for consideration, and he approved it in the sum of $1,125. For that reason I have offered the amendment.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. I yield.

Mr. VINSON of Georgia. I want to call the gentleman's attention to the statement that the Secretary submitted to the Court of Claims. Under date of August 18, 1914, he wrote:

NAVY DEPARTMENT,
Washington, August 18, 1914.

SIR: Referring to the call of the court in the case of William C. Harllee *v.* The United States, No. 30304, for a statement as to which of the lost articles enumerated in the claimant's petition were reasonable, useful, necessary, and proper for a first lieutenant in the Marine Corps to have while in quarters engaged in the public service in the line of duty, the department has indicated its judgment in the premises under the column headed "Approved."

Mr. BLACK of Texas. Yes.

Mr. VINSON of Georgia. It is not a disputed fact that this officer had the $2,392 worth of property.

Mr. BLACK of Texas. That is true.

Mr. VINSON of Georgia. But in the judgment of the Secretary of the Navy it was highly improper for a first lieutenant in the Marine Corps, for instance, to be in possession of and to own 24 table napkins, which he valued at $7.

Mr. BLACK of Texas. And also the officer put in a claim for silver vessels, coffee pot, sugar bowl, and one or two other articles, $500.

Now, to make a long story short, the Navy Department holds that while this officer was the owner of these other certain articles, he also holds that the Government of the United States ought not to be held liable in a greater sum than $1,125, and I understand that the gentleman from Georgia is willing to accept that.

Mr. VINSON of Georgia. I am willing to accept that; but at the same time I want to keep the record clear, to show that he owned this property, but in the judgment of some one else it was improper in military etiquette for a Marine officer to own certain described property.

Mr. BLACK of Texas. No; the gentleman is not quite correct.

Mr. VINSON of Georgia. The amendment is satisfactory to me.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLACK].

The amendment was agreed to.

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

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRANKLIN GUM

The next business on the Private Calendar was the bill (S. 2312) for the relief of Franklin Gum.

The title of the bill was read.

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

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferrings rights, privileges, or benefits upon honorably discharged soldiers, Franklin Gum, who was a private in Company A, Forty-eighth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged therefrom: *Provided,* That other than as above set forth, no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The SPEAKER pro tempore. 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.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

THOMAS J. RYAN

The next business on the Private Calendar was the bill (S. 1828) for the relief of Lieut. (Junior Grade) Thomas J. Ryan, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,221.65, to reimburse Lieut. (Junior Grade) Thomas J. Ryan, United States Navy, for the loss of uniforms, equipment, clothing, and personal effects of himself, as a result of the earthquake and fire disaster in Japan on September 1, 1923.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

LEHIGH COAL & NAVIGATION CO.

The next business on the Private Calendar was the bill (H. R. 5866) for the relief of the Lehigh Coal & Navigation Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 claim of the Lehigh Coal & Navigation Co., a corporation organized and existing under the laws of the State of Pennsylvania, and doing business in the city of Philadelphia, State of Pennsylvania, owner of the Lehigh Coal & Navigation lighter *No. 40,* against the United States for damages alleged to have been caused by collision between the said lighter and the United States quarterboat *Chester,* in tow of the United States Army Engineer's tug *Philadelphia,* in the Schuylkill River, on the 11th day of March, 1920, may be sued for by the said Lehigh Coal & Navigation Co., in the District Court of the United States for 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 a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the Lehigh Coal & Navigation Co., or against the Lehigh Coal & Navigation 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. UNDERHILL. Mr. Speaker, I do not wish at this time to raise the question of jurisdiction, but I do think that these various claims ought to be referred uniformly either to one committee or another. Here is a bill that has been referred to the Committee on the Judiciary, and bills of similar character come to the Committee on Claims. The bill preceding this bill came from the Committee on Naval Affairs, and similar bills are considered by the Committee on Claims. There at least ought to be some agreement on the part of the committees as to the reports which they will bring in with reference to these claims, rather than to have one claim reported with the full amount of the damage claimed and another allowing only a certain part of the claim covering such damage as may have occurred to the equipment they use in the service.

The SPEAKER pro tempore. The gentleman understands that these private bills are referred as the individual who introduces them specifies. Of course, a point of order can be made at any time against the jurisdiction of the committee.

Mr. UNDERHILL. With that understanding, then, Mr. Speaker, I shall insist in the future that these bills be referred to the proper committee.

Mr. VINSON of Kentucky. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. 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.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

LUCIUS C. DUNN

The next business on the Private Calendar was the bill (H. R. 9061) to authorize Lieut. Commander Lucius C. Dunn, United States Navy, to accept from the King of Denmark a decoration known as a Knight of the Order of Dannebrog.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Lieut. Commander Lucius C. Dunn, of the United States Navy, be, and he is hereby, authorized to accept from the King of Denmark a decoration known as a "Knight of the Order of Dannebrog," which was bestowed upon him by His Majesty the King of Denmark on September 17, 1921, which decoration has been transmitted by the Navy Department to the State Department, where it remains awaiting Congress to authorize the acceptance of same.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

DAVID BARKER

The next business on the Private Calendar was the bill (H. R. 5082) for the relief of David Barker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 in the administration of the pension laws David Barker shall hereafter be held and considered to have been honorably discharged from the United States Marine Corps August 1, 1900, at Mare Island, Calif.: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

F. ELLIS REED

The next business on the Private Calendar was the bill (H. R. 6068) for the relief of Maj. F. Ellis Reed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Secretary of the Treasury is hereby authorized and directed to pay to Maj. F. Ellis Reed, late captain in the Quartermaster Corps of the American Expeditionary Forces, the sum of $261.26, out of any money in the Treasury not otherwise appropriated, to reimburse the said Maj. F. Ellis Reed for the sum of $261.26, United States currency, which was stolen or lost without fault or neglect on his part while he was acting as disbursing officer at the Second Signal Corps schools, Chatillon-sur-Seine, France, and which said sum the said Maj. F. Ellis Reed has since paid into the Treasury of the United States in discharge of his liability as such disbursing officer.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

ALBERT G. TUXHORN

The next business on the Private Calendar was the bill (H. R. 9287) for the relief of Albert G. Tuxhorn.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 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 Albert G. Tuxhorn the sum of $5,000, in full for damages suffered by reason of being negligently shot and permanently injured while a student at the Citizens' Military Training Camp at Camp Custer, Mich., on August 11, 1924.

With the following committee amendment:

In line 4, strike out "$5,000" and insert in lieu thereof "$2,500."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

EDWARD L. DUGGAN

The next business on the Private Calendar was the bill (H. R. 9655) for the relief of Edward L. Duggan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Comptroller General of the United States is authorized and directed to allow credit in the account of Edward L. Duggan, deputy collector of internal revenue of the State of Pennsylvania, in the sum of $220, the value of certain internal-revenue stamps charged to the said Edward L. Duggan and mailed on February 14, 1925, and lost en route from Connellsville, Pa., to Berlin, Pa.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CHARLES W. REED

The next business on the Private Calendar was the bill (H. R. 10227) for the relief of Charles W. Reed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles W. Reed, formerly clerk in the post office at Uniontown, Pa., the sum of $183. Such sum represents the amount paid to the United States by the said Charles W. Reed to cover the loss of surplus money-order funds contained in a registered letter dispatched on December 16, 1920, to the Uniontown post office by the postmaster at McClellandtown, Pa. Upon the receipt of such registered letter at the Uniontown post office it was intrusted to the said Charles W. Reed for proper disposition and was thereafter lost in a manner unknown.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CALEB W. SWINK

The next business on the Private Calendar was the bill (H. R. 11989) for the relief of Caleb W. Swink.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of Caleb W. Swink, Concord, N. C., Treasury notes or certificates of indebtedness of series B–1925 Nos. 1764, 7165, 7166, and 7167 in the denomination of $500 each, and Treasury note or certificate of indebtedness series B–1925 No. 25349 in the denomination of $1,000, with interest on all of said Treasury notes or certificates of indebtedness from the date thereof until redeemed in the sum of 4½ per cent per annum, such redemption to be made without presentation of any of the said Treasury notes or certificates of indebtedness on account of the fact that they were stolen, lost, or destroyed while in the possession of the Cabarrus Savings Bank, of Concord, N. C., some time between the dates of June 23, 1922, and July 5, 1922: *Provided*, That the said Treasury notes or certificates of indebtedness shall not have been previously presented for payment: *Provided further*, That the said Caleb W. Swink shall first file in the Treasury Department a bond in the penal sum of double the amount of the Treasury notes or certificates of indebtedness and the accumulated interest thereon, in such form and with such surety or sureties as may be approved by the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of Treasury notes or certificates of indebtedness herein described.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem after December 15, 1926, in favor of Caleb W. Swink, Concord, N. C., Treasury notes, series B–1925, Nos. 7164, 7165, 7166, and 7167 in the denomination of $500 each, and No. 25349 in the denomination of $1,000, issued June 15, 1922, and matured December 15, 1925, with interest from the date of issue to the date

of maturity at the rate of 4⅜ per cent per annum, without presentation of the notes, the said notes, together with coupons due December 15, 1922, to December 15, 1925, inclusive, attached, having been lost, stolen, or destroyed while in the possession of the Cabarrus Savings Bank, of Concord, N. C.: *Provided*, That the said notes shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons thereof which shall have been previously presented and paid: *Provided further*, That the said Caleb W. Swink shall first file in the Treasury Department a bond in the penal sum of double the amount of the said notes and the interest which has accrued thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the Treasury notes hereinbefore described."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CENTRAL NATIONAL BANK, ELLSWORTH, KANS.

The next business on the Private Calendar was the bill (S. 248) for the relief of the Central National Bank, Ellsworth, Kans.

The Clerk read the title of the bill.

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

Mr. HOWARD. Mr. Speaker, I reserve the right to object. I would like to have the chairman make a brief statement about this claim.

Mr. UNDERHILL. These were some securities that were lost some years ago. They have never been presented for redemption, and they ask that they be permitted to file bonds in double the amount involved in case the securities are ever presented to the Treasury Department. It is the usual bill for relief where securities are lost.

Mr. HOWARD. It is the same kind of bill that my bank out there will have after a while.

Mr. UNDERHILL. Yours is with respect to currency?

Mr. HOWARD. It had not been signed.

Mr. UNDERHILL. I do not know what the gentleman's bill is.

Mr. HOWARD. Mr. Speaker, I think this would be a splendid precedent for my bill, so I do not object.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of the Central National Bank, Ellsworth, Kans., United States Treasury certificates of indebtedness Nos. 27108 and 27109 in the denomination of $1,000 each and No. 11720 in the denomination of $500, series TS-2-1922, dated November 1, 1921, matured September 15, 1922, with interest at the rate of 4½ per cent per annum from November 1, 1921, to September 15, 1922, without presentation of said certificates of indebtedness or the coupons representing interest thereon from November 1, 1921, to September 15, 1922, the certificates of indebtedness having been lost: *Provided*, That the said certificates shall not have been previously presented for payment and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *Provided further*, That the said Central National Bank, Ellsworth, Kans., shall first file in the Treasury Department a bond in the penal sum of double the amount of the certificates and the interest payable thereon, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost certificates of indebtedness herein described or the coupons belonging thereto.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

IMMACULATO CARLINO, WIDOW OF ALEXANDER CARLINO

The next business on the Private Calendar was the bill (S. 1160) for the relief of Immaculato Carlino, widow of Alexander Carlino.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 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 Immaculato Carlino, widow of Alexander Carlino, the sum of $2,000 as compensation for the death of her husband, who died as a result of injuries received when he was struck by a truck operated by an employee of the Bureau of War Risk Insurance.

With the following committee amendments:

On line 5, after the word "appropriate," insert the words "and in full settlement against the Government"; and on line 7 strike out "$2,000" and insert in lieu thereof "$5,000."

The committee amendments were agreed to.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: At the end of the bill strike out the period, insert a colon, and add the following language: "*Provided*, That no part of the money herein appropriated in excess of $500 shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim: *Provided*, That it shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum or sums which in the aggregate exceed $500 on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

Mr. UNDERHILL. Mr. Speaker, I am quite positive there is no attorney in this case, but I am perfectly willing that the amendment should be adopted.

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

PLEASANT R. W. HARRIS

The next business on the Private Calendar was the bill (H. R. 9902) to correct the military record of Pleasant R. W. Harris.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Pleasant R. W. Harris, who was a member of Company K, Second Regiment Arkansas Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of December, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES SHOOK

The next business on the Private Calendar was the bill (H. R. 9903) to correct the military record of James Shook.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James Shook, who was a member of Company C, Second Regiment Arkansas Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of November, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

PEOPLES INVESTMENT CO.

The next business on the Private Calendar was the bill (S. 3200) to confirm the right, title, and interest of the Peoples Investment Co. (Inc.), of the State of Louisiana, in certain lands.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Peoples Investment Co. (Inc.), a corporation organized under the laws of the State of Louisiana, be, and it is hereby, confirmed in all the right, title, and interest now held or possessed by the United States in and to the following lands now in its occupation, to wit: Lots 3 and 4 and the southwest quarter of the southwest quarter of section 1, township 19 north, range 3 east, Louisiana meridian, Louisiana: *Provided*, That this act shall only be construed to vest in the said Peoples Investment Co. (Inc.) the right, title, and interest in said lands now held and possessed by the United States, and shall not be construed in any way to impair the bona fide rights, interests, or claims acquired by any other person under adverse grants, concessions, or purchases made prior to the passage of this act.

SEC. 2. That a patent be, and the same is hereby, directed to be issued to the said Peoples Investment Co. (Inc.) for the lands described in this act upon payment of $1.25 per acre: *Provided*, That the purchase money be paid to the register of the United States district land office in Baton Rouge within 90 days after the passage of this act: *Provided further*, That if the said lands are not shown to be nonmineral by the Peoples Investment Co. to the satisfaction of the Secretary of the Interior before the purchase authorized by this act is consummated, the patent herein directed to be issued shall contain a reservation to the United States of all oil and gas deposits in the land, together with the right of the United States, its permittees or lessees, to enter upon, prospect for, mine, and remove such deposits in the manner prescribed by law; and in that event the said company shall have a preference right to a permit to prospect said land for oil or gas pursuant to section 13 of the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, which it may exercise by application for such permit within 60 days from date of consummation of the purchase authorized by this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES L. CARDWELL

The next business on the Private Calendar was the bill (H. R. 814) for the relief of James L. Cardwell.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, 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, to James L. Cardwell the sum of $1,446.20, together with interest at the rate of 6 per cent from May 21, 1907, in settlement and compensation for the amount of $1,446.20 erroneously collected from the said James L. Cardwell under misapprehension by Government officials that the money should be paid by the said James L. Cardwell in compensation for timber sold from land homesteaded by the said James L. Cardwell, the same land being the south half of southeast quarter of section 12, township 48 north, range 4 west, base meridian, and for which patent No. 25754 was issued to the said James L. Cardwell on October 29, 1908, the said amount to be accepted by the said James L. Cardwell in lieu of his claim against the Government.

With the following committee amendment:

Page 1, line 6, after the figures, strike out the words "together with interest at the rate of 6 per cent from May 21, 1907."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. VINSON of Kentucky. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. VINSON of Kentucky. Mr. Speaker and Members of the House, on April 14, 1926, I introduced H. R. 11284, which was referred to the Committee on Military Affairs, of which I am a member. This measure proposed to create an aircraft procurement board, having for its objective the coordination of the plans for the government of all aircraft purchased by the Government. About the time of its introduction a joint subcommittee composed of five members from the Committee on Naval Affairs, and our committee, was created to give intensive study to the problem of procurement of aircraft and to draft legislation which would permit of a more efficient procedure in this particular field. I was honored by our chairman in being named as a member of this important committee.

After weeks of honest endeavor we were able to report the draft of a bill upon which all could and did agree. Subsequently our full committees approved our action, and identic bills were reported to the House on June 7, 1926, from these two committees.

Immediately after the conclusion of the subcommittee hearings the Committee on Military Affairs held hearings upon the bill which I had introduced, H. R. 11284. This bill received the unanimous approval of our committee, and it was reported to the House by me on the 7th day of June, 1926. Then it became necessary to have this measure considered by the Committee on Rules to permit its consideration on the floor. The hearing was had upon the bill and a rule granted.

It was the order of the House that these three bills relating to aeronautics, including the bill which I introduced, were to be considered upon yesterday and to-day. This is shown on the calendar as posted. It had been the hope that should they pass the House they could be tacked onto the Army and Navy air bills in conference and, if agreed upon, would become law at this session.

However, it develops that the nearness of adjournment precludes the consideration of these bills at this time, so it appears that the three bills must go over until the December session. I feel that it is proper to state that the consideration of these bills was not delayed through any fault of the administration leaders or of the Rules Committee, which had given these matters their approval. The committees from which these bills came had spent weeks and months in the preparation of the five-year programs heretofore submitted to this Congress, and prompt consideration was given the request for the rule shortly after the bills were reported to the House.

It should be our purpose to make an effort, in bona fides, to avoid the conditions in which our country found itself in the World War in respect to aircraft. The one striking example of weakness which this country exhibited in the national emergency was its inability to produce airplanes after our entry into the war. After the declaration of war there was no failure on the part of the Government in their efforts to develop the required planes. Practically a billion and a half dollars was appropriated for the development of our air strength; and approximately a billion dollars were expended in the effort to attain this objective. The highest developed brains in our world of mechanics, coupled with undoubted patriotism, was utilized, but it was impossible to solve the problem until many months had elapsed.

We were in the war for 19 months. It is frequently stated that not a single American-manufactured plane was flown in battle. However, General Pershing, in his final report on September 12, 1924, the day before his retirement, asserts that no American plane was flown in battle until August, 1918, and that only 600 planes had been sent to the front before the armistice. It should be stated that at the time of the armistice we were turning out planes by the thousand and soon would have had them flying on the battle front. Our accomplishments in this respect are most often ignored because of the fact that it required months to arrive at the point of quantity production, but, according to General Pershing:

> It is a matter of record that even the type of plane to be put in production was not decided upon until several months after we entered the war.

We did not have the proper type of plane; it was necessary for us to use the foreign model and build the plants to manufacture the plane. We did not have the engine equal to the occasion; we were compelled to design and build it. In short, we had not planned for war-time conditions in respect to aircraft or its production.

It is not my purpose to delve into ancient history, particularly that which is so painful to relate. I merely desire to call your attention to the conditions which obtained in respect of the aircraft situation at the time of our national stress, to the end that, if we may, substantive legislation be enacted to avoid the repetition of the unpleasant past. It is needless for me to stress what might have happened to this country had we been forced into a war without an air force that could reasonably cope with the enemy and without the means of providing same. We must not trust that good fortune will continue in our wake. It may not be that in the next war we will have allies who can successfully cope with the enemy in the air while we are building our air forces.

Permit me to make a strong statement, but one which is true nevertheless. No department of government was making a study of aircraft and its procurement before our entry into the war for any considerable period. This statement proves itself, else our helplessness in this branch of our fighting strength would never have been witnessed. If proof of the correctness

of this statement be required, I offer in evidence the testimony of the present Secretary of War, Mr. Dwight F. Davis, than whom this country has no more patriotic, distinguished, and able servant. The statement upon which I rely to prove this point is included in the address delivered on January 12, 1925, before the Army War College, upon the subject of "Procurement and Industrial Mobilization."

Mr. Davis said:

One great lesson from their experience the War Department should never forget. Probably the greatest handicap to our industrial effort was the lack of advance planning on the part of the War Department itself. There was no knowledge of requirements. Whatever plans for procurement existed were hopelessly inadequate. There was no appreciation of the tremendous demands which war now makes upon industry. In brief, as we now well know, there was an almost entire lack of vision on the part of the War Department and of several supply services as to what procurement for war now means.

In fairness to America it should be said that similar failure to appreciate the magnitude of the industrial effort required by modern large-scale warfare was displayed by those nations of Europe which had made the most intensive study of the subject, and which had the most to gain or lose by the state of their preparedness.

This statement pertains to the general situation in which this country found itself relative to war planning and industrial mobilization. The strongest possible example of its accuracy is our failure in the production of aircraft during the war.

I hasten to state that H. R. 11284, introduced by me, is not offered as a panacea for all the ills pertaining to aircraft or the industry. It has nothing to do with the type of planes to be used, the strength of our Air Corps, its personnel, nor to the operation of our forces in combat. It pertains solely to the procurement policy of the Government relating to aircraft.

This legislation is not submitted as a necessity for our peace-time activities. Undoubtedly, the aircraft required at this time could be procured without its machinery being set up. Because that is true, it may be that some will maintain that the legislation is not needed; but I respectfully submit that same argument could have been used against similar legislation during the days of peace which preceded our entry into war. It is my thought that a considerable monetary saving will follow from the operation of this legislation in time of peace, but the main thought motivating me in the premises was to set up machinery, in time of peace, which should work toward obviating the lack of coordination, the lack of knowledge, the lack of policy, which prevailed in the procurement of our aircraft before our entry into the war. Heretofore, the problem of procurement has received legislative consideration in various phases. The old-time notion that we can assemble our splendid citizenry together, drill them a few days, arm them with rifles and a few pounds of ammunition, whereupon—presto—a potent army appears, which is self-sustaining, can no longer exist. The industry of the country must be mobilized. In time of war there must be a well-defined plan for the mobilization before the emergency arises.

In the national defense act Congress created the office of Assistant Secretary of War, who was expressly charged with the supervision of the procurement of military supplies and with the planning of the mobilization of matériel, together with the industries of the country essential to war-time need. This bill in no wise detracts from his responsibilities, but, contra, should be an active aid to him in the furtherance of such responsibility. The work of this board is advisory, and it occurs to us that their studies and conclusions would be of material benefit to the chief procurement officer of the Government.

THE PRESIDENT'S AIRCRAFT BOARD

The procurement of aircraft was a subject to which considerable thought was given by the President's Aircraft Board—the Morrow Board. The necessity for well-defined plans of procurement in time of peace which would be utilized should we be thrust into war was one of the main reasons, in my opinion, for the recommendation of this board that there be created the positions of an Assistant Secretary of War, Assistant Secretary of Navy, and Assistant Secretary of Commerce.

The first major recommendation of this board after public hearings for four weeks, with 1,739 pages of testimony adduced before it, with a further period of six weeks spent in arriving at their conclusions, which were expressed in their report dated November 30, 1925, was their recommendation for the creation of the additional Secretary of War. The reason for this, in their language, is—

(2) In order that the Air Corps—Air Service—should receive constant sympathetic supervision and counsel, we recommend that Congress be asked to create an additional Assistant Secretary of War, who shall perform such duties with reference to aviation as may be assigned to him by the Secretary of War.

We foresee that such an official, properly used, could be the means of promoting close cooperation between aviation and the other parts of the Army. In the matter of procurement he could be especially useful. If the expenditures not only for new planes but for experimentation and operation were under the scrutiny of a civilian head, much of the feeling on the part of Congress that there was extravagance, and on the part of the Air Service that there was parsimony, might be avoided.

We feel, further, that such an Assistant Secretary, acting in conjunction with the Assistant Secretary of the Navy and Assistant Secretary of Commerce, for whose appointment recommendations elsewhere provide, could perform in a continuous way from year to year, by investigation and recommendation, a substantial service to aviation.

LAMPERT COMMITTEE

Every committee and every student of our aircraft future who has given study to this problem since the signing of the armistice has been impressed with the importance of the aircraft end of this game. The select committee of this House, the Lampert committee, delivered themselves in no uncertain terms in respect of the conditions which obtain in this field. We find that its first recommendation, under the heading of "Air Service problems," relates to the problem of procurement, which language we quote.

The committee finds:

(1) That there is no uniformity of Army and Navy policy as to organization, equipment, control of personnel, procurement, design, or use of aircraft; that there is no continuity of policy with respect to design and purchase of aircraft and engines in either the Army or the Navy; that the attempts to coordinate the activities of the Army and Navy by the use of joint boards, the National Advisory Committee on Aeronautics, and other agencies, have been sporadic and occasional, and therefore have not achieved the results desired. * * * That there is a certain amount of unnecessary duplication in the expenditure of both money and effort by the Army and Navy seeking to accomplish similar results in technical research in construction and in administration of aircraft; in procurement, hospitalization, and in training and field activities.

Further, this distinguished committee, in the recommendations submitted to the House, referred to the subject of procurement as follows:

That one single governmental civil agency be given sole charge of procurement of aircraft, engine, and equipment, to the end that duplication in expense be avoided, uniformity of equipment promoted, and a continuous and definite policy established looking to the strengthening of the sources of supply, the maintenance of the industry, the promotion of the aircraft-production capacity of the Nation, and the establishment of a sound policy of Government procurement.

The conclusions of the Lampert committee were reached after 11 months of hearings, during which period 150 witnesses were examined under oath, with 3,000 pages of testimony adduced before it. The date of its report is December 14, 1925, and it made 23 recommendations, affecting all phases of the air problem.

PERSONNEL OF THE BOARD

This measure now under consideration has been drawn with a view of accomplishing some of the results contemplated in the recommendations of the two committees to which reference has heretofore been made. The machinery sought to be set up by this bill is neither that which is suggested by either report nor is it a combination of the two. However, it is hoped that with such agency the end sought by both of these distinguished committees will have been attained.

The Morrow Board recommends the creation of the three additional Secretaries, to wit, War, Navy, and Commerce, whose principal duties under the law would pertain to the problems of aviation, and particularly to procurement. The Post Office Department use airplanes in the transportation of mail, and so this legislation contemplates the creation of a board which would consist of the three Assistant Secretaries aforesaid, the Assistant Postmaster General, together with the Chief of the Air Service of the Army and the Chief of the Bureau of Aeronautics of the Navy. As originally drawn, the bill did not include the Assistant Postmaster General, but, upon the suggestion of the Secretary of War that such official would be a proper addition to the board, he was added to it. The chiefs of the air branches of the Army and Navy are included as members of the board in order that it may be furnished technical information and knowledge.

It is obviously patent that the agency created hereunder would have the predominant civilian point of view. This was considered advisable by both the Morrow Board and the Lampert committee.

DUTIES OF THE BOARD

The functions of the board are set forth in two paragraphs of the bill which we will now discuss.

Section 3, in part, reads as follows:

That it shall be the duty of the board to consider and coordinate all plans for the procurement of aircraft, aircraft engines, aircraft accessories or equipment required by any Federal executive department or independent agency, and make recommendations thereon to the head of the executive department or independent agency concerned.

It has not been the purpose to affect the responsibility of either the Secretary of War or of the Navy in so far as procurement is concerned. By law, they are charged with such responsibility, which rests upon them at all times—in peace and in war. It might be a most dangerous policy if their responsibility should be lessened. We have no purpose to do that. Contra, we hope, by this measure, to coordinate the plans for the procurement of aircraft and thereby permit the men upon whom this responsibility rests to more intelligently perform their offices in respect of aircraft.

This section plainly sets forth that the conclusions reached by this board are advisory and recommendatory. There is no division of responsibility. It rests upon the heads of the department.

We feel that there is a further function which would be exercised by this board which, in the absence of all other reasons, demands its formation, or the establishment of some similar agency. It is the duty of this board to study and make recommendations, annually, to the President for a continuous and definite policy of procurement, keeping in mind the promotion and development of the aircraft production capacity of the Nation.

Section 6 of the bill reads as follows:

That the board shall submit annually to the President, through the Secretaries of War, Navy, and Commerce, a report of its activities, showing the status of the plans of all Federal departments or independent agencies for the procurement of aircraft, aircraft engines, aircraft accessories or equipment, together with recommendations for a continuous and definite policy of aircraft procurement by the Federal Government so as to promote and develop the aircraft-production capacity of the Nation in the interest of national defense.

In the first place, this report brings home to the Commander in Chief of the Army and Navy the status of the plans of the Government for the procurement of a highly necessary instrument in the defense scheme of government.

The plans for the procurement of aircraft not only for peacetime necessities but the plans for a war-time basis shall be formulated and submitted. Further, there shall be annually submitted to the President with the plans aforesaid—

recommendations for a continuous and definite policy of aircraft procurement by the Federal Government so as to promote and develop the aircraft-production capacity of the Nation in the interest of national defense.

We do not feel that there is need to amplify the above quotation. It is the purpose of this bill to require the study of and recommendations for—

a continuous and definite policy of aircraft procurement—

to the end that the lack of information possessed and the lack of preparedness in respect of the industry at the time of our entry into the last war will never be repeated.

The inability of this Government to develop and manufacture planes for war-time use was largely due to the fact that the industry was unorganized and could not expand to meet the war-time needs. It is our thought that this planning board would be able to make recommendations which would show the true conditions which obtained in time of peace and which, therefore, would permit of an effort being made in time of peace for the establishment of the nucleus around which the war-time industry might readily expand. We submit that the studies and recommendations herein required would permit a most effective mobilization of the industry in time of war.

At a time when the Federal Government is about to embark upon a five-year program of aircraft development for the Army and Navy, involving expenditures of some $200,000,000 for aircraft alone, it occurs to us that the time is opportune for the creation of a body of this character. It would have the advantage of starting off on the ground floor in this tremendous development program. It would be the means of coordinating the plans of the two departments with the view of minimizing duplication of purpose or effort. It would effectuate a continuity of policy. A permanent record of such policy would be made available to not only their superiors but their successors.

The law authorizing the tremendous development program of the air forces during the next five years of necessity was general in character. We respectfully submit that such a board created by this act, upon whom rests the responsibility which the act entails, will bring to this Government maximum efficiency in the execution of the program with considerable saving in money and a minimum of duplication of effort.

In order that the matter may be considered connectively, I insert herewith copy of the bill heretofore discussed, together with letter from the Secretary of War, Hon. Dwight F. Davis, relative to its approval:

A bill (H. R. 11284) to provide for an aircraft procurement board, and for other purposes

Be it enacted, etc., That a single agency for the coordination of the plans for the procurement of aircraft for the Federal Government is hereby created and established to be known as the Aircraft Procurement Board, hereafter referred to as the board.

SEC. 2. That the board shall consist of an Assistant Secretary of War, an Assistant Secretary of the Navy, an Assistant Secretary of Commerce, an Assistant Postmaster General, to be designated by the heads of their respective departments, and the Chief of the Air Service of the Army, and the Chief of the Bureau of Aeronautics of the Navy.

SEC. 3. That it shall be the duty of the board to consider and coordinate all plans for the procurement of aircraft, aircraft engines, aircraft accessories or equipment required by any Federal executive department or independent agency, and make recommendations thereon to the head of the executive department or independent agency concerned: *Provided*, That all such plans originating in any department shall be submitted to the board by the head of the executive department or independent agency concerned for review and recommendation prior to their approval.

SEC. 4. That the board, subject to the approval of the Secretaries of War, Navy, and Commerce, and the Postmaster General, shall be organized with such assistants, committees, or subordinate agencies as, in the opinion of the board, may be necessary and advisable in order to efficiently perform its duties: *Provided*, That the personnel required for such assistants, committees, or subordinate agencies shall perform their duties under the control of the board and shall serve under their several permanent appointments in their respective executive departments and without increased remuneration therefor.

SEC. 5. That the board shall adopt rules and regulations for the conduct of its work and for the work of its assistants, committees, or subordinate agencies, which rules and regulations shall be subject to the approval of the Secretaries of War, Navy, and Commerce, and the Postmaster General.

SEC. 6. That the board shall submit annually to the President, through the Secretaries of War, Navy, and Commerce, and the Postmaster General a report of its activities, showing the status of the plans of all Federal departments or independent agencies, for the procurement of aircraft, aircraft engines, aircraft accessories or equipment, together with recommendations for a continuous and definite policy of aircraft procurement by the Federal Government so as to promote and develop the aircraft-production capacity of the Nation in the interest of national defense.

SEC. 7. That all acts or parts of acts contrary to the provisions of this act or inconsistent therewith be, and the same are hereby, repealed.

JUNE 14, 1926.

Hon. JOHN M. MORIN,
Chairman Military Affairs Committee,
House of Representatives.

DEAR MR. MORIN: You have asked me to submit a report on H. R. 11284, a bill "To provide for an aircraft procurement board, and other purposes."

Existing law contains no provision applicable to the subject.

In brief, the enactment into law of the proposed bill would provide for an aircraft procurement board which would study and coordinate plans for the procurement of aircraft for the various Federal agencies and make recommendations to the heads of the departments. The result should be better teamwork on the part of the Government as a whole. It is important to note that the proposed bill does not take away from the heads of the departments their present authority to meet their responsibilities in the matter of the procurement of aircraft, and this principle is believed to be sound.

The proposed bill seems to be in full accord with the recommendations of the President's Aircraft Board, which recommendations the War Department fully indorses.

I have already personally appeared before your committee and explained my position, which is that I am in hearty accord with the fundamental idea contained in this bill and believe that efforts should be made to apply it.

While it is believed that the coordination contemplated by this bill could be achieved by Executive order, which method is slightly preferable to the War Department because of its greater flexibility, nevertheless, the department has no objection to a provision of law which definitely sets up this coordinating agency.

If additional information in the War Department is desired, I shall be pleased to furnish it.

Very truly yours,

DWIGHT F. DAVIS, *Secretary of War.*

We sincerely regret that this or similar legislation could not be considered at this session. We are certain that this machinery or machinery of similar nature should be set up to the end that a single policy will prevail in the procurement of our aircraft and that advance planning in reference to the industry be continually in mind.

RELIEF OF MAJESTIC HOTEL

The next business on the Private Calendar was the bill (H. R. 11432) for the relief of the Majestic Hotel, Lake Charles, La., and of Lieut. R. T. Cronau, United States Army.

The Clerk read the title of the bill.

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

Mr. ARENTZ. Mr. Speaker, reserving the right to object, I think right here would be a good time to say that in a newspaper here the other day I noticed an article relative to the Knickerbocker Theater disaster in this city. Not one man responsible for the death of 96 people in that disaster has received even a reprimand by anybody connected with the government of the District of Columbia. It is a disgraceful thing that no one was found responsible for this dereliction. I might say that last year at the Carnival of Roses at Pasadena, Calif., the grandstand collapsed and men and women were hurt. Without hesitancy the city of Pasadena discharged the engineer responsible for the structure and paid to the widows and orphans the amount of money they thought right and just to compensate the damage done. The Congress could not do any greater act of justice than to consider the claims of the people who were killed in the Knickerbocker Theater collapse and give them what they are entitled to, because of laxity on the part of the officials of the District of Columbia.

The SPEAKER pro tempore. 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 Comptroller General of the United States be, and he is hereby, authorized and directed to allow from the appropriation for general expenses of the Bureau of Agricultural Economics, Department of Agriculture, for the fiscal year 1925, the sum of $226.55, amount due the Majestic Hotel, Lake Charles, La., for lodging and subsistence of Lieut. R. T. Cronau and Staff Sergt. W. O. Womack, United States Army, during their assignment in September and October, 1924, to make aerial photographs of areas of rice fields in connection with crop estimates by the Bureau of Agricultural Economics of the Department of Agriculture; and to allow from said appropriation to Lieut. R. T. Cronau reimbursement of amounts expended by him for subsistence and travel of himself and Staff Sergt. W. O. Womack in proceeding by air in connection with said assignment to and from Kelly Field, Tex., to Lake Charles, La.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

MRS. M. M'COLLOM ET AL.

The next business on the Private Calendar was the bill (S. 3049) for the relief of Mrs. M. McCollom, Margaret G. Jackson, and Dorothy M. Murphy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 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 Mrs. M. McCollom the sum of $1,000, to Margaret G. Jackson the sum of $1,500, to Dorothy M. Murphy the sum of $1,500, in full settlement of all claims for financial damages sustained by them and great pain and suffering they were forced to undergo as a result of the explosion of the United States dirigible balloon *C–8* at a point near Camp Holabird, Md., on the 1st day of July, 1919.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM J. DONALDSON

The next business on the Private Calendar was the bill (H. R. 5930) for the relief of William J. Donaldson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 claim of William J. Donaldson, owner of the boat *Theresa,* against the United States of America for damages alleged to have been caused by a collision between the said boat *Theresa* and the U. S. S. *Modoc* at League Island Navy Yard on December 27, 1913, may be sued by the said William J. Donaldson in the United States District Court for 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 a judgment or decree for the amount of damages, including interest, and costs, if any, as shall be found to be due against the United States in favor of the said William J. Donaldson, or against the said William J. Donaldson 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 appeals: *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 from the date of the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEMUEL E. REED

The next business on the Private Calendar was the bill (H. R. 782) for the relief of Lemuel E. Reed.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Lemuel E. Reed, who was a member of Troop H, Fourth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 4th day of March, 1901: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE P. BAILEY

The next business on the Private Calendar was the bill (H. R. 1893) for the relief of George P. Bailey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 in the administration of the pension laws George P. Bailey, late of Company D, Eighty-sixth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment.

Mr. ARENTZ. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. ARENTZ: Line 8, after the word "regiment," strike out the period, insert a colon, and the following: "*Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD JOHNSTON

The next business on the Private Calendar was the bill (H. R. 2531) for the relief of Edward Johnston.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward Johnston, who was a musician in Company I, Fifty-ninth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a musician of the said company and regiment on the 12th day of May, 1863: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

With the following committee amendment:

Page 1, line 10, after the word "*Provided*," strike out the remainder of line 10, all of lines 11 and line 1 of page 2 and insert in lieu thereof: "That no back pay, bounty, allowance, or pension shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE W. M'NEIL

The next business on the Private Calendar was the bill (H. R. 2530) for the relief of George W. McNeil.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, George W. McNeil, who was a corporal in Company G of the Fourteenth Heavy Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a corporal of the said company and regiment: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

Committee amendment: Page 1, line 9, after the word "*Provided*," strike out the remainder of line 9, all of lines 10 and 11, and insert in lieu thereof: "That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment. In line 9, after the word "regiment," add "June 7, 1864."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, after the word "regiment," add the words "June 7, 1864."

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CECIL CLINTON ADELL

The next business on the Private Calendar was the bill (S. 1023) authorizing the President to appoint Cecil Clinton Adell, formerly an ensign, United States Navy, to his former rank as ensign, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, Cecil Clinton Adell (who resigned his commission as an ensign in the United States Navy on October 1, 1924) an ensign on the active list of the Navy and in the lineal position in the line of the Navy which he would have attained had he not resigned: *Provided*, That the said Cecil Clinton Adell shall be an additional number in the grade of ensign and to any to which he may hereafter be promoted: *Provided further*, That such appointee shall not be entitled to receive pay or allowances for the period during which he was not in the active service of the Navy.

Mr. MONTGOMERY. Mr. Speaker, I have an amendment which I would like to offer.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY: Page 2, line 3, after the period insert the following paragraph:

"That the President is authorized to appoint, by and with the advice and consent of the Senate, Samuel O. Neff (who resigned his commission as a captain in the United States Army on February 28, 1926) a second lieutenant on the active list in the Army: *Provided*, That such appointee shall not be entitled to receive pay or allowances for the period during which he was not in the active service of the Army."

Mr. UNDERHILL. Mr. Speaker, may I ask the gentleman what is the age of this man?

Mr. MONTGOMERY. He is 32 years of age.

Mr. UNDERHILL. It is against the general policy of the Army, the administration, and all administrations to do this. I know I had a similar case and refused to take it up because everybody was opposed to it.

Mr. MONTGOMERY. This merely authorizes the President to make the appointment; it is not directory.

Mr. STEPHENS. Mr. Speaker, I object to the amendment. I think it is not germane, and I raise the point of order against it.

The SPEAKER pro tempore. It seems to the Chair it is pretty late to make the point of order as it has been discussed.

Mr. STEPHENS. Well, I was waiting for an opportunity to raise the point of order that this was on an entirely different bill, on a private bill relating to the Navy.

The SPEAKER pro tempore. It is too late. The amendment has been discussed.

Mr. STEPHENS. I was awaiting an opportunity to make and discuss the point of order. That is an entirely different bill. It is not on the Private Calendar.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. UNDERHILL] has already discussed it.

Mr. VINSON of Georgia. Mr. Speaker, may we have the amendment reported again?

The SPEAKER pro tempore. Without objection, the amendment will again be reported.

The amendment was again read.

Mr. VINSON of Georgia. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. The gentleman from Georgia moves to strike out the last word.

Mr. VINSON of Georgia. Do I understand that the amendment that the gentleman from Oklahoma [Mr. MONTGOMERY] has offered is to Senate bill 1023?

The SPEAKER pro tempore. Yes.

Mr. VINSON of Georgia. I would like the gentleman from Oklahoma to enlighten the House as to the effect of his amendment, because no one was listening when it was read, and, of course, the amendment, strictly speaking, is not germane to this bill. But that is water that has gone over the wheel. The House has the right to know the merits of it before we vote to adopt the amendment.

Mr. STEPHENS. It is entirely out of order. I intended to make a point of order at the proper time. It may be a little too late.

Mr. MONTGOMERY. Mr. Speaker and gentlemen of the House, this is the situation. This man resigned from the Army in February, 1926. This is our last Private Calendar day. I have taken this matter up with the War Department, and this is the only way to have this man reinstated. He was a captain when he resigned. It costs the Government from $12,000 to $15,000 to educate a captain. He wants to get back into the Army, and the only way he has to get back is as a second lieutenant by act of Congress. This is merely an authorization. If the War Department does not want to recommend him, they need not do so; and if the President does not want to appoint him, he does not have to.

Mr. VINSON of Georgia. While the committee was quietly considering a bill for the relief of Cecil Clinton Adell the gentleman from Oklahoma rises, fairly within his rights, and offers an amendment to the effect that the President is authorized to appoint, by and with the advice and consent of the Senate, Samuel O. Neff. He offers an amendment now to a naval bill to reinstate some one in the Army.

Now, surely the gentleman from Oklahoma does not think that this House should consider with favor his amendment until, at least, the Committee on Military Affairs has investigated it, or until, at least, there is some recommendation or some hearing on this question, because, as a matter of strict parliamentary procedure, of course, the gentleman's amendment is not in order. But, as I stated a moment ago, the time to object is passed. Now it is up to the committee to either vote it up or vote it down. Here is an amendment providing that the President may appoint this man Neff, who resigned his commission in the Army on February 28, 1926, and who wants to go back into the Army——

Mr. MONTGOMERY. As a second lieutenant.

Mr. VINSON of Georgia. In this case there may be some merit or justification, but did this man Neff voluntarily leave the service?

Mr. MONTGOMERY. He did.

Mr. VINSON of Georgia. Then I will state to the gentleman that there is no precedent either in the Committee on Military Affairs or in the Committee on Naval Affairs where a man has resigned his commission for Congress to pass a law to put him back in the Army.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. SCHAFER. Has a bill been introduced by the gentleman and is it pending before the Committee on Military Affairs now?

Mr. VINSON of Georgia. I do not know.

Mr. MONTGOMERY. One has been.

Mr. SCHAFER. That makes it all the stronger for the House to reject this amendment now.

Mr. VINSON of Georgia. The gentleman can exercise his right to appear before the Committee on Military Affairs. In the quietness of the afternoon he shoots this bill in as an amendment to another bill, possibly thinking that no one would perhaps have the temerity to offer opposition to the amendment to the bill.

Mr. SCHAFER. I think if he did that, the House should unanimously reject the amendment.

Mr. VINSON of Georgia. I wanted the House to know exactly what the amendment was. Here comes the gentleman from Oklahoma trying to put back into the Army a man who voluntarily resigned. One hundred and ten-odd naval officers tendered their resignations——

The SPEAKER pro tempore. The time of the gentleman from Georgia has expired.

Mr. VINSON of Georgia. I ask unanimous consent to proceed for two minutes more.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. VINSON of Georgia. And in those cases the Committee on Naval Affairs said substantially, "Not one of you can come back in." We have refused to permit and never will permit a man who voluntarily leaves the service to go into private business, and then when it is found that the private business is not as beneficial financially as he thought it would be, to come back and reenter the Army. I hope the House will vote down this amendment.

Mr. MONTGOMERY. I wish to assure the gentleman from Georgia [Mr. VINSON] there is nothing sinister about this at all. I could not get this up in any other way at this session of Congress. But rather than prejudice the pending bill I withdraw the amendment.

Mr. VINSON of Georgia. I think in deference to the legislative procedure the gentleman should not attempt to put on an amendment when he should know that if it is objected to it could not be considered.

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to withdraw my amendment.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The SPEAKER pro tempore. 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.

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

JAMES C. MINON

The next business on the Private Calendar was the bill (S. 1885) for the relief of James C. Minon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged men of the United States Navy, James C. Minon, formerly a landsman in the United States Navy, shall hereafter be held and considered to have been honorably discharged on the 20th day of November, 1898: *Provided*, That no back pension, allowance, or other emolument shall accrue prior to the passage of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

THOMAS MALEY

The next business on the Private Calendar was the bill (H. R. 8852) for the relief of Thomas Maley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sailors, Thomas Maley, who served on the U. S. S. *St. Louis* during the World War as a second-class fireman, shall hereafter be held and considered to have been discharged honorably from the naval service of the United States on the 1st day of April, 1919.

Mr. BLACK of Texas. Mr. Speaker, at the end of the bill I offer the usual proviso.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: In line 9, after the figures "1919," strike out the period, insert a colon, and add the following proviso: "*Provided*, That no back pay, bounty, pension, or other allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN M. REBER

The next business on the Private Calendar was the bill (H. R. 11188) to amend the naval record of John M. Reber.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 in the administration of any laws conferring rights, privileges, and benefits upon persons honorably discharged from the Navy of the United States, John M. Reber, second lieutenant in the United States Marine Corps in the Civil War, shall be held to be honorably discharged as second lieutenant of such corps on June 20, 1863.

SEC. 2. This act shall not be held to make available any rights, privileges, or benefits in respect to any pension, pay, or bounty, or other emolument for any period prior to the enactment of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

STANTON & JONES

The next business on the Private Calendar was the bill (H. R. 9919) for the relief of Stanton & Jones.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Stanton & Jones are hereby authorized to bring suit against the United States under contract with the engineer's office, dated June 12, 1918, for revetment work, Pelican Bend, Missouri River, to recover whatever damages or losses which they may have suffered through action by governmental agencies in commandeering, purchasing, moving, or causing to be moved from the Missouri River the fleet of the Kansas City Missouri River Navigation Co., or of any other action of governmental agencies which resulted in any loss to the claimants. Jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, consider, and determine such action and to enter decree or judgment against the United States for the amount of any loss or damages as may be found to have been suffered by the said Stanton & Jones under the said contract, if any: *Provided*, That such action shall be brought and commenced within four months from the date that this act becomes effective.

SEC. 2. That upon final determination of such cause, if a decree or judgment is rendered against the United States, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient to pay final judgment, which shall be paid to said Stanton & Jones, or their duly authorized attorney of record, by the Secretary of the Treasury upon the presentation of a duly authenticated copy of such final decree of judgment.

With the following committee amendment:

Strike out all of section 2.

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CHARLES CAUDWELL

The next business on the Private Calendar was the bill (H. R. 12308) for the relief of Charles Caudwell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Comptroller General of the United States be, and he is hereby, authorized and directed to settle the claim of Charles Caudwell, Congleton, Cheshire, England, in the sum of $10,219.65, or so much thereof as may be required to purchase exchange not to exceed the amount of £2,100, in full settlement of all claims of said Charles Caudwell growing out of his purchase of ovens at London, England, in June and July, 1919.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

BELL TELEPHONE CO. OF PHILADELPHIA

The next business on the Private Calendar was the bill (H. R. 12309) for the relief of the Bell Telephone Co. of Philadelphia, Pa., and the Illinois Bell Telephone Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Comptroller General of the United States be, and he is hereby, authorized to adjust and settle the claim of the Bell Telephone Co of Philadelphia, Pa., for the expenses incurred in connection with the installation and removal of excess equipment at the navy yard and the headquarters, Fourth Naval District, Philadelphia, Pa., and the claim of the Illinois Bell Telephone Co. for labor and material in connection with the furnishing telephone service at the Naval Training Station, Great Lakes, Ill., both claims having accrued during the late war.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

GEORGE P. BAILEY

Mr. BLACK of Texas. Mr. Sepaker, I ask unanimous consent to return to Calendar No. 548, and ask unanimous consent that the proceedings by which the bill was ordered to be engrossed, read a third time, and passed, and the motion to reconsider, be vacated in order that a necessary amendment may be offered.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to return to Calendar No. 548 and that the proceedings by which the bill was ordered to be engrossed, read a third time, and passed, and the motion to reconsider, be vacated in order that a necessary amendment may be offered. Is there objection?

Mr. SCHAFER. Mr. Speaker, reserving the right to object, what is the necessity of that?

Mr. BLACK of Texas. The bill does not show when the soldier is to be held to have been discharged, and unless a date is shown he would not have any pensionable status and the bill would not do him any good.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BLACK of Texas. Mr. Speaker, I offer the following amendment: After the word "Regiment" in line 8 insert "September 1, 1863."

The SPEAKER pro tempore. The gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: After the word "Regiment" in line 8 insert "September 1, 1863."

The amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

TH. MICHAELSEN

The next business on the Private Calendar was the bill (S. 970) for the relief of Th. Michaelsen.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Secretary of the Treasury is authorized and directed to pay to Th. Michaelsen, of Mard, near Arendal, Norway, the sum of $5,000, out of any money in the Treasury not otherwise appropriated, as compensation for the loss of the use of his right leg, sustained while rendering assistance as a member of the crew of the Norwegian steamship *Lillemor* in saving 43 out of a crew of 52 on the American steamship *Lewis Luckenbach*, torpedoed off the north coast of France on the night of October 11, 1917.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JOHN W. BARNUM

The next business on the Private Calendar was the bill (H. R. 9609) for the relief of John W. Barnum.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 United States Employees' Compensation Commission is hereby authorized and instructed to receive and determine the claim of John W. Barnum, a former employee of the United States Shipping Board, without regard to the limitation of time within which such claims are to be filed under 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.

Mr. UNDERHILL. Mr. Speaker, this is a very unusual situation. The Committee on the Judiciary has reported a bill that should have been referred to the Committee on Claims in the first place, which absolutely changes, alters, and abrogates a regulation and rule, almost an unwritten law, that has been in existence in the Committee on Claims ever since I can remember. Now, I think this House ought to take a stand on this bill, and I move to strike out the enacting clause if it is not in order to refer the bill back to the Committee on the Judiciary or refer it back to the Committee on Claims, and I would ask a ruling of the Chair on the point.

The SPEAKER pro tempore. It is the opinion of the Chair that if the gentleman had raised a point of order before we started the consideration of the bill——

Mr. UNDERHILL. It has been ruled, I think, Mr. Speaker, that after the bill has been considered a point of order would not lie against it.

The SPEAKER pro tempore. It is too late now.

Mr. UNDERHILL. If I am in order in a motion to refer this matter back to the Committee on Claims, I would rather make that motion than to kill the bill; but otherwise, it ought to be killed.

The SPEAKER pro tempore. The motion is in order.

Mr. BOX. Will the gentleman yield? I want to understand about this matter.

Mr. UNDERHILL. Yes.

Mr. BOX. Is the gentleman doing this because of its being referred to the wrong committee. Are we asked to kill a meritorious measure?

Mr. UNDERHILL. No; I am asking this because, in the first place, it ought not to have been referred to the Committee on the Judiciary; but I do not care anything about that. It is because it kills our policy in the Committee on Claims with reference to compensation and opens the door to thousands, yes, 10,000 cases.

Mr. HOOPER. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. HOOPER. Is not this a rather exceptional case?

Mr. UNDERHILL. They are all exceptional; every one of them.

Mr. HOOPER. Is not this bill exceptional for the reason this man who is seeking relief under these circumstances was at a far-distant place in the Red Sea at the time this thing happened and had absolutely no knowledge of the law and had no chance to bring the matter to the attention of people who could have informed him about the law? I know something about this case myself. This man is from my district. As I

remember it, he lives in Hillsdale County at the present time; in my district. He was on the Red Sea when he was injured.

Mr. UNDERHILL. When?

Mr. HOOPER. I can not tell the gentleman the year now.

Mr. UNDERHILL. I would like to know the year and would like to know all about it.

Mr. HOOPER. There was very full information given to the Committee on the Judiciary and they have affidavits and documents to prove this man's claim. I want to say it is a very meritorious claim and the man ought not to be debarred absolutely from prosecuting this claim for his injury.

Mr. UNDERHILL. Mr. Speaker, the Committee on Claims has before it to-day on its table over 100 claims, each one as meritorious as this one; and there have been in the last five years 1,000 such claims. Are you going to open up claims with reference to the entire construction of the Panama Canal and the employees down there? This is a most serious proposition, and I think the members of the Committee on the Judiciary should not object to its going back to the Claims Committee. Then I will confer with them, and if there are any unusual or peculiar circumstances whereby this man was injured in 1916, one month or two months or three months before the passage of the act of 1916, I will withdraw my objection; but I think it is a most serious situation. Mr. Speaker, it is absolutely wrong that similar bills should be referred to different committees.

Mr. HERSEY. Mr. Speaker, as a member of the Judiciary Committee which considered this bill, I wish to say this bill was referred by the Speaker to our committee. We considered it in due course and unanimously reported it. The bill is meritorious, and the request of the gentleman from Massachusetts to refer the matter back to our committee would accomplish nothing. If the gentleman has any claim here that was referred to the wrong committee, it seems to me the time to have made that objection was before the report was made or at the time the report was made and not after the bill has been taken up in the House with no objection to its consideration.

Mr. UNDERHILL. Will the gentleman yield?

Mr. HERSEY. Yes.

Mr. UNDERHILL. How is the gentleman from Massachusetts to follow every bill that is designated for the relief of a certain individual? It is a physical impossibility. It is a mental impossibility. What happened here just a few weeks ago? The Committee on the Judiciary reported a bill which should have been referred to the Committee on Claims. It broke the policy of the Committee on Claims into smithereens and went over to the Senate, and the Senate killed the whole bill. That is what will be done with this bill unless it is referred back to the committee.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. HERSEY. Yes.

Mr. CHINDBLOM. I want to correct a misapprehension. These private bills are not referred by the Speaker to the various standing committees of the House. When a Member of the House introduces a private bill he marks the private bill and puts it in the basket, and he alone is responsible for the reference of such a bill. If he makes an error, of course, he suffers subsequently when the mistake is discovered. The Speaker of the House has not referred these bills to any specific committee, and no advantage can be taken of the fact that a reference was made to the committee.

Mr. STEVENSON. Then how does the bill get to the Committee on the Judiciary?

Mr. CHINDBLOM. Because the gentleman who introduced this bill marked it Private Calendar and marked it to be referred to the Judiciary Committee.

Mr. HOOPER. I introduced the bill, but I certainly have no recollection of marking any bill to be referred to the Judiciary Committee.

Mr. CHINDBLOM. Then it was done by somebody on behalf of the gentleman. It is not done by the Speaker. That is my point.

Mr. HERSEY. It was done by the Speaker in this case.

Mr. HOOPER. I have never marked any bill since I have been here.

Mr. CHINDBLOM. You have to mark your bills of this kind.

Mr. HOOPER. I mean personally. It may possibly be that it was marked by somebody else, but I certainly never marked it for the Judiciary Committee or for any other committee.

Mr. CHINDBLOM. When a private bill is placed in the basket the introducer places his name on the bill and the committee to which it is to be referred.

Mr. HERSEY. I take the ground that this bill was properly introduced and properly referred and properly considered by the Committee on the Judiciary. I call attention to the fact that a question of law is raised here as to whether the man's claim comes under the compensation commission and, secondly, whether the construction of that law was that he must apply within a certain time to be relieved of the limitation. All these are questions of law to be passed upon. It was not merely a common claim.

Mr. UNDERHILL. Is there anything to show the Members of the House when he was injured?

Mr. HERSEY. I presume I can get the papers very quickly. Unanimous consent has been given for the consideration of the bill and the gentleman made no objection.

Mr. UNDERHILL. Of course there was no objection, for I did not know what it was until read by the Clerk.

Mr. HERSEY. The gentleman does not object to the merits of the bill.

Mr. UNDERHILL. I object absolutely to the merits of the bill; I do not want to be misunderstood.

Mr. HOOPER. What does the gentleman from Massachusetts know about the merits?

Mr. UNDERHILL. I know that it abrogates the statute of limitations in the compensation act.

Mr. HOOPER. That does not go to the merits of the bill.

Mr. UNDERHILL. I object to the bill because it alters the whole policy of Congress which has existed ever since I have been a Member.

Mr. HERSEY. I do not think the House is going to kill a meritorious bill on a technicality.

Mr. CHINDBLOM. Mr. Speaker, I move to strike out the last word. I do not intend to criticize any Member of the House with reference to the introduction of bills. But there is a misapprehension as to the effect of the reference of a private bill. I want to read Rule XXII, section 1:

> Members having petitions or memorials or bills of a private nature to present may deliver them to the Clerk, indorsing their names and the reference or disposition to be made thereof; and said petitions and memorials and bills of a private nature, except such as, in the judgment of the Speaker, are of an obscene or insulting character, shall be entered on the Journal, with the names of the Members presenting them, and the Clerk shall furnish a transcript of such entry to the Official Reporters of debates for publication in the RECORD.

Mr. HOOPER. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. HOOPER. It is quite evident that it was through ignorance on my part of the practice that I did not mark the bill with the name of the committee to which it was to be referred, but is it not evident that the Judiciary Committee thought they had jurisdiction of the bill at the time they reported it and considered it?

Mr. CHINDBLOM. My injection into the discussion with the gentleman from Maine arose from the fact that I thought he laid stress and made the point that the Speaker had sent the bill to the Judiciary Committee. The Speaker did not do it. The reference does not have the dignity and effect it would have in a case where a bill is referred by the Speaker, because the reference of a private bill is designated by the Member who introduces the bill.

Mr. BROWNING. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. BROWNING. Notwithstanding the provision in the rules, the Member himself is limited by the jurisdiction of committees, and the rule only directs him to refer it to the proper committee.

Mr. CHINDBLOM. I am not arguing the propriety or the impropriety of the reference.

Mr. BROWNING. If the bill is introduced without having a reference marked on it, then the parliamentarian marks it to the proper committee.

Mr. CHINDBLOM. I can not speculate as to what happened in this case; but within the theory and purpose of the rule, a Member introducing a private bill must designate the reference.

Mr. SCHAFER. The rule does not say that he shall; it says that he may.

Mr. CHINDBLOM. The rule provides the method by which private bills are introduced and referred. Of course, a Member does not have to introduce a private bill if he does not want to; but if he does, the rule prescribes the method by which he shall do it.

Mr. HERSEY. Mr. Speaker, the motion before the House is to refer the bill back to the Judiciary Committee, is it not?

The SPEAKER pro tempore. The Chair so understands.

Mr. HERSEY. Then I call for the question.

Mr. UNDERHILL. Mr. Speaker, my motion was to refer it back to the Committee on Claims.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Massachusetts [Mr. UNDERHILL].

The question was taken; and the Chair being in doubt, the House divided, and there were 17 ayes and 12 noes.

So the motion of Mr. UNDERHILL was agreed to.

Mr. CHINDBLOM. Mr. Speaker, under the leave given me to extend my remarks I want to call attention to clause 3 of Rule XXI, which enumerates the committees to which private bills may be referred. It reads as follows:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following-named committees, viz: To the Committee on Invalid Pensions, to the Committee on Pensions, to the Committee on Claims, to the Committee on War Claims, to the Committee on the Public Lands, and to the Committee on Accounts.

These are the only committees to which a Member introducing a private bill may have the same referred; and under clause 1 of Rule XXII, already quoted, the Member himself indorses his name "and the reference or disposition to be made thereof." The reason for this procedure is clear. The Speaker should not be burdened with the reference of private bills. They are in the nature of petitions for relief addressed to the Congress by claimants or petitioners who are not seeking the enactment of general, public laws, but are appealing for the consideration or favor of the Government through its legislative representatives on matters entirely personal and peculiar to themselves.

Clause 2 of Rule XXII further provides:

* * * and petitions and private bills, which have been inappropriately referred, may by the direction of the committee having possession of the same be properly referred in the manner originally presented; and an erroneous reference of a petition or private bill under this clause shall not confer jurisdiction upon the committee to consider or report the same.

The House Manual contains the following references under this clause:

Errors in reference of petitions, memorials, or private bills are corrected at the Clerk's table without action by the House at the suggestion of the committee holding possession. (IV, 4379.) As provided in the rule, the erroneous reference of a private bill does not confer jurisdiction, and a point of order is good when the bill comes up for consideration either in the House or in Committee of the Whole. (IV, 4382–4389.) But in cases wherein the House itself refers a private House or Senate bill a point of order may not be raised as to jurisdiction. (IV, 4390, 4391.)

RALPH H. LASHER

The next business on the Private Calendar was the bill (H. R. 11564) for the relief of Ralph H. Lasher, whose name appears on the Army records as Ralph C. Lasher.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers and dependents, Ralph H. Lasher, whose name appears in the Amy records as Ralph C. Lasher, who was a member of Company C, Second Regiment United States Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 25th day of September, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES H. WILLEY

The next business on the Private Calendar was the bill (S. 161) for the relief of Charles H. Willey.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That Charles H. Willey, a warrant machinist of the United States Navy, shall be held and considered to have completed nine years' active naval service and to have been transferred to the retired list of officers of the Navy from the 18th day of August, 1917, and the Secretary of the Navy is hereby authorized and directed to grant said officer the retired pay and allowances of his rank and length of service in accordance herewith: *Provided*, That no back pay or allowances shall accrue by reason of the passage of this act.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

MICHAEL J. LEO

The next business on the Private Calendar was the bill (H. R. 2268) for the relief of Michael J. Leo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Secretary of the Treasury is authorized and directed to pay to Michael J. Leo, out of any money in the Treasury not otherwise appropriated, the sum of $16,500, the amount of a fine paid by Michael J. Leo in pursuance of a judgment entered upon a plea nolo contendere under certain provisions of the so-called Lever Act previous to the time that the Supreme Court of the United States held such provisions void, the said plea and said payment being made under a stipulation as follows: "In consideration that the Attorney General and this court shall accept the plea nolo contendere which I hereby tender to the above-entitled indictment, I do hereby waive any and all fines which the court may see fit to impose upon me upon such plea, except in the event that the so-called Lever Act under which said indictment is found shall be declared unconstitutional by the Supreme Court of the United States and that no prosecution could be sustained upon the facts stated in said indictment," and the sum of $1,000 expenses necessarily incurred in the proceedings in which such judgment was entered, together with interest on $17,500 from August 21, 1920, at the rate of 6 per cent per annum.

With the following committee amendments:

Page 2, line 8, strike out the word "indictment" and insert the same word with a quotation mark after it, and strike out all of lines 9, 10, 11, and 12.

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HARBOR SPRINGS, MICH.

The next business on the Private Calendar was the bill (H. R. 4307) for the relief of the city of Harbor Springs, Mich.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the money in the Treasury not otherwise appropriated, to the city of Harbor Springs, Mich., the sum of $12,500 as reimbursement for the payment of judgment rendered by the United States District Court, Western District of Michigan, against said city of Harbor Springs, Mich., on account of the death of Ernest H. Haines, an employee of the Department of Agriculture.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the claim of the village of Harbor Springs, Mich., for reimbursement for the payment of judgment rendered by the United States District Court, Western District of Michigan, against said village of Harbor Springs, Mich., on account of the death of Ernest H. Haines, an employee of the Department of Agriculture, is hereby referred to the Court of Claims for the determination of the law and facts as to the liability of the United States as a tort-feasor on account of the death of the said Ernest H. Haines."

The committee amendment was agreed to and the bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill for the relief of the village of Harbor Springs, Mich."

ALICE BARNES

The next business on the Private Calendar was the bill (H. R. 5069) for the relief of Alice Barnes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Secretary of the Tresaury be, and he is hereby, authorized and directed to pay, out of any funds in the Treas-

ury not otherwise appropriated, the sum of $3,072.30 to Alice Barnes for injuries sustained as the result of being struck by a United States parcel-post automobile in East Orange, N. J., April 1, 1920.

With the following committee amendment:

Line 5, after the word "appropriated," insert "and in full settlement against the Government," and in line 6 strike out "$3,072.30" and insert "$500."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE CANNING INDUSTRY

Mr. GARBER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the subject of agriculture.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. GARBER. Mr. Speaker, Members of the House, the restoration of agriculture to its rightful place upon an equality with that of industry, labor, transportation, finance, and all other lines of business is and will continue to be a perplexing and most important problem for solution.

In this restoration are many problems for solution, among which is conservation of food products of the farm in such a way as to preserve their nutrition and palatability through the years in packages suitable for public convenience in consumption. The proper encouragement and development of the canning industry representative of this problem of conservation will utilize in its ever-increasing growth and continuous demand for supply large quantities of farm products at good prices which are now unused for edible purposes and a source of but little, if any, income.

One of the most thorough and informative addresses delivered in recent years upon the work of the Agricultural Department relative to fruits and vegetables and their proper preservation from insects and pests, for which Congress is making an annual appropriation of $2,500,000, was delivered at Chicago before the Western Canners' Association on April 15, 1926, by Renick W. Dunlap, Assistant Secretary of Agriculture. The farmers of the country are to be congratulated upon having such a practical assistant secretary in the department, one whose whole life has been devoted to practical farming and the solution of its many problems. I take pleasure in incorporating the address, which should be published in pamphlet form and placed at the disposal of every farmer in the country:

The canning of foods makes available a continuous supply of fruits, vegetables, meats, milk, and fish. It thus furnishes a connecting link between the seasons of production of the fresh products and constantly provides in a wholesome, readily usable form very important elements in our American dietary. Not only does the canning industry do this, but it also stimulates and encourages the production of such of our farm products as are suitable for its purposes. When one considers the magnitude of the monetary value of the products of our American canning industry, one readily appreciates the great importance of this industry to our agricultural and economic well-being. The increasing consumption of canned foods is abundant proof of the recognition of this form of food preservation as a most important factor in our current food supply. It may, therefore, be regarded as a cog in our agricultural marketing system, and so is very intimately associated with our agricultural prosperity.

This relationship of the canning industry to the development of our agricultural program may be made both pertinent and helpful by indicating some of the activities of our department which are considered as having an important bearing on your canning operations.

Our Bureau of Plant Industry is primarily devoted to agricultural research and related experiments. Its work includes a study of destructive plant diseases and the establishment of methods of eradication and control; the improvement of crop plants by breeding and selection; the introduction of promising seeds and plants from foreign countries; the improvement of methods of plant production; and the utilization of plants of economic value. The campaigns to control or eradicate certain plant diseases are conducted in cooperation with the authorities of the States concerned.

The field activities and field stations of the bureau, as distinguished from the laboratory, administrative, and directive work conducted in Washington, may be grouped under three general heads: (1) That carried on in various parts of the country on land owned by the Government and used and controlled by the bureau, (2) that conducted on land rented by the bureau, and (3) that carried on where land and other facilities are provided as part of a joint cooperative plan. The last line of work is conducted, for the most part, in cooperation with the State experiment stations.

Practically every major project of this bureau has its ramifications in one or more of the three groups of field activities. In fact, it is safe to say that fully 60 per cent of all the investigative work is in the field, as distinguished from that carried on in the laboratories in Washington.

Investigations have shown various parasitic and semiparasitic bacteria and fungi important in causing root, stalk, and ear rots of corn.

In the case of the disease known as dry rot, it has been found that comparatively high soil temperature, together with high-soil moisture during the seedling stage of the corn plant, favors infection and result in the greatest reduction in yield. In addition to the development of resistant varieties, the indications are that the control of the entire group of root and stalk rots will require special soil management. Where the nonparasitic types occur by themselves apparently the proper fertilization and amendments are sufficient. Where the parasitic types are concerned, especially fungous parasites, careful consideration apparently must be given to crop rotations as well as to fertilizers and amendments.

In California for the past three years the department has had one man studying western yellow blight of tomatoes. This study has shown a definite correlation between this disease and a high rate of evaporation. Further work is now in active progress on this disease.

One of the most widespread destructive diseases of pineapple is red wilt, also called wilt or blight. This diseased condition of the plant is due in large measure to the attacks of nematodes, which are minute parasitic ground worms which infest the soil. Many methods of combating red wilt have been tried, but these have been generally unsuccessful. Investigations made by our Bureau of Plant Industry indicate that at the present time the only promising plan of controlling wilt is that of crop rotation. For example, planting a crop such as natal grass on which the nematodes can not feed and hence are starved out and by the restoration of the soil humus. These crops can then be plowed under and pineapples replanted, in which only the most vigorous and healthy slips should be used. In combating the ravages of yellows in cabbage, which is a soil borne disease, several resistant varieties, both late and kraut cabbage, have been developed as a result of cooperative work with the University of Wisconsin and the Kraut Packers' Association. Substantial progress is also being made in the control of the mosaic and other virus diseases of raspberries.

The department recognizes the importance of the development of disease-resistant varieties of fruits and vegetables, and work along these lines is being developed as rapidly as possible. In variety tests on tomatoes three new wilt-resistant varieties, Marvana, Mavelosa, and Marglobe, have been found superior to Globe in resistance to nailhead rust and in freedom from puffy fruits. It is our understanding that this latter variety is available for commercial seed purposes this year.

Experiments have shown that the cucumber aphis, after feeding on a mosaic plant, can transmit disease within a five-minute period of feeding on a healthy plant. Three to five aphids can produce infection as rapidly and consistently as a larger number. Experiments in Wisconsin on the control of cucumber mosaic by the destruction of wild hosts showed a marked reduction in the incidence of this disease by this method.

Varietal improvement of peaches and apricots by bud selection is now being studied, as well as the breeding of improved varieties of small fruits.

Study has been made and published on the canning quality of different varieties of sweet corn and the relation between maturity and canning quality of corn. A similar study of the suitability of various varieties of sweet potatoes for canning purposes also has been published.

During the past year studies were also made of the five principal peach varieties grown in Georgia to determine their canning value at different stages of maturity. The results are believed to be of importance in indicating means of improving the quality of the canned product by attention to the stage of ripeness of the fruit used. The lots of peaches canned were tested by means of a puncture tester similar to that used in studies of sweet corn. The use of the puncture tester has been found to give reliable information as to the rate of softening, both when fruit is left to ripen on the tree and when picked at various stages of maturity. Chemical analyses of the various lots of material show significant changes in the sugars, acids, and tannins as ripening proceeds.

Because of the importance of the Alaska variety of pea in the canning industry, tests were made of many lots of seed purporting to be of this variety obtained from different retail seedsmen. In the 1925 season 203 samples of the Alaska pea were planted at Arlington Experiment Farm. A study of these as they developed revealed the fact that in the collection different lots varied all the way from pure Alaska peas with no mixtures to those which contained not a single plant of the Alaska variety. Some stocks consisted of wrinkled table

peas. The disastrous results which would follow the planting of such spurious or misnamed lots of seed if grown for canning purposes at once become evident. The Alaska is grown very largely for canning because of certain peculiar characteristics which it possesses. Most other varieties, and particularly the wrinkled table peas, have these characteristics so slightly or not at all that they would be of practically no value from the standpoint of the commercial canner.

During the season of 1924 more than 400 varieties and strains of peas were planted in a trial plat located at McMillan, Mich., to secure as full and comprehensive notes on the pea varieties in cultivation as possible. This work is continued during the current season and includes several hundred newly purchased samples of pea seed from foreign sources. In the selection work special attention is being given to the Alaska variety, with a view to segregating particularly promising strains or types.

THE PLANT QUARANTINE ACT OF 1912

This is undoubtedly one of the most useful laws ever enacted by Congress in the interest of American agriculture and forestry. The main purpose of the act is to prevent, so far as possible, further inroads of foreign insect pests and diseases of plants by controlling or prohibiting the entry of any plant or plant product which may be the vehicle for the introduction of such pests. Aside from certain minor efforts by one or two States, no control over such entry of foreign pests had been exercised prior to 1912, with the result that a veritable stream of new pests was entering this country and becoming established.

The large development in world commerce in plants, fruits, and vegetables during the last 30 years has greatly increased the danger of such introductions of pests. The increasing entry of such products from Asia, Africa, and other remote regions led to the entry of many pests absolutely unknown, and hence impossible to guard against, such as the chestnut blight, citrus canker, Japanese beetle, and oriental fruit worm.

As illustrating the rate of entry of such enemies, no less than six new major pests gained entry and establishment during the four years immediately preceding 1912. These are the oriental fruit worm, Japanese beetle, citrus canker, potato wart, European corn borer, and camphor scale. These, and plant enemies earlier introduced, now represent the more important pests of agriculture and forestry in this country and involve annual losses to farm crops which have been conservatively estimated at upward of $1,000,000,000. Most of these pests are now thoroughly established and widespread in the United States. Some of the more recently introduced ones, however, have still such limited distribution or local foothold as to make it desirable, under any reasonable expenditure, to hold them in check and prevent their spread as long as practicable. The importance of such new pests is indicated in some measure by the fact that Congress is now making annual appropriations for their control, prevention of spread, and in some instances eradication, of sums totaling upward of $2,500,000. Such control within the United States of new plant enemies or diseases is the second important object provided for in the act.

That the restrictions on plant entry from foreign countries have been fully justified by the results is indicated by the fact that during the 13 years of enforcement of this act, there has been, with one exception—the entry of the pink bollworm of cotton from Mexico—so far as known, no establishment of an important new pest. This is in striking contrast with the record of the few years immediately preceding 1912.

The need for taking measures—drastic if necessary—to protect American agriculture from the devastation of additional foreign pests and diseases is universally admitted. It follows that some competent body must make the determinations with respect to the necessary restrictions and safeguards. Congress has placed that responsibility on the United States Department of Agriculture. Certainly this department, with its hundreds of specialists in the fields of plant production, insect enemies, and diseases of plants, would seem to be the proper agency for making such decisions.

It is indeed gratifying to note the expression of confidence in our plant quarantine law and the work of our Federal horticultural board in administering it, as indicated in the resolutions adopted by the canning industry at the 1926 convention.

Our Bureau of Entomology is essentially a research bureau. It investigates the history and the habits of insects injurious and beneficial to agriculture, horticulture, arboriculture; studies insects affecting the health of man and domestic animals, and ascertains the best means of destroying those found to be injurious. It maintains field laboratories at various localities especially suitable for specific studies.

PEACH INSECTS

On July 1, 1925, an increase of $10,000 for a study of the oriental peach moth was available and work on this insect was begun early in May by the employment of an entomologist especially competent in this investigation. Headquarters for the work were established at Riverton, N. J., in a district where the insect is prevalent and destructive. This pest is also being studied at the Fort Valley, Ga., laboratory. The work at the latter station has shown the insect to develop four or five broods of larvæ each summer in that region.

Fortunately commercial orchards in Georgia have not yet been invaded to any extent, and the potential destructiveness of the insect, in view of the removal of its food with the harvesting of the Elberta, a midseason variety and the latest peach commercially grown, has not yet been ascertained.

During the late summer and fall of the year 1925, through cooperation with the Federal Horticultural Board, considerable attention was given to the determination of the present distribution of the oriental peach moth. Briefly the insect has been found in the District of Columbia and in the following States: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Texas, and Virginia. Sufficient work has not been done in the Mississippi Valley States, New York, and Michigan to determine whether it is present to any extent. Nursery inspectors cooperated during the fall of 1925, but few discoveries of the pest were made. Further observation on the insect confirms former conclusions that its severity may be expected to vary considerably from season to season, owing principally to the influence of its insect parasites, of which some 15 have already been found. The investigations under way in New Jersey and Georgia, it is hoped, will develop a method of satisfactorily controlling the pest, or at least of greatly reducing its damage.

Studies of paradichlorobenzene for the peach borer, especially to determine the age of trees to which the chemical may be safely applied, have been continued at the Fort Valley, Ga., and the Vincennes, Ind., laboratories; at the latter place in cooperation with Purdue University Agricultural Experiment Station. At the Vincennes station it appears possible to treat with safety peach trees much younger than those which can be safely treated in the Fort Valley region. In the former district nurserymen are taking up the treatment of blocks of trees with fairly satisfactory results.

In connection with these studies, attention is being given to the determination, by means of a soil thermograph, of the sum of degrees of temperature necessary to evaporate a given quantity of paradichlorobenzene. This investigation was undertaken in view of the frequent periods of high temperatures that occur during the time the chemical is around the trees, with consequent danger of injury from the rapid volatilization of the insecticide.

SAN JOSE SCALE

Further experiments with lubricating-oil emulsion for the San Jose scale have been carried out during the year. These tests have involved the use of Bordeaux-mixture emulsions, and emulsions of casein and various other emulsifiers, in reference to their efficiency in scale control and their safety to the trees, in connection with waters of varying degrees of alkalinity. The work at Yakima, Wash., station indicates conclusively the necessity of using the lubricating-oil emulsion as a dormant spray at a strength of 4 per cent of oil to insure the greatest efficiency in scale control. Roughly, this dosage will destroy about 99 per cent of the insects, whereas the 3 per cent strength will leave about 3 per cent of the insects alive. Further tests of the oil have been made on peaches in the Fort Valley, Ga., section, including the treatment, just repeated for the fourth year, of peach trees with emulsions of various strengths. From the year's work the conclusion has been reached that one application of a 3 per cent oil emulsion, or two applications of a 2 per cent oil emulsion, is necessary for best results in destroying heavy infestation by the insect on peach.

In the Bentonville, Ark., region, where a few years ago this pest occurred in very disastrous numbers, it has now been completely subjugated by means of the oil-emulsion spray.

WORK ON THE JAPANESE BEETLE

During the past year work on the Japanese beetle has been considerably broadened. Increased appropriations were made to meet the greater cost of operation, particularly of the farm-products and nursery-stock inspection. Investigational activities have been broadened and certain new lines of study undertaken. The work on parasites of the beetle has been materially strengthened and men have been established in Japan, China, and India. Several phases of the investigational work have been completed.

An exhaustive study to determine the value of a large number of organic compounds as soil insecticides for the destruction of the grubs of the beetle has been made during the last three years. The conclusions drawn from these studies indicate that carbon disulphide, used either as a gas or in the form of an emulsion, is superior as a soil insecticide to control the Japanese beetle in this stage to any of the other chemicals studied. Certain difficulties were encountered in preparing emulsions of carbon disulphide because of a tendency of these emulsions to stratify on standing. A new emulsion was developed, known as carbon-disulphide potassium-oleate alcohol emulsion. This material does not stratify on standing and has been used extensively and successfully by commercial concerns.

QUARANTINE AND INSPECTION WORK

In cooperation with the States of New Jersey, Pennsylvania, and Delaware, and with the Federal Horticultural Board, the prevention of the spread of the Japanese beetle has been enforced to the fullest extent possible with the funds available. A revision of Notice of

Quarantine No. 48, effective April 9, 1924, included an area of 3,289 square miles, which contained a population of approximately 2,813,658 people.

During the summer of 1924 the inspection included most of the farm products found in the Philadelphia markets, as well as many articles shipped direct from the farm. The inspection also included nursery, ornamental, and greenhouse products, sand, soil, earth, peat, compost, and manure. The inspection of farm products was operative during the period from June 15 to October 15, whereas the inspection and regulation of the movement of nursery stock and products was effective throughout the year.

EUROPEAN CORN BORER

During the year 1924 this pest has spread rapidly in the northern part of Ohio, southeastern Michigan, and northwestern Pennsylvania. The area added by this extension of territory was nearly 9,000 square miles. Of this area more than 4,000 square miles are in Ohio, but Michigan was invaded to the extent of more than 2,000 square miles. It is probable that this dispersion occurred by the flight of the moths, but whether these all originated in the United States is a question that can not be answered at present. The infestation which has existed in southern Ontario for several years increased in intensity so greatly during the past year or so that the situation here is regarded as grave, and it is altogether possible that large migrations of moths from this region reached both Michigan and Ohio. The corn-borer infestation in the Ohio-Michigan area has trebled in intensity since the last account of the conditions prevailing there, although an earnest effort to clean up the infested fields was made during the spring of 1924. Since that time the spread has been quite extensive, and all of the infested States of the Lake region have enacted compulsory clean-up legislation and the enforcement of these regulations has begun. The method of enforcement was made the subject of a conference of State and Federal regulatory officials held at Cleveland, Ohio, July 21, 1925, when uniform action was agreed upon. It is hoped that by these means the repression of the pest may be facilitated.

The work of introducing the insect parasites of the corn borer from Europe is progressing very satisfactorily. New species of promising character have been secured and liberated in this country. Two of the species already liberated have been recovered from field collections, indicating that they have become established. One of these was found in the important Lake area bordering the Corn Belt, where the corn borer eventually must be most vigorously combatted. Several additional promising species of parasitic enemies have been discovered in Europe by bureau investigators.

The States invaded by the pest have increased their appropriations for control work during 1924 and are giving excellent cooperation in this work. This particularly is true of Pennsylvania, Ohio, and Michigan.

PEA APHIS

Control studies on the pea aphis have been continued, both in Wisconsin and in California, in cooperation with the State entomologists and the canners' organizations. Results during the year were not conclusive in any of the districts, owing to the peculiar nature of the infestation. Under California conditions the use of nicotine dust, applied with a self-mixing duster, gave satisfactory control of the pea aphis, the highest killing being obtained with the 4 per cent nicotine dust applied at the rate of 50 pounds to the acre. Under Wisconsin conditions the highest killing obtained with nicotine dust was about 70 per cent, whereas the aphidozer collected an average of 82 per cent of the aphids from all the field swept. Experiments with the aphidozer are being continued in the hope of improving it so that it may be used effectively under all field conditions, and especially where the plants are unusually large.

SWEET-POTATO WEEVIL

The sweet-potato weevil eradication campaign has shown consistent progress in Florida and Mississippi.

The attempted eradication of this insect in all of these areas is a novel experiment. To exterminate a well-established insect without seriously interfering with the production of the crop on which it feeds is something new. These methods are possible owing to the slow dissemination of the insect. The methods are all cultural in nature, and include field cleaning, careful storage of the crop, and the utilization of weevil-free planting stock. When these steps are followed carefully there results a period of several weeks in early spring when any weevils which may have survived in the old field are without food. Experiments have shown that the sweet-potato weevil can live only for a few weeks without food during the spring, and since the adult is sluggish it does not normally go far in search of food. In cases where the new planting is made at some distance from the previous year's planting and all volunteer plants in the old field are keep down the weevil is either greatly reduced or eradicated.

MEXICAN BEAN BEETLE

The Mexican bean beetle continues to spread rapidly in a northerly direction, and has reached the shores of Lake Erie in the vicinity of Cleveland, and has extended its range along the lake almost to the Pennsylvania boundary. In the latter part of the summer of 1924 and the early summer of 1925 an unusually large number of reports of injury were received from correspondents. It appears that the injury has been heaviest in the Allegheny Plateau region, which takes in eastern Tennessee, eastern Kentucky, West Virginia, and western Virginia and North Carolina.

In southern Ohio the infestation increased rapidly during the summer of 1924 and the beetle caused heavy damage to beans that fall. It now seems that it is a more dangerous pest in the hilly and mountainous regions than in the plains regions.

Only minor changes in the insect's habits and life history have been noted.

Recent results in control studies have corresponded very closely with those previously attained. Lead arsenate, zinc arsenite, and the lead arsenate-lead oleate mixture were found to be injurious to the bean foliage under southeastern conditions. One sample of magnesium arsenate has proven to be too injurious to bean foliage to be of value, but the magnesium arsenate commonly found on the market, while poisonous to the insect, is fortunately largely noninjurious to foliage. The calcium arsenate and lime mixture also has again proven its value, although in some tests it has shown itself slightly more toxic to bean plants than the magnesium arsenate. A series of tests with the fluorides and fluosilicates indicate that some of these mixtures are promising insecticides, especially the sodium fluosilicate, which has been recommended by Marcovitch, of Tennessee. It was found, however, in the preliminary experiments that sodium fluosilicate was not so uniformly effective at high dilutions as magnesium arsenate or calcium arsenate. Experiments with these materials are being continued.

Laboratory tests of the chemotropic responses of the Mexican bean beetle have been completed with 96 aromatic chemicals. With the exception of three, all were found to be repellant to the bean beetle, and these three may possibly show some attraction.

Collections were continued during the year to determine whether the Mexican parasite introduced in 1922 and 1923 had become established. None has been recovered, and it is quite probable that this parasite was never successfully colonized.

Active work is under way in Maine looking toward the control and eradication of the blueberry maggot. In addition, the Bureau of Chemistry has developed a practical method for the inspection and elimination of this pest from the canned product.

The work of our Bureau of Chemistry in so far as the canning industry is concerned deals almost entirely with the application of the provisions of the Federal food and drugs act to canned foods, suggestions to packers as to the best methods for securing compliance with its provisions, and furnishing available technical information.

The Bureau of Agricultural Economics is interested in the development and establishment of grades of raw fruits and vegetables. It is quite possible that this work may prove of value to your industry.

The development of the work of the Bureau of Public Roads in irrigation and drainage of swamp lands will also prove of considerable value both to producers and to canners.

In the foregoing statements, no effort has been made to refer to all the work of our department which is of interest to the canning industry. Nor has any mention been made of the splendid programs of work of our various experiment stations. This latter alone would furnish the material for an interesting and instructive discourse. However, I hope you will agree with me that this sketchy picture of the work of our department indicates a clear appreciation of the production problems affecting your industry and that we are both ready and willing to undertake constructive work whenever it is possible to do so. The appropriation which our Congress is making for agricultural research is a clear indication of its appreciation of the necessity for such work. The research work of your industry and its allied organizations is ample evidence of your attitude toward this type of activity. The work of the investigator and scientist is often surrounded with almost insurmountable difficulties. Let us encourage him by our enthusiastic and sympathetic support, let us not be discouraged over his inability to produce immediate results of practical importance. It is only by prolonged and sustained effort that we will finally see the solution of many of our present problems.

WALTER B. AVERY AND FRED S. GICHNER

The next business on the Private Calendar was the bill (H. R. 12563) for the relief of Walter B. Avery and Fred S. Gichner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Comptroller General of the United States be, and he is hereby, authorized to adjust and allow the claims of Walter B. Avery in the amount of $1,493 for elevator penthouse and machinery inclosure erected in the Butler Building, occupied by the Coast and Geodetic Survey; and of Fred S. Gichner in the amount of $550 for labor and materials for hoistway for elevator for the Butler Building, occupied by the Coast and Geodetic Survey, and to certify said claims for payment from the appropriation "General expenses, Coast and Geodetic Survey, 1924."

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

RANDOLPH SIAS

The next business on the Private Calendar was the bill (H. R. 12694) for the relief of Randolph Sias.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk 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, to Randolph Sias, of Price, W. Va., the sum of $205, the amount paid by him to the Government for an automobile which was seized under a writ of execution issued out of the district court for the southern district of West Virginia and which was subsequently returned to the lien holders.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALICE M. DURKEE

The next business on the Private Calendar was the bill (S. 44) for the relief of Alice M. Durkee.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Alice M. Durkee, of Lynn, Mass., out of any money in the Treasury not otherwise appropriated, the sum of $2,000, in full settlement for injuries received by being struck by a United States mail truck in the city of Boston April 29, 1921.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

YVONNE THERRIEN

The next business on the Private Calendar was the bill (S. 45) for the relief of Yvonne Therrien.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Yvonne Therrien, of Lynn, Mass., out of any money in the Treasury not otherwise appropriated, the sum of $300 in full settlement for injuries received by being struck by a United States mail truck in the city of Boston, April 29, 1921.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. EDWARD T. HARTMANN AND OTHERS

The next business on the Private Calendar was the bill (S. 1631) for the relief of Capt. Edward T. Hartmann, United States Army, and others.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Capt. Edward T. Hartmann the sum of $272.50; Capt. Frederick G. Lawton, the sum of $1,400; Capt. Frank B. Watson, the sum of $1,500; and Capt. James Ronayne, United States Army, the sum of $1,658, which sums, or so much thereof as may be necessary, are hereby appropriated, out of any money in the Treasury not otherwise appropriated, said sums to be payment in full for all losses of personal property incurred by them by reason of the sinking of the U. S. transport *Meade* in the harbor of Ponce, P. R., on or about May 16, 1899: *Provided*, That the accounting officer of the Treasury shall require a schedule and affidavit from each, such schedule to be approved by the Secretary of War.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANCIS NICHOLSON

The next business on the Private Calendar was the bill (S. 1662) for the relief of Francis Nicholson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk 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 moneys in the Treasury of the United States not otherwise appropriated, the sum of $10,000, as full compensation to Francis Nicholson for injuries sustained by him upon the discharge of the evening gun at the Presidio of San Francisco, October 4, 1916.

Committee amendments: Page 1, line 6, insert the words "and in full settlement against the Government."

Page 1, line 7, strike out "$10,000" and insert in lieu thereof "$5,000."

Mr. SWING. Mr. Speaker, I rise in opposition to the committee amendment which proposes to reduce the amount from $10,000 to $5,000. I feel that under the circumstances of this case this amendment would work a great injustice. Francis Nicholson is no constituent of mine, and I have no interest in the case except such as the facts and circumstances have aroused in me. I was asked by the late Congressman Flaherty, while he was on his sickbed, to speak for him in behalf of this unfortunate boy.

The Army board of inquiry which was on the ground and which learned the facts first hand, and which had the child before them and saw the extent of the injuries, recommended that he should be paid $20,000. I only ask you to approve one-half that amount. He was only 13 years old, playing on the public highway beside which the Government had placed its evening gun at the Presidio, San Francisco. Suddenly, without sufficient warning, and without anyone trying to protect the child who was directly in front of it, the gun was discharged. The little boy was picked up more dead than alive—half his face was burnt off, his eye was shot out, his ear drum was split open, his skull was broken in, he suffered concussion of the brain, and for weeks he lay in a hospital hovering between life and death. The Government did not even take care of him during his two months in the hospital.

All they did was to give him emergency first-aid treatment and then send him home on a stretcher covered with a sheet—his clothes had been set on fire by the powder and burned off. The boy is under a terrible handicap—permanently disfigured, his face mutilated, his eye out, and his hearing greatly impaired. But in addition to these physical disabilities, his mental condition also suffered, permanently injured from shell shock and concussion of the brain, so that he will probably never be a completely self-supporting person. His parents had a right to expect that in their old age they would be able to look to him for comfort and support, but now as long as they live they must care for and support him. The Army board of inquiry after a complete investigation recommended that $20,000 be paid. General Bell, who was commanding the western district, approved the report of the board. Newton D. Baker, Secretary of War, concurred in the report when it was sent to Washington. The Senate cut the amount from $20,000 to $10,000 and then passed the bill. Our Claims Committee, as was their custom, sent the bill for a report to the United States Employees' Compensation Commission, which, as you gentlemen all know, is a most conservative body. Their report, which I am sorry to see was not printed by the committee for the information of the House in their report, says:

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION,
Washington, June 8, 1926.

Hon. CHARLES L. UNDERHILL,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN UNDERHILL: Reference is made to S. 1662, a bill for the relief of Francis Nicholson, and your letter of April 8, 1926, asking for a report on same.

The papers submitted with your letter of inquiry indicate that Francis Nicholson, 1269 Stanyan Street, San Francisco, at the age of 13, sustained personal injuries from the discharge of the evening gun at the Presidio at San Francisco, October 4, 1916. It is shown that he lost one eye, received a concussion of the brain, and was severely burned about the face and body and that he is disfigured for life; that he is partially disabled and partially deaf in one ear.

It is further shown from the records that Francis Nicholson was on the road which passes directly in front of the gun which was discharged; that the road is on the military reservation, is open to

the public; that the boy was given a warning signal by a noncommissioned officer in charge, but apparently misunderstood or became confused and ran directly in front of the gun at the instant of discharge.

In view of the serious interference, which the disabilities and disfigurement suffered by Francis Nicholson have and will cause in his education, recreation, and choice of training for an occupation in life, $10,000, the amount allowed in S. 1662, is not considered excessive.

Very truly yours,

HARRY BASSETT, *Commissioner.*

Mr. Speaker, there is no evidence anywhere to support the action of the committee in cutting this award to $5,000. Their action was purely arbitrary and ignores all the circumstances surrounding this case.

Consider the situation of this mother who has waited nearly 10 years to get the money to pay the hospital and the doctor's bill for her child whose life has been completely ruined by the act of an agent of the Government, and we haggle over paying the amount that everybody who has studied the case says we ought to pay. What would you say if it were your son and you had to watch this child drag his crippled course through life for the next 20 or 30 years? Instead of his being a joy and a comfort, an aid and a support to you in your old age, he must always be a burden, a worry, and a care.

Here are two affidavits that support what I am saying, and here is a letter from the mother saying that the boy will never be himself again. I say to you gentlemen that $5,000 is too small a pittance to pay a boy's way through school, let alone take care of him through the dark days to come until God sees fit to call him from his life of suffering and misery on this earth to the better world above. I ask you, in consideration of the Army officer's statement that he ought to be given $20,000, and in view of the fact that the Senate has found that he ought to be paid $10,000, and in view of the fact that the United States Employees' Commission say that $10,000 is not excessive, that you approve an award of $10,000. I appeal to you to do justice to the parents of this child. Gentlemen, think of this child as your own and do unto them as you would that others should do unto you. [Applause.]

Mr. UNDERHILL. Mr. Speaker, if I were fortunate enough to have the other side on this question I could present to you almost as good a speech as has been made by the eloquent gentleman from California [Mr. SWING]. But unfortunately the Committee on Claims has to adjudicate these various claims as far as possible on some scientific basis. We have to stop somewhere. As you all know, the committee has reported $5,000 in the case of permanent disability and in cases of death.

Now this boy was 13 years of age when he was injured. It was more than 10 years ago, so that as a member of the Committee on Claims in 1926 I want at least to be relieved of any stigma for not having paid some attention to this matter before this time.

With reference to his hospital bill, no evidence had been introduced to the committee showing that he had been under any expense. Hence the assumption was that he had been taken care of at the hospital at the Presidio.

You allow a citizen soldier, a man in the pride and bloom of youthful manhood, to stand up and bare his breast to the bayonets and bullets of the enemy, and you give $10,000 if he is killed during his service.

Mr. SWING. That is insurance.

Mr. UNDERHILL. Yes; that is insurance. Then you come in with a boy like this and ask that the boy who has been injured in an accident shall have the same treatment as the boy who has served his country and been killed.

Mr. SCHAFER. If a service man has been permanently disabled, in some cases he will get $100 a month as long as he lives, and in some cases he will get $200 per month.

Mr. UNDERHILL. Well, that is the law in that case. There is no law in this case. We are a law unto ourselves here.

Mr. HUDSON. You can not say that inasmuch as there is no law in the case we can not escape the necessity of doing justice.

Mr. UNDERHILL. I am not speaking of the justice. I am not arguing against this bill, but I am arguing for the policy, a permanent policy, which has been established by the House by general consent, that matters of this kind shall have the same treatment that has been afforded to hundreds of others under like circumstances.

Mr. W. T. FITZGERALD. Is not this worse than death? Is not this a living death?

Mr. UNDERHILL. I do not know as to that.

Mr. PORTER. As I understand you, you believe that $10,000 is full compensation for this boy. Now, conceding that that is a fact, what about the damages for the retention of the money?

Mr. UNDERHILL. How is that?

Mr. PORTER. That is the fault of the Government. The Government has had the use of the money. This boy's right to recovery accrued at the moment he was injured.

Mr. UNDERHILL. He had no right.

Mr. PORTER. I assume that he had.

Mr. UNDERHILL. He had no right. If he had, it would have been observed before.

Mr. PORTER. The Government kept this boy's money for 11 years and over. It is a rule recognized by every court in the world, especially in claims of this sort.

Mr. UNDERHILL. But it is not recognized by Congress, and the fault is the fault of Congress itself if there is any blame anywhere. If they have not received relief before, it is either the fault of the parents, because they did not file the claim, or because Congress has refused to listen to the claim.

Mr. SWING. The bill has been pending for the last five years; it has passed the Senate three times, but has never been reported by the House committee. I am glad the chairman of that committee let it be reported at this time.

Mr. SCHAFER. Mr. Speaker, I rise in opposition to the amendment. I have high respect for the conscientious work of the chairman of the Claims Committee [Mr. UNDERHILL]. He has one of the most difficult positions in the House. He must work way into the night in order to keep abreast with the voluminous work he performs. The number of bills referred to his committee is exceedingly large. He is always ready to answer any question on the hundreds of them reported out during consideration in the House. The gentleman from California [Mr. SWING] has made a very powerful presentation of this claimant's case. The amount of insurance which would be paid in case of a World War veteran's death was brought into the discussion, and I want to put before you the whole picture of what a World War veteran would receive if he incurred injuries to the degree and extent that this claimant has been injured. We all know that in the case of the death of a World War veteran, if he has $10,000 worth of war-risk insurance, his surviving dependents would receive the face value of the policy, $10,000, paid in installments of $57.50 per month.

We all know that if a World War veteran was on the battle field and received permanent total injuries which were connected with the service under existing statutory provisions he would receive a rating of $100 per month; that if regular aid and attendance of another person was necessary there would be an allowance of $50 per month for an attendant, and that in the case of double permanent disability he would receive $200 per month for the rest of his life. If he had a $10,000 war risk insurance at the time of his permanent total disability this policy would also be payable in the amount of $57.50 monthly for 20 years. I think, in view of the fact that the question of veterans' war risk insurance was mentioned, the Members should know what a totally and permanently disabled World War veteran would receive if he was permanently and totally disabled as the result of service-connected disabilities.

We find that this boy has not received any compensation from our Government, although his permanent total injuries resulted from negligence of the Government almost 10 years ago. In the prime of his youth he was made a physical wreck—on October 4, 1916. His aged parents have cared for him during his suffering and their sorrow. This is one of the richest and greatest Republics on the face of the earth, and precedent, policy, and technicality should not enter into consideration when voting on this amendment, which reduces the amount from $10,000, as passed by the Senate, to $5,000.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin has expired.

Mr. BOX. Mr. Speaker, I move to strike out the last word. Gentlemen of the House, no man will argue—and I think no man has argued as to any of these claims where we limit the amount to $5,000—that the compensation is adequate. There are cases, as the gentleman has just said, where $1,000,000 would not be adequate. The question is whether the Government of the United States in paying claims like this is going to make the sky the limit or whether we are going to abide by the rule that has been fixed by the practice of this House and fixed by you when you wrote a compensation law here just a few days ago limiting the compensation in death cases to $5,000.

Mr. SWING. Will the gentleman yield?

Mr. BOX. In a moment. If you make this $10,000, the very next time the committee will have a difficult question before it. We know that even $10,000 often is not a full compensation; but if you make it $10,000 in this case, we shall have eloquent and well-supported pleas that $10,000 is not enough. The courts often allow $40,000, $50,000, and more. The question is whether you are now going to depart from the

adopted rule. The gentleman from California [Mr. SWING] has presented his case well, and it is strong on its own merits.

Mr. LINTHICUM. Will the gentleman yield?

Mr. BOX. I will first have to yield to the gentleman from California, who first asked me to yield.

Mr. SWING. I just wanted to ask, in respect of the matter of uniformity, if it is not the practice to accept the standards fixed by the United States Compensation Commission and whether that commission, following its standard, which you have pursued quite properly, I think, did not say in this case that $10,000 was not an excessive amount?

Mr. BOX. We do not take the measure of compensation as recommended or followed by them in death cases nor always in other cases.

Mr. SCHAFER. This is not a death case.

Mr. BOX. I understand. It is one of less gravity than death, and $5,000 is the maximum.

You gentlemen understand we are your servants. I heard a gentleman say this morning that there had been more private claims considered during this Congress than in any previous Congress. I think the gentleman is right, and one of the reasons—I will be vain enough to say in behalf of the committee—is that your committee has done its best to be conservative and reasonable and bring claims in here that would commend themselves to the House. Tear down all the rules we have fixed or that you have established, and what are we going to do with the next claims? The next Member will urge truthfully that his man was damaged $10,000 by the injuries or death complained of, or will urge that $25,000 would be right. Shall the limit be taken off? That is the question you are voting on, gentlemen.

I now yield to the gentleman from Maryland.

Mr. LINTHICUM. Under what rule did the gentleman's committee decide that the poor woman for whom I had a claim here the other day, who had her eye shot out by a prohibition official, should not receive any more than her actual hospital expenses and doctor's bill?

Mr. BOX. The truth is the gentleman was fortunate in getting his bill through. There was not any proof that a prohibition officer shot her eye out.

Mr. LINTHICUM. It was about as definite as you could get such proof.

Mr. BOX. The gentleman was quite fortunate. There were indications that the shot came a different direction from where these agents were. The matter was doubtful, but the gentleman managed his case so well that it got through. I think the chairman of the committee will bear me out in saying that the gentleman was fortunate.

Mr. UNDERHILL. Yes; and the woman exposed herself unnecessarily to the shot.

Mr. SCHAFER. Will the gentleman yield for a question?

Mr. BOX. Yes.

Mr. SCHAFER. If the boy at the time he was injured had been receiving $100 a month compensation as a Federal employee, would he not have received approximately $66.50 per month for the rest of his life, including the 10-year period that has elapsed in this case?

Mr. BOX. The gentleman from Texas is not disputing that. He is not willing to have that gone into. We have an established policy here, and if that policy is to be departed from you will have these cases ranging from $5,000 to $50,000 or $75,000, for often $10,000 is just as arbitrary as $5,000, and in the interest of your own business, gentlemen, and in the interest of the work of your committee, and in the interest of making this part of the work of the Congress uniform, I insist we ought to adhere to the rule, not because I think the amount would be excessive in this particular case, but because the rule ought to be followed.

The SPEAKER pro tempore. Without objection, the first committee amendment inserting the words "and in full settlement against the Government" will be agreed to.

There was no objection.

The SPEAKER pro tempore. The question is on the second committee amendment striking out "$10,000" and inserting in lieu thereof "$5,000."

The question was taken; and on a division (demanded by Mr. UNDERHILL) there were—ayes 8, noes 15.

So the committee amendment was rejected.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

THE FIVE CIVILIZED TRIBES

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CARTER of Oklahoma. Mr. Speaker, under leave to extend my remarks in the RECORD I submit the following:

What would we think of a guardian who from his ward's estate would present to him 160 acres of raw, unimproved land, furnish him no implements or tools, furnish him no teams or other equipment, prohibit him from leasing beyond 12 months' duration, hold up the funds belonging to him, prevent him from hypothecating his land to secure other funds for its improvement and cultivation, and still expect the ward to make a success in the industry of agriculture? Sounds foolish, does it not? Yet that is just what this great guardian, Uncle Sam, has been doing with the Nation's wards known as noncompetent Indians, and it specifically applies to the restricted Indians of the Five Civilized Tribes.

We must keep in mind at the outset that if there is one fixed principle of Government Indian policy it is that when it once relinquishes supervision over an entire tribe the Government steadfastly refuses thereafter to reclaim such supervision over the indigent members of that tribe, the idea being that the Government's responsibility comes to an end with the relinquishment of supervision and that the tribes must look to the States of their residence for any future protection and care.

Up until 28 years ago the Five Civilized Tribes owned every acre of land on the east side of the State of Oklahoma with the exception of a small acreage in the northeast corner occupied by the Quapaws and other small tribes, but it was a tribal ownership; that is to say, the title was vested in the tribe and not the individual, and the tribe itself was prohibited from dividing or disposing of this land except with the consent of the United States.

These tribes were content with this tribal tenure. For more than four years they withstood the importunities of the Dawes Commission, sent by the Great White Father at Washington, but with the coming of the white man such conditions could not long endure; the resistless march of civilization could not be stayed, so on June 28, 1898, the first agreement for a change of these conditions with any of these tribes was consummated. The covenant was made with the Choctaws and Chickasaws, and known as the Atoka agreement, so it may be said the Choctaws and Chickasaws were the first of the Five Civilized Tribes to "take water," or more befitting, perhaps, to "take their medicine." We will discuss the Choctaw and Chickasaw case because it is more glaring.

This agreement provided for the breaking up of tribal ownership and allotment in severalty to each individual Indian of 320 acres of land. In many instances the land was totally unimproved and sometimes covered with timber, oftentimes never having been touched by ax or plow. The Indian was given no agricultural or other implements, no teams, no seeds, no instruction in agriculture. On account of his land being restricted, he was deprived of hypothecating same for obtaining such things; sometimes he did not even know the location of the land, and yet he was expected to "go to it" as a farmer.

The result of such a senseless performance is inevitable. Moreover, it is not conjectural. We are not without living examples to guide conclusions. The disastrous effect of such a policy is already written in the deplorable history of several of our older States. The aborigines, the American Indians, once the owner of all the soil, when stripped of their last vestige of a home before they learn the lessons of self-support and paleface frugality, have invariably degenerated into helpless paupers, strangers around their own fireside, and a charge on the communities in which they live for support. This, of course, necessitates an increase in charitable institutions of the State and a permanent increase in taxes for their upkeep.

Many of our full-blood Indians on the east side of the State have already fallen from their former prosperous estate until they are almost penniless. Unless a home is preserved for them they will be helpless and destitute, indeed. Our good State wants no such miserab'e conditions within the splendid limits of her boundaries. We want no large horde of destitutes among any class of our citizenship.

Of recent years the Government has endeavored to meet similar conditions with other tribes by what is known as industrial appropriations, and the Interior Department appropriation act of this Congress carries two items aggregating $577,000, about 50 per cent of which is utilized for this purpose. The plan is worked out by making loans to individual Indians enabling them to purchase equipments, and so forth, and start them out in business in a small way. A lien is kept on the property purchased, and when the crops are gathered or other income returns, payments must be made. While this contrivance has been somewhat helpful, it has not quite measured up to the full requirements. It would necessitate enormous appropriations to

meet all worthy demands. Furthermore, the full-blood Indian being a novice in business and having nothing to start with has often been found unable to meet payments and still provide a living even in his simple way. Several years ago we persuaded the Indian Bureau to begin an extension of this service to members of the Five Civilized Tribes. I am advised that it is still being carried on in a few isolated cases, but the authorities do not seem to have been able to apply it with marked success, and the bureau has almost completely abandoned such work among this class in Oklahoma.

To meet this situation in a more direct and practical manner I have introduced a bill in Congress, H. R. 9169. The purpose of this bill is, first, to provide a last small home and means of support for the full-blood Indian, to the end that he may become a self-sustaining citizen and not a charge upon his community for support; second, to supply land for home-owning farmers; and, third, by immediate sales to bring some of this land on the tax rolls before the present tax-exemption period expires. H. R. 9169 undertakes to supply the Indian from his own larder; that is to say, it proposes that the full blood of the Five Civilized Tribes shall be provided a home and started on the way of self-support from the proceeds of his own increment. Most of our full-blood Indians of the Five Tribes have ample resources left with which to work out their future and place them on a self-sustaining basis, if only proper discretion is used before it is too late.

Bear in mind, every enrolled Choctaw and Chickasaw has been allotted 320 acres of average allottable land, 160 acres constituting the homestead, and the remaining one-half the surplus. This measure reduces the homestead acreage of each Indian to 80 acres, and provides an agency and ample funds for the sale of the remaining 240 acres, as well as all other restricted lands, on reasonable terms to the highest bidder at public auction after proper advertising. With the full bloods the major portion of the proceeds of the sale of 240 acres must be invested in permanent improvements on the remaining 80-acre homestead and utilized to furnish this full-blood Indian with equipment, and so forth, to set him up in farming.

Stress must be placed on the fact that this bill provides for the sale of these lands to the highest bidder at public auction, and on reasonable terms. This would tend to cut out middlemen's profits and to enable the actual dirt farmer to acquire the land first-hand for home-building purposes, thereby affording the tenant farmer and others of our State an opportunity to acquire a home on reasonable terms. When properly applied this ought to go a long way toward solving the problem of that portion of our citizenship known as the full-blood Indian, as well as displacing tenantry with an actual home-owning farm population.

The State will receive a threefold benefit from this provision. In the first place, the money received from the sale of the surplus lands will be used to improve the full blood's homestead and make it productive. In the second place, when these surplus lands are sold they will pass into the hands of actual settlers who will build homes and put the land in a better state of cultivation. As the land is improved and put in a better state of cultivation, just in that proportion will all lands be increased in value, so that our taxable valuation should be increased all around.

But "the best laid schemes o' mice and men gang aft a-gley." In accordance with the Government policy of years' standing, the small acreage of land left restricted by this bill is continued tax exempt, and about this feature a "hullabaloo" of misunderstanding seems to have arisen. In fact, I have never known of such a distorted misconception of any public measure.

Our State has in the past been very much hampered and embarrassed by the tax exemption on lands. When we came into the Union there were more than nineteen and one-half million acres on the Indian Territory side and not one acre was subject to taxation. While I have not at hand definite figures, I should say there must still be at this time between three and four million acres remaining tax exempt on the east side of our State. So it is not surprising that our people are easily frightened about this false cry of "wolf" with reference to tax exemption. But it is well to remember that the small amount of land continued nontaxable by this bill is not sufficient to embarrass the resources of our State, as I will undertake to show.

Under their different agreements and allotment acts the allotted lands of the Five Civilized Tribes were made nontaxable for different periods of time, but the courts have held that all this restricted land continues exempt from taxation until April 26, 1931, and the Seminole and Cherokee homesteads are held to be nontaxable, one in perpetuity, and the other so long as the title remains in the original allottee. (Marcy *v.* Seminole County Commissioners, 45 Okla. 1; McGeisey *v.* Seminole County Commissioners, 144 Pac. 614; Shock *v.* United States, 187 Federal 862; Rider *v.* Helm, 150 Pac. 154; Childers *v.* Jack Beaver et al.) Therefore the taxation of Seminole and Cherokee homesteads would not be affected by this bill, leaving its application only to the homesteads of the Choctaws, Chickasaws, and Creeks.

We are fortunate in having fairly definite figures on which to base the nontaxable effect of the bill. A department report under date of May 17, 1926, furnishes the following information:

Living full-blood Choctaws and Chickasaws allotted land and still remaining restricted, 3,476. Multiply this number of Choctaws and Chickasaws by the amount of diminished homestead of 80 acres and we have 278,080 acres.

At the same ratio the restricted full-blood Creeks still living would be 2,375. Multiply this by the acreage of each Creek homestead, which is 40 acres, and we have 95,000 acres; total, 373,080 acres, which represents the entire acreage which would continue restricted and tax exempt after 1931.

Three hundred seventy-three thousand and eighty acres scattered over 30 counties embracing in all their area some 14,740,000 acres. These cold figures speak more eloquently than hours of harangue. They tell the true story and that is that the bill could not cost the State anything approaching the amount that has been charged; that it only continues nontaxable about 2½ per cent of the Indian land in these 30 counties, or 25 acres in each 1,000 acres.

The lands which are to be sold under this bill will, as the title passes from the original allottee, become taxable, thereby increasing the taxable resources of our State at once. So it is probable that this bill will bring much more of this land on the tax rolls before 1931 than it will exempt thereafter.

Notwithstanding these conditions, our delegation has been requested by some of our friends at home to introduce a resolution providing that our State be reimbursed for taxes lost on this land. No man or set of men has realized more fully than the Oklahoma delegation in Congress how badly our State has been embarrassed by this past tax exemption, and none would delight more than we in bringing anything of value to our State that might be possible. But when all is said and done, it is not so much a question of what we ourselves think of the proposal for the Federal Government to pay taxes on Indian lands; the point is what action might be expected from the "powers that be" in Washington.

This claim that the taxes on Indian lands be paid by the Federal Government is but a rehashing of past history. It is an age-old contention. The Oklahoma delegation found the impossibility of getting the Government to accept such a proposal soon after coming here in 1907. We were confronted by the precedent that tax exemption of Indian lands had been a fixed policy of the Government since its very inception, almost a century and a half ago. Furthermore, that this exemption was claimed on the basis that Indian lands were a Federal agency just as public lands, timber reserves, game preserves, national parks, and all other Government property. The most we were able to get was our removal of restrictions act and an appropriation of $300,000 annually for Oklahoma schools. This latter had to be accepted not as a surrender of any right of the Federal Government but as a straight gratuity to our State. Under this appropriation Oklahoma has received about four and one-half million dollars as a contribution to her public schools, a privilege no other State has ever been granted, notwithstanding the fact that some of the other States have much more nontaxable Indian land than Oklahoma.

Having learned from our former experience the deeply grounded sentiment here against such reimbursement, we could not feel warranted in introducing such a resolution. This action was not based on lack of sympathy for our State's condition but because we felt that to introduce such a resolution with our knowledge of this adverse sentiment would be a dishonest act. It would certainly be a mendacious act because it would be an attempt to lead some of our best friends to believe a thing possible which we really knew in our own hearts to be impossible. I did, however, take the matter up with the leaders of the House. While the value of your space would not justify the publication of all their replies I am submitting herein below some of the letters which are typical of all:

LETTER FROM SPEAKER NICHOLAS LONGWORTH

THE SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., June 7, 1926.

Hon. CHARLES D. CARTER,
House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: I have your letter requesting my opinion as to the desirability of the Federal Government paying taxes on Indian lands tax exempt in the State of Oklahoma.

I understand it to have been the fixed policy of the Government for many years to exempt not only Indian lands but all Federal agencies from taxation by the several States. The Government has never, so far as I know, agreed to any reimbursement of these items, and I believe we must all realize that it would entail an enormous expense on the Government, to which Congress could not possibly give consent.

Very sincerely yours,

NICHOLAS LONGWORTH.

LETTER FROM MAJORITY LEADER JOHN Q. TILSON

HOUSE OF REPRESENTATIVES,
OFFICE OF THE MAJORITY LEADER,
Washington, D. C., May 3, 1926.

Hon. CHARLES D. CARTER,
House of Representatives, Washington, D. C.

MY DEAR COLLEAGUE: In response to your letter of the 30th instant, I have to say that I do not believe that Congress would stand for a proposition refunding taxes lost to the State of Oklahoma on Indian lands.

As I understand the situation, Indian lands are in a sense a trust estate held by the United States for the benefit of the Indians, just as public lands, national forests, national parks, public buildings, and other Government property is a trust estate held for the benefit of all the people, and it has been the policy of the Government from the beginning to exempt Government property and agencies from taxation.

The United States has never agreed to reimburse any State the loss of taxes upon governmental agencies within its territory, and if one State were reimbursed all the other States would be entitled to the same treatment. For this reason I feel that it will not and should not be done.

Very sincerely yours,

JOHN Q. TILSON.

LETTER FROM MINORITY LEADER FINIS J. GARRETT

HOUSE OF REPRESENTATIVES,
OFFICES OF MINORITY LEADER,
Washington, D. C., May 11, 1926.

Hon. C. D. CARTER,
House of Representatives, Washington, D. C.

MY DEAR MR. CARTER: I have received your note advising that some of the chambers of commerce of Oklahoma are urging the passage of a bill requiring the Federal Government to reimburse the State of Oklahoma for taxes lost by exemption from taxation of Indian lands within that State.

I am sure that it would be the wish of all Members of Congress to grant every proper favor they could to Oklahoma on account of its splendid delegation here, but frankly I do not believe that a proposition of this character would command support or could be passed.

In the first section of the Oklahoma statehood enabling act of June 16, 1906, "* * * to enable the people of Oklahoma and of the Indian Territory to form a constitution" (etc.), there appeared the following:

"*Provided*, That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished) or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never been passed."

This, of course, created an express contract, and I do not see how it could be insisted that there exists any liability, either legal or equitable, upon the Federal Government to make reimbursement to the State for the reason suggested. So far as my knowledge extends, this has never been done in the case of any State wherein Indians resided.

With greatest respect, I remain,

Very truly yours,

FINIS J. GARRETT.

LETTER FROM ASSISTANT MINORITY LEADER JOHN N. GARNER

COMMITTEE ON WAYS AND MEANS,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 6, 1926.

Hon. C. D. CARTER,
House of Representatives.

MY DEAR COLLEAGUE: I am somewhat surprised by your query of April 30. Being in the service of your tenth term, you must be aware of the sentiment of Congress and know the impossibility of getting consideration of such a vain proposal as the Federal Government refunding the States for taxes lost on Indian lands. Other States have the same right to be reimbursed as Oklahoma, and if reimbursement is to be made for the loss of such future taxes, why is not reimbursement for past taxes just as defensible, and would or would it not bankrupt the Federal Government to undertake the task?

Notwithstanding your minority service the membership of the House has come to value your judgment, especially as to Indian affairs and the problems of the West; but I can think of no quicker or surer method to destroy the faith of Congress in your sound judgment than the proposal of such a foolish scheme as that the Federal Government abandon the fixed policy of more than 100 years and begin paying taxes on Federal agencies.

On account of the faith we have in her delegation in the House we are anxious to help Oklahoma all we can, and there are many things a minority Member can do; but there are some things impossible to get consideration of even by a majority Member, and the question you propose is one of those things.

Very truly yours,

JNO. N. GARNER.

LETTER FROM RANKING MINORITY MEMBER, APPROPRIATIONS COMMITTEE, JOSEPH W. BYRNS

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, D. C.

Hon. C. D. CARTER,
Washington, D. C.

MY DEAR COLLEAGUE: Having in mind your several conversations with me relative to reimbursing the State of Oklahoma for taxes that might be lost on Indian lands, I wish to say that in my opinion there is not the slightest possibility of Congress even considering any such refund. I am sure you understand that it has always been a fixed policy of the Government to exempt Federal agencies from taxation, and Indian lands constitute just as much a Federal agency as anything over which the United States Government has supervision.

We all take pride in the young State of Oklahoma and are sympathetic with any of her legitimate demands, but it must not be forgotten that she is not the only State which has been and is still embarrassed by nontaxable Federal agencies. My own State of Tennessee would be entitled to a considerable refund if the policy suggested were adopted. Many States to-day contain as much or more nontaxable lands than Oklahoma. Departmental reports show that the State of Arizona alone has over eighteen and a half million acres of nontaxable Indian land, to say nothing of her other lands included in national forests, national parks, public lands, etc. Furthermore, the records of our Appropriations Committee show that Oklahoma has already received a gratuity to her public schools aggregating some four and a half million dollars, a privilege no other State in the Union has been accorded.

Congress has never reimbursed any State for the loss of tax-exempt Federal agencies, and if it were done for one State it should be done for all. Such a program would probably bankrupt the Government, and I am sure no good citizen is in favor of doing that.

With kindest regards and best wishes, I am

Sincerely your friend,

JOSEPH W. BYRNS.

MAY 24, 1926.

Let us not forget that the present administration is unqualifiedly committed to a program of economy and tax reduction, and the few expressions coming from the White House invariably breathe a pledge from President Coolidge for economy and tax reduction. How would this proposition exacting additional taxation on the Treasury appeal to an administration having such obligations to redeem.

Let us see how our State would come out under this proposal that the Federal Government reimburse the State for taxes lost on tax-exempt Federal agencies. The value of Government-owned property is estimated at between six and ten billion dollars. To be perfectly safe, let us take the lower estimate, $6,000,000,000; then add to this one and one-half billion dollars Indian property throughout the United States, and we have a total valuation of seven and one-half billion dollars.

Let us assume that the tax rate on this property would be about 3½ per cent. This would necessitate the raising of $262,500,000 to pay the bill, and the only way this money could be brought into the Federal Treasury would be by additional Federal taxation on the people. Oklahoma's contribution to this additional Federal taxation would be about one-half of 1 per cent, making necessary additional Federal taxation on the people of our State of $1,312,500. The 22 counties in the Choctaw and Chickasaw Nations would have to pay about 30 per cent of this amount, or $393,750. Therefore we would find ourselves forced to pay $393,750 in lieu of taxes on some 278,080 acres of land, which would not appear to be a very sound business proposition.

I have noted the proposal to bring suit to recover for the State the revenue lost by nontaxation of Indian lands, past and future. This would be a matter for the courts to settle. While precedents are not encouraging, no one, of course, will dare undertake to forecast what the decision of the court may be. A

favorable decision would benefit our State and settle a matter which the other two coordinate branches of the Government have refused to consider, and which I think it is evident they would never agree to consider.

Getting back to H. R. 9169, let us sum up the purposes and effects of this bill on those counties now embracing the Choctaw and Chickasaw Nations. The bill would furnish opportunity for immediate sale of more than 2,000,000 acres of restricted land, thereby providing homes for many worthy, deserving citizens on reasonable terms. It would continue nontaxable after 1931 for 15 years only about 23 acres out of each 1,000, while it would bring many more acres on the tax rolls before 1931. It would settle the future of the full-blood Indian, thereby relieving our State of any possibility of having to care for him hereafter. It would bring about an era of farm development and improvement on the east side of our State which would contribute greatly to the prosperity of our people.

PROHIBITION AND THE BIG CITY

Mr. HUDSON. Mr. Speaker, I desire to point out what the present excitement about prohibition means. It means that prohibition has now come to the big cities, and the task ahead is the task of selling prohibition to the big cities.

The economic as well as the moral facts involved in the eighteenth amendment will finally be driven home even to these congested centers of population. Yet it will be done and the accomplished fact will arrive sooner than most people think.

No one has analyzed this new fact more clearly than Elizabeth Tilton, who, writing in the Springfield Republican, under date of June 9, last, said:

This present agitation means several things; one that prohibition having conquered the West and the South has now come to the big-city belt and the struggle is on to conquer this last citadel. It will conquer this last citadel in time, because in the end an economic idea fights its way to the front or civilization would have died long ago. For the moment appetite and interest win, but in the end the ideal race betterment. But this wet fight of the big cities now buzzing in Congress means more than prohibition. It is an attempt of the big cities to dominate the ideas of the country, possibly to get their man into the White House, and the most ready path to this political domination is the wet path.

The question, then, is, Shall the big city rule—New York, Chicago, St. Louis, Philadelphia? Let us analyze the big city. It is a dangerous medley, according to Francis Parkman, composed of half-taught plutocrats and untaught masses, with a too-submerged middle class. Half its population habitually speak a foreign language. Again, the big city attracts a lower world, determined to live by pandering to political graft, vice, liquor, and all the worst in man. Moreover, Bismarck tells us that the thinking of big cities is made from hearsay and therefore apt to be grotesque and not close to economic fact like that of the rural districts, slower, but fundamentally just and honorable.

Here, then, is the big city, composed of plutocrat, panderer, and untaught masses and given over to grotesque uneconomic thinking.

Shall this big city rule us? That is the fight that is on under the wet-campaign upper-crust Republican and lower-crust Democrat, working shoulder to shoulder, and buzzing so loud in Congress that the South and West can not hear themselves think.

What are the temporary pet ideas of these big-city would-be rulers? They are decentralization, referendum—often a misleading one—and wetness. Decentralization can mean the disintegration of all for which our forefathers fought—nationalism as embodied in the Constitution—and, coupled with a referendum, can easily vote away all obedience to the center—Federal taxes; can vote in public funds for private institutions, etc., etc. Said a city judge of alien extraction: "My town not having voted for prohibition, I don't enforce the dry law." Where can such localism land us but in governmental chaos?

It passes belief how people of brains can rush headlong into this campaign, can throw overboard representative government at the call of a few big cities that want to rule over the small town and rural districts of this great country.

This influence of the "big-city" coalition is as sinister as it is tremendous. The big city must be made to realize that it derives its very existence from the "hinterland" and the rural district. The small town must unite with the great middle classes of our big cities in this fight for prohibition.

Mrs. George Mathes, of Chicago, speaking before the Women's National Committee for Law Enforcement, held in this city on April 13, 1926, brought out in a very clear way the international aspect even of this big-city offensive. She revealed how the wine interests of Europe are engaged, through the press of our great metropolitan cities, in flooding our country with propaganda designed to defeat prohibition and overthrow our laws. Her statement reveals how doubly important it is to bring home to the citizenship even the danger in this coalition. May I quote her words?—

I hold in my hand a French magazine dated June, 1924. In this magazine is the annual report of the French Wine Dealers Association. This report contains some matters of particular interest to the people of the United States. As you listen to what I am about to read, remember that the United States newspapers mentioned in this report are the very papers which constantly urge us to avoid entangling alliances with European countries:

[From L'Exportateur, Francais, June 24, 1924]

"The French Wines Exportation Commission was able to note last year already that its publicity campaign in the great newspapers edited in the English language in the United States (I will omit the names of the papers) had given rise in the American press to very numerous commentaries highly favorable to its cause and given a greater impulse to the antiprohibitionists' literature of both continents.

"Accordingly there also it was considered advisable not to make any change in the method, but, following a new program and in a greater number of periodicals, such as the ———, the journals of the navigation companies, and in certain organs circulated by means of its official propaganda departments, it endeavored to develop the initial results. The United States is one of the countries where propaganda work has most need to be carried out with circumspection and skill. * * *

"This sustained action endeavors to maintain intact the former markets, creates new ones, and tries to bring about the suppression of prohibitive duties and the reopening of the dry countries."

I hold in my hand clippings of wet material taken from one of the great newspapers in New York, named in this French wine dealer's report. These are clippings for a period of 30 days and measure 25 yards. This daily subscribers 170,000, totals 4,250,000 yards, and Sundays 190,000 multiplied by 25 totals 4,750,000 yards.

The clippings here are from a paper which is said to go into one home in every four in the seven Midwest States, a great Chicago paper, which according to its advertisements has 727,879 subscribers. These clippings total 37 yards of columns, and multiplied by the number of subscribers equal 26,931,523 yards. On Sunday the number of subscribers are 1,105,614, multiplied by 37 totals 40,907,718 yards.

We have only checked the material from two such cooperating agencies mentioned by the wine growers of France, and this material furnishes some indication of the stream of wet propaganda which the citizens of the United States must offset.

In this connection may I also quote you from a recent address of my own touching on the fallacy of the so-called "Quebec system," or the proposal that would put the Government into the liquor business:

The present Quebec system is the outgrowth of brewery activity to head off provincial prohibition. At that time 92 per cent of the Province of Quebec was dry. It looked as though the Province would go dry. The opposition started a campaign for Government control for the sale of 2.5 per cent beer. They won out in the contest, but no sooner was 2.5 per cent beer legalized than they renewed their efforts with increased financial resources to secure the sale of beer of ordinary alcoholic strength. Step by step this has increased, until to-day one can purchase any amount of beer, wine, whisky, gin, brandy, or any other kind of liquor one desires. Even at the Government-control stores, which indicate that the purchaser can buy only one bottle, he is not prevented from buying a bottle at every store in the city or in the Province, if he can reach it in one day. As a common practice men go into the same store several times a day, and the bartender will not recognize them as former purchasers.

The tavern is the same as the old beer saloon in the United States. They are required to have tables in them. This may be a wise precaution, as the purchaser can drink even after he is unable to stand. The law against sales to minors and drunkards and excessive drinkers is violated just as it was in the United States under the license system.

The mail-order department of the liquor commission sells liquor by mail to anyone in the dry municipalities, and government liquor shops are established in dry municipalities where they have not actually voted against the sale of liquor. In such a municipality when a protest is filed the protestants are told that they are too late. There is no provision for a vote in the Canadian Government control law. Liquor shops are started in this dry territory contrary to the protests of the churches, town councils, and other representatives of the municipalities. Liquor shops are started without notice being given to the people in these dry towns, and the government recently emphasized its refusal to insert a provision to require notice of such publication and to give the people a chance to show that the majority did not want liquor sold.

The government is frankly in the liquor business and is pushing the trade vigorously, although the whole system is supposed to promote temperance. The illustrated liquor-advertising pamphlets are drawn in the most enticing way. They make the mouth of an old alcoholic water and tempt even the youth.

By sending liquor by mail into dry municipalities they are undermining the dry territory, and only about half of the Province is now under local prohibition. One of the strange inconsistencies of the

government-control system is the limits to which they go in pushing the sales of liquor, while the health department advises in its bulletins that—

"If you want to grow up healthy and strong and avoid disease, abstain from alcoholic liquors."

Consistency is no part of the government-control plan.

A REPORT ON CONGRESS—FARM RELIEF—TAX REDUCTION—FOREIGN-DEBT SETTLEMENTS—THE WORLD COURT—LABOR LEGISLATION—SOLDIERS' LEGISLATION—BRANCH BANKING—THE CHICAGO WATER STEAL—THE ST. LAWRENCE WATERWAY OR THE NEW YORK ROUTE, WHICH—OTHER IMPORTANT BILLS

Mr. SCHNEIDER. Mr. Speaker, this Government is organized by the consent of its governed to conduct the governmental affairs and business of the citizens of these United States. It is like a great corporation, yet unequaled, of course, in comparison. The people are stockholders and their duly elected Representatives are, if you please, its officers and directors.

At the conclusion of the business year of any business or representative body it is customary for its officers to make a report to its members. No one, it seems to me, is more interested in what Congress has done this session than the citizens of our respective districts. As the officers and directors of this great cooperative Commonwealth, the United States, we, too, therefore, should make our report. As the Representative of the ninth congressional district of Wisconsin, which includes nine counties, namely: Brown, Door, Florence, Forest, Kewaunee, Langlade, Marinette, Oconto, and Outagamie, and as the servant of my people I now report to them what Congress has done in its deliberations and acts on matters which I deem of greatest interest to them.

FARM RELIEF

It is well to begin with the subject that has been the center of discussion the longest, and I regret to say about which Congress so far has done the least.

The farmer is a very important and useful citizen in our society. It is through his toil and efforts that man is supplied with the first and important element necessary to life, comfort, and happiness, namely, wholesome food. We should all be deeply concerned about his needs.

For the most part the farmers of this Nation have had very good cause to complain. While industry and big business have been prospering he has constantly been going from bad to worse. In the Corn Belt region the farmers have been hit the hardest. With no market for their surplus products their situation has been most deplorable. Nor are the farmers in the dairying industry any too well off. The farmers generally have been facing a constant deflation in value of their property, low prices, and high interest rates, to say nothing of the losses through the common dangers of weather conditions and the ravages of disease among their stock, and so forth. Thousands of farmers since the war have lost everything; for them there is nothing that can save them. They were forced to abandon their farms in despair or have them taken away by their creditors. But there are still many thousands more who face the same end if nothing is done to prevent them from going into bankruptcy or their property sold for taxes or to satisfy the holders of mortgages and other claims of creditors.

All this is most emphatically illustrated by the findings of the United States Government as published in the Federal Farm Census. It shows that in 1920 the capital of the farmers, consisting of land and buildings, was some $63,000,000,000, while in 1925 the Federal Farm Census reports the same capital to be estimated at $46,000,000,000, or a shrinkage in value to the loss of the farmers of this Nation amounting to $17,000,000,000 in capital. In 1920 his livestock, consisting of horses, mules, cattle, and swine, was valued at $8,200,000,000 and in 1925 this same stock is estimated to be worth $5,200,000,000, showing a loss of $3,000,000,000 to the farmer on his stock, based on his 1920 values.

In addition to these tremendous losses it is estimated that the farmers of this Nation have been losing $2,000,000,000 annually in the decline in prices on farm products since 1920, thus augmenting the burden of postwar conditions of the farmers by the further loss of $10,000,000,000, according to the Federal farm census, bringing the total loss in the last five years to the stupendous figure of $30,000,000,000. At the same time please bear in mind that Government statistics report that the entire wealth of the Nation in 1920 was approximately $290,000,000,000, while in 1925 it is reported to be approximately $375,000,000,000, showing an increase in the national wealth by about $85,000,000,000, while the farmers during the same period were losing $30,000,000,000.

A most illuminating picture of the farm situation. And what has Congress done about it? Nothing but talk and talk.

For many politicians the farmer is a convenient political football. This applies to some of our representatives in State legislatures as well as in the Congress of the United States, who often shout loudly their admiration for the farmers and who profess and acclaim—oh, yes; very positively at times—their friendship and loyalty for them.

So it is with many Members now in Congress and the administration. But the farmers of the Nation are left waiting merely with the empty pledges made to them in the platforms of the two major political parties.

The most constructive piece of legislation yet submitted to Congress for the relief of the farmer was the Haugen bill. I voted for it. It had for its chief purpose the establishment of a great Federal cooperative marketing agency to take care of the surplus, which is the chief cause for the present ills of the farmer.

The machinery thus set up under this bill in cooperation with the Department of Agriculture and the experts of the Government would at once be charged with the work of taking hold of the farm situation. A very difficult task indeed, but if tackled honestly and seriously with the view of coping with the surplus products for which there appears to be no home market, I am sure some good would result. In addition to its problem in dealing with the surplus, it would also aim to encourage and assist farmers' cooperatives and, in this way, help to create a more permanent machinery entirely under the farmer's control which would enable him to keep the market for his products more stable and less likely to be caught in a similar slump in the future. It is, therefore, a problem of orderly marketing, united action, elimination of the speculator and gambler with the grain market and farm products that the organization to be established under the Haugen bill would pursue in their efforts to remedy the present farm situation.

While the plan is not at all a simple one and may not run entirely true to all technicalities of the rules of economics, we must remember that we are faced with a serious emergency and must meet it the best way we can. The Haugen bill would, I believe, temporarily at least, do much to lighten the farmer's burdens.

If I had my way, I would do more than that. I would wipe clean from our statute books, that infamous and vicious act known as the Esch-Cummins law, which is responsible for the high freight rates, and would also favor a reduction in the robber tariff upon many of the things that the farmers and the consumers must buy and for which they are consequently paying to the industrialists an unfair price. The people generally appreciate the necessity of a reasonable protective tariff, but are against the unnecessary high tariff for the benefit of special privilege. Also, just recently, the railroads were before the Interstate Commerce Commission asking for an increase in freight rates on cheese, on the plea that they were entitled to it under the Esch-Cummins law which, they say, guarantees them a certain profit. This, I am glad, was prevented for the present at least, by the timely intervention of the Wisconsin Railroad Commission and the progressive Members in Congress who appeared before the Interstate Commerce Commission and protested against such action.

But what has happened to the Haugen bill? Word, it seems, was sent out from the White House that the President had spoken. "It must not pass." The sacredness of the President's economy program was at stake, you see, so his political aides and party bosses got busy. These professed friends of the farmers of both the Democratic and Republican Parties soon executed the order of the President to perfection. They are in the majority and it is to be regretted that they are there partly with the consent of the farmers of the Nation themselves. The bill was killed by a vote of 212 to 167.

Before leaving the subject of farm relief I do want to mention the one constructive thing of particular interest to the farmers in my district which Congress did do. We voted the sum of $4,653,000 to be used for the eradication of tuberculosis in cattle, $100,000 of this appropriation to be immediately available to the State of Wisconsin to meet an emergency that has arisen there by reason of Chicago's ordinance providing that only tuberculin-tested milk is to be allowed to enter Chicago. This is, of course, in addition to the annual sum that the State will be receiving in the way of Federal aid from the United States Treasury. Not only will the farmers be appreciative of this act, but the consuming public as well, who are interested in wholesome milk. I am glad that I had a little part in helping to make this possible.

In this connection I wish to mention the Taber bill "To regulate the importation of milk and cream," which is now before Congress and which I hope will pass. It is twofold in purpose; one, to promote the public health and the other, to require the same standards of the foreign producers with regard to the production and distribution of milk and cream that is required of dairy farmers in the United States. The bill re-

quires every producer and distributer of foreign milk or cream to meet certain tests with reference to its cleanliness and freedom from bacteria and disease such as is generally required of our own farmers by the various health laws and sanitary codes adopted by the States and larger cities and municipalities. Not unless the foreign producer meets these requirements would he be able to obtain the necessary permit from the Secretary of Agriculture to ship his milk into this country. Therefore, from the standpoint of the public health and welfare and the best interests of our dairying industry, this bill should become a law.

TAX REDUCTION

It is strange, but not entirely to be unexpected, that the administration and Congress, dominated by reactionary members of both parties, should heed the cry of big business and Wall Street for a reduction in Federal taxes and refuse to do anything for those really in need of remedial legislation. So it followed, soon after Congress convened, the administration tax bill was introduced and passed, virtually nullifying the good work of Progressives in the last Congress. Now, do not misunderstand me. I am always for lower taxes when it means for the good of all the people, particularly when it helps to lessen the burdens of the small business men, the workers and farmers, and the common people in general. I am, however, opposed to a special-privilege tax-reduction plan, such as this was.

The tax bill which was passed this year took from our Government's potential revenues over $300,000,000 and for the most part, as we will see, gave it to the privileged few who now own over 70 per cent of America's resources and wealth, and who, in many instances, made their riches out of the war. The bill accomplished a reduction in income and surtaxes of approximately $193,575,000. Of this, $98,575,000 represents the reduction in surtaxes alone. Do the common folk benefit by way of this reduction? Why, most of our farming and working people, if not all of them, are not even privileged to earn enough to be paying Federal income taxes, and surely no surtaxes. Yet some politicians in their vain search for popular issues believe they can make capital out of this tax bill, and would have our people believe that it has done wonders for them. The people will not be misled. While the bill has seemingly done away with some of the nuisance taxes, such as the amusement tax, and reduced taxes on cigars, cameras, lenses, and a few other minor things, yet by this throwing of a few crumbs to the multitude you will not win their support to a bill that gives $193,000,000 to the income and surtax class of privileged taxpayers, particularly when the tax reduction is greatest for the tax-paying class in the upper brackets, reducing the taxes for those with $100,000 incomes and over by 50 per cent, and secondly, where, by such a bill, you take from the Federal Treasury approximately $70,000,000 in reductions on the inheritance of estates over $50,000 in value.

Here also it should be mentioned that this reduction in the inheritance tax was made retroactive, thus making the loss to the Treasury of the United States even greater, because many millions of dollars will be returned to the few holders of the large estates which they have recently inherited. No fairer tax can be had than a tax on this kind of an unearned income.

By the abolition of the gift tax another lucrative source of revenue has been lost, and a door has been swung wide open for the rich to escape paying their just inheritance taxes by making it possible for them to thus take advantage of a means of transfer to the intended beneficiaries of their accumulations through a gift to them of such properties during the declining years of their life. And to top this all, Congress by adopting the administration tax bill has abolished the income-tax publicity clause, making it possible for tax dodgers to file dishonest reports without a chance for public scrutiny.

But not only does this tax bill constitute a gift to special privilege, or rather, perhaps, the payment of a moral obligation by the Coolidge administration to its loyal and powerful financial political contributors and friends, but it also means the curtailment in Government funds for needed public improvements, thus virtually hamstringing the Government in its program of public service. Furthermore, it adds greater financial burdens to the American taxpayers, the common people, because new and additional appropriations will have to be met without the advantage of the revenues cut off by this bill, which came largely from a class that could well afford to pay. Would it not, therefore, have been much better if we had used this money to pay off some of the indebtedness caused by the war which is still weighing down this Nation in the amount of some $20,000,000,000?

FOREIGN-DEBT SETTLEMENTS

The Government of the United States directly financed the European war through its loan to the Allies, outside of what we spent ourselves, in the total amount of $10,000,000,000. Much of this money, if not most of it, was loaned to them after the armistice for postwar purposes. Of this amount England, France, and Italy got the biggest share, and naturally are now our chief debtor nations. The following table, prepared from statements of the Treasury Department, gives the exact amounts of indebtedness at the present time of each of the foreign countries that owe us money. The table is as follows:

Great Britain	$4,715,311,000
Esthonia	14,143,000
Finland	9,191,000
France	4,025,000,000
Hungary	1,985,000
Latvia	5,894,000
Lithuania	6,217,000
Poland	182,325,000
Rumania	46,945,000
Czechoslovakia	123,855,000
Belgium	483,426,000
Italy	2,150,151,000
Total	11,764,443,000

It is common understanding with American people and a rule of law and ethics among all honest men that when a loan is made to anyone the borrower is expected to pay reasonable interest on the money or an agreed interest rate, as well as to pay back the principal of the loan itself when it becomes due. Nothing less than that is expected in business dealings unless the party goes into bankruptcy, and in that event the assets of the bankrupt are used to pay what debts they can cover.

When America, in good faith, loaned Europe millions upon millions of dollars to help the Allies carry on the war to a successful conclusion, and the millions immediately after the war, finally reaching into the billions, we never questioned their integrity, nor did we even so much as take a single, solitary thing as security. But America did, and rightfully so, expect that this money would be paid back.

The Government, it will be remembered, in order to make these loans, had to first get it from the people. Liberty loan drives were carried on and the men and women of this Nation were urged to give until it hurt, even borrow if necessary and buy Liberty bonds. The public voluntarily—and some even at the point of coercion—thus intrusted their money to the Government, taking as security for their loan 4¼ per cent interest-bearing Liberty bonds. It is this money, every cent of which our Government must, sooner or later, repay with 4¼ per cent interest, that was loaned out to the Allies at an interest charge of 5 per cent in order to cover the interest that we had to pay on the Liberty bonds and the cost of handling the same. This was not a loan calculated to bring profits. It was a loan at an interest charge barely paying for the expense connected with the floating of these Liberty-bond drives and the handling of the loan.

It is, therefore, natural for our Government to look toward its debtors to relieve it of the burdensome load which it assumed by its Liberty-loan drives in helping to finance the Allies. The foreign debtor nations can not and should not escape their full contractual and moral obligations. This the Government of the United States must see is performed, lest we break faith with our own people and permit this huge debt to fall as an added burden upon the taxpayers of the United States.

Already our Government is guilty of breaking faith with its citizens in this very respect. The present administration, through its Debt Funding Commission and the Congress of the United States, has agreed upon various debt-funding plans which amount virtually to a cancellation. By their acts they have thus saddled upon the taxpayers of this country, you and me, the financial war burdens of the Allies in addition to our own stupendous war debts, as we shall see presently.

Let us examine for a moment what the Italian war debt funding plan means to American taxpayers.

Italy, according to the United States Treasury's financial statement, owes us to-day $2,150,151,000 with interest bearing 5 per cent as originally agreed upon when the loan was made. This, therefore, is the principal sum to be funded by the debt agreement. Now, what did the Debt Commission and the Congress of the United States accept for the American people as a basis for the settlement of the debt which Italy owes us? We are to receive in full payment of this huge debt a total sum in installments over a period of 62 years, which in the aggregate will amount to 1.1 per cent interest on the indebtedness, and that is all. In other words, Italy will pay us 1.1 per cent interest on the $2,150,151,000 which she owes us for a period of 62 years and then everything is canceled. At the same time it will be remembered that the American taxpayers will not only be paying the 4¼ per cent interest to the Liberty

bond holders, but will also be required to take up the bonds at maturity at the full face value of the bonds.

The American taxpayers will, therefore, as a result of this agreement to fund the Italian debt, be actually paying not only the interest on the foreign debt; that is, the difference between what they agree to pay us, which is 1.1 per cent, and the 4¼ per cent which we have to pay for the money which this Government borrowed to loan to them, but also pay the principal itself. To illustrate more concretely what this Government is losing by this agreement, I invite your attention to the following calculations. At 4¼ per cent which we are paying on the Liberty bonds, the interest rate amounts to $42,500 per million of Italy's $2,150,151,000. This is the amount in interest alone at the rate of 4¼ per cent and not the 5 per cent as originally agreed upon that she would have to pay us for each million dollars outstanding and, of course, the entire principal also when due. But under the agreement, she pays us only $11,300 per million with a proviso that after such payment for 62 years, the entire debt is canceled. The loss to the American people in the difference on the interest rates borne by our outstanding Liberty bonds, which is 4¼ per cent, and the 1.1 per cent agreed to by Italy and which the American taxpayers will have to make up, is something more than $67,000,000 annually, amounting for the period of the 62-year agreement, without interest, to $4,154,000,000. With interest at 3½ per cent compounded annually the total deficit over the 62-year period equals $14,240,000,000, and this, plus the canceled debt, makes the total loss to the American people $16,390,000,000. That is what $2,150,151,000 calculated at 4¼ per cent interest less 1.1 per cent which they agreed to pay would bring over a period of 62 years with interest compounded at 3½ per cent, and which, if we are obliged to pay for the Liberty bonds outstanding, will have to be paid by the American people to retire Italy's obligation.

A stupendous burden thrust upon the taxpayers of this Nation. Italy's cry is she can not pay more than she has agreed to pay; at the same time she is maintaining one of the largest war machines in the world and assuming new obligations from private investors paying at the rate of 7 and 10 per cent interest. Strange, is it not, that America's so-called representatives should become so generous toward our foreign troublesome former allies at the expense of the American taxpayer, yet at the same time nothing is said about the Allies' persistence in exacting the pound of flesh from Germany? I say we need not be unreasonable with our debtor nations. We must help to stabilize them, but first of all, we must be assured that what sacrifices we make financially will not go to strengthen despotism such as is evidenced by the rule of Mussolini and the continuance of a European armed camp.

Already we are witnessing prostrate and bleeding Europe coming more and more under the domination of despotism and dictatorships. Yet we were told that this was a war for democracy, to break the last foothold of monarchy, the German Imperial Government and its Kaiser. And are we to allow ourselves to be a party to the ambitions of Mussolini and the dictators and despots of his kind now foisting themselves upon the people of Europe in their hour of despair through the financial assistance that such a cancellation of the debts might bring to them? Nor must our generosity permit us to saddle too great a burden upon our own people, if to accept such agreements, our own people must be taxed more heavily in order to pay back the moneys that Italy and the rest of the debtor nations should have paid.

But the Italian debt settlement is not the only one of this kind of stupid bargains entered into to the great detriment of our people. The following table will give the countries with whom debt agreements have been reached showing the relative amounts in interest on the indebtedness that is to be received over a period of 62 years and then the whole debt is canceled:

Country	Debts refunded	Interest rate on debts	Amount of debts canceled	Annual deficit in interest that must be paid by United States
Great Britain	$4,715,311,000	3.7	Total debt	$25,747,000
Esthonia	14,143,000	3.7	do	77,000
Finland	9,191,000	3.7	do	49,000
Hungary	1,985,000	3.7	do	11,000
Latvia	5,894,000	3.7	do	31,000
Lithuania	6,217,000	3.7	do	36,000
Poland	182,325,000	3.7	do	994,000
Rumania	46,945,000	3.4	do	377,000
Czechoslovakia	123,855,000	3.4	do	1,034,000
Belgium	483,426,000	2.1	do	10,194,000
Italy	2,150,151,000	1.1	do	67,067,000
Total	7,739,443,000	2.0	$7,739,443,000	105,617,000

This table shows that the total debts thus far refunded amount to $7,739,443,000, all of which is canceled; and in addition thereto the people of the United States must foot an interest deficit of $105,617,000 annually for years to come.

This deficit in interest payments for the 62 years totals, without interest, $6,548,254,000. Add this to the canceled debts and we have an apparent loss to the American people on account of these transactions of $14,287,697,000. Adding interest at 3½ per cent, compounded annually, to the yearly deficit increments, the loss, together with the canceled debts, becomes $30,188,536,000.

With these facts in mind, it is hardly believable that America's so-called statesmen and representatives should have accepted debt-funding agreements resulting in this great loss and sacrifice to their own Nation.

THE WORLD COURT

Although the Senate of the United States under the leadership of IRVINE L. LENROOT, now the senior Senator from Wisconsin, voted us into the so-called World Court, this question is by no means settled. The American people are yet to be heard from. Already the voice of just resentment and protest is rising higher and higher. Those responsible for putting us into the League Court have made the fatal mistake of abandoning our traditional foreign policy of "entangling alliances with none and friendly relations with all." It behooves every public man to declare his position on this momentous question of the day.

Having stated my position on this question plainly and fully in a letter to Senator LA FOLLETTE, I now insert it as part of my remarks. The letter is as follows:

JANUARY 11, 1926.

Hon. ROBERT M. LA FOLLETTE, Jr.,
United States Senate, Washington, D. C.

DEAR SENATOR: Replying to your letter of the 8th instant, in which you seek my views on America's adherence to the World Court, I wish to say at the outset that I have always been and am now unalterably opposed to any entanglements on the part of this Nation with the League of Nations or any creature of the league, such as the so-called World Court.

It is true that I voted for the resolution approving America's adherence to the court when it was submitted to the House of Representatives in the closing hours of the Sixty-eighth Congress. This question was sprung upon the Members in the House at the closing hours of that session, and I am sure to the surprise of most of the Members. There was no time for thorough consideration. We, however, were given the assurance at that time that it would only be a declaration on the part of the House of Representatives for or against the proposition of a World Court in general as a means of settling disputes between nations as opposed to the possibility for a real and honest effort to outlaw war, and impelled by the fervent hope that must linger in the hearts of every Progressive that war must be abolished and some peaceful method adopted for the settling of international disputes I voted for the resolution with the knowledge that by the action of the House of Representatives no official move was thus taken to place us into the court.

Since then the truth about the so-called World Court has been revealed. We now know, as has been so clearly demonstrated by Senator BORAH, Senator REED, and others in the Senate, as well as the press of this Nation, that it is a disguised attempt to get the United States into the league. All of the objections that pertain to the league naturally can be lodged against this offspring and creature of the league itself. Your father has so wisely cautioned the American people not to permit themselves to be inveigled by any attempt to get us into the League of Nations and all of the embroilments into which it would inevitably plunge us as a member thereof, whether it be by a direct attempt to get us to join the League of Nations or through some indirect or back-door method.

I have always subscribed to the policy as enunciated by your father and believe it to be the safest policy for America. With full knowledge of the true character of this so-called World Court, and with the mask stripped from its disguise, revealing the purpose of its proponents to get us into the League of Nations and foreign entanglements, I can not, of course, approve the court, but, on the contrary, can only express my indignation and deep resentment of this vicious attempt upon the peace of this Nation.

I therefore reaffirm my uncompromising opposition to the League of Nations or its so-called World Court.

Appreciating your interest in my position, I am,

Cordially yours,

GEO. J. SCHNEIDER.

LABOR LEGISLATION

Labor has achieved a monumental legislative victory in the passage of the railroad labor act. This has abolished the arbitrary and unfair railroad labor board which came into existence along with the Esch-Cummins law. Much, of course,

depends on the character of the new members that will constitute the board of mediation which is to deal with disputes arising between the railroad employees and their employers. If the spirit of the law is fully carried out providing for a disinterested board absolutely free from politics, a great step forward has been taken toward maintaining industrial peace on the great railroads of our country. Uninterrupted, efficient and safe transportation is most vital to the welfare of our public.

A number of other labor bills were introduced at this session and hearings held on them before the various committees. I am hopeful that the meritorious legislation, beneficial to labor, which were not given a chance to be acted upon by Congress at this session, will be passed at the next session.

SOLDIER'S LEGISLATION—WORLD WAR VETERANS

At every session of Congress legislation for the relief of World War veterans becomes imperative. We must not forget that over 3,000,000 of our men were mobilized during the war, 2,000,000 of them were sent across, many of whom have seen active service on the battle front or on the high seas. This, therefore, has brought about the necessity of providing for the care and maintenance of the injured and the needy. This is our country's duty toward its war veterans. The basic laws for the aid of World War veterans and their dependents such as war-risk insurance, compensation, hospitalization, and medical care and adjusted compensation have already been enacted. Perfecting legislation to remedy certain parts of existing laws or for the extension of time limits within which, under the old law, one could apply for some such aid was, therefore, the chief concern of this Congress. Thus, a bill was passed to extend the time limit within which veterans may reinstate or convert their war-risk insurance. Under the old law, the time would have expired on July 2 of this year. This would have denied our ex-service men from taking advantage of reinstating their Government insurance or converting their war-risk insurance into one of the regular policies such as straight life, 30 or 20 year payment life, or some endowment policy, and the like. The time has now been extended to July 2, 1927. The Government insurance is by far the very cheapest and most desirable insurance one can get. This is so because the Government places no administration cost on veterans' insurance, and therefore the profits from this type of insurance and the dividends to the policyholder are greater than one can receive from any private insurance company.

I do not hesitate to recommend to every ex-service man that he take advantage of this opportunity to get the best and cheapest insurance obtainable. It is not only the best kind of protection, having, as it does, the United States as its sponsor, but it also affords a wonderful opportunity for investment and savings, yielding, as it does, larger dividends than money deposited in the bank.

Veterans interested in getting their insurance reinstated or converted should communicate with the Director of the Veterans' Bureau, Hon. Frank T. Hines, Washington, D. C.

By the way, you may have noted through the newspapers that we are by no means free from grafters and leeches in high public offices. The Fenning case is, indeed, of great interest to the veterans of the World War. The way Mr. Fenning, Commissioner over the District of Columbia, who was appointed by the President of the United States, has been treating the ex-service men who were so unfortunate as to come under his guardianship, is outrageous and disgraceful. He not only exploited them financially but in a number of cases he is responsible for their shattered and ruined lives because he forcibly committed them to an insane asylum, although they were as sane as you and I, but were without help and an easy victim for the cunning and money-crazed Fenning.

Progressives have been constantly fighting these things and are always on guard to unearth more of this terrible state of affairs unfortunately existing in our Government. I am convinced that all of the World War veterans who know of the ill treatment of the ex-service men by this grafter and scoundrel will agree with me that the President should remove him from public office at once and that he should, without fail, be brought before the bars of justice.

In addition to legislating in the interest of veterans and their dependents, a Member of Congress is in a position to intercede in behalf of the veterans or their dependents, whether it be regarding his compensation, hospitalization and medical care, insurance, or any other matter. I have, thus, been able to take up many veterans' cases for claimants, and in most cases with satisfactory results. Although the congressional business keeps one fully occupied, I want my constituents and World War veterans and their dependents to know that I will always find time to aid a veteran or his dependents who may be in need of assistance.

CIVIL AND SPANISH WAR VETERANS

The long-sought-for increase in pensions for the Spanish War veterans and their dependents was at last realized by the passage of the Knutson pension bill. The beneficiaries of this legislation, no doubt, are familiar with the way the bill affects them. I will not now take the time to set forth the provisions of the law, having already provided those affected by this legislation with the necessary information.

The bill for the relief of the Civil War veterans and their dependents is now before the Senate. I anticipate its early passage by that body. It will then come to the House of Representatives. I intend to vote for it and hope that it will become a law.

Both of these pension bills are very meritorious legislation. I know that no one will begrudge these old veterans or their aged widows the little added comfort that the small increase in pension may bring to them in their declining years of life. It is but performing our public duty to those who have contributed to their country not in money but in service, health, yes, perhaps even life itself.

As in the case of World War veterans and their dependents I have been able to assist many Civil and Spanish War veterans and their dependents in their worthy claims before the Bureau of Pensions at Washington.

BRANCH BANKING

The McFadden branch banking bill is about to be resubmitted to Congress by the conference committee. This bill, in principle, is now subject to the same criticism and indictment which it called forth in the last Congress when an effort was then made to pass this legislation. I, therefore, in making this report on Congress to my constituents, take this opportunity of presenting my views on the evils of this proposed legislation by inserting my remarks, which appear in the CONGRESSIONAL RECORD of the Sixty-eighth Congress, pages 1849 and 1850.

Mr. Speaker, the McFadden bill is of greater significance than mere legislation. It should, and I hope does, command a most solemn and serious consideration from every legislator and from every point of view. It is not only claiming the attention of the bankers and financial interests of this Nation but, gentlemen, this question bears the silent watching of the masses—the great citizenry of this land.

Banking is no longer a man's private affair. No; the life and welfare of communities, States, yes, the Nation, depend upon banking and credit. Banking, therefore, is a community interest, if you please. It is a public interest, and therefore naturally and justly so does Congress and the States prescribe how those engaged in this public business shall conduct themselves in deference to the interests of the public. It therefore behooves us to analyze the effects of this bill first, and primarily upon the interests of the American public.

Money, the medium of exchange in whatever form it may have existed, is a very old institution, indeed. Modern life is even more dependent upon it for its very existence. Access to money and credit upon reasonable terms means growth and prosperity to business, independence to the farmer, happiness to individuals in so far as money can provide the things lacking and desired by progressive and intelligent society. There is no one who will dispute the important and powerful rôle that money and credit play to-day in the life of the individual, the community, State, Nation, or the world.

Our banking institutions are the keepers of this very coveted and very precious element that makes the machinery of society go. To the business man who is threatened with possible bankruptcy, access to credit means a new lease on life. To the man who sees an opportunity to expand his capacity for production and service, to have the necessary capital, makes it possible for him to see the fruition of his plans. The farmer, too, deeply feels the necessity of money and credit; often a little credit would make it possible for him to hold onto the products of his year's toil until market prices are favorable and thus he may realize his just due for his labors. How many a farmer, faced by this perplexing problem, too often finds himself helpless when it comes to getting this needed credit, or if he does get it it is only to find himself paying a pound of flesh to some parasite of society.

The power of money and credit oftentimes is used to ensnare these toilers of the land, and when they have sufficiently overburdened them with obligations these money lenders finally take away every vestige of property that these farmers have and reduce them to the position of serfs, as in the feudal ages, working for their landlords, the financial czars of this country.

Money and credit to be had at reasonable terms and at the proper time often means everything. Starvation, pestilence,

famine, sickness—yes, even death—can often be averted with a little financial assistance. The city wageworker when he finds himself suddenly without a job faces starvation for himself as well as his family. And it may not only mean starvation, but may also result in all else that finally leads to despair and ruin.

I portray the dependency of all classes of society upon money and credit in this simple way in order to reveal as forcibly as I can the importance of our action on the McFadden bill upon the lives of our people.

There is a unanimity of opinion in the interpretation of the purposes of this bill. While some may say that it is to save our Federal reserve system, which idea I do not share, everyone agrees that the plan, if adopted, will mean the establishment and spread of national branch banking. Of course, the bill itself only authorizes national banks to carry on branch banking in those States where the laws now permit State banks to carry on branch banking, but it will be only a matter of time, should this bill be passed, when branch banking will have reached into every State in the Union.

Again I ask, What does this mean to the life of the Nation and the American public? What are the possible consequences, either for good or bad, should this legislation become a law? The money power of Wall Street is already felt in every community and hamlet of the Nation. Allow our national banks to go into branch banking and you create an octopus with the necessary power to place its strangle hold on the individual and collective freedom that our forefathers meant to preserve for us and for all time.

I say, allow branch banking and it means the further concentration of this money power into the hands of a few money czars. I am glad that the small banker and the small business man are beginning to see this common enemy which the farmer and laborer have long sensed and have been trying to fight off like the oncoming of eternal darkness.

The American Bankers Association at its last meeting adopted a resolution condemning branch banking in no uncertain terms. The nature of that resolution expressing the indignation of the American Bankers Association toward branch banking is based, quoting the resolution:

> Not on a narrow, selfish basis but on the broad basis of public welfare, the independent banking system, while it has served the country well, has not concentrated either the country's wealth or power in the hands or in the control of a few, as must inevitably follow if branch banking is carried to its logical conclusion. Such concentration is not consistent with the genius of American institutions and ideals. Those who are aiming to bring about such concentration of wealth and power, thereby depriving the individual of the opportunity which has existed heretofore in engaging in his chosen vocation, and thus creating a class of the very rich, and leading to the destruction of that large middle class, always necessary in a democracy, are drawing upon themselves certain destruction, as control by the few in any line of human endeavor is contrary to American ideals and will never be tolerated by America.

The coercive, monopolistic, and destructive power of branch banking is also found very positively expressed in the language of the Hon. Henry M. Dawes himself, Comptroller of the Currency, when he states:

> The coercive power of the branch banker bent on expansion is very great.
>
> The development of America is dependent on nothing else more than independent unit bankers of vision and courage.
>
> That branch banking "is offensive, because the resources which the community creates in the form of deposits are controlled by nonresidents."
>
> That is "absentee control of local finance."
>
> In its essence monopolistic, destructive of home rule, un-American, undermines community spirit.

I hope that the courageous and valiant attempts by organized labor and organized farmers and the progressive-minded people of this Nation to regain and preserve the heritage of freedom may in the not far distant future be crowned with victory. Let us who are their chosen servants truly serve, and this we can do best now by preventing the passage of this bill and thus avert the evils of branch banking.

THE CHICAGO WATER STEAL

Without any authority or justification, the waters from the Great Lakes are being taken in tremendous volume by the Chicago Sanitary District, and, of course, to the detriment of the other peoples of the Lake States, as we shall see presently. The State of Wisconsin, joined with her sister States similarly affected, is now bringing suit against Illinois in an effort to stop this evil.

Under the guise of a navigation project, the rivers and harbors bill which recently passed the House of Representatives proposes to develop the so-called Illinois River waterway by way of the Chicago drainage canal to complete what is termed the "Lakes to the Gulf waterway." The real motive and purpose behind this bill, however, is to get Congress to recognize and sanction the continuance of the diversion of waters from the Great Lakes by Chicago at an even greater rate in volume than is now tolerated by the War Department, which, if granted, would, of course, result in correspondingly greater losses to the people in the Lake States. I am glad to state that the entire Wisconsin delegation voted against this bill.

Chicago, for a long time, has been using water from Lake Michigan by way of its drainage canal ostensibly for the disposal of its sewage. It boldly and without the sanction of the Federal Government or the permission of its sister States affected thereby determined to meet its sewage problem by building the Chicago drainage canal, reversing the flow of the Chicago River, which originally emptied into Lake Michigan, and instead made it a part of the conduit for the diversion of water from the lake. The sanitary district, a privately organized public-service corporation, which also supplies the city of Chicago with water and power, was given charge of this project. Thus without taking cognizance of its possible injurious effects upon the interests of the people of the other lake States this wholesale diversion of water began. The sanitary district thereafter was successful in obtaining an authorization for this diversion in the amount of 4,167 cubic second-feet, but while claiming to operate under such an order of the Secretary of War they continued to divert water from the Great Lakes at a rate exceeding 10,000 cubic second-feet. They have on many occasions sought to legalize the unauthorized taking of this stupendous amount of water for the alleged purpose of sanitation by urging one Secretary of the War Department after the other to sanction their acts. This was persistently refused; in fact, it is well to state here that it is even questioned whether the Secretary of War had any authority in the first place to authorize the diversion of these waters from their natural course. This question is soon to be determined by the Supreme Court in an action, mentioned before, brought by the attorney general of Wisconsin in behalf of the State of Wisconsin and other States similarly affected.

On May 8, 1922, Hon. John W. Weeks, then Secretary of War, said this with regard to the Chicago Drainage Canal and her persistent efforts to have this excessive diversion legalized:

> The Chicago drainage canal, designed for sanitary purposes, was constructed under authority of the State of Illinois and without Federal sanction. * * * From the beginning the Sanitary District of Chicago has disregarded the rulings of the department, persistently violated the terms of the permit and ignored the issues involved in the suit. For a number of years the diversion from Lake Michigan into the drainage canal has been more than double the amount authorized by the department and there is reason to believe that the present average daily withdrawal approximated 10,000 cubic feet per second. It is an established fact that this diversion lowers the levels of the Great Lakes and reduces the depth of water in the harbors and connecting channels to the substantial injury of navigation. The ports and harbors from Montreal to Chicago are materially affected and commercial and business interests generally are seriously inconvenienced.

It is well, perhaps, to pause for a moment and get the significance of what the Secretary of War has said.

Mr. Speaker, how well my people, who see the results of this diversion, know the sad truth of this statement. It is estimated by the engineers of the War Department that the shippers alone on these waters, because of this diversion, suffer an added cost of at least $3,000,000 annually. It must also be borne in mind that not only must the shipping interest suffer added inconveniences, such as delays in docking due to the shallowness of harbors often also necessitating reloading on barges and the like, but that the individual sender and the consumer must bear a large part of this added cost in increased shipping rates and ultimately in increased prices. It is, therefore, of general concern to all of the people in the Great Lakes area and I dare say the people of this Nation generally, for there is much that seemingly would appear to be only our own problem that really concerns the whole country.

And this brings us more directly to the national phase of this question. The taxpayers of the United States have already spent millions of dollars for river and harbor improvements along the Great Lakes, to say nothing of what the local citizens and their municipalities have spent on these harbors on their own account. The lowering of the water levels has made the harbors shallow; the approach is more difficult and dangerous, leaving the docks and wharves higher up in the air, often necessitating reconstruction if they are to continue to be usable and appropriate for their regularly intended purposes. Thus not only much of the many millions that have gone into river and harbor improvements there in the past are wasted, but in order to recondition these harbors to meet this lower lake level

it now necessitates the further expenditure of many millions more each year for dredges and additional dredging, new underpinnings for the exposed structures built to suit a higher water line, and the many other needs that must be taken care of to maintain the best conditions for shipping on the Great Lakes under the circumstances.

Yet, with all these stupendous losses to riparian landowners, to commerce generally, to the shipping and consuming interests in this area, to the taxpayers of the States and Nation who have spent millions for the river and harbor improvements on the Great Lakes, this diversion of water has been permitted to go on simply in the interest of an archaic and improper method of sanitation for the city of Chicago, a method which merely carries the sewage of that city away from it to lay it in the front yards of others and spread its destructive effect throughout the great valley of the Illinois. And, according to Mr. Baker, the former Secretary of War, one-third of the water abstracted is used solely for the disposal of the sewage of the Chicago stockyards and packing houses.

Another and very important phase of this question that must not be overlooked is the sanitary district's interest in the development of water power by the use of this diversion of water from the Great Lakes, an interest, it should not be forgotten, also cherished by many private individuals and corporations benefiting from this cheap power developed there at the expense of the shippers on the Great Lakes, the general public, and taxpayers. It is estimated that the city of Chicago has profited no less than $1,000,000 annually from the hydroelectric power thus far developed from this source.

But notwithstanding these gains accruing to selfish Chicago and the water power interests there the benefits which they obtain are not at all compensating for the great injury that is being done to the other peoples affected by this diversion, even if we were to try to balance the good with the losses resulting from the lowering of the Lake levels. There is nothing meritorious in their claim to continue this steal. Let Chicago take care of its sewage problem in the same practical and efficient way as other cities have done. Let Chicago follow the example of our largest city, Milwaukee, which has constructed an efficient sewage reduction plant at a cost of $15,000,000 to serve one-half million people.

Chicago may need six such plants; but even at that it will be cheaper and better than to be plundering the other States and breeding unnecessary ill feeling among our people toward Chicago. The stockyards and packing interests, too, have no license to use this common property of the people in the Lake States to take care of private commercial sewage that these big corporations in any other location would be required to dispose of at their own expense and in their own disposal plants.

I say that this bill, providing for the expenditure of millions of dollars supposedly for the completion of the Great Lakes to the Gulf water route by way of the Chicago Drainage Canal, is merely a veiled effort to get Congress to recognize and validate Chicago's diversion of the waters from the Great Lakes. Congress must not let itself be deceived. This alone, if nothing else, should have caused the defeat of the bill.

THE NEW YORK ROUTE OR THE ST. LAWRENCE—WHICH?

One more proviso of this rivers and harbors bill which is also of direct interest to me and my constituents and which I could not vote for is the appropriation for the so-called all-American route from the Great Lakes to the Atlantic Ocean by way of New York. The provision in the bill calls for an expenditure of $250,000, or any other sum which the Board of Engineers may need for another survey of a route across the State of New York, connecting Lake Erie and Lake Ontario with the Hudson River. This is aimed to divert the interest and support that has been given to the St. Lawrence waterway project, which the State of Wisconsin and the other Lake States are advocating as the most natural and practical route for a Great Lakes to ocean waterway. Already our Government has spent thousands of dollars in surveys of both this so-called all-American route by way of the State of New York and the St. Lawrence route.

In all of the previous surveys the engineers of the War Department have concluded that the New York route would be too costly and impractical and recommended the St. Lawrence. The surveys show that the cost of a 30-foot channel by way of the New York route would be approximately $506,000,000 for its initial construction and $30,000,000 annually for its upkeep.

In addition to this tremendous cost, the shipping would encounter many inconveniences due to the many bridges crossing this route and the many locks it would have to pass through. On the other hand, the cost for the construction of a 30-foot channel along the St. Lawrence River would be approximately $270,000,000 to be borne equally by the two Governments, Canada and the United States. The upkeep would be comparatively very little, because the route would be following a natural course. Shipping on this route would encounter very few bridges or locks and thus would be carried on more expeditiously and with greater regularity.

We can not and must not disregard the scientific and economic facts gathered for us regarding these two plans. If we are interested in developing the Great Lakes-ocean waterway, let us follow the advice of our expert engineers who have already made extensive investigations as to the most feasible and best route to be followed. The most natural and direct route is the best; that is an economic and scientific truth. We can not afford to spend our taxpayer's money for additional useless surveys of a route found to be impractical, too costly and discredited by our engineers, even though by voting this money you may help your New York colleagues to make political capital of their achievements in getting this appropriation through in the next political campaign. I shall never favor this kind of "pork barrel" and wasteful legislation.

OTHER IMPORTANT BILLS

FEDERAL AID FOR HIGHWAYS

It is well indeed that we are beginning to appreciate more and more the principle of Federal aid. In no better and more democratic way can we spend our national wealth in the Federal Treasury than by its use in constructive projects as assisting in the building of highways throughout the various States of the Union. This unanimity of feeling toward Federal aid for highways was demonstrated by the fact that, for instance, I have received a testimonial to that effect from every official county board in my district. They all sent me resolutions favoring the Federal aid bill. The reason for this growing confidence in Federal aid is due to the growing need of public improvements far beyond the capacity of local or State governments to finance themselves, and, secondly, to the truthful understanding and appreciation that the moneys in the Federal Treasury are in reality moneys coming from the public the whole Nation over. For example: The tax collected on the products of tobacco coming in the Treasury of the United States. No one State can claim that it, alone, is the sole contributor to the Federal Treasury. Even though one or two States may be growing and manufacturing this product, let us say exclusive of any other State, yet the tax collected is, in reality, received from all over the United States wherever there are consumers of this product. All of the States, therefore, have a right to benefit in some way from these moneys thus collected, and Federal aid is one form of distribution of the Federal revenues.

So it is with most every other product worthy of mentioning. Even though it may appear to be exclusively a local product, and therefore the tax seemingly coming from such locality, nevertheless a closer observation will reveal that people elsewhere have had an important part in contributing to the taxable profits of the supposedly local product.

This fact has been so well stated in the report on page 30 of Statistics of Incomes of the Treasury Department of 1922, showing that the place where the income tax is paid does not indicate the source of the basic wealth, that I, therefore, quote:

> The amounts do not represent, however, what may be called the geographical distribution of income. The figures are compiled from the returns filed in each State. An individual files his income-tax return in the collection district in which his legal residence or principal place of business is located, and a corporation files its income-tax return in the collection district in which its principal place of business or the principal office or agency is located. Consequently income reported by an individual or corporation in one State may have been derived from sources in other States.

So I say, in order that there might be a more just distribution of this national wealth in our National Treasury, it is a most desirable policy to invoke Federal aid in such worthy projects as road building. For this reason Congress saw fit to pass the bill providing $75,000,000 to be available for Federal aid for highways for each of the next two fiscal years.

Under the acts of 1916, 1919, and 1921 Wisconsin has received up to the present time in the way of Federal aid for use in road construction the sum of $13,678,451. Of this amount, my district has been allotted the following amounts:

County:	
Forest	$104,085.70
Florence	58,464.22
Langlade	127,597.31
Marinette	198,518.49
Oconto	176,016.57
Outagamie	211,243.04
Brown	208,909.21
Kewaunee	100,919.87
Door	117,688.97
Grand total	1,303,443.38

The new appropriation will make more funds available for the carrying on of the extensive road-building program that we have pursued in our State. Without this Federal aid it is obvious that we could not have our splendid roads unless we would have been willing and able to bear greater tax burdens.

MUSCLE SHOALS

This is a subject worthy of much more space than I am at liberty to give it at the present time. I but briefly wish to make mention of some essential features of this question.

Muscle Shoals is the name of a huge water-power development undertaken by the Government of the United States on the Tennessee River in the northern part of the State of Alabama. It was begun primarily as a war project to insure an adequate supply of nitrates for explosives to be manufactured by the use of the cheap electrical power to be developed there. Congress has, therefore, appropriated and spent up to the present time in the neighborhood of $150,000,000 for the development of this water-power site for national-defense purposes in time of war and for the manufacture of cheap fertilizer in time of peace, a product so much needed in agriculture.

It is now proposed that the Government dispose of this valuable property by selling it outright or through a long-term lease. The offers that have been made thus far meant virtually the giving away of this property at a ridiculously low price compared to what it has cost the American taxpayers. Those who favor the disposal of this property in this way would deny the American people the great benefits that are to be reaped in the near future from this great water-power project at Muscle Shoals.

I am opposed to the leasing away of this public property at the ridiculously low offers which have been made, and much less would I favor giving it away permanently by an outright sale. Now that our people's money has been spent in the huge sum of over $150,000,000 and the project is about completed and the wheels are ready to turn and issue forth from that unlimited source electrical power in untold quantity, I say, let the taxpayers of our country enjoy the benefits of their investment.

Government operation of Muscle Shoals will mean cheap power for the people in the surrounding States, abundant fertilizer at cost to the farmers of this Nation, a profitable source of income for the United States Treasury, and the preservation for our national defense of this great source for the manufacture of nitrates in time of war.

PRIVATE BILLS AND CONCLUDING STATEMENT

There are many bills that are introduced in Congress that are classed as private bills. I have, for instance, introduced bills providing for preliminary surveys with reference to river and harbor matters, bills for the relief of individuals who are entitled to increases in pension because of some extenuating circumstances, yet which are not provided for under the existing pension laws, and bills relating to such other matters purely of local or private interest. Being only of special interest to these parties who are concerned therewith, or to particular localities. I will not refer to them any more than I have thus made mention, except to add that should individuals or communities feel that some like matter needs to be taken up through some special bill I will be pleased to introduce such a bill as may be necessary to take care of the situation.

Concluding my remarks on the record of Congress, I have, in this résumé, thus taken up some of the more important questions that have come up in this session. I believe, as stated at the very outset, that in so presenting our views on the most important legislation before this body we will have given our constituents a better opportunity to know more intimately how the Congress of the United States has been carrying on the business of this Nation and whether it has been looking after the people's interests.

PROTECTING SUNDAY AT THE NATION'S CAPITAL

Mr. LANKFORD. Mr. Speaker, it is to be regretted that this session of Congress is soon to adjourn without the passage of a bill for the observance of Sunday in the District of Columbia. In fact, there should have been a reasonable Sunday law for the District of Columbia from the beginning.

Very extensive hearings have been held on H. R. 10311, the bill which I had the honor of having introduced, and friends of the measure made a most splendid presentation of their evidence and arguments in support of the bill. To our way of thinking, there was only one side to the proposition. The committee was most courteous to all concerned and granted a most considerate hearing.

The proponents of the bill are confident that a majority of the committee favor the passage of a bill to provide for a Sunday observance law in the Nation's Capital. The bill was not reported. Additional hearings are to be held at the next session. It is the earnest desire of the proponents of the measure to get a favorable report on the bill early in the next session and secure its passage before adjournment March 4 next.

Very few people realize that in the capital of the greatest Christian nation on earth there is no Sunday observance law.

Washington, the Nation's Capital, should be the country's model of righteousness rather than its Sodom of ungodliness.

The newspapers, business organizations, and city officials here should strive to make Washington a city of law and order instead of a stronghold of crime and lawlessness. The never-ending demand is for millions and yet more millions of the peoples' money to be spent in the District, and the never-ceasing opposition is to every suggestion or effort for more wholesome laws or more efficient law enforcement. The struggle is for money and spoils and against virtue and morals.

It is contended that we are intolerant and opposed to religious freedom if we favor a reasonable Sunday observance law for the Nation's Capital.

It is a new idea that the present-day movie shows and Sunday baseball are religious institutions, and anyone who suggests that there should be a law to prevent the operation of these on Sunday is guilty of religious intolerance.

I confess that I am at a loss to know just how I am guilty of religious intolerance when I propose a bill which would allow people of all and every denomination to go to church if they wish on Sunday, and only seek such provisions as will protect all in this enjoyment of religious liberty and freedom. Where is the religious intolerance which would prevent a crew of men operating a steam shovel or an electric hammer on a building site or partly constructed building next door to a church during services on Sunday? Where is the religious intolerance in a law which would not let men unload a large quantity of coal next door to a church, and thus disturb the assembly of people gathered for religious services? Where is the intolerance in a bill which makes for the most complete religious liberty and allows all and everyone to worship God according to the dictate of his or her own conscience? My purpose and hope are only to secure in a fuller sense the enjoyment of religious liberty. Most people do not understand that religious liberty means the infliction on the public of the profanity of the pool room, the vulgarity of the modern movie or theater, and the obscenity of the ordinary dance hall on every Sunday of the year.

The great trouble is that there are some folks who believe that freedom of religion is freedom from religion. They mistake freedom of religion for freedom to destroy all things moral or religious.

The bill which I introduced provides for one day of rest out of every seven. If it provided for no rest at all, there would rightly be much opposition. It would be cruel and savage in the extreme to force all to work every day without any rest, and yet I am held up as an advocate of an unreasonable thing when I attempt to make by law one day of rest out of every seven.

Many seek to ridicule those of us favoring a Sunday observance law by classing us with the prohibitionists. We are thankful for this compliment. I much prefer being with the prohibitionists and standing for morals, law, the Constitution, and the God of our fathers than be with those who would tear down all law and order and who, declaring there is no God, believe in no government. I had remarked to many of my friends that nearly everyone who talked to me against a Sunday law also denounced the prohibition law in toto and declared themselves as antagonistic to our Constitution.

With one breath they praise the Constitution, declaring that it is about to be destroyed by a proposal to give to the District of Columbia a decent Sunday law, as advocated by our fathers and as written in nearly every State in the Union; and yet these same people in the next breath denounce the Constitution because it contains a provision approved by nearly every State in the Union and almost unanimously indorsed by the elected representatives of the people.

Mr. Speaker, our greatest heritage and the only safeguards of our Republic are our great principles as embodied in the Declaration of Independence and our Constitution, our great American institutions, and our great men and women in every calling in life, and ofttimes in the humblest of surroundings, all perfected, interwoven, and preserved by the great respect and love of our people for the Bible and its teachings.

Ah, Mr. Speaker, a fight on the Bible and its glorious truths is a thrust at the foundation of our Government and our Christian civilization.

When you oppose the Christian Sabbath you fight all that is highest and best in our people; oppose the great ideals of the founders of our Nation, and, forgetting God, attempt to work the undoing of our Republic.

Mr. Speaker, I have from time to time inserted in the RECORD quotations from great men showing their belief in the preservation of the Sabbath. I also put in the RECORD a most splendid and illuminating article by Rev. R. H. Martin, D. D., of Pittsburgh, Pa., Director of Sabbath observance, Presbyterian Church in the United States of America, and also a most wonderful sermon on "What is Sunday for?" by Doctor Sizoo, pastor of New York Avenue Presbyterian Church, of Washington, D. C.

I wish that every person in our country could read these quotations—the article by Doctor Martin and the sermon by Doctor Sizoo.

PRIVATE CALENDAR

Mr. FULMER. Mr. Speaker, I ask unanimous consent to speak out of order for five minutes.

Mr. UNDERHILL. Mr. Speaker, I am in a most embarrassing position. We are considering the Private Calendar and the Members who have bills on this calendar have a right to have their bills considered, and this is the last chance they will have. If one Member is granted 5 minutes there is no reason why another one should not have 15 minutes, and although I dislike to object in all these cases, I am obliged to object.

W. B. DEYAMPERT

The next business on the Private Calendar was the bill (S. 2189) for the relief of W. B. deYampert.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. B. deYampert, of Wilmot, Ark., the sum of $5,000, out of any money in the Treasury not otherwise appropriated, on account of fine imposed in case of the United States *v.* Hiram C. Shaw, jr.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE C. HUSSEY

The next business on the Private Calendar was the bill (H. R. 1642) for the relief of George C. Hussey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws, George C. Hussey, deceased, late of the Sixty-fifth Regiment New York Volunteer Infantry, and the Fifth Regiment United States Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States.

With the following committee amendment:

Page 1, line 4, after the word "deceased," strike out the balance of the paragraph and insert the following: "who was a member of Battery M, Fifth United States Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 20th day of June, 1865: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

CLYDE L. WEST

The next business on the Private Calendar was the bill (H. R. 11820) granting an annuity to Clyde L. West.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 is hereby, authorized and directed to place on the roll of the War Department the name of Clyde L. West, late of Hospital Corps of the United States Army, and pay him for and during his natural life, in lieu of all pension, the sum of $100 per month, in special recognition of the eminent service rendered, suffering endured, and permanent disabilities contracted by him in the interest of humanity and science as a volunteer subject for experiment in the yellow fever hospital in Cuba.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES WILLIAM COLE

The next business on the Private Calendar was the bill (H. R. 12303) to correct the military record of James William Cole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James William Cole, who was a member of Company L, Second Regiment United States Volunteer Engineers, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 8th day of May, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment.

Page 1, line 10, strike out "1898" and insert "1899."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

FIDELITY & DEPOSIT CO. OF MARYLAND

The next business on the Private Calendar was the bill (H. R. 12551) for the relief of the Fidelity & Deposit Co. of Maryland.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem three 4½ per cent United States certificates of indebtedness, series T. M. 1924, issued March 15, 1923, and maturing March 15, 1924, series Nos. 21431, 21432, and 21433, of the denomination of $1,000 each, without interest, in favor of the Fidelity & Deposit Co. of Maryland, without presentation of the said certificates, which have been lost, stolen, or destroyed: *Provided*, That the said certificates of indebtedness shall not have been previously presented for payment: *Provided further*, That the said Fidelity & Deposit Co. of Maryland shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal of said certificates of indebtedness in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed certificates of indebtedness herein described.

With the following committee amendment:

Page 1, line 6, strike out the word "maturing" and insert the word "matured."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES NEAL

The next business on the Private Calendar was the bill (H. R. 2420) for the relief of James Neal.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James Neal, alias James Spencer, who was a private of Company G, Thirty-fifth Regiment New Jersey Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 29th day of June, 1865.

With the following committee amendment:

Page 1, line 10, after the figures "1865," insert: "*Provided*, That no back pay, pension, or bounty shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

LEWIS H. EASTERLY

The next business on the Private Calendar was the bill (H. R. 10193) for the relief of Lewis H. Easterly.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Lewis G. Easterly, who enlisted as a musician in Company G, Ninth Regiment Illinois Volunteer Infantry, on August 1, 1861, shall hereafter be held and considered to have been discharged honorably from military service of the United States as a musician of said company and regiment on the 5th day of February, 1862: *Provided*, That no bounty, pay, or allowances shall be held as accrued prior to the passage of this act.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. Under a previous arrangement we will return now to Calendar No. 431 and consider bills which, if objected to, require three objectors. The Clerk will report the first bill.

JOHN MARVIN WRIGHT

The next business on the Private Calendar was the bill (H. R. 11877) authorizing the President to reappoint John Marvin Wright, formerly an officer in the Corps of Engineers, United States Army, an officer in the Corps of Engineers, United States Army.

The Clerk read the tile of the bill.

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

Mr. BLACK of New York. Mr. Speaker, I object.

Mr. ARENTZ. Mr. Speaker, I object.

Mr. BOX. Mr. Speaker, I object.

The SPEAKER pro tempore. Three have objected, and the Clerk will report the next bill.

LAWFORD & M'KIM

The next business on the Private Calendar was the bill (S. 3055) for the relief of Lawford & McKim, general agents for the Employers' Liability Assurance Corporation (Ltd.), of London, England.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 Secretary of the Interior is authorized and directed to pay the sum of $333.25 to Lawford & McKim, general agents for the Employers' Liability Assurance Corporation (Ltd.), of London, England, out of the funds received from the Red River oil operations, under the act of March 4, 1923.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES K. P. WELCH

The next business on the Private Calendar was the bill (H. R. 820) for the relief of James K. P. Welch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 in the administration of the pension laws and the laws governing the National Home for disabled Volunteer Soldiers, or any branch thereof, James K. P. Welch shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company I, Fifty-ninth Regiment Indiana Volunteer Infantry, Civil War: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendments:

Line 8, after the word "as," insert the words "of the date August 31, 1864, as," and in line 10, after the word "pension," insert the words "back pay, bonus, or allowance."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EDWARD F. WEISKOPF

The next business on the Private Calendar was the bill (H. R. 7540) for the relief of Edward F. Weiskopf.

The Clerk read the title of the bill.

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

Mr. BLACK of Texas. Mr. Speaker, I object.

Mr. BOX. Mr. Speaker, I object.

Mr. ARENTZ. Mr. Speaker, I object.

The SPEAKER pro tempore. Three objections are made, and the Clerk will report the next bill.

WILLIAM H. WAGONER

The next business on the Private Calendar was the bill (H. R. 7868) for the relief of William H. Wagoner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. 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 in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William H. Wagoner, who was a member of Company L, One hundred and sixtieth Regiment Indiana Volunteer Infantry, and the Hospital Corps, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 30th day of April, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 10, page 1, strike out the words "that organization" and insert the words "the Hospital Corps."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ELLA MILLER

The next business on the Private Calendar was the bill (H. R. 7849) for the relief of Ella Miller.

The Clerk read the title of the bill.

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

Mr. UNDERHILL. Mr. Speaker, I reserve the right to object until I receive assurance that the amount is satisfactory which is carried in the bill. I assume that it is.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Ella Miller, of Brooklyn Borough, New York City, N. Y., the sum of $50,000 as compensation for personal injuries received and property damage caused by a United States mail truck while crossing a street in Brooklyn, N. Y.

With the following committee amendments:

Line 4 after the word "authorized," insert the words "and directed," and after the word "pay" insert the words "out of any money in the Treasury not otherwise appropriated and in full settlement against the Government"; and in line 7 strike out "$50,000" and insert "$1,500."

The committee amendments were agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SWEND A. SWENDSON

The next business on the Private Calendar was the bill (S. 492) for the relief of Swend A. Swendson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Whereas Swend A. Swendson lost an arm while performing his duty as boatman under the United States Corps of Engineers in the course of the Mississippi River improvement on the 8th 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. Swendson the sum of

$2,500, to compensate him in full for the injury received by him in the Government employ.

The committee amendment was read, as follows:

Page 1, line 6, strike out "$2,500" and insert in lieu thereof "$1,000."

The amendment was agreed to.

Mr. CHINDBLOM. Mr. Speaker, I move to strike out the preamble and add after the word "employ," in line 7, the words "as boatman under the United States Corps of Engineers in the course of the Mississippi River improvement on the 8th day of July, 1911."

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out the preamble and in line 7, after the word "employ" strike out the period, insert a comma, and add the following: "as boatman under the United States Corps of Engineers in the course of the Mississippi River improvement on the 8th day of July, 1911."

The amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES HENDERSON STUART MORISON

The next business on the Private Calendar was the bill (H. R. 7153) authorizing the President to appoint J. H. S. Morison to the position and rank of major, Medical Corps, in the United States Army.

The Clerk read the title of the bill.

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

Mr. BLACK of Texas, Mr. BOX, and Mr. ARENTZ, objected.

ESTATE OF HENRY T. WILCOX

The next business on the Private Calendar was the bill (S. 1747) for the relief of the estate of Henry T. Wilcox.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Clerk hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Henry T. Wilcox, American consul, Paris, France, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, for loss and damage to household effects while in transit to Brest, France, and Antwerp, Belgium, on board U. S. transports *Antigone* and *Mercury*.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE CALDWELL

The next business on the Private Calendar was the bill (H. R. 11110) for the relief of George Caldwell.

The Clerk read the title of the bill.

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

Mr. BLACK of Texas, Mr. BOX, and Mr. SPROUL of Illinois objected.

THE PRESSING PROBLEM OF FLOOD CONTROL

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to publish a letter in the RECORD from the Director of the Geological Survey addressed to me on the subject of flood control in answer to one I wrote to him.

The SPEAKER pro tempore. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. O'CONNOR of Louisiana. Mr. Speaker, no problem, governmental or social, national or local, has such an appeal to the people of the Mississippi Valley as the control of the flood waters of that vast region which lies between the Alleghanies and the Rocky Mountains.

Men and women who dwell miles back of the banks of the tributary streams that finally meet in the mighty Father of Waters have their thoughts riveted at least once a year upon the terrific rush of rain and melted snow that furiously plunge on their way to the Gulf through tortuous courses and around winding bends, tearing levees to pieces, devastating fertile lands for miles beyond, making lakes of fields and farms, and striking terror and panic into the hearts of those whose property is not only destroyed but whose very lives are often put at stake. The uncontrolled Missouri, frantic to leave its mountain home to meet the sea in its mad swirling roar carries from the bends of the river huge promontories of soil at times in solid chunks equivalent in cubic measurement and content to the mass in the Capitol. The most fertile soil in the United States of America is annually leaving its home base and journeying down to the Gulf of Mexico, gradually extending the delta into the sea and building up an alluvion which will be, if anything, something we do not need—an embarrassment of riches, while leaving the country which it has left behind poor indeed. Since coming to Congress I have done my level best to hold up the hands of RILEY WILSON, Louisiana Congressman, student of waterways and floods. He has always had the affectionate regard of the people of his district, the people among whom he was born and reared. But by his devotion to the interests of those who live behind the levees of our State from the Arkansas line to the Gulf, he has won an abiding place in the esteem of all of our people. I have given the best of my humble ability to the solution of the great problem that is with us year in and year out, a problem which causes the stoutest hearts to quail during the river rises, and puts every man behind the levees in the attitude of watchmen on the towers, fearful of what the night may bring.

Altering slightly the language of one of America's greatest orators in reference to an issue that agonized the very soul of our country many years ago, if I could be instrumental in solving this great problem I would not exchange the proud satisfaction which I should enjoy for all the triumphs ever decreed to the most successful conqueror. For the value that it will be to the readers of the CONGRESSIONAL RECORD and the students of the question, I append a letter received by me from George Otis Smith, Director of the Geological Survey of the Department of the Interior. Many of the statements that will be found therein apparently dynamite some established notions about the effect of ground soakage, forests as preventives of floods, and some other generally accepted ideas on the subject. But it is an excellent paper, and I hope that some means will be taken to carry its message to every schoolhouse and trade mart in the valley:

UNITED STATES DEPARTMENT OF THE INTERIOR,
GEOLOGICAL SURVEY,
Washington, June 17, 1926.

Hon. JAMES O'CONNOR,
House of Representatives.

MY DEAR MR. O'CONNOR: In reply to your letter of June 7, transmitting letter of June 5 by Mr. Walter Parker and attached papers, and requesting comments thereon:

Water, both surface and underground, is one of the most valuable and most important of our natural resources. It is not only a necessity of animal life but it is needed for all growing crops, is essential to the production of power whether by hydraulic or steam plants, is used in many of the processes of industry, is required for transportation not only in producing the motive power but in the floating of boats, is needed in municipal supplies and sanitation, and in many other ways serves the needs and pleasures of mankind. Unfortunately, at times and places water is also a menace to life and property and its control becomes necessary. The control of floods, however, may and generally does tend to increase the supply of water made available for use. It is fortunate also that the many uses of water are reasonably compatible with each other and that the same water in its course from the mountains or plains to the sea may serve several useful purposes.

It should be recognized also that water is a limiting factor in development of enterprises and in the growth in wealth and population of farming areas, industrial communities, and regions. Its quantity and quality limit the size of power plants, both hydro and steam, the area of land that may be irrigated, the size and nature of industrial establishments, and the size of cities. While water may be conducted long distances in canals and pipes by gravity flow, it may not be conveyed in considerable quantities in the sense that foods and fuels are conveyed by railroad or highway. The total supply of water in any drainage basin may not be changed, therefore, except as it may be increased in some localities by diversions, generaly small, from other drainage basins.

Rivers are the natural drainage channels of a region, and they serve in an important way the processes of nature. The quantity of water that flows in them is determined largely by the nature and amount of the precipitation on the areas drained by them. Man has not yet been able to control precipitation in any way, and there is no prospect that he will be able to do so in the future. His control of the flow of rivers must be exercised, therefore, on the water after it reaches the earth's surface.

Floods are natural phenomena that always have occurred and, generally speaking, always will occur. The problem of their control varies as widely as the rivers themselves. Generally, however, the control is

attempted either by detaining the flow from periods of great natural discharge to periods of small natural discharge, or by restraining the natural or modified flow between artificial embankments or levees. The floods of some streams can be controlled by the former method, but the floods of others must be controlled, if at all, by the latter. Each river and each tributary of each river must be studied as a separate problem, the tributaries not only with repect to their own floods but to the effect of those floods on the floods of the larger rivers into which they flow.

The effective control of floods by the detention method can be accomplished only by use of reservoirs. Forests of course tend to detain and decrease run-off and to increase low-water flows. Their effects on flood flows are at best minor and probably are never material. Some of the largest floods of which we have knowledge occurred before the forests of the region had been disturbed by man. Similarly the spreading of water in the headwater tributaries, whereby its absorption by the ground would be promoted, would have a minor beneficial general effect on the flow of the river below, tending to decrease the high flows and increase the low flows. During periods of great floods, however, whether caused by excessive rains over the basin or by melting of accumulated deposits of snow and ice, the beneficial effect of such spreading of the water would be insignificant. The floods of the Mississippi, for example, come from several thousand square miles, including mountains, forests, cultivated field, and uncultivated plains. The artificial spreading of water on a few hundred square miles would not solve the flood problem, especially since saturated ground can not be forced to take up more water, and generally floods occur when the ground on which the rain falls or from which the snow melts is completely saturated.

The effective control of floods is accomplished, therefore, by constructing either reservoirs or levees or both. Such construction is expensive. Engineers know how to do it, but generally they can not get the money needed for the work. Moreover the problem as related to the rivers of the United States is one of many variations. Before the enormous investments for construction are made, the topography, geology, and stream flow of each basin must be studied in order to discover reservoir sites, their capacity, the run-off that may be controlled by them, and the cost of the remedial works. In a few sections these studies have already been made in part, but in most of the country our information is still meager. If expensive and disastrous mistakes in construction are to be avoided, however, these studies are absolutely necessary.

The studies which Mr. Parker is advocating are therefore important, and I am in full agreement with him as to the desirability of having the work inaugurated promptly and prosecuted vigorously. We may differ as to detail or emphasis here and there, but on the main project there can be no differences among thinking men. Reliable information in regard to the water resources of the country is needed for safe and sane development, especially because of their wide and varied use and their limiting effects, and for the control of those waters, in order to relieve the danger of floods and to promote their economic use.

I shall be glad to expand or extend this discussion as you may desire, but in this letter have of course attempted to cover only the broad general questions involved.

I am returning Mr. Parker's letter and attached papers.

Very cordially yours,

GEO. OTIS SMITH, *Director.*

ATLANTIC & CARIBBEAN STEAM NAVIGATION CO.

The next business on the Private Calendar was the bill (S. 1726) for the relief of the Atlantic & Caribbean Steam Navigation Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the claim of the Atlantic & Caribbean Steam Navigation Co., owner of the American steamship *Caracas*, against the United States for damages alleged to have been caused by collision between the said steamship *Caracas* and the U. S. patrol boat *Xarifa* in or near New York Harbor on the 20th day of March, 1918, may be determined in a suit to be brought by said claimant against the United States in the United States District Court for the Eastern District of New York sitting as a court in admiralty and acting under the rule governing such court in admiralty cases, and that said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages, and costs, if any, as shall be found due from the United States to the said Atlantic & Caribbean Steam Navigation Co. by reason of said collision, upon the same principles and under the same measures of liability as in like cases 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 upon such notice 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 such suit shall be begun within four months of the date of the approval of this act.

SEC. 2. That should the proceedings herein authorized result in a judgment or decree in favor of said claimant and against the United States, then the amount of such judgment or decree shall be paid to the said claimant or to its proctors of record out of any money in the United States Treasury not otherwise approriated.

The committee amendment was read as follows:

Strike out all of section 2, beginning in line 16 and ending with line 21.

The committee amendment was agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will begin at the top of the calendar and report No. 76.

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLACK of Texas. Does this require three objections?

The SPEAKER pro tempore. The Chair understands it requires three objections. The Clerk will report the first bill.

SPECIAL DISBURSING AGENTS, ALASKAN ENGINEERING COMMISSION

The next business on the Private Calendar was House joint resolution (H. J. Res. 99) for the relief of special disbursing agent of the Alaskan Engineering Commission or of the Alaska Railroad.

The Clerk read the title of the resolution.

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

Mr. BLACK of Texas, Mr. BOX, and Mr. ARENTZ objected.

HERMAN SHULOF

The next business on the Private Calendar was the bill (S. 2616) for the relief of Herman Shulof.

The Clerk read the title of the bill.

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

Mr. BLACK of Texas, Mr. ARENTZ, and Mr. SCHAFER objected.

ADDISON B. M'KINLEY

The next business on the Private Calendar was the bill (H. R. 6405) for the relief of Addison B. McKinley.

The title of the bill was read.

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

Mr. STEPHENS. I object.

The SPEAKER pro tempore. One objection is not a sufficient number. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Addison B. McKinley, of Reno, Nev., the sum of $6,000, as reimbursement for loss by the destruction of his dwelling house, located on the premises known as 901 Ralston Street, Reno, Nev., and for other property destroyed or damaged in connection therewith on August 21, 1924, by an airplane belonging to the Post Office Department of the United States, operated by a United States Government pilot, while in discharge of said pilot's official duties.

With a committee amendment, as follows:

On page 1, line 4, after the word "pay," insert "out of any money in the Treasury not otherwise appropriated."

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

The committee amendment was agreed to.

Mr. BLACK of Texas. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK of Texas: Page 1, line 6, strike out the figures "$6,000" and insert in lieu thereof "$5,000."

Mr. BLACK of Texas. Mr. Speaker, the reason why I offer this amendment is because this was a five-room cottage, and the evidence shows that it was not worth more than $6,000, and it was not entirely destroyed. Certain parts of the premises were left standing. I think that $5,000 would be a full recompense for the loss sustained.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield there?

Mr. BLACK of Texas. Yes.

Mr. SCHAFER. Is the gentleman going to cut down underneath the regular schedule of the Committee on Claims? Is he?

Mr. BLACK of Texas. Well, the Committee on Claims has no schedule in cases of this kind.

Mr. SCHAFER. I thought they had a schedule in all kinds of cases.

Mr. BLACK of Texas. No. I hope the amendment will be adopted.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. BLACK].

The amendment was agreed to.

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

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

A motion to reconsider the vote whereby the bill was passed was ordered to be laid on the table.

JAMES B. DICKSON

The next business on the Private Calendar was the bill (H. R. 9318) authorizing the President to appoint James B. Dickson a second lieutenant in the Air Service in the Regular Army of the United States.

The title of the bill was read.

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

Mr. BLACK of Texas. I object.

Mr. SCHAFER. I object.

Mr. UNDERHILL. I reserve the right to object.

The SPEAKER pro tempore., Three objections are heard.

Mr. O'CONNELL of New York. Mr. Speaker, there are only two objections and one reserving the right to object.

Mr. UNDERHILL. I object.

Mr. CHINDBLOM. Mr. Speaker, if the gentlemen will withhold a moment, I venture the remark that this is the only bill that I have on the Private Calendar. If the purpose of the gentlemen who make these objections is that no bill of this kind shall be passed, of course, I can have nothing to say.

Mr. BLACK of Texas. Of course, I have not willingly allowed this class of bills to pass. Here was a man who was in the Army and voluntarily resigned from the Army, and now he wants to return.

Mr. CHINDBLOM. He is now back in the Army as an enlisted man. Whatever we may do here, he is still in the Army.

Mr. BLACK of Texas. The report shows that he is a reserve officer.

Mr. CHINDBLOM. No. On page 5, the report shows that Mr. Dickson is still in the Army and is in training at Kelly Field, Tex. This bill authorizes the President, in his discretion, to appoint him as a second lieutenant. He is one of the best aviators the Army has ever had. The recommendations of the War Department with reference to his efficiency and ability are of the best.

Mr. BLACK of Texas. Since the gentleman has referred to that, I will say that the Secretary of War says his record is adequate; nothing extraordinary about it. The Secretary of War has recommended against all these bills where officers voluntarily tender their resignation and retire from the Army. The Secretary of War is on sound ground in doing that. When a man commissioned as an officer of the Army voluntarily goes out into private life and seeks then to come back, it evidences a sort of unstable condition. There is no lack of Army officers. We probably have more now than we need. We have had a number of bills of this kind where the officer is seeking to go back after having voluntarily resigned. I do not think it ought to be done.

Mr. O'CONNELL of New York. Mr. Speaker, will the gentleman yield?

Mr. BLACK of Texas. Yes.

Mr. O'CONNELL of New York. But this man came back as a private.

Mr. CHINDBLOM. Yes. This man came back as a private. He is not going to escape service in the Army. He is back there now. When he was there before he was a first lieutenant. Now we are asking that he may be appointed, in the discretion of the President, as a second lieutenant.

Mr. BLACK of Texas. I have objected to all these bills. The Secretary of War is opposed to the bill.

Mr. CHINDBLOM. I do not see that the Secretary of War could take any other position in these cases. He is following the law. But we are legislators. We have the right to change the law.

Mr. BLACK of Texas. It would be very bad practice.

Mr. UNDERHILL. Does not the gentleman think the Army and Navy should be left to promote men instead of our undertaking to do it?

Mr. CHINDBLOM. The Secretary says that among 900 applicants this man passed among the highest 70.

Mr. BLACK of Texas. If the gentleman will permit, I will read from the report. The report says:

The beneficiary, under existing law and regulations, may seek appointment as second lieutenant, Regular Army, by applying to take the competitive examination scheduled to be held June 21–26, 1926, since he is now in his twenty-sixth year. He would also be eligible, from an age standpoint, to compete in the competitive examinations which are contemplated to be held in 1927, 1928, and 1929. This factor, in itself, is sufficient argument against the advisability of enacting H. R. 9318 into law.

Let him take the competitive examination, as he will have the privilege of doing in four different years.

Mr. O'CONNELL of New York. What rank did this man hold when he resigned from the Army?

Mr. CHINDBLOM. He was a first lieutenant when he resigned from the Army.

Mr. O'CONNELL of New York. And then in going back into the Army he enlisted as a private?

Mr. CHINDBLOM. Yes; he will remain as a private; and he will take his chances, but I think that the Congress in its wisdom may take into consideration such particular facts as are here. He resigned because of a situation which had arisen out of his physical condition; out of illness.

Mr. O'CONNELL of New York. Mr. Speaker, I withdraw my reservation on the statement of the gentleman.

The SPEAKER. Is there objection?

Mr. BLACK of Texas, Mr. UNDERHILL, and Mr. BOX objected.

WILLIAM H. MURPHY

The next business on the Private Calendar was the bill (H. R. 7228) correcting the military record of William H. Murphy.

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 in the administration of the pension laws William H. Murphy, late of Company K, First Regiment West Virginia Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States on July 8, 1865.

With the following committee amendment:

At the end of the bill add the following proviso: "*Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

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

A motion to reconsider the vote whereby the bill was passed was laid on the table.

A. B. CAMERON

The next business on the Private Calendar was the bill (H. R. 8278) for the relief of A. B. Cameron.

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 Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,297.80 to A. B. Cameron as compensation in full for loss sustained because of the failure of the postmaster at Pittsburg, Okla., to deliver to said A. B. Cameron a registered letter in which was inclosed a check drawn on the First National Bank of Henryetta, Okla., for $1,442, dated July 5, 1923, and received at said office at Pittsburg, Okla., on July 7, 1923, and held and not delivered to A. B. Cameron until July 23, 1923, two days after the First National Bank of Henryetta, Okla., on which said check was drawn, failed, on July 21, 1923, and upon which check only 10 per cent now has been paid to A. B. Cameron, leaving a balance due of $1,297.40, and upon the date of the failure of said bank there were sufficient funds to the credit of the drawer of the check to pay the same.

Mr. UNDERHILL. Mr. Speaker, I promised the gentleman from Oklahoma [Mr. HASTINGS], who introduced this bill, that I would not object further to its consideration when it was reached to-day; but I do want, now that it has been reached, to make a few observations with reference to it.

This establishes, to a certain degree, but not, perhaps, to a very dangerous degree, the policy of insuring deliveries on the

part of the Postal Service when letters are sent as registered mail. That has never been done heretofore.

This case has its peculiarities. The letter was received in the office; it was laid under a blotter; and the man who expected the letter was in daily communication with the office, sometimes two or three times a day, asking for the mail he knew was on the way and which he should have. The reply to his inquiry each time was, "It has not been received," and in consequence the check which this letter contained on a certain bank in that city was not delivered to the man until after the bank had failed. It should have been delivered to him a week or 10 days before the bank failed.

Now, this man comes here, with some degree of justice, asking that he be reimbursed for the loss of this amount of money, which was caused by the failure of the bank, in the first place, and in the second place by the failure of the Government to deliver his mail to him under registration and which he had every reason to believe would be delivered to him.

Now, since the time the bill was drawn the bank has paid a small dividend, so that there will have to be an amendment to the bill.

Mr. HASTINGS. Which I intend to offer.

Mr. UNDERHILL. Which will be offered later on. But, first of all, I want to have the House either establish the policy that they will hold the Government liable in such cases as these or that it will still stick to the proposition that it will not hold the Government liable for the nondelivery of mail.

Mr. CHINDBLOM. Is there any precedent for this kind of a bill?

Mr. UNDERHILL. None that I know of.

Mr. CHINDBLOM. It does not differ much in principle from the bill we had up a moment ago. You are establishing a new law.

Mr. UNDERHILL. Well, it does differ to this extent, that there are certain extenuating circumstances surrounding this nondelivery, which makes the case almost in a class by itself.

Mr. CHINDBLOM. I will say to the gentleman that I seem to have been unfortunate because I had not asked for any consideration before the other bill came up.

Mr. HASTINGS. If the Chairman will permit, here was a case where the Victoria Coal Co. had its assets bound up. They owed A. B. Cameron, the claimant, a sum of money, which, together with the interest, amounted to $1,442. They had the money in the First National Bank of Henryetta. The trustee mailed, on the 5th day of July, 1923, a check covering the amount in full, and the check was drawn on this bank, in which there were funds with which to pay it. Now, the letter was registered and it was received on the second day by the postmaster and, as the chairman of the committee says, it was misplaced, through the negligence of the postmaster, under a pile of papers on the desk, and it was not found until the 23d day of July. It was received on the 7th of July, but it was not given to the claimant until the 23d day of July. The claimant was, day after day, asking for the letter in which the check was contained; but, as I say, it was not delivered until July 23, 1923. Now, if that letter had been delivered—and, as I say, it was registered—the check would have been cashed with the funds which were in the bank; but it was not delivered until the 23d, which was 16 days afterwards, so that when the check was delivered and when it was presented for payment the bank had failed two days before, namely, on the 21st, and it resulted in the loss of the money, except the amount we are going to give credit for.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent that the gentleman may have one more minute.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Oklahoma may proceed for one additional minute. Is there objection?

There was no objection.

Mr. CHINDBLOM. I would like to ask the gentleman whether any effort has been made to hold the postmaster or his bondsman liable?

Mr. HASTINGS. I am not informed about that.

Mr. CHINDBLOM. Does not the gentleman think it was due to the negligence of the postmaster?

Mr. HASTINGS. He admits it.

Mr. CHINDBLOM. And his bond is given for the purpose of protecting the public——

Mr. HASTINGS. The postmaster admits the letter was there.

Mr. CHINDBLOM. And his bond is given to protect the public against his negligence?

Mr. UNDERHILL. No; against his wrongdoing, but not against carelessness particularly.

Mr. HASTINGS. There was nothing criminal about this.

Mr. UNDERHILL. And you can not act with respect to his bond on a matter of carelessness.

Mr. HASTINGS. But the party lost this amount.

I want now to offer an amendment, Mr. Speaker, to cut out in line 5, page 1, "$1,297.80," and insert in lieu thereof "$1,009." A dividend has been paid since this bill was reported, so that this will be the correct amount; and I also want to offer the same amendment in line 5, on page 2, and in line 4 I want to strike out "10" and insert "30."

The SPEAKER. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS: On page 1, line 5, strike out the figures "$1,297.80" and insert in lieu thereof "$1,009"; and in line 5 on page 2 strike out the figures "$1,297.80" and insert in lieu thereof "$1,009"; and in line 4 on page 2 strike out "10" and insert "30."

Mr. MORROW. Mr. Speaker, I rise in support of the amendment. I made the report on this bill, and I think it is due the House I offer some explanation. I reported this bill to the committee, and I think the chairman was absent. I set forth the fact this was not the policy of the Government in regard to paying for the torts of its employees, but that in this particular case, in my opinion, the Government should assume the liability and then compel the postmaster to pay it.

Mr. O'CONNELL of New York. But we are still establishing a precedent.

Mr. MORROW. But I wanted it understood that I reported this bill to the committee.

The SPEAKER. The question is on the amendment offered by the gentleman from Oklahoma [Mr. HASTINGS].

The amendment was agreed to.

The committee amendments were agreed to.

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

A motion to reconsider the vote by which the bill was passed was laid on the table.

MIMIE BERGH ERIKSEN

The next business on the Private Calendar was the bill (H. R. 5056) for the relief of Mimie Bergh Eriksen.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. FAIRCHILD, Mr. ELLIS, and Mr. BLACK of Texas objected.

Mr. SCHAFER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SCHAFER. On June 17 the gentleman from Connecticut [Mr. TILSON] submitted a unanimous-consent request asking unanimous consent that—

to-morrow it may be in order to consider bills on the Private Calendar in the House as in Committee of the Whole; that consideration shall begin at calendar No. 527, where the one-objection rule shall apply; and if the Private Calendar shall have been concluded before adjournment, the House will then return to Calendar No. 431, and between No. 431 and No. 527 the three-or-more-objection rule shall apply.

This request was granted. Now, we have returned to the beginning of the calendar, and under the unanimous-consent request, as submitted by the gentleman from Connecticut [Mr. TILSON], I do not see how it is in order to preclude consideration of the present bill even if there are three objections. I think if we are going to start at the beginning of the calendar these bills should be considered in Committee of the Whole and not considered in the House as in Committee of the Whole and that the one-objection rule or the three-objection rule should not apply.

The SPEAKER. The Chair thinks that while the gentleman from Wisconsin is correct as to beginning at No. 431, the first part of the request of the gentleman from Connecticut made it in order only to consider bills unobjected to and the question of one objection or three objections was with respect to bills between Nos. 431 and 527. The Chair does not think it would be in order, in other words, to consider any bills except those unobjected to.

Mr. CHINDBLOM. Mr. Speaker, when we began the call of the bills prior to Calendar No. 431, it occurred to me that the bills that were then being called were not included within the unanimous-consent agreement of yesterday.

The SPEAKER. The Chair thinks that under the arrangement technically it is provided that the three-objection rule should apply as to those between No. 431 and No. 527.

Mr. FAIRCHILD. If the Chair will permit, the only question that could arise is whether there should be one objection or three objections.

The SPEAKER. That is the only question.

Mr. CHINDBLOM. Mr. Speaker, whatever may be the rule or the agreement of yesterday, I submit we have proceeded in the manner directed by the Speaker pro tempore [Mr. SNELL] and I think we are all foreclosed from raising objection now.

The SPEAKER. The Chair would be compelled to rule that no bill can be considered, except those unobjected to.

Mr. SCHAFER. I did not submit my parliamentary inquiry on the contention that the House could not consider bills at the beginning of the Private Calendar; but it was my understanding that the unanimous consent provided we should consider the Private Calendar in the House, as in Committee of the Whole, that that meant the Private Calendar and bills from the beginning of the calendar, and that the one objection proviso and the three objections were merely a sort of a limitation to certain bills. My contention is that under the agreement it would have been in order to begin at the beginning of the calendar, and that three objections would not stop the consideration of the bills at the beginning of the calendar down to and including No. 396.

The SPEAKER. The three objections applied only to bills between calendar Nos. 431 and 527 and one objection to all the others. As the Chair understands, the gentleman who occupied the chair took the position that the bills at the beginning of the calendar required three objections.

Mr. SNELL. Mr. Speaker, I talked with the chairman of the committee, and he thought that was the best way to consider them.

Mr. SCHAFER. The question arising in my mind was whether three objections would be in order to prevent consideration of a bill at the beginning of the calendar down to and including No. 396. I am perfectly satisfied with the present consideration.

The SPEAKER. The Clerk will report the next bill.

EDUCATION OF PERSIAN STUDENTS

The SPEAKER. The next business on the Private Calendar was House Joint Resolution 154, authorizing the expenditure of certain funds paid to the United States by the Persian Government.

Is there objection?

Mr. FAIRCHILD, Mr. ARENTZ, and Mr. BLACK of Texas objected.

LEAVE TO ADDRESS THE HOUSE

Mr. FULMER. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to address the House for five minutes. Is there objection?

Mr. SNELL. Reserving the right to object, and I shall not object, there is a special reason why we should adjourn a little earlier this afternoon. If there are no further requests, I will not object.

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

There was no objection.

Mr. UPSHAW. Mr. Speaker, I ask unanimous consent to proceed for three minutes after the gentleman from South Carolina has concluded.

The SPEAKER. The gentleman from Georgia asks unanimous consent to proceed for three minutes after the gentleman from South Carolina. Is there objection?

There was no objection.

J. S. CORBETT

Mr. FULMER. Mr. Speaker and gentlemen of the House, inasmuch as we are now considering bills reported by the Claims Committee, I think it the proper time to state to Members the treatment accorded me and one of my constituents by this committee. Mr. J. S. Corbett, of Bishopville, S. C., one of the best citizens of my district, doing a mercantile business, including the handling of tobacco, which carries a tax known as floor tax, made out his quarterly returns according to law and mailed into the revenue department of South Carolina with his check attached for the amount due the Government. Several days later a revenue officer called on Mr. Corbett, when Mr. Corbett told him that he had already mailed statement with his check to the Government. The agent stated that he might just as well go and buy an exchange check, for the department would not accept a personal check. Mr. Corbett is worth considerable money, doing quite a large mercantile business and president of one of the best banks in the State. Yet, because of the statement of the revenue man, he immediately bought an exchange check, turning it over to the Government, expecting his personal check to be returned, as the officer had said it would be. The record will show that the Government collected both checks and the proceeds thereof are still in the Treasury of the United States. You gentlemen know the amount of red tape the ordinary citizen runs up against in trying to straighten such matters with the Government. While Mr. Corbett was expecting and awaiting the repayment of this double payment four years elapsed, and he was notified that payment had been refused.

I will insert in the record at this point a letter from Mr. D. H. Blair, addressed to Mr. Corbett, stating that the two checks had been received and that he was returning the two canceled checks, but refused repayment, as above stated. Mr. Blair acted at this late date clearly within his rights in refusing repayment, and that is why I introduced the bill so as to correct the situation, thereby giving the Government the authority to pay Mr. Corbett what is justly due him to-day. The letter is as follows:

JANUARY 14, 1924.

Mr. J. S. CORBETT,
Bishopville, S. C.

SIR: You are advised that claim on Form 843, filed by you for refund of $28.85, alleged duplicate payment of floor tax on tobacco products under the revenue act of 1918, is hereby rejected.

In this connection you are advised that the records of this office show that the two payments of $28.85 each, covering floor tax on tobacco products, as above mentioned, were made on March 26 and March 29, 1919. Therefore, as your claim for refund was not filed until December 27, 1923, it is barred from allowance by the statute of limitation, section 3228, Revised Statutes, as amended by section 1316 of the revenue act of 1921, which provided that all claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any sum alleged to have been excessive, or in any manner wrongfully collected, must be presented to the Commissioner of Internal Revenue within four years next after the payment of such tax or sum.

Consequently, this office finds it necessary to take action as above stated, and canceled checks showing payment of the above-mentioned amounts, are returned to you herewith.

Respectfully,

D. H. BLAIR, *Commissioner.*

Mr. ELLIS. Mr. Speaker, will the gentleman yield?

Mr. FULMER. Yes.

Mr. ELLIS. What is the Claims Committee doing about it?

Mr. FULMER. I have mentioned it to a number of members on the Claims Committee, and they have said that it should be reported, yet it was turned over to one member of the committee, who gave an adverse report.

Mr. O'CONNELL of New York. Why, everybody concedes that the Claims Committee gives the best possible consideration to all of these bills.

Mr. FULMER. Yes; I congratulate the gentleman and the Claims Committee, but I believe with these facts, as stated by me and as are shown by a letter coming from the Government, it should be enough to warrant the Committee on Claims in reporting the bill and putting it before the Congress.

Mr. SIMMONS. Do I understand the Treasury Department admits that this is a duplicate payment?

Mr. FULMER. Absolutely; and both of the checks are attached to the claim.

Mr. SIMMONS. On what theory did the gentleman get an adverse report?

Mr. O'CONNELL of New York. If the Treasury Department concedes that it is a double payment, how is it that there is an adverse report?

Mr. FULMER. The adverse report is stated to be because the man did not make his application for repayment until after four years, but what is the Congress here for except to pass on such propositions as this?

Mr. O'CONNELL of New York. The statute of limitations had intervened?

Mr. FULMER. Yes.

Mr. REED of Arkansas. What is the amount of the claim?

Mr. FULMER. Twenty-eight dollars and eight-five cents. It is very small, but that does not make any difference, it is the principle of the transaction.

It is not the amount of money involved, it is the attitude of this great Government toward an honest citizen and the attitude of this great committee toward an honest Congressman who is only asking the committee to give him his day in the House, where I am sure I can pass the bill in two minutes. My friends, you will note in a letter written by Mr. Mellon, Secretary of the Treasury, addressed to me, which I am placing in the RECORD, substantiates what I have said as to these payments. I do not blame the Treasury Department for refusing to give its consent to a favorable report by the committee. The department is operating under and within a law passed by

the Congress. Surely this committee, with these facts before them, knowing the passage of a bill to be the only way to correct the situation, will not hesitate to give a favorable report.

The letter of Secretary Mellon is as follows:

COPY FOR THE TOBACCO AND MISCELLANEOUS DIVISION OF THE MISCELLANEOUS TAX UNIT

APRIL 1, 1924.

Hon. H. P. FULMER,
House of Representatives.

MY DEAR MR. FULMER: I have the honor to acknowledge receipt of your letter of February 22, 1924, inclosing a copy of H. R. 7160, for the relief of J. S. Corbett, of Bishopville, S. C., directing reimbursement in the sum of $28.85, duplicate payment of floor tax on tobacco products in March, 1919, and seeking the department's approval of the proposed measure.

The records of the department show that on February 25, 1919, J. S. Corbett, of Bishopville, S. C., filed with the collector of internal revenue, district of South Carolina, floor-tax return, Form 416 C. (It appears from an affidavit filed by Mr. Corbett that he attached to said return his personal check for $28.85, the amount of floor tax shown to be due on the stock of tobacco products on hand as reported in said return; that he was later notified by the collector that his personal check could not be accepted; and that he thereupon promptly secured from the bank and sent to the collector Columbia exchange in the amount of $28.85.) The records further show that both the original and duplicate payments referred to were received by the collector and respectively reported on his tobacco-assessment list for March, 1919, page 10395, line 6, and page 10455, line 6, as paid March 26 and 29, 1919. Subsequently, on December 27, 1923, more than four years thereafter, Mr. J. S. Corbett filed a claim on Form 843 for a refund of the original payment of $28.85. Although the evidence submitted in support of his claim clearly shows a duplicate payment of the floor tax in question, such claim is barred from allowance under section 3228, Revised Statutes, as amended by section 1316 of the revenue act of 1921, which provides in part that all claims for the refunding of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or of any such alleged to have been excessive or in any manner wrongfully collected, must be presented to the Commissioner of Internal Revenue within four years next after the payment of such tax or sum.

No sufficient reason appearing for Mr. Corbett's failure to file the claim on time, the department is unable to see wherein he is entitled to any more equitable consideration than other taxpayers whose claims for the refund of taxes illegally collected are daily being rejected on no other ground than because they were not filed within the period of limitation prescribed by law. In the interests of administrative efficiency it has been the policy of the department to look with disfavor on special legislation designed to grant relief from the operation of statutes of limitation, and following that policy the department is unable to lend its approval to the pending bill.

Sincerely yours,

A. W. MELLON,
Secretary of the Treasury.

CONSERVATION OF OUR TIMBER

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the matter of the conservation of timber.

The SPEAKER. Is there objection?

There was no objection.

Mr. MORROW. Mr. Speaker, the national forest area contains 158,000,000 acres, and these areas are located in various parts of the United States, from Canada to the Gulf of Mexico and extending from the Atlantic to the Pacific Oceans. Much, if not the greater portion, covers mountains, where it appears nature fitted forest growth so that the timber would be a watershed protection, and nature located the forest not so readily accessible and available to man's exploitation. Thus nature sought to hide the forests until the sober thinking of the Nation would be aroused to the protection of our timber, which means so much to the future life and growth of our Nation and to its future timber and food supply.

The princely domain that was given man in the United States, running nearly to a billion acres of virgin timber, has been wiped out, used and wasted until there remains only a slight fraction in excess of one-eighth of that we once possessed, and this remaining part is disappearing four times as rapidly as we are able to grow a return of timber. There still remains some timber area in the western part of the United States.

Forest fires are destroying millions of dollars' worth of timber each year, and much of this is due to our careless American habits and failure to know the value of our timber wealth to our people.

Lumber now has to be transported such a great distance and the cost of transportation on lines of railroad without competition is so great that its use in building has become almost prohibitive. In fact, many parts of the Nation are almost entirely abandoning lumber in ordinary buildings and are resorting to other materials. In my opinion, this is a wise solution, because it must be apparent to all that in those parts of our country where the timber has been cut that notwithstanding the present forest supervision and the laws governing the protection of the reforestation it will take from 30 to 50 years to regrow a new crop of timber.

There is said to be invested in timber and in the utility of its products by the industry and in the manufacture of lumber $10,000,000,000. This industry affords employment to more than one-half million people. These people with their families represent a factor in our American population. If present conditions in the handling of our remaining timber continue, we will see this vast population in a few years deprived of this labor-earning opportunity, as there will be no more timber to cut, saw, and manufacture. It is said that the small nation of Japan presents to the United States an example that it should emulate; that is, the planting of a certain acreage of timber per year. It is stated upon authority that Japan plants 10 trees where the people of our Nation plant 1.

A proposition that might appeal to many of the people of the Nation who have run-down and abandoned farms is the replanting of the same with valuable trees for production both of timber and of food. The black walnut, which is not only a valuable wood but also produces nuts for food, might be grown with other varieties of nut-bearing trees upon much of the worn-out land of our country, so that in 10 or 12 years it would yield food returns if not timber. An awakening along this line is very necessary, and, in fact, this should become a live topic and a subject for discussion and educational thought for the children of our public schools throughout the Nation.

It is given out that New Mexico and Arizona have the largest area of unbroken yellow pine left in the Nation, there being in one continuous area of these two States 4,000,000 acres. The national forests of New Mexico and Arizona comprise 23,500,000 acres and contain 23,000,000,000 feet of timber, the amount being about equally divided between the two States. There are also vast timber areas in the Indian reservations.

The passenger traveling by railroad through the States of New Mexico and Arizona carries the thought that the States are barren of timber. For his information let me add that the forest reserves and Indian lands together contain 35,000,000 acres of timberland. They contain 37,000,000,000 feet of saw timber and 63,000,000 cords of wood. These estimates only apply to Government reserves of timber. These States also possess much timber privately owned and upon land still belonging to the Government.

It is stated that there is cut each year in Arizona and New Mexico over 34,000 acres. But the timber cut under forest supervision is so cut as to reforest itself, and the timber is not denuded and destroyed; it is so cut that it will regrow a new crop in the shortest time possible.

During the time of regrowing the new crop there remains a sufficient crop of young timber to protect the watershed. The 1924 timber cut in the two States was 142,000,000 board-feet in Arizona and 126,000,000 board-feet in New Mexico. The latest United States census figures estimate that 400,000,000 board-feet of timber were used in these two States during the past year. I add here a valuable editorial on the subject of "Trees" taken from the Santa Fe New Mexican, a daily paper published at Santa Fe, N. Mex.:

One of the most important problems confronting the people of North America is that of protecting and perpetuating our forest resources and the rugged out-of-doors which has contributed so largely to our spiritual, physical, and æsthetic advancement.

The health and prosperity of every person, of every age and sex, and of every strata of society depend very much on the services forests render us. We receive either directly or indirectly from the forests food, clothing, shelter, health, happiness, recreation, and inspiration.

The leaves of trees absorb the poisonous gases given off by the breath of man and beast and created by the burning of wood, coal, gas, and oil, thus purifying the air and giving us health-building oxygen.

Certain trees give us fruits, nuts, berries, maple sirup, flavoring extracts, and other foods. All trees contribute to our food supply by preventing the erosion of farm lands, which is certain to result from the constant washing of rains and snows on lands that have not the protection of the roots of trees.

Trees make possible the health-building sports of fishing and hunting by preventing the pollution and flooding of our streams and furnishing sanctuary for the furred and feathered denizens of the woods.

Trees advance the intellectuality of our people by furnishing the raw material for the making of paper—wood pulp. Without trees we could

not have the vast amount of printed and written matter that has such a large part in the rapid progress of our land.

Trees furnish wood fibers that are used in the making of clothing. Trees contribute very largely to sustaining sheep, from which we obtain wool for clothing. They make possible the perpetuation of the animals of the wild from which we obtain furs.

Trees have a large part in our systems of transportation and communication—lumber entering into the building of ships, railroad cars, and automobiles, and more than 5,000,000 trees are being cut each year for telephone poles.

Trees shelter the birds, and the birds destroy the insects which do such tremendous damage to our crops and vegetation. Trees diminish the force of wind, protecting our homes and buildings. Trees have an important influence on climate, giving moisture in dry weather and thus preventing parching temperatures. Trees beautify the country and make the out of doors an attractive place for the motorist, the hunter, the camper, the hiker, the nature lover.

THE PULLMAN SURCHARGE

The SPEAKER. The Chair recognizes the gentleman from Georgia [Mr. UPSHAW] for three minutes.

Mr. UPSHAW. Mr. Speaker, I rise first to read the following telegram:

ATLANTA, GA., *June 14, 1926.*

Hon. WILLIAM D. UPSHAW,
House Office Building, Washington, D. C.:

We earnestly request your favorable consideration and support of the early passage of legislation to repeal the onerous and obnoxious Pullman surcharge which is costing travelers in Georgia three-quarters of a million dollars yearly.

FRANK T. REYNOLDS,
President Georgia Hotel Association.
HOMER A. TISDEL,
Vice President Atlanta Hotel Men's Association.

I wish to say in connection with this wire from this outstanding organization of citizens who render such indispensable service to the public that I have signed the petition on the Speaker's desk asking this bill be brought before the House for action. Allow me to urge that all who favor the repeal of this iniquitous Pullman surcharge sign this petition without delay. The traveling public has suffered long enough from this left-over war-time imposition and Congress ought not to adjourn without repealing it. No patriotic citizen complained at this and other similar taxes during the stress of war, but the war has been over eight years, and it is an economic outrage to keep up this refined species of highway robbery against a long suffering and righteously indignant public.

The Pullman Co. does not want it, for they do not get a dollar of it, and the prosperous railroads do not need it, and yet I remind you that this telegram says that it is costing travelers in Georgia three-quarters of a million dollars every year, while the whole amount of this tantalizing extortion in the Nation climbs to the astounding figure of thirty-six to forty millions a year. The whole thing is illogical as a source of income for public carriers. Everybody wants railroads to charge enough to make a living, and I believe in a square deal to both capital and labor—for neither would have any job without the other. But if the railroads need more income in order to function for our comfort let them apply to the Interstate Commerce Commission with a proper showing, and they will get a square deal. But this Pullman surcharge has sinned away its usefulness as a war-time measure and now thrives on the increasing exasperation of the traveling public. Let this Congress wipe it out.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. UPSHAW. Yes.

Mr. SCHAFER. The gentleman stated that this surcharge has outlived its usefulness. I am infavor of its repeal. He has also mentioned about it being a war measure. Does the gentleman not think that we ought to repeal the Volstead Act, which was enacted also as a war measure?

Mr. UPSHAW. Mr. Speaker, there is no connection on earth between the two.

Mr. SCHAFER. It was enacted during the war.

Mr. UPSHAW. It was enacted by a Congress that was elected when that was a burning issue. The gentleman's remarks are entirely irrelevant. [Laughter.]

The SPEAKER. The time of the gentleman from Georgia has expired.

BRIDGE ACROSS MISSISSIPPI RIVER

The SPEAKER. The Chair lays before the House the following Senate concurrent resolution.

The Clerk read as follows:

SENATE CONCURRENT RESOLUTION 23

Resolved by the Senate (the House of Representatives concurring), That the action of the Vice President of the United States and the Speaker of the House of Representatives in signing the enrolled bill (S. 3989) to extend the time for the construction of a bridge by the city of Minneapolis, Minn., across the Mississippi River in said city be, and the same is here rescinded, and that the said bill be postponed indefinitely.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

BATTLE OF FORT MOULTRIE

The SPEAKER. The Chair appoints the gentleman from Maine [Mr. BEEDY] a member of the Joint Congressional Committee to attend the one hundred and fiftieth anniversary of the battle of Fort Moultrie in place of the gentleman from Kansas [Mr. ANTHONY], who has resigned from the committee.

WITHDRAWAL OF PAPERS

By unanimous consent leave was granted to Mr. DICKINSON of Missouri, to withdraw the papers in the case of H. R. 2933, for the relief of H. R. Butcher, no adverse report having been made thereon.

ENROLLED BILLS SIGNED

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

H. R. 7669. An act to provide home care for dependent children in the District of Columbia;

H. R. 9019. An act for the relief of Ailing R. Maish;

H. R. 9690. An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps and to adjust and define the status of the operating personnel in connection therewith;

H. R. 11355. An act to amend that part of the act approved August 29, 1916, relative to retirement of captains, commanders, and lieutenant commanders of the line of the Navy;

S. 1459. An act for the relief of Waller V. Gibson;

S. 1613. An act setting aside Rice Lake and contiguous lands in Minnesota for the exclusive use and benefit of the Chippewa Indians of Minnesota;

S. 3122. An act for the completion of the road from Tucson to Ajo via Indian Oasis, Ariz.;

S. 3613. An act authorizing an appropriation for a monument for Quannah Parker, late chief of the Comanche Indians;

S. 4223. An act to amend the act of June 3, 1920 (41 Stat. L. p. 738), so as to permit the Cheyenne and Arapahoe Tribes to file suit in the Court of Claims; and

S. 3749. An act to provide for the erection at Burns, Oreg., of a school for the use of the Piute Indian children.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to—

Mr. JACOBSTEIN, indefinitely, on account of illness.

Mr. CONNERY, indefinitely, on account of important business.

ADJOURNMENT

Mr. SNELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 46 minutes p. m.) in accordance with the order heretofore made, the House adjourned until Monday, June 21, 1926, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Monday, June 21, 1926, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 11384).

COMMITTEE ON THE PUBLIC LANDS

(10.30 a. m.)

To investigate Northern Pacific land grants.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ZIHLMAN: Committee on the District of Columbia. H. R. 12802. A bill to amend the act entitled "An act to enable the trustees of Howard University to develop an athletic field and gymnasium project, and for other purposes," approved June 7, 1924; without amendment (Rept. No. 1513). Referred to the House Calendar.

Mr. MAGEE of Pennsylvania: Committee on Naval Affairs. H. R. 12710. A bill for the relief of Navy personnel and civilian

employees of the Navy who suffered loss of household and personal effects due to the earthquake and fire in Japan in September, 1923; without amendment (Rept. No. 1515). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on Rivers and Harbors. S. 4431. An act to authorize the sale of a parcel of land in the town of Westport, Conn.; without amendment (Rept. No. 1516). Referred to the Committee of the Whole House on the state of the Union.

Mr. DEMPSEY: Committee on Rivers and Harbors. S. 4033. An act to authorize the Secretary of War to grant easements in and upon the public lands and properties at Canal Bridge, on the Fox River, in Kaukauna, Wis., to the city of Kaukauna for public-road purposes; without amendment (Rept. No. 1517). Referred to the Committee of the Whole House on the state of the Union.

Mr. HAUGEN: Committee on Agriculture. H. R. 7266. A bill to provide for the establishment of a dairying and livestock experiment station at or near Columbia, S. C.; without amendment (Rept. No. 1518). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOIES: Committee on the Judiciary. H. R. 9173. A bill providing for the revision and printing of the index to the Federal Statutes; without amendment (Rept. No. 1519). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOIES: Committee on the Judiciary. H. R. 9174. A bill providing for the preparation of a biennial index to State legislation; without amendment (Rept. No. 1520). Referred to the Committee of the Whole House on the state of the Union.

Mr. LEHLBACH: Committee on Civil Service. H. R. 12890. A bill to amend an act entitled "An act to authorize the granting of leave to ex-service men and women to attend the annual convention of the American Legion in Paris, France, in 1927," approved May 20, 1926; without amendment (Rept. No. 1521). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 12910) granting an increase of pension to Martha W. Cassell, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MILLER: A bill (H. R. 12928) prohibiting the importation of, the interstate transportation through the mails or by carriers of films and other pictorial representations of acts of violence, bloodshed, and crime, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RATHBONE: A bill (H. R. 12929) to provide overtime pay for employees in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

By Mr. SMITH (by request): A bill (H. R. 12930) concerning leave of absence and sick leave of civil employees of the United States Government and the government of the District of Columbia; to the Committee on the Civil Service.

By Mr. O'CONNOR of Louisiana: A bill (H. R. 12931) to provide for maintaining, promoting, and advertising the international trade exhibition; to the Committee on Industrial Arts and Exhibitions.

By Mr. HUDSON: Joint resolution (H. J. Res. 281) creating a commission to investigate the operation and administration of the civil service retirement law and to make report with recommendations to Congress; to the Committee on Rules.

By Mr. OLIVER of Alabama: A resolution (H. Res. 300) providing for the printing of the remarks of Hon. ASHTON C. SHALLENBERGER on the development of State highways and the maintenance of an improved school system in the State of Nebraska without incurring any indebtedness, bonded or otherwise, as a House document; to the Committee on Printing.

By Mr. CARTER of Oklahoma: A resolution (H. Res. 301) providing for the appointment of seven Members of the House of Representatives to inquire into certain claims of the Choctaw and Chickasaw Tribes of Indians, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ARNOLD: A bill (H. R. 12932) granting an increase of pension to Lucinda Foerster; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 12933) granting an increase of pension to Mary E. Coultis; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 12934) for the relief of Annie M. Eopolucci; to the Committee on World War Veterans' Legislation.

By Mr. BRAND of Ohio: A bill (H. R. 12935) granting an increase of pension to Caroline L. Winter; to the Committee on Invalid Pensions.

By Mr. CARTER of California: A bill (H. R. 12936) for the relief of Bert H. Libbey, alias Burt H. Libbey; to the Committee on Military Affairs.

By Mr. DICKINSON of Missouri: A bill (H. R. 12937) for the relief of Ross F. Collins; to the Committee on Naval Affairs.

By Mr. DREWRY: A bill (H. R. 12938) granting a pension to Mathew Peterschell; to the Committee on Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 12939) granting an increase of pension to Hannah E. Tenney; to the Committee on Invalid Pensions.

By Mr. HICKEY: A bill (H. R. 12940) to correct the military record of Charles Ebin Campbell, alias Ebin Campbell; to the Committee on Military Affairs.

By Mr. HILL of Maryland: A bill (H. R. 12941) granting a pension to Richard A. Miller; to the Committee on Pensions.

Also, a bill (H. R. 12942) granting an increase of pension to Theresa Benezet; to the Committee on Invalid Pensions.

By Mr. JENKINS: A bill (H. R. 12943) granting a pension to Mary Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12944) granting an increase of pension to Arvilla Ours; to the Committee on Invalid Pensions.

Also, a bill (H. R. 12945) granting an increase of pension to Drusilla Newman; to the Committee on Invalid Pensions.

By Mr. MONTGOMERY: A bill (H. R. 12946) authorizing the President to appoint Samuel O. Neff, formerly a captain in the United States Army, to the rank of second lieutenant, United States Army; to the Committee on Military Affairs.

By Mr. MOREHEAD: A bill (H. R. 12947) granting a pension to Effie Alice Creighton; to the Committee on Invalid Pensions.

By Mr. STEPHENS: A bill (H. R. 12948) granting a pension to Julia Mossington; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 12949) granting an increase of pension to Martha Barton; to the Committee on Invalid Pensions.

By Mr. WYANT: A bill (H. R. 12950) granting an increase of pension to Emma Stehler; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

2581. By Mr. AYRES: Petition of citizens of Garden Plain, Kans., for the passage of the Civil War pension legislation; to the Committee on Invalid Pensions.

2582. By Mr. BOWLES: Petition of citizens of Fairview and Chicopee, Mass., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2583. By Mr. CROWTHER: Petition of Col. A. H. Jackson Camp, No. 61, Sons of Union Veterans of the Civil War, at Schenectady, N. Y., favoring passage of Civil War pension bill; to the Committee on Invalid Pensions.

2584. By Mr. CURRY: Petition of San Joaquin County Chapter of the American Red Cross, Stockton, Calif., requesting that the sale of Christmas seals by the Tuberculosis Society be exempted from the provisions of H. R. 3991, to prohibit the sending of unsolicited merchandise through the mails; to the Committee on the Post Office and Post Roads.

2585. By Mr. DICKINSON of Missouri: Petition of G. J. Guengerich, E. H. Coleman, A. W. Wilhite, et al., of Cass County, Mo. (26 petitioners in all), urging passage of Civil War pension bill before adjournment of Congress; to the Committee on Invalid Pensions.

2586. By Mr. ELLIOTT: Petition of George W. Baldwin et al., Oneida, N. Y., asking increase in Civil War pensions; to the Committee on Invalid Pensions.

2587. Also, petition of Lizzie M. Kincaid et al., Indianapolis, Ind., asking increase in Civil War pensions; to the Committee on Invalid Pensions.

2588. Also, petition of Thomas M. Huston and 150 voters of Knightstown, Ind., asking increases of Civil War pensions; to the Committee on Invalid Pensions.

2589. Also, petition of John M. Phelps et al., Newcastle, Ind., asking increase of Civil War pensions; to the Committee on Invalid Pensions.

2590. Also, petition of Mary L. Hubbard and 50 voters, asking increase in Civil War pensions; to the Committee on Invalid Pensions.

2591. By Mr. ELLIS: Petition of sundry citizens of Jackson County, Mo., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2592. Also, petition of Commander William H. McWilliams and other members of William R. Nelson Camp, No. 23, Department of Missouri, United Spanish War Veterans, urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2593. Also, petition of sundry citizens of Kansas City, Mo., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2594. By Mr. FOSS: Petition of sundry citizens of Westminster, Leominster, and Montague, Mass., in behalf of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2595. By Mr. GALLIVAN: Petition of Mrs. Emma F. P. Jacobs, 7 Vassar Street, Dorchester, Mass., and many others, urging early and favorable consideration of pension bills now pending, granting relief to Civil War veterans and widows; to the Committee on Invalid Pensions.

2596. By Mr. JACOBSTEIN: Petition signed by 60 citizens of Rochester, N. Y., voters of the Thirty-eighth congressional district of New York State, urging the passage of legislation granting more liberal pensions for veterans of the Civil War and their dependents; to the Committee on Invalid Pensions.

2597. By Mr. JENKINS: Petitions signed by 27 voters from Meigs County, Ohio; 73 voters from Jackson County, Ohio; and 25 voters of Nelsonville, Ohio, urging that immediate steps be taken to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows of the Civil War; to the Committee on Invalid Pensions.

2598. By Mr. KERR: Petition of the Retail Hardware Association of the Carolinas, in respect to the consideration and passage of farm relief legislation; to the Committee on Agriculture.

2599. By Mr. KIRK: Petition of Pikeville and Jackson County, Ky., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2600. By Mr. KVALE: Petition of residents of Osakis, Minn., urging passage of the Civil War pension bill; to the Committee on Invalid Pensions.

2601. By Mr. LINEBERGER: Petition of H. G. Moe, of Los Angeles, and about 50 others, favoring passage of legislation for the relief of veterans and widows of the Civil War; to the Committee on Invalid Pensions.

2602. By Mr. McKEOWN: Petition signed by Susie E. Rogers, J. W. Pegg, J. T. Jestes, and others, citizens of Pontotoc County, Okla., urging the immediate passage of the Elliott pension bill; to the Committee on Invalid Pensions.

2603. Also, petition signed by Roy E. Winn, Elizabeth McCurry, Hattie A. Frazier, and others, citizens of Sparks, Okla., urging the immediate passage of the Elliott pension bill; to the Committee on Invalid Pensions.

2604. By Mr. McREYNOLDS: Petition of 75 voters of Hamilton County, Tenn., urging the passage of a bill for increase in pension of Civil War soldiers and their widows; to the Committee on Invalid Pensions.

2605. Also, petition of 46 voters of Soddy, Tenn., urging the passage of a bill for increase in pension of Civil War veterans and their widows; to the Committee on Invalid Pensions.

2606. By Mr. O'CONNELL of New York: Petition of the national legislative representatives of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen favoring the report of the conference on the McFadden banking bill, H. R. 2; to the Committee on Banking and Currency.

2607. By Mr. ROWBOTTOM: Petition of Mrs. Eliza Roberts of Grandview, Mr. Morris Gordon of Rockport, and others of Rockport and Grandview, Ind., asking that bills increasing rates of pension for Civil War veterans and their widows be enacted into law at this session of Congress; to the Committee on Invalid Pensions.

2608. By Mr. SHALLENBERGER: Petition of voters in Riverton, Franklin County, Nebr., to urge to bring to a vote the Civil War pension bill; to the committee on Invalid Pensions.

2609. Also, petition of voters of Hall County, Nebr., urging that Congress take immediate steps to bring to a vote the Civil War pension bill; to the Committee on Invalid Pensions.

2610. By Mr. SIMMONS: Petition of citizens of Ewing, Nebr., asking pension legislation for veterans of Civil War and their widows; to the Committee on Invalid Pensions.

2611. Also, petition of citizens of North Platte, Nebr., requesting pension legislation for veterans of Civil War and their widows; to the Committee on Invalid Pensions.

2612. By Mr. TEMPLE: Resolution adopted at the Forty-sixth Annual Encampment of the Sons of Union Veterans of the Civil War, held at Bethlehem, Pa., in support of S. 4059 and H. R. 4023, providing increase of pensions to veterans of the Civil War and widows of veterans; to the Committee on Invalid Pensions.

2613. By Mr. THURSTON: Petition of citizens of the eighth district of Iowa to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows, and thus partly repay the living for the sacrifices they have made for our country; to the Committee on Invalid Pensions.

2614. Also, petition of citizens of the eighth Iowa district to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows and thus partly repay the living for the sacrifices they have made for our country; to the Committee on Invalid Pensions.

2615. Also petition of citizens of the eighth district of Iowa to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows, and thus partly repay the living for the sacrifices they have made for our country; to the Committee on Invalid Pensions.

2616. Also, petition of citizens of the eighth district of Iowa to bring to a vote the Civil War pension bill in order that relief may be accorded to needy and suffering veterans and the widows, and thus partly repay the living for the sacrifices they have made for our country; to the Committee on Invalid Pensions.

2617. By Mr. WASON: Petition of Ellen C. Whitney and 31 other residents of Marlboro, N. H., to Congress, urging that immediate steps be taken to bring to a vote the Civil War pension bill, in order that relief may be accorded to needy and suffering veterans and widows; to the Committee on Invalid Pensions.

2618. By Mr. WOOD: Petition of citizens of Hammond, Ind., urging passage of Civil War pension bill; to the Committee on Invalid Pensions.

2619. By Mr. WYANT: Petition of residents of Westmoreland County, Pa., urging legislation for the relief of Civil War veterans and their widows, as provided in House bill 4023, known as the Elliott bill; to the Committee on Invalid Pensions.

2620. Also, petition of residents of Youngwood, Pa., urging the passage of the Elliott bill (H. R. 4023); to the Committee on Invalid Pensions.

2621. Also, petition of residents of Parnassus, Pa., urging the passage of the Elliott bill (H. R. 4023); to the Committee on Invalid Pensions.

2622. By Mr. YATES: Petition of Mrs. Marcia A. Gould, 5519 Kenwood Avenue, Chicago, Ill., and 62 others of Chicago, Ill., urging the passage of the Civil War pension bill, a measure for the relief of the aged veterans and widows; to the Committee on Invalid Pensions.

SENATE

SATURDAY, *June 19, 1926*

(Legislative day of Wednesday, June 16, 1926)

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

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Fess	Lenroot	Schall
Bayard	Frazier	McKellar	Sheppard
Bingham	George	McMaster	Shipstead
Blease	Gerry	McNary	Shortridge
Borah	Gillett	Mayfield	Simmons
Bratton	Glass	Means	Smoot
Broussard	Goff	Metcalf	Stanfield
Bruce	Gooding	Moses	Steck
Butler	Hale	Neely	Stephens
Cameron	Harreld	Norbeck	Swanson
Capper	Harris	Norris	Trammell
Caraway	Harrison	Oddie	Tyson
Copeland	Heflin	Phipps	Wadsworth
Couzens	Howell	Pine	Walsh
Cummins	Johnson	Pittman	Warren
Curtis	Jones, N. Mex.	Ransdell	Watson
Deneen	Jones, Wash.	Reed, Mo.	Weller
Dill	Kendrick	Reed, Pa.	Wheeler
Edwards	Keyes	Robinson, Ark.	Williams
Ernst	King	Robinson, Ind.	Willis
Fernald	La Follette	Sackett	

The VICE PRESIDENT. Eighty-three Senators having answered to their names, a quorum is present.